



Town of Holden Beach  
Board of Commissioners  
Regular Meeting

Tuesday, May 17, 2016  
7:00 PM

Holden Beach Town Hall  
Public Assembly



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS' REGULAR MEETING  
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY  
TUESDAY, MAY 17, 2016 - 7:00 P.M.**

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1. Invocation
2. Call to Order/ Welcome
3. Pledge of Allegiance
4. Agenda Approval
5. Approval of Minutes
  - a. Minutes of the Special Meeting of April 8, 2016 (Pages 1 – 3)
  - b. Minutes of the Regular Meeting of April 19, 2016 (Pages 4 – 8)
6. Public Comments on Agenda Items
7. Zika Virus/ Vector Control – Abram Young, Brunswick County Mosquito Control
8. Annual Fire Department Update – Fire Chief Doug Todd
9. Police Report – Chief Wally Layne (Page 9)
10. Sanitary Sewer Vulnerability Report – Planning & Zoning Board Member Mike Sullivan (Pages 10 – 22)
11. Audit Committee Update – Audit Committee Vice Chair Mark Fleischhauer
12. Discussion and Possible Approval of Resolution 16-07, Resolution Amending Regulations Governing Public Comment Periods, Rule 28(b) of the BOC Rules of Procedure – Commissioner Fletcher (Pages 23 – 25)
13. Discussion and Possible Approval of Ordinance 16-09, Ordinance Amending The Holden Beach Code of Ordinances, Chapter 92: Nuisances (Noise Ordinance) – Commissioner Fletcher (Pages 26- 31)
14. Discussion and Possible Approval of Town/ County Interlocal Financing Agreement for the Central Reach Project – Town Manager Hewett (Pages 32 – 40)
15. Discussion and Possible Action on State and County Financial Support for Dredging and Beach Nourishment – Commissioner Kyser
16. Discussion and Possible Approval of Resolution 16-08, Resolution Supporting Oyster Farming – Shoreline Protection and Recreation Manager Ferguson (Page 41)

17. Discussion and Possible Action on Beach Safety Ordinance Enforcement – Commissioner Fletcher  
(Pages 42 – 43)
18. Discussion and Possible Action on Establishing an Ordinance Limiting the Overall Size of Structures on the Island – Commissioner Freer
19. Town Manager’s Report
20. Mayor’s Comments
21. Board of Commissioners’ Comments
22. Public Comments on General Items
23. Executive Session Pursuant to North Carolina General Statute 143-318.11(A)(5), To Establish or Instruct Staff or Agent Concerning the Negotiation of the Price and Terms of a Contract Concerning the Acquisition of 247AA032, Owned by Holden Beach Development, Inc, 246DB001, 246DB002, 246DB003, 246DB004, 231ME019, 246DB005, 246DB006, 231ME018 and 246DB007, Owned by Holden Beach Fishing Pier and Parcel Numbers 232NB021, 232NB022, 232NF001, 232NF002, 232NF003, 232NF004, 232NF005, 232NF006, 232NF007 and 232NF008, Owned by Holden Beach Enterprises – Mayor Holden
24. Adjournment

**\*Please sign up for public comments beginning at 6:00 p.m. in accordance with the new Rule 28B requirements.**



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
FRIDAY, APRIL 8, 2016 – 10:00 A.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Friday, April 8, 2016 at 10:00 a.m. Present were Mayor J. Alan Holden; Mayor Pro Tem H. Ashley Royal, Commissioners Peter Freer, Kim Isenhour, John Fletcher and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell; Shoreline Protection and Recreation Manager Christy Ferguson; Fiscal Operations Clerks Margaret Lancaster and Mandy Lockner; Detective Jeremy Dixon; Building Official Tim Evans; and Public Works Director Chris Clemmons.

**BUDGET WORKSHOP**

Town Manager Hewett explained this is the formal kick off to the budget season. He reviewed the proposed budget schedule. The May 17<sup>th</sup> meeting would be to review revenues. We are looking at increasing building fees and the potential of recalibrating the water rate structure. He reviewed large scale issues.

We have received a formal extension of the FEMA project. The idea is to dovetail the project with the Central Reach Project (CRP). The CRP requires obtainment of financing and the establishment of a municipal service district (MSD). There is pending legislation that might affect how we go about establishing the MSD. We have a rough report drafted for the MSD that will need to come before the Board, probably in August. Town Manager Hewett explained the MSD. The rough draft of the interlocal agreement for the CPR has been drafted. The engineer is moving forward with the plans and specs. All properties in the project area will need easements.

The terminal groin permitting effort continues. Town Manager Hewett believes the publishing of the final Environmental Impact State will happen in the next 30 days. There will be another opportunity for public input after the final Environmental Impact Statement is released. The record of decision will be forthcoming after that. The CAMA review will come after the Corps' record of decision.

We have talked with Waste Industries and are working towards bringing a revision to the Board on the solid waste contract. The same contract has been rolling over for many years. Town Manager Hewett explained staff will make sure to address the review of the recycling program as part of the contract process.

Bridgeview Park is moving along. The multipurpose court is in final grading. We believe they will lay the court surface down next week. We are coordinating the final logistics on the modular restrooms. The dock is in fabrication. All of those should be in place by Memorial Day.

The contract end date for the DOT Bridge Project is June 6<sup>th</sup>. Town Manager Hewett stated he hasn't seen anything happen yet. The Town has coordinated and finished our portion.

The Sewer Vulnerability Assessment is ongoing. The committee meets again April 12<sup>th</sup>. We did get the engineer's structural analysis this morning. Town Manager Hewett stated he doesn't think that will intersect with the budget process. He said what we might end up with is a capital appropriation from the Sewer Fund Balance.

We have been having trouble with the mini excavator. We will need to make a decision on what to do with that.

Town Manager Hewett stated he doesn't see any requirements for a vehicle request so far. The Police Department is on a lease/ purchase plan. He hasn't heard from Chief Layne if he needs to replace one this year. Commissioner Freer stated he understands the Police ATV is being borrowed by the trash rollback people. Public Works Director Clemmons is looking at alternatives for them to use.

Town Manager Hewett said we are looking into a rent a wreck program as part of the dock program.

We use a cloud based system for the execution of our Information Technology. We recently completed a migration of our servers from Wallace to Plano, Texas. We will be looking at the benefits/ risks of bringing the IT infrastructure back in house.

Town Manager Hewett reviewed the current fund balances. He also showed a slide on the BPART Fund Balance.

The Board agreed to schedule the next meeting on May 17<sup>th</sup> at 9:00 a.m.

Commissioner Fletcher would like to see staff come back with a proposed budget that has a reduction from the current year. Town Manager Hewett said the services provided in the existing budget are what people want. If the Board want services cut, they need to tell him what they want to cut. He explained the Town is running a caretaker's budget. Mayor Holden added the Board that was elected after this building and the Emergency Operations Center were built had to overcome and absorb the cost of the building. The fat was really cut at that time. He admires the previous boards who made up for the buildings. They had to raise extra funds and didn't raise taxes. Mayor Holden stated it will be a challenge. The Town has less staff than years ago, but the island continues to grow. He stated the 9.5 cents tax increase is before he has sharpened his pencil and looked at things like new inspection fees and restructuring the water rates. The product the Board gets from the staff will be a skeleton.

Mayor Holden said the consensus is the program the Town is using for vehicles seems to be the best. Town Manager Hewett explained it is a lease/ purchase program and the Town sells the older vehicles on GovDeals. Mayor Holden added they have found pickup trucks are best. They have a better value when the Town sells them and they work better on the beach and in storm situations. Having the Police Department share vehicles was discussed.

Mayor Pro Tem Royal asked if staff has been provided with specific targets. Town Manager Hewett replied he manages it by each line item. Mayor Pro Tem Royal suggested budgeting for contingencies. He is used to monthly reports and thinks that kind of analysis is healthy. Mayor Pro Tem Royal inquired about last year's pay raises. Town Manager Hewett said the raises were budgeted at 5%, but were distributed based on the individual's performance. With the implementation of this year's budget, salaries have been equalized. Town Manager Hewett stated there are statutory limitations on contingencies. He will look it up. Mayor Pro Tem Royal asked how the increased revenues will be reflected in the budget. Town Manager Hewett explained how he comes up with his revenues. Building Official Evans discussed revenue in the Inspections Department. Mayor Pro Tem Royal asked where the Town is today in budget performance for this fiscal year. Town Manager Hewett provided current stats on the budget.

Town Manager Hewett explained employee benefits/ retirement in response to Mayor Pro Tem Royal's inquiries. The Rewards and Wellness Program line item includes the amount the Board dedicated to salary adjustments. The line item has not had the funds moved to the corresponding line items. The Board discussed part-time staff in response to Commissioner Freer's question on if seasonal part time employees would help relieve the overtime budget. Commissioner Freer would like to look at other areas to learn what they are doing differently. He suggested

the Town revisit the items like the Police administrative staff and take home vehicles to make sure everyone is satisfied with the current environment before a 9.5 cents tax increase. Commissioner Freer would like people to see how they can trim the budget and do things differently. Public Works Director Clemmons stated he has shaved his budget as much as he could regarding employees. He said it hard to let people use their accumulated time because his staff is so small.

Commissioner Freer suggested parking fees as a revenue source. Town Manager Hewett replied it has not been looked at as a revenue source. He said it could be looked at as a Board initiative.

The Board discussed water and inspection fees.

Mayor Pro Tem Royal used the automated reading system as an example of saving money. Commissioner Isenhour stated she thinks people are hearing the nervousness of the Board due to the large upcoming projects. She would like an idea of how the Town will pay for the projects. She would like to see a projection of where the money would come from for the projects over the next several years. Commissioner Fletcher inquired about Chief Layne's retirement.

Dennis Harrington asked for an explanation of the proposed state legislation that would affect the Town. Town Manager Hewett explained the current status of the proposed changes to the Municipal Service District.

#### **RECESS**

*Motion by Mayor Pro Tem Royal at 11:55 a.m. to recess until May 17, 2016 at 9:00 a.m.; second by Commissioner Fletcher; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, APRIL 19, 2016 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, April 19, 2016 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Commissioners Peter Freer, Kim Isenhour, John Fletcher and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Building Official Tim Evans, Shoreline Protection and Recreation Manager Christy Ferguson; and Town Attorney Charlotte Noel Fox. Mayor Pro Tem H. Ashley Royal was unable to attend the meeting.

Mayor Holden asked for a moment of silence and then called the meeting to order.

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

*Motion by Commissioner Freer to approve the agenda as presented; second by Commissioner Fletcher; approved by unanimous vote.*

**APPROVAL OF MINUTES**

*Motion by Commissioner Fletcher to approve the minutes of the Regular Meeting of March 8, 2016 as written; second by Commissioner Isenhour; approved by unanimous vote.*

*Motion by Commissioner Freer to approve the minutes of the Special Meeting of March 11, 2016 as written; second by Commissioner Isenhour; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

Rich Weigand stated if people have to sign up in advance to speak under General Comments, it might limit obtaining the public's opposing views.

**POLICE REPORT – CHIEF WALLY LAYNE**

- The speed limit west of the pier has changed to 35 MPH and will remain that way until after tourist season.
- Have now transitioned from house break-ins to vehicle break-ins. Uses the term break-ins loosely because they are going to unlocked cars and looking for items of value. Had two or three this past weekend.
- Look out for extra people that are here for the festival.
- Getting ready for tourist, hurricane and budget seasons.
- Commissioner Fletcher asked if the Town has developed a mechanism to get the word to the rental agencies for visitors to lock their doors. Chief Layne replied the Police Department typically visits the rental agencies each season to educate them. The Town uses all of the media applications available to us to get the word out.

Commissioner Fletcher asked if fridge magnets would be an option. Chief Layne said it is an option and he can facilitate that if the Board wants to do that.

#### **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-05, RESOLUTION AMENDING REGULATIONS GOVERNING PUBLIC COMMENT PERIODS, RULE 28(B) OF THE BOC RULES OF PROCEDURE**

Town Clerk Finnell explained the resolution updates Rule 28(B) of the Board of Commissioners' Rules of Procedures.

*Motion by Commissioner Freer to approve Resolution 16-05; second by Commissioner Fletcher.*

The Board discussed the General Public Comment period and agreed that speakers who wish to speak during it should not need to sign up.

*Motion by Commissioner Freer to defer the approval of Resolution 16-05; second by Commissioner Fletcher.*

Mayor Holden received clarification regarding item 2 on the resolution. Town Clerk Finnell asked for clarification if the General Public Comment would be included within the 30 minute time period. The Board discussed the time limit.

*The motion to defer the approval of the resolution passed by unanimous vote.*

#### **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-06, RESOLUTION ADOPTING THE SOUTHEASTERN NC REGIONAL HAZARD MITIGATION PLAN – BUILDING OFFICIAL EVANS**

Building Official Evans explained the Town was tasked by the North Carolina Department of Public Safety to enter into a multi-jurisdictional hazard mitigation plan. He provided background on the process and the importance of the plan. We carry autonomy inside the plan. Commissioner Freer asked if there are limitations on updating the plan. Building Official Evans replied you can update the plan.

*Motion by Commissioner Kyser to approve Resolution 16-06; second by Commissioner Freer; approved by unanimous vote.*

#### **DISCUSSION AND APPROVAL OF ORDINANCE 16-09, ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 92: NUISANCES (NOISE ORDINANCE)**

Attorney Fox worked with staff based on direction from the Board. She answered the Board's questions on the proposed ordinance. She explained prima facie. Chief Layne explained the Police Department has options to enforce the ordinance through North Carolina General Statute 14-1 if someone does not comply with the Town ordinance. Attorney Fox said that property owners can be held civilly liable for a fine after a second violation. She added there is a huge education component that is necessary if the Board updates the ordinance.

Commissioner Freer stated the intent was to give the Police Department a tool. They trust the discretion of the officers. Commissioner Freer asked about 100 feet away. Attorney Fox responded that the intent was that would apply to nonresidential areas. The language needs to be revised.

Commissioner Fletcher stated when he was campaigning, he heard lots of comments. People want Holden Beach to stay a family beach. His personal approach would be to give a warning and progress up the chain only as necessary. He also would like to use more of the term of plainly audibly sound. Attorney Fox provided information on recent case law.



Commissioner Kyser asked if Attorney Fox thinks the Town could go to court and defend the proposed decibel levels. Attorney Fox provided examples of opportunities to challenge. Noise readings are most applicable in places with continuous sound. Commissioner Kyser asked why the ordinance needs to have a decibel reading. Attorney Fox stated the Board could take it out. She thinks the Town is covered with the other language. She doesn't think it harms anything to have both in the ordinance, but it isn't necessary. Attorney Fox explained there are higher and lower decibel levels throughout North Carolina. Commissioner Freer stated in his view, it is another tool for the Police Department to use and it is also consistent with the Brunswick County ordinance. Commissioner Kyser asked if Chief Layne could do a demonstration tonight. Commissioner Freer stated he doesn't think it is applicable tonight because it isn't as simple as measuring a voice. He thinks it would be giving a false impression by doing it in this room.

Attorney Fox will make revisions and send out another draft for review.

### **TOWN MANAGER'S REPORT**

- Central Reach Project is underway. The Town Attorney is working on getting the easements together. Need easements on the oceanfront for 240 OBE – 781 OBW. Will start seeing communications from the attorney over the next several weeks. Asking for volunteers for those who would like to get theirs done first.
- Received formal approval from FEMA for Project 559, the damages from Irene. Been holding off so could we could incorporate the project into a larger project so we could take advantage of economies to scale.
- Piggyback Project in 2014 – the sand is gone. Have requested relief from the compaction monitoring requirement.
- Restroom facility has been delivered. Needs power before it will be ready to use. Multipurpose court should be surfaced this week or next. Two week cure time on that. The majority of the park is shut down, with the exception of the playground and recycling center.
- Bridge Beautification Project – the contractor has some equipment issues. The completion date on the contract is June 6<sup>th</sup>. Our obligation for the project to provide utilities is complete.
- Sewer Advisory Committee has been working diligently over the past few months. The sewer collection tank cleaning indicates corrosion. Thinking we have about seven years of useful life remaining.
- Computer server migration is complete.
- Will be doing a self-assessment to ensure we are in compliance with the payment card industry standards.
- Concert schedule has been finalized and is posted.
- Installed a bulkhead at Sand Dollar Park. It was completed with partial funding from the Brunswick County Soil and Water Community Assistance Grant.
- A memory mailbox has been installed at Sailfish Park. It was donated by Cheryl Causey Cox.
- Days at the Dock is this weekend. The Town is sponsoring a hospitality tent at the Dock Shred Surf Contest.

### **BOARD OF COMMISSIONERS' COMMENTS**

Mayor Holden

- No comments.

Commissioner Freer

- Extended best wishes for Mayor Pro Tem Royal and his family. His daughter is giving birth today.
- Thanked Attorney Fox for her efforts on the ordinance. Just a couple of changes. Looking forward to closing that out.

- Appreciates comments about agenda items and general comments. Makes total sense. That is why it's good for people to come and contribute. Appreciates the input.

#### Commissioner Isenhour

- Thanks for being here this evening.
- Thanked Attorney Fox for all of her hard work on the noise ordinance. Likes the way it is shaping up. Really wanted it to be a tool to use to protect our officers. Wants it to be something that is enforceable, that our community can benefit from.
- Held a budget meeting not too long ago. Town Manager Hewett had a lot of information for the Board. Excited to hear what he brings back. Would like to see a chart with the large long term projects so we can see what is overlapping. Would make it a lot easier to see when the projects will start and how they overlap.

#### Commissioner Fletcher

- Has similar desires. We are in a stage as an island where we need to spend money to protect the island. Lots of things are going on. Need to work hard as a Board so people know what is going on. Thanked Town Manager Hewett, he takes them on tours and gives weekly reports.
- Thanked people who come to meetings. If someone has a major point they want to make, the Board wants to hear it. Welcomes comments. Thanked people for participating.

#### Commissioner Kyser

- Town Manager Hewett recently went to the Shallow Draft Inlet meeting in New Bern. Read his note about sharing the burden for cost funding. Would like that item on the agenda to talk about potential strategies with the county and state. Mayor Holden and Town Manager Hewett interface with so many people. We have a tremendous opportunity to have them work on the Town's behalf to help secure some additional funding. Thinks they should talk about and pursue that.

### **PUBLIC COMMENTS ON GENERAL ITEMS**

John McIntyre stated at the April 8<sup>th</sup> budget meeting, the Board provided staff with useful direction for the budget process. He applauds the Board for attempting to control costs. He stated the Town has a capable staff. He encouraged the Board to explore remedies in other areas of the budget to avoid a reduction in benefits. Mr. McIntyre said he feels the comments regarding Chief Layne were inappropriate and insulting and could place the Town at risk. He thinks the Board majority has reacted harshly to those who refuse to support their agenda. Mr. McIntyre said he likes what he heard from the Board tonight in addressing the new public comment rules.

Jay Holden said Ordinance 15-01 needs changes. He said it doesn't work in all areas. He explained why the ordinance doesn't work for Dunescape. Mr. Holden said the ordinance doesn't allow fill in the X Zone and doesn't account for the new flood zone that appears on the new flood maps. He reviewed his suggested changes. Commissioner Freer asked if Building Official Evans agreed with the changes. Mr. Holden said he did in November, but the latest communication he received from him said that he feels there are no need for the changes. Commissioner Freer said he thinks the Board needs to talk to Building Official Evans and understand his position.

Tony Marwitz said longtime resident, Ed Weller, husband of Bev Weller who was a commissioner passed away last Saturday. He suggested that people who wish to speak under general public comments should not need to sign up to speak prior to the meeting. Commissioner Freer replied that he believes that is the change the Board requested be made.

**ADJOURNMENT**

*Motion by Commissioner Isenhour to adjourn at 8:28 p.m.; second by Commissioner Freer; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk

# Activity Log Event Summary (Cumulative Totals)

HOLDEN BEACH POLICE DEPT.

(03/27/2016 - 04/27/2016)

911 Hang Up/Open Line	5	Alarm Activation	25
Animal Complaint	14	Arrest	2
Assist Motorist	5	Assist Other Agency	23
Attempt to Locate-ATL	5	Beach Patrol	2
Debris	1	Disturbance/Fight	1
Domestic Disturbance	2	EMS/Medical Call	8
Fire Call	1	Found Property	2
Incident Report	9	Keep Check	1
Lost Property	3	Maintenance Call (Not HB Public Works)	2
Maintenance/Water Leaks(HB Only)	4	Meet with Complainant	9
Motor Vehicle Crash (Property Damage Only)	8	Noise/Nuisance Complaint	4
Open Door	4	Other Ordinance Complaint	2
Phone Call (requested to call subject)	14	Public Assist	1
Recovered Property	1	Residence Check	4
Supplemental ( to prior report - use original OCA)	1	Suspicious Activity	4
Suspicious Vehicle	3	Trespassing	3
Welfare Check	2		

**Total Number Of Events: 175**

## Heather Finnell

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**From:** sullivm4@gmail.com  
**Sent:** Monday, May 9, 2016 1:00 PM  
**To:** Heather Finnell  
**Cc:** sullivm4@gmail.com  
**Subject:** Sewer Advisory Committee Report to the Board of Commissioners

Heather,

Please place the report on the BOC agenda. Thanks.

Sent from my iPhone

Begin forwarded message:

**From:** Michael Sullivan <[sullivm4@gmail.com](mailto:sullivm4@gmail.com)>  
**Date:** May 8, 2016 at 3:02:02 PM EDT  
**To:** "[ralph.martin@martinmotorsports.com](mailto:ralph.martin@martinmotorsports.com)" <[ralph.martin@martinmotorsports.com](mailto:ralph.martin@martinmotorsports.com)>, Vicki Myers <[vy Myers@gmail.com](mailto:vy Myers@gmail.com)>, "[markfleischhauer@yahoo.com](mailto:markfleischhauer@yahoo.com)" <[markfleischhauer@yahoo.com](mailto:markfleischhauer@yahoo.com)>, "[pallasp@aol.com](mailto:pallasp@aol.com)" <[pallasp@aol.com](mailto:pallasp@aol.com)>, "[hunter@holdenbeach-nc.net](mailto:hunter@holdenbeach-nc.net)" <[hunter@holdenbeach-nc.net](mailto:hunter@holdenbeach-nc.net)>, Tiffany Hobbs <[tiffany@hobbsrealty.com](mailto:tiffany@hobbsrealty.com)>, Tony Marwitz <[cammkm@gmail.com](mailto:cammkm@gmail.com)>, Dennis Harrington <[dharrington003@ec.rr.com](mailto:dharrington003@ec.rr.com)>, Leo Green <[elg@greeneng.com](mailto:elg@greeneng.com)>, David Hewett <[david.hewett@hbtownhall.com](mailto:david.hewett@hbtownhall.com)>, Tim Evans <[tevens@hbtownhall.com](mailto:tevens@hbtownhall.com)>, Chris Clemmons <[pworks@hbtownhall.com](mailto:pworks@hbtownhall.com)>, Eric Long <[pworks2@hbtownhall.com](mailto:pworks2@hbtownhall.com)>  
**Subject:** Sewer Advisory Committee Report to the Board of Commissioners

The motion establishing the Sewer Advisory Committee, (SAC) contained the following pertinent authorizing language. “The scope of the Advisory Committee’s functions shall be to (A) review and assess the vulnerability of the Town’s sanitary sewer system, including the lift stations, to flooding from storm surge; (B) provide estimates with respect to the level of flooding to which the system is vulnerable; (C) report on the types of potential failures related to pumps, controls and electrical subsystems to which the sewer system is vulnerable and provide estimates with respect to the time and cost required to repair such failures and return the sewer system to operation in the event of a flood; (D) report on the availability and methods or options available to secure the availability of replacement parts in the event of failure; (E) review and report on protective measures and emergency systems in place in other oceanfront communities in North Carolina that rely upon similar sewer systems; and (F) review and present, with recommendations, engineering and systems alternatives for mitigating the vulnerability of the Town’s sewer system and preparing for the prompt recovery of that system in the event of a failure as a result of flooding.”

## Scope

- A. Determine system vulnerability to flooding and storm surge
- B. Flood levels that may impact the system
- C. Types of potential failures and time and cost to repair
- D. Availability of replacement parts
- E. Review other similar systems in coastal NC communities
- F. Present recommendations

- A. The scope of the motion authorizing SAC limited the review to issues related to storm surge and flooding. The majority of the committee members present at the initial committee meeting recommended that the scope be expanded to include any and all foreseeable threats to the system. As examples, electrical outages, lightning strikes, auto accidents and employee error. At the March Board of Commissioners (BOC) meeting, SAC made its initial report and requested that its scope be expanded to identify and address any vulnerabilities threatening the sewer system. The BOC granted the request and asked that all vulnerabilities be prioritized. Attached is a spread sheet containing the identified vulnerabilities, in priority order. Electrical outage is number one, followed by storm surge, retention tank failure and various failures of pumps and electrical components. Electrical failure was determined to be the likeliest cause of a sewer failure because of the multiple means of causation, including those for which we have no means of prevention nor warning. As an example, there could be a lightning strike or auto accident, on or off the island that can disrupt electrical service causing a shutdown of the sewer system. Storm surge or flooding can result in the inundation of the pumps and electrical equipment that is based in the subterranean vaults at each sewer station. The failure of the retention tank at any pump station will result in a loss of service for days if not weeks. The retention tanks are currently stored in the subterranean vaults at each pumping station. The roof of the vault is comprised of two feet thick concrete. The only access to the tanks is by means of a staircase. Therefore, in the case of tank failure, the concrete slab would have to be broken, so the failing tank can be replaced by a new tank. Each of the three named failures can result in a prolonged shutdown of the sewer system and a resulting evacuation of the island with catastrophic consequences to the residents and businesses that depend on Holden Beach for a livelihood. The remaining vulnerabilities, while troublesome, can be addressed quickly and do not pose catastrophic threats to the residents and economy of Holden Beach.

- B. Tim Evans volunteered to research the severity and frequency of storms/hurricanes impact on Holden Beach. Tim contacted a number of agencies and reports, other than the 100 year flood map constructed by FEMA, they could not provide any definitive information, specific to Holden Beach. The committee did obtain two documents, one from NOAA, which provided information related to storms along the coast another relative to storm surge along the U.S. coastline. Although neither has the specificity SAC was hoping to find, they do offer insight relative to the number and severity of storms along the Carolina coast in general (see attached).
- C. Public Works, provided an estimate of 700,000.00 for the replacement of the pumps and electrical components situated at the four pump houses. In addition, there is a lead time of up to three months in procuring replacement sewage pumps. There is a similar lead time should the electrical panels be destroyed. Component electrical parts, for the most part, can be repaired or replaced in hours.
- D. Discussion disclosed that each pump station contains unique component parts. A pump in pump station #1 is most likely not interchangeable with a pump from another station. This applies to a significant portion of component parts. This makes the possibility of Holden Beach becoming a participant in a parts sharing program difficult. Entering into such an agreement, imposes legal obligations on the participants. The town will have to explore the viability of such a program. It also became clear that should a storm, with enough force to cause major flooding and/or storm surge strike the Carolina coast, it is unlikely that neighboring communities would be amenable to loaning another community replacement sewer parts.
- E. Research disclosed that all similar sewer systems, in the immediate area, protect the vulnerable pumps, electrical panels and component parts, from flooding and or storm surge, by storing them in structures above the Base Flood Elevation (BFE).
- F. 1. The possible loss of electrical service can be addressed by the purchase of portable back up electrical generators for each sewer station. Holden Beach currently has two such generators available, to provide power in the case of an emergency, and would have to purchase two more, at a cost of approximately \$30,000 each, to fully and adequately address the sewer systems electrical needs should an outage occur.

2. SAC suggests that the best way to protect the sewer system from flooding or storm surge is to raise the vulnerable pumps and component parts above BFE. Mr. Leo Green, an engineer and SAC member, using FEMA's preliminary flood zone maps, prepared drafts of structures for the housing of the vulnerable pump station equipment above (BFE) (attached). His analysis discovered that pump station 1 is barely above BFE, pump stations 2, 3 and 4 need to be raised between five –six feet to be above BFE. Although station one is above BFE, the vault containing the pumps and electrical equipment is actually below BFE since the vault is at least eight feet below ground. Therefore, it is advisable to raise all pump stations. Should the BOC agree with the recommendations of SAC and deem the raising of the pump stations advisable, since pump station #1 is least vulnerable, it is suggested that it be last station raised. Furthermore, since each proposed raised station has to be fully functional, requiring a presence of all component parts, in both the raised and current pump houses, before the existing pump station's work can be transferred to the new raised station, it is suggested that pump station #2 be the first station raised. Station #2 has all the parts necessary for rebuilding stations #3 and #4, while stations #3 and #4 do not have all the parts necessary to build a new pump house at #2 therefore, if station #2 is done first, it will be more economical since, after the raised station at #2 is operational, we can remove and reuse the parts from the current station #2 to construct the new raised station at #3 or #4.

3. The retention tanks are currently housed in the subterranean vaults at each pumping station. The roof of the vault is comprised of two foot thick concrete. The only access to the tanks is by means of a staircase. Therefore, in the case of tank failure, the concrete slab would have to be broken, so the failing tank can be replaced. Mr. Green suggested that the slab be modified by cutting a hole large enough to remove and replace the tank and covering the hole with a stainless steel hatch cover (attached draft). An independent contractor reviewed the proposal to determine if the modified slab would withstand the weight and pressure exerted by the opening, raised structure and pumps and electrical components stored in the structure. His report indicates that the slabs will maintain their integrity if supporting beams are placed beneath them in the vault.

4. The remaining vulnerabilities address differing levels of component part failure, e.g., of one vacuum pump, two vacuum pumps, one waste pump or two waste pumps. These failures can be remedied by proper inventory and replacement and repair procedures. The Public Works Dept. has a current inventory of parts (attached) and is adept at the timely repair and replacing of failing pumps and electrical components.



5. The costs for the suggested recommendations is approximately \$2,200,000.

[Storm surge imagery for the U.S. coast | Weather Underground](#)

<Copy of Revised HB Sewer System Vulnerability Analysis PW.xlsx>

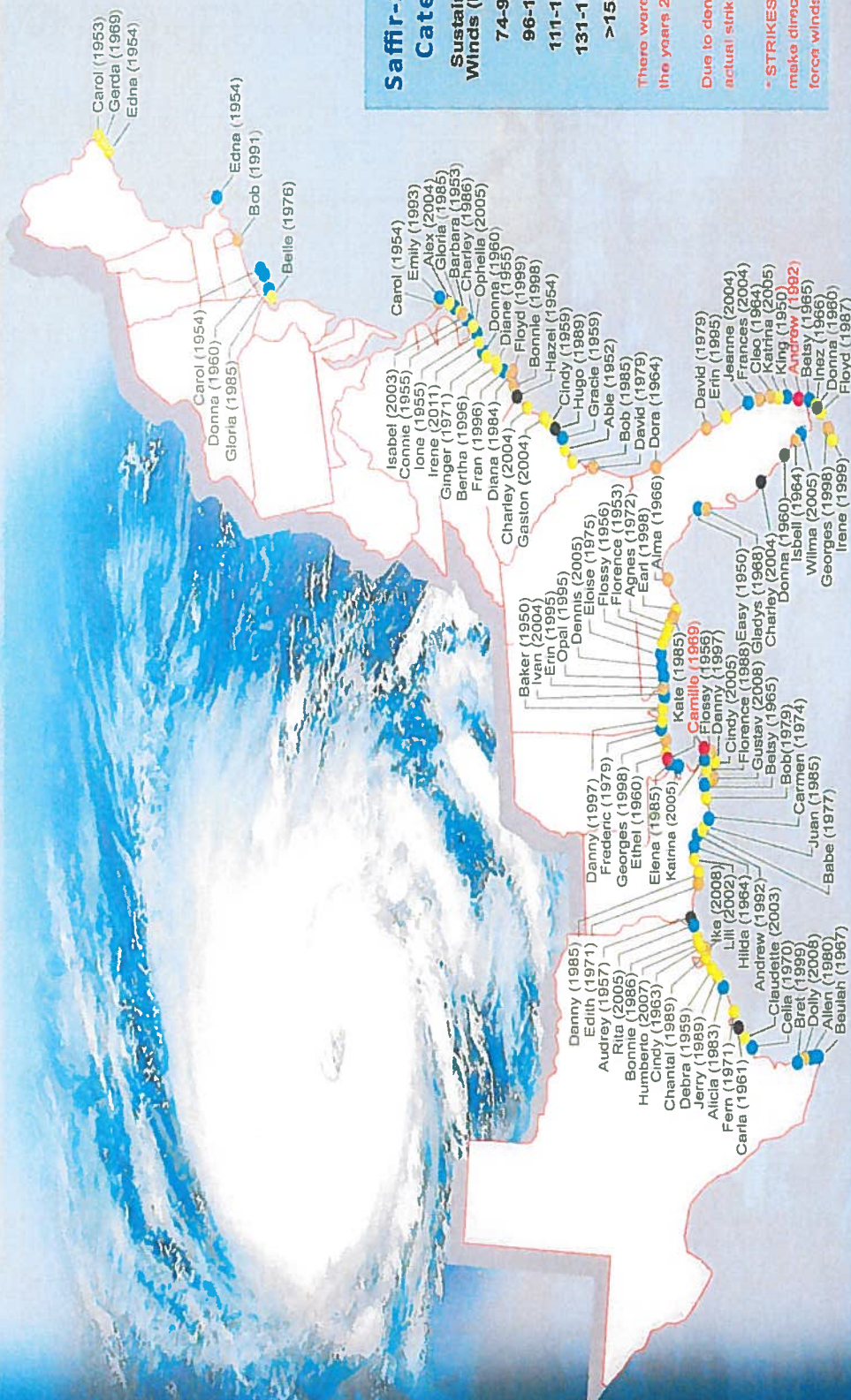
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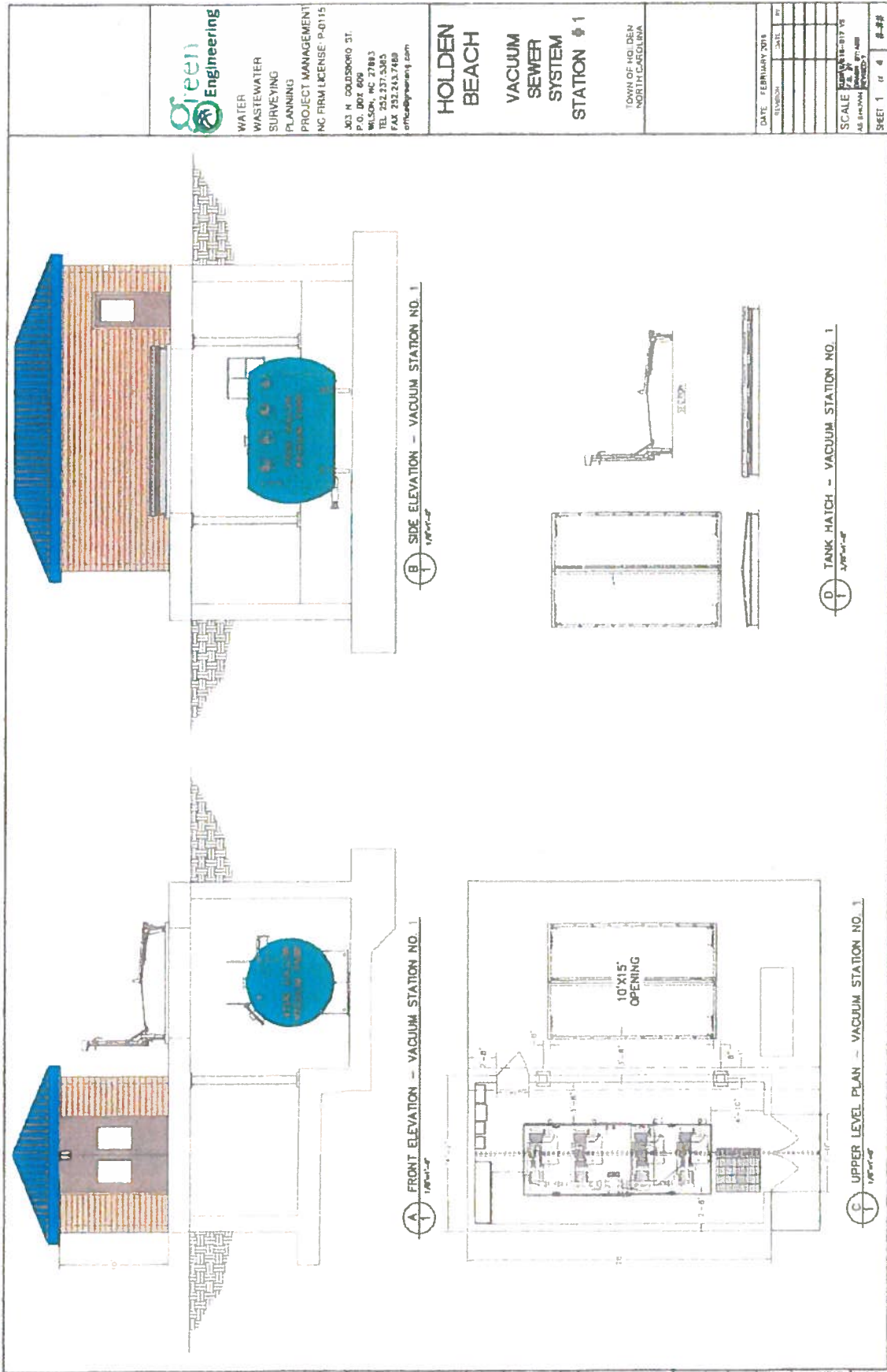
<HB Updated Drawings (4-19-16) [199311].pdf>

<HB Updated Estimates (4-19-16) [199313].pdf>

<1615 Holden Beach PS Structural Report [2560].pdf>

# CONTINENTAL UNITED STATES HURRICANE STRIKES 1950-2011\*






**Green Engineering**  
 WATER  
 WASTEWATER  
 SURVEYING  
 PLANNING  
 PROJECT MANAGEMENT  
 NC FIRM LICENSE P-0115  
 303 N. COLDSBORO ST.  
 P.O. BOX 609  
 WILSON, NC 27893  
 TEL 252.237.5385  
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 info@greeneng.com

**HOLDEN BEACH**  
**VACUUM SEWER SYSTEM**  
**STATION # 1**  
 TOWN OF HOLDEN  
 NORTH CAROLINA

DATE	FEBRUARY 2018
DESIGNED BY	
CHECKED BY	
SCALE	AS SHOWN
SHEET	1 of 4

Drawing location: HOLDEN16017 CAD Drawing Name: 18-07-13.dwg (plot=) Last plotted by: ecm for Green Engineering on Nov 11, 2016 @ 3:26pm



**GECOT Engineering**  
 WATER  
 WASTEWATER  
 SURVEYING  
 PLANNING  
 PROJECT MANAGEMENT  
 NC FIRM LICENSE P-01115

303 N. GOLDSHORE ST.  
 P.O. BOX 800  
 WILSON, NC 27993  
 TEL 252.237.5355  
 FAX 252.243.7499  
 gcecoengineering.com

**HOLDEN BEACH**  
**VACUUM SEWER SYSTEM**  
**STATION # 2, 3, and 4**  
 TOWN OF HOLDEN  
 NORTH CAROLINA

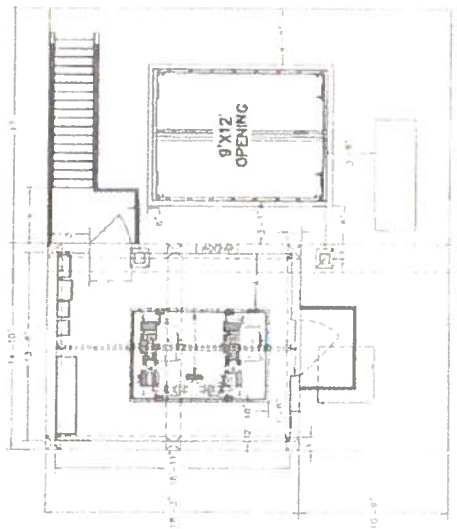
DATE	REVISION	DATE	BY
1 FEBRUARY 2014			

SCALE: 1/8" = 1'-0" AS SHOWN  
 SHEET 2 of 4

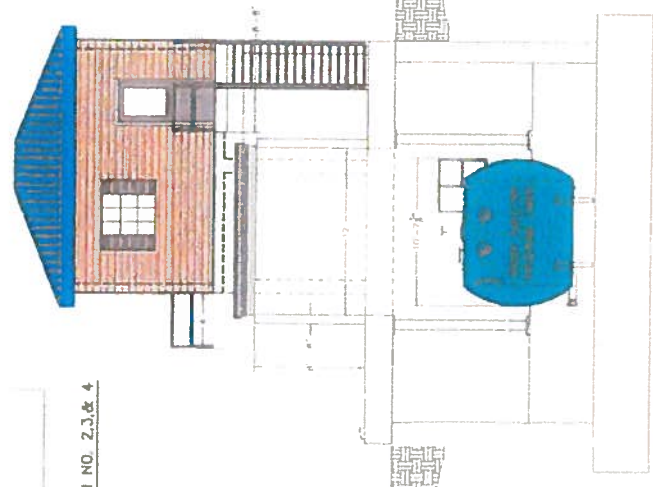
  

LOCATION	TOP OF AIR	100 YR FLOOD
STATION #2	7.13	14.00
STATION #3	7.45	14.00
STATION #4	5.90	14.00

**C GROUND LEVEL PLAN - VACUUM STATION NO. 2, 3, & 4**  
 1/8" = 1'-0"

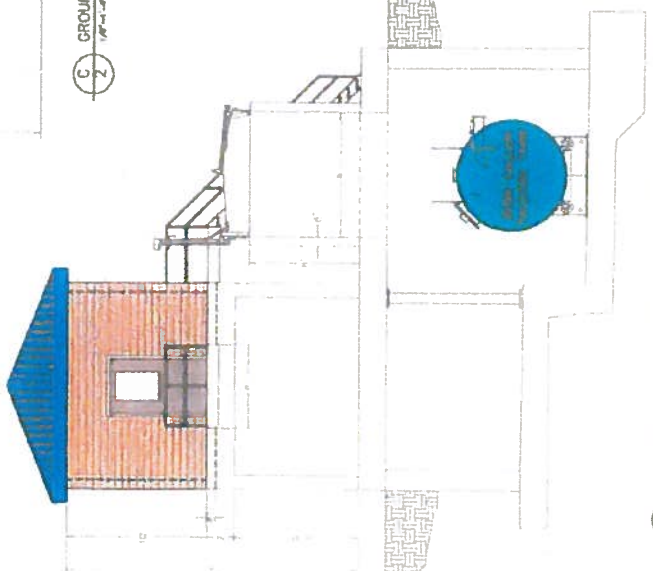


**B ELEVATION - VACUUM STATION NO. 2, 3, & 4**  
 1/8" = 1'-0"



**A SIDE ELEVATION - VACUUM STATION NO. 2, 3, & 4**  
 1/8" = 1'-0"



Drawing location: \\p01dcm1\c07\CAD\Drawing\Draw-18-017-VSewer Layout.dwg User: jayl... Date: 1/20/14 4:42pm

**DIXON ASSOCIATES**  
CONSULTING ENGINEERS, INC.

April 8, 2016

Mr. David W. Hewett, Manager  
Holden Beach Town Hall  
110 Rothschild Street  
Holden Beach, NC 28462-5037

Re: *Structural Study - Holden Beach Vacuum Station Modifications*

1615

Dear Mr. Hewett:

As requested, we have investigated and analyzed the floor framing for the existing vacuum pump stations based on the proposed modifications, per the drawings provided by Green Engineering. The modifications consist of fabrication of a new 10'x15' equipment access hatch and a new slab supported pump building for Vacuum Station #1 and fabrication of new 9'x12' equipment access hatches and elevated pump buildings for Vacuum Stations #2, 3 & 4.

These stations were originally constructed in approximately 2005. Dixon Associates served as the structural engineers for design of the pump stations. The original design called for 10 feet of saturated sand loading (1,300 psf) above the top slab for potential hurricane flooding/drift conditions. In conversations with Mr. E. Leo Green Jr., PE, Green Engineering, proposed new flood maps show the flood elevation at approximately 14.00 (reference NAD 88). Mr. Green's drawings and data show the top of slab elevations as: 15.42 for Station #1, 7.13 for Station #2, 7.45 for Station #3 and 6.30 for Station #4. Therefore, it appears that Station #1 will not be subject to flood loading, and the flood loading for Stations #2, 3 & 4 could be reduced from a 10 foot depth to a maximum depth of 7.70 feet.

We analyzed the floor slabs for the proposed modified loadings with the proposed new floor openings. Based on our analysis, we find that the modified slabs will be overstressed adjacent to the new floor openings. We analyzed the modified floor slabs with additional supports, two new interior columns located above the bottom slab step, approximately aligning with each end of the new floor opening. Based on our revised model/analysis, we find that the existing slabs, with the new floor openings, will be acceptable with these additional supports.

Therefore, we have determined that two new columns will be required in each pump station to safely support the existing roof/floor slab if the proposed new roof/floor hatches are provided. We have determined that HSS 9x9x1/2 steel columns will be acceptable for use as the additional supports.

In conversation with Mr. Green, he said that flood walls were not planned for the new hatch locations at Stations #2, #3 & #4. I would suggest that flood walls around the new hatch be provided to raise the new hatch door above the design flood level to minimize potential flooding into the pump station, and minimize weight from flood waters and drifting sand loads on top of the hatch door.

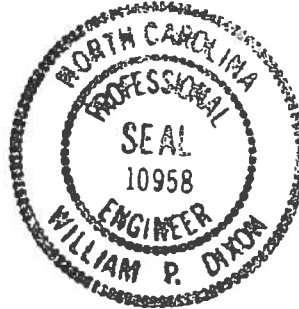
***Structural Study - Holden Beach Vacuum Station Modifications***

Page 2

April 8, 2016

We appreciate the opportunity to have assisted you with this evaluation. Please let us know if we can be of any further assistance.

Respectfully submitted,  
**DIXON ASSOCIATES**



William P. Dixon, PE  
*President/Project Engineer*  
North Carolina Registration Number 10958

CC: Mr. Leo Green Jr., PE

G:\Project\1600\1615 Holden Beach PS\1615 Holden Beach PS Structural Report

02	Description	Cause	Impact	Severity	Response / Mitigation	Costs	Inventory
	Electrical panel failure	Power surge, lightning strike, operator error; flooding	Station down until panel can be replaced	Major to Catastrophic depending upon timeframe	1) Replace entire electrical panel (2 month timeframe) 2) Ensure proper fault/surge/lightning protection is	\$45,150	0
	External power failure	Brunswick Electric outage	System shut down until at least partial power restored (e.g., 1 or the 2 feeds to the island)	Moderate to Major depending upon the duration of the outage and the availability of backup	1) Sufficient number of backup generators on hand 2) Arrangements for emergency generators (e.g., shared spares)	\$39,299.17	2
	Wash-Over	Hurricane	Loss of pumps and electrical system	Major to Catastrophic	1) System down until all pumps and electrical is replaced and functional 2) Raised building to house vacuum pumps and electrical panels. 3) Sealed stations to withstand storm surge without flooding. 4) Remove redundant pumps and electrical components to have available after the storm 1) Perform sufficient tank maintenance to prolong expected 25-35 year life 2) Monitor tank condition to	\$79,000	0
	Tank Failure	Sewage holding tank fails	System down until tank replaced (partial or total system?)	Major to Catastrophic	1) Perform sufficient tank maintenance to prolong expected 25-35 year life 2) Monitor tank condition to	\$50,000	2
	Double vacuum pump failure	Station overloaded; electrical problem that impacts both pumps	Station down until at least one pump can be brought back online	Moderate to Major	1) Replace both pumps with spares, send off to be rebuilt; must have two spares available	\$50,000	2
	Single vacuum pump failure	Age, electrical, physical failure	None as long as second pump is able to maintain the vacuum until replacement is made	Insignificant to Minor	1) Replace pump with spare, send off to be rebuilt 2) Monitor noise, vibration, output to predict pending failure	\$25,000	2

	Station overloaded; electrical problem that impacts both pumps; second pump fails while first pump is being fixed	Station down until at least one pump can be brought back online	Major to Catastrophic depending upon timeframes	<ol style="list-style-type: none"> <li>1) Replace both pumps</li> <li>2) Need at least one spare to mitigate 3 month leadtime</li> <li>3) Monitor noise, vibration and output to predict pending failure</li> </ol>	\$64,000	3
Single sewage pump failure	Age, electrical, physical failure	None as long as second pump is able to maintain the volume until replacement is made (3 month timeframe)	Insignificant to Minor	<ol style="list-style-type: none"> <li>1) Replace pump</li> <li>2) Monitor noise, vibration and output to predict pending failure</li> </ol>	\$32,000	3
Electrical panel component failure	Age, electrical, physical failure	None as long as backup circuits continue to function	Insignificant to Minor	<ol style="list-style-type: none"> <li>1) Replace failed component with spare; order new spare</li> <li>2) Ensure proper fault/surge/lightning protection is in place</li> <li>3) Ensure sufficient number of spare parts is available</li> </ol>	\$10,000	several
Operator Error	Operational mistakes that result in system problems	Equipment failure or system shutdown	Minor to Major	<ol style="list-style-type: none"> <li>1) Training and documentation (e.g., operating manuals)</li> <li>2) Capture and record "lessons-learned" from prior mistakes</li> </ol>		
Operator Attrition	Skilled employees leave	Decreased ability to operate the system and/or respond to problems	Minor to Major	<ol style="list-style-type: none"> <li>1) Make sure sufficient personnel are trained and available</li> <li>2) Provide retention incentives</li> </ol>		
Candy Cane Failure	Broken off or leaks in flooding situation	Individual pit overloads, stops functioning	Insignificant to Minor	<ol style="list-style-type: none"> <li>1) Improve ability to detect and quickly resolve problem</li> <li>2) Increase inspections to identify problems</li> </ol>	minor	several



**TOWN OF HOLDEN BEACH  
PUMP STATION(S) VULNERABILITY  
SCOPE OF WORK AND COST ESTIMATES  
April 18, 2016**



<u>Item</u>	<u>Proposed Improvements / Sequence</u>	<u>VPS # 1</u>	<u>VPS # 2, 3, 4</u>
1	Install steel column support for existing 24-inch roof slab on existing Vacuum Pump Stations.	\$ 15,000.00	\$ 15,000.00
2	Construct poured in place concrete columns and support platform for new vacuum system and controls.	----	\$ 45,500.00
3	Sawcut existing top slab access opening and install aluminum hatch cover. (8' Flood Perimeter Wall on #2,3,4 only)	\$ 68,000.00	\$ 56,000.00
4	Erect precast concrete building walls and site build roof system with galvalume metal finish. Install required HVAC system. Install trolley rail system.	\$ 77,500.00	\$ 65,000.00
5	Install new vacuum pump skid system including vacuum pumps, controls, SCADA, piping, fittings and connections.	\$ 185,000.00	\$ 125,000.00
6	Electrical installation including feeders, transformer, main panel, generator with auto transfer switch, misc. switches, conduit, cable, panel and labor.	\$ 185,000.00	\$ 126,000.00
<b>Total Construction Cost</b>		<b>\$ 530,500.00</b>	<b>\$ 432,500.00</b>
	Contingency (+/- 10%)	\$ 53,000.00	\$ 44,000.00
	Technical: Electrical	\$ 20,000.00	\$ 15,000.00
	Structural	\$ 15,000.00	\$ 15,000.00
	Procurement/Facilitation	\$ 25,000.00	\$ 25,000.00
<b>Total Development Cost</b>		<b>\$ 643,500.00</b>	<b>\$ 531,500.00</b>

**RESOLUTION 16-07**  
**RESOLUTION AMENDING REGULATIONS GOVERNING PUBLIC COMMENT PERIODS, RULE**  
**28(B) OF THE BOARD OF COMMISSIONERS' RULES OF PROCEDURE**

**WHEREAS**, North Carolina General Statute §160A – 81.1 states that the council shall provide for at least one period for public comment per month at a regular meeting of the council; and

**WHEREAS**, North Carolina General Statute §160A – 81.1 allows council to adopt reasonable rules governing the conduct of the public comment period; and

**WHEREAS**, the Holden Beach Board of Commissioners adopted rules for public comment periods in accordance with North Carolina General Statute §160A – 81.1 at their February 16, 2016 meeting (under Rule 28b of their Rules of Procedure); and

**WHEREAS**, the Holden Beach Board of Commissioners adopted a new regular meeting schedule at their March 8, 2016 meeting, creating the need to amend the Rules of Procedure.

**NOW, THEREFORE BE IT RESOLVED**, by the Holden Beach Board of Commissioners that Rule 28(b) of the Board of Commissioners' Rules of Procedure be updated to read as follows.

Subject to waiver by an express resolution of the BOC, the following regulations shall apply and be enforced with respect to any public comment period at any regular, special or emergency meeting of the BOC.

1. Time and Location: Unless posted otherwise as required by law, the BOC convenes its monthly public hearings and regular meeting on the third Tuesday of each month at 7:00 p.m. at Town Hall. The agenda will contain one or more items entitled "Public Comment Period." Typically, the Public Comments Periods will be titled Public Comments on Agenda Items and Public Comments on General Items.

2. Sign-up Sheet: Any member of the THB Public who wishes to address the BOC as a speaker or as a spokesperson for a group during Public Comments on Agenda Items must register on the sign-up sheet located at the Town Clerk's seat between 6:00 p.m. and 6:55 p.m. on the night of the meeting by listing his/her name, address, the name of any group for which he or she is a spokesperson, and comment topic(s). Speakers who wish to address the BOC under Public Comments on General Items are not required to register. General Speakers or spokespersons who wish or who are invited by members of the BOC, the Mayor or other public officials to address the BOC on any subject matter must use the procedure provided for under Rule 5 of the BOC Rules of Procedure.

5. Speaking Order: Speakers and spokespersons will be called on in the order in which the names appear on the sign-up sheet. Each speaker or spokesperson will then proceed, one at a time in order of sign-up. Before beginning comments, each speaker or

spokesperson will state his/her name and the name of any group for which he or she is the spokesperson.

6. Time Allotted for Each Speaker: Each speaker will be allotted 3 minutes to comment during the designated public comment period or periods at any meeting, unless this speaker or spokesperson time limit is extended for all speakers or spokesperson on the sign-up list by majority vote of the BOC. To allow an opportunity for others to participate, each speaker or spokesperson shall have only one opportunity to speak during any meeting. Except for such designated comment periods, persons in attendance at any meeting shall not speak or otherwise interrupt the meeting, except with the consent of the BOC by majority vote.

7. Timekeeper: The designated timekeeper will be the Town Clerk, who will begin timing the speaker or spokesperson after recording the speaker's name and address for the public record and will announce "Time" when the allotted time expires.

8. Written Comments: At the end of the allotted time, a speaker or spokesperson may also submit written comments to the Town Clerk, who will copy written comments to the mayor and all BOC members the following business day, if a sufficient number of copies is not provided by the speaker or spokesperson. A speaker's or spokesperson's comments may be summarized in the meeting minutes if a legible, written copy is not submitted to the Town Clerk, and all such written comments or materials shall be available as public records.

9. Number of Speakers on Each Topic: It is recommended that large groups or delegations select their spokesperson in advance of sign-up.

10. Topic Exclusions: Speakers or spokespersons will not comment on matters which concern: the candidacy of any person seeking public office, including the candidacy of the speaker or spokesperson;

11. Address to the BOC: Speakers will address all comments to the BOC as a whole; and will not address or question one or more BOC members, the Mayor or any town staff members, officials and employees as individuals. Speakers will address members of the BOC, the Mayor, town staff members, officials and employees and other members of the THB Public with courtesy and will not do or say anything that will interfere with the dignity and decorum of the meeting. Discussions between speakers or spokespersons and the audience will not be allowed, and no member of the BOC, the Mayor or any town staff members, official or employee will respond to the comments or questions of any speaker or spokesperson until after all speakers and spokespersons on the sign-up have completed their comments.

12. Response to Comments: At the end of all speakers' and spokespersons' comments, any member of the BOC may request that the Town Manager (or his or her designee) respond to a concern raised by the speaker.

13. Questions on Comments: At the end of all speaker's and spokesperson's comments, any member of the BOC may ask the speaker such questions as they might deem necessary and appropriate for clarification.

14. Action by Board of Commissioners: Speakers and spokespersons should not expect BOC deliberation or action on any subject matter brought up during the Public Comment Period. Topics requiring further investigation will be referred to the Town Manager (or his or her designee), and may be scheduled for consideration as an agenda item during a future regular meeting.

15. Monitoring and Enforcement. The Executive Secretary of the BOC shall act as the monitor for all public comment periods for the purpose of recognizing speakers and spokespersons from the sign-up list, monitoring and enforcing the time allotted to speakers or spokesperson and reply times of the Commissioners and the enforcement of these regulations. Any ruling by the Executive Secretary may be appealed to the presiding officer as a point of order, and any ruling on such point of order may be appealed as provided for in Rule 18 of the BOC Rules of Procedure.

This the 17<sup>th</sup> day of May, 2016.

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk

**TOWN OF HOLDEN BEACH  
ORDINANCE 16-09**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,  
CHAPTER 92: NUISANCES (§92.20 - §92.27)**

**BE IT ORDAINED BY** the Town BOC of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Chapter 92: Nuisances, be amended as follows:

**Section One:** Amend Section 92.20 in its entirety and add Sections 92.21 through 92.27 as follows:

**§ Sec. 92.20 - Purpose**

The town is recognized as a quiet, family-oriented beach community, and houses in the town are situated so that they are in close proximity. Residents and visitors come to the beach community to enjoy the relative peacefulness and serenity of the place, and excessive noise from one location can disturb the peace and become a nuisance to the public.

Furthermore, it is recognized that excessive and unnecessary noise: (i) endangers the physical and emotional health and welfare of people who reside or vacation in the residential neighborhoods and on the beach strand of the town; (ii) interferes with legitimate family and recreational activities; (iii) depresses property and rental values; (iv) contributes to potentially violent confrontations among persons occupying neighboring properties or enjoying the beach strand; and (v) requires police and public safety resources to respond to such disturbances and confrontations.

**§ Sec. 92-21. - Unreasonably loud noises prohibited.**

(a) It shall be unlawful for any person to create or assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing noise in the town. Noises of such character, intensity, and duration as to be detrimental to the life or health of any individual are prohibited. Unreasonably loud and disturbing noise is limited to noise that is loud, raucous and disturbing and heard upon the public streets, in any public park, in any public building or upon the grounds thereof while in use, in any church or hospital or upon the grounds thereof while in use, upon any public parking lot open to members of the public as invitees or licensees, or in any occupied residential unit which is not the source of the noise or upon the grounds thereof. Factors to consider in determining whether a violation exists include, but are not limited to:

- i. The volume of the noise;
- ii. The intensity of the noise;
- iii. Whether the nature of the noise is usual or unusual;
- iv. Whether the origin of the noise is natural or unnatural;
- v. The volume and intensity of the background noise, if any;

- vi. The proximity of the noise to residential sleeping facilities;
- vii. The nature and zoning of the area within which the noise emanates;
- viii. The density of the inhabitation of the area within which the noise emanates;
- ix. The time of the day or night the noise occurs;
- x. The duration of the noise; and
- xi. Whether the noise is recurrent, intermittent, or constant.

(b) Scope. This article shall apply to all sound, vibration, and noise originating within the corporate limits of the Town. Nothing in this article shall be construed to limit or prevent the town or any person from pursuing any other legal remedies for damages or the abatement of noises in the town.

### § Sec. 92-22. – Definitions

In addition to the common meanings of words, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

*Amplified sound* means any sound or noise, including the human voice, that is increased in volume or intensity by means of electrical power.

*Decibel (dB)* means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to base ten (10) of the ratio of pressure of the sound measured to the reference pressure, which is twenty (20) micronewtons per square meter.

*Mobile sound vehicle* means any motorized vehicle fitted with external loudspeakers or so designed or modified as to project electronically amplified sound outside of the passenger area of the vehicle.

*Motorized vehicles* means any vehicle as defined in G.S. 20-4.01(49), including but not limited to:

- (1) Excursion passenger vehicles as defined in G.S. 20-4.01(27) a.
- (2) Common carriers of passengers as defined in G.S. 20-4.01(27) c.
- (3) Motorcycles and mopeds as defined in G.S. 20-4.01(27) d. and d.1.
- (4) Truck tractors as defined in G.S. 20-4.01(48).
- (5) Farm tractors as defined G.S. 20-4.01(11).

*Nighttime Hours* means the hours between 10:00 pm and 7:00 am

*Noise* means any sound or combination of sounds which, because of its volume or quality, tends to disturb reasonable persons of normal sensitivity or to interfere with normal human activity.

*Noise disturbance* means any unreasonably loud and raucous sound or noise which:

- (1) Endangers or injures the health or safety of humans or animals; or
- (2) Endangers or injures personal or real property; or
- (3) Disturbs a reasonable person of normal sensitivity; or
- (4) Exceeds the Maximum Sound Pressure Levels as stated in Section 92-24(b).

*Person* means any individual, association, firm, partnership or corporation.

*Person responsible* means an owner, occupant, employee, agent, or any other person who is or who appears to be responsible for a premises, dwelling, or a noise-producing machine or device.

*Sound* means any disturbance of the air or other medium that is detectable by the unaided human ear or which produces vibrations detectable by persons of normal sensitivity.

*Sound level*: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, as specified by the American National Standards Institute (ANSI) standards for sound level meters. If the frequency weighting employed is not specified, the A-weighting shall apply.

*Sound level meter also decibel meter*: An instrument that includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and averaging network used to measure sound level. Such instrument shall be certified to meet or exceed the current standards of the American National Standards Institute.

#### **§ Sec. 92-23- PRESUMPTION IN PROSECUTION FOR NOISE VIOLATION.**

The complaints of two (2) or more persons, at least one (1) of whom resides in a different home from the other complaining person or persons, or the complaint of one or more persons, when combined with the complaint of a duly authorized investigating person, shall be prima facie evidence that such sound is a *noise disturbance*.

#### **§ Sec. 92-24. – Prohibited Noise.**

(a) The following activities are recognized as tending to produce unreasonably loud noises and as tending to constitute a noise disturbance. No person shall engage in any of the enumerated activities during *Nighttime Hours* so as to cause a noise disturbance on neighboring premises:

- (1) Operation of radios, televisions, or sound reproduction devices;
- (2) Playing of any amplified or non-amplified musical instrument; and

(3) Keeping of any animal or bird that frequently or for long periods of time makes noises that tend to annoy or unreasonably disturb others.

(b) In addition to and not in limitation to the specific prohibitions outlined in §92-24 (a), no person shall operate or permit to be operated any noise source which generates a sound pressure level exceeding the limits set forth in the following tables when measured at or outside the property boundary of the noise source or at any point within any other property affected by the noise.

Maximum Sound Pressure Levels:

<b>Zoning Districts</b>	<b>Non-Nighttime Hours</b>	<b>Nighttime Hours</b>
Residential	60 dB(A)	50 dB(A)
All other Zoning Districts	65 dB(A)	60 dB(A)

**§ Sec. 92-25. - Measurement of sound level.**

In determining sound levels pursuant to this article, the standards, instrumentation, personnel, measurement procedures, and reporting procedures shall be as specified herein; and all terminology not defined herein or in §92-22 shall be in conformance with the American National Standards Institute (ANSI).

- (a) Sound level measurement shall be made with a sound level meter using the A-weighting scale, set on slow response.
- (b) Sound level meters shall be serviced, calibrated and operated as recommended by the manufacturer and in accordance with regulations prescribed by the police department. Persons using the sound level meter shall be trained in sound level measurement and the operation of sound level measuring equipment.
- (c) Except as otherwise specified, sound level measurements shall be made from within the boundary line of any improved and occupied property; where this is impracticable, the measurement shall be taken at the exterior wall of the principal structure on such property. In the case of an elevated or directional sound, compliance with the prescribed limits shall be required at any elevation on the property.



- (d) Except as specified in (g) below, the sound measurement shall be averaged over a period of at least one (1) minute for purposes of determining the sound level. Sound levels may not exceed the prescribed level by more than three (3) decibels at any time during the measurement period.
- (e) During measurement, the microphone shall not be positioned so as to create any unnatural enhancement of the measured sound. A windscreen shall be used when appropriate.
- (f) Traffic noise and noise from other sources not connected with the sound being measured shall not be considered in taking measurements.
- (g) In the case of noise that is impulsive or is not continuous, the measurement shall be taken over a period of time of at least one (1) minute. Any such sound or noise that exceeds the prescribed level more than two (2) times in a minute shall be deemed to exceed the prescribed sound levels.
- (h) In zoning districts other than residential and only in the case of outdoor entertainment, including live or recorded speech, music, or other sound, sound level measurements shall be measured at a point one hundred (100) feet away from the source of the sound.

**§ Sec. 92-26. - Exceptions.**

The following are exceptions from the application of this article:

- (1) Construction activity performed by an agency of government or equipment operated by an agency of government, provided that all equipment is operated in accordance with manufacturer's specifications and is equipped with all noise-reducing equipment in proper condition;
- (2) Sound or noise emanating from street fairs, festivals, or celebrations conducted by or with the town;
- (3) Sound or noise emanating from film and video production activities for which permits have been issued by the town, provided all equipment such as generators are properly muffled;
- (4) Sound or noise emanating from properly equipped aircraft operated in accordance with applicable federal rules and regulations;
- (5) Lawnmowers and agricultural equipment operated between the hours of 7:00 a.m. and 6:00 p.m. when operated in accordance with manufacturer's specifications and with all standard noise-reducing equipment in place and in proper condition;
- (6) Musical accompaniment to parades or military ceremonies;
- (7) Sound emanating from regularly scheduled athletic events at town parks and athletic facilities;
- (8) Emergency vehicles in the course of performing their official duties;
- (9) Noncommercial speeches made from a fixed location; and
- (10) Construction, construction preparation, and building activity between the hours of 7:00 a.m. and 6:00 p.m., and any such work certified by the building inspector or town manager to be necessary to address an emergency situation.

**§ Sec. 92-27.- Owner and occupant responsibility.**

Penalties for violations of this article may be assessed against persons responsible for the premises or device producing or causing the noise disturbance.

(a) A violation of any of the provisions of this article shall constitute a Class 3 misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days, unless otherwise provided herein.

(b) Any person violating any provision of the sections in this Article shall be subject to a civil penalty in the amount of three hundred dollars (\$300.00) for each offense. Any subsequent violation within a 12 month period of a first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) for each subsequent violation. For purposes of determining subsequent violations within a 12 month period the date of the first violation shall be the anniversary date from which a new 12-month period shall begin.

(c) An owner of any premises subject to this article who is not also an occupant of the premises shall be responsible for any actions by tenants, guests, or other licensees that constitute second or subsequent violations of this article; provided, that no absentee owner shall be liable unless notified of first or previous violations of the article, and further provided that such first violation or previous violation shall have occurred within the previous twelve-month period. Notice of any first or previous violations pursuant to this paragraph shall be effected by registered or certified mail. No absentee owner may be subjected to criminal liability under this section, but shall be subject to all civil penalties and equitable relief.

(d) This section shall in no way relieve any other person from responsibility for violations of this article.

**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 on the 18<sup>th</sup> day of May, 2016.

This the 17<sup>th</sup> day of May, 2016.

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk



Date: May 10, 2016

To: Mayor Holden and Board of Commissioners

From: Christy Ferguson, Shoreline Protection and Recreation Manager



Re: Central Reach- Interlocal Agreement

This memo seeks BOC approval of the attached Interlocal Agreement between Brunswick County and the Town of Holden Beach for the Central Reach Shoreline Protection Project. This Interlocal Agreement between the Town and the County is needed in order to create the collateral package that a bank would accept for the financing of the project. It is scheduled to be on the Brunswick County Board of Commissioners' agenda Monday evening, May 16, 2016.

The Town of Holden Beach does not have enough tax/fee revenue from sources it does not levy to pledge as a collateral package for project financing. The Town levies its own occupancy tax and therefore it cannot be pledged by the Town under the Special Obligations statute.

This Interlocal Agreement between the Town and the County would create a financial backstop against the Town failing to make a debt service payment on the Special Obligation financing. Without this agreement, the project cannot move forward.

**HOLDEN BEACH  
BEACH NOURISHMENT INTERLOCAL AGREEMENT**

This **INTERLOCAL AGREEMENT** dated as of \_\_\_\_\_, 2016 (the "*Interlocal Agreement*") between the **COUNTY OF BRUNSWICK, NORTH CAROLINA**, a political subdivision of the State of North Carolina (the "*County*"), and the **TOWN OF HOLDEN BEACH, NORTH CAROLINA**, a municipal corporation organized under the laws of the State of North Carolina (the "*Town*");

*WITNESSETH*

**WHEREAS**, the Town has determined to undertake a beach nourishment project within the Town as it is authorized to do under North Carolina law;

**WHEREAS**, the County has determined to assist the Town in financing the beach nourishment project;

**WHEREAS**, under Article 20 of Chapter 160A of the North Carolina General Statutes, as amended (the "*Interlocal Act*"), municipalities and counties are authorized to enter into interlocal cooperation undertakings with other local governments for the joint exercise of any power, function, public enterprise, right, privilege, or immunity of local governments in North Carolina;

**WHEREAS**, the parties to this Interlocal Agreement desire to set forth their agreement herein;

**NOW THEREFORE**, the parties hereto agree as follows:

**ARTICLE I**

**DEFINITIONS**

In addition to the terms defined above, the following terms have the meanings herein as set forth therefor, unless the context otherwise requires:

**"Act"** means Section 159I-30 of the North Carolina General Statutes, as amended.

**"County"** means the County of Brunswick, North Carolina.

**"County Contribution"** means the amount required to be paid by the County under Section 4.2.

**"Debt Service"** means the sum of money required to pay principal and interest on the Special Obligation Bonds in a Fiscal Year.

**"Fiscal Year"** means the period commencing on July 1 of any year and ending on June 30 of the following year.

**"Lender"** means the purchaser of the Special Obligation Bonds, or its successor or assigns.

**"LGC"** means the North Carolina Local Government Commission, or its successors.

**“Project”** means beach nourishment for that portion of the beach in the Town referred to in the Town’s Beach Management Plan as the Central Reach Project which includes placing approximately 1.31 million cubic yards of beach fill along 4.1 miles of shoreline from 240 Ocean Boulevard East to 781 Ocean Boulevard West.

**“Special Obligation Bonds”** has the meaning set forth in Section 4.1, or any indebtedness issued or entered into by the Town to refinance the Special Obligation Bonds.

**“Town”** means the Town of Holden Beach, North Carolina.

## ARTICLE II

### STATEMENT OF PURPOSE

The Town and the County are entering into this Interlocal Agreement under the Interlocal Act to cooperate in the financing of the Project. This Interlocal Agreement sets forth the terms under which the County will assist the Town with the financing of the Project and the parties understanding as to the Town’s administration of the construction process, the financing of the Project and the liabilities associated with the construction and financing of the Project.

## ARTICLE III

### CONSTRUCTION AND ADMINISTRATION OF PROJECT

The Town will be solely responsible for planning, design, construction and maintenance of the Project. The County is entering into this Interlocal Agreement for the sole purpose of assisting the Town with securing a financing for the Project.

## ARTICLE IV

### FINANCING OF PROJECT

Section 4.1. **Terms of Financing.** The Town expects to finance the costs of the Project by issuing special obligation bonds pursuant to the Act (the **“Special Obligation Bonds”**) in fiscal year ending June 30, 2017. The Town will be solely responsible for obtaining the financing for the Project. Under the Act, the Town “may pledge for the payment of a special obligation bond or note any available source or sources of revenues of the unit and, to the extent the generation of the revenues is within the power of the unit, may enter into covenants to take action in order to generate the revenues, as long as the pledge of these sources for payments or the covenant to generate revenues does not constitute a pledge of the unit’s taxing power.” The Town will issue the Special Obligation Bonds with a final maturity of approximately 10 years and debt service on the Special Obligation Bonds will be due in fiscal year ending June 30, 2017 through fiscal year ending June 30, 2028. The Town will issue the Special Obligation Bonds in a principal amount not to exceed \$[Amount] and at an interest rate not to exceed [Rate]% per annum. After the Special Obligation Bonds are issued, the Town will attach as an addendum to this Interlocal Agreement the schedule of actual Debt Service payments on the Special Obligation Bonds which schedule is incorporated herein by this reference.

Section 4.2. **County Contribution.** In each fiscal year that the Special Obligation Bonds are outstanding, the County will include in its budget and agrees to appropriate the total amount of Debt

Service due in such Fiscal Year to the payment to the Town to be used by the Town to pay Debt Service on the Special Obligation Bonds. For the fiscal year ending June 30, 2017 the County will include in its budget and agrees to appropriate the anticipated interest payment due on the Special Obligation Bonds for such Fiscal Year based on the maximum amounts set forth in Section 4.1 and in each subsequent Fiscal Year the County will include in its budget and agrees to appropriate the actual Debt Service due in such Fiscal Year based on the schedule that is attached pursuant to Section 4.1. On each date that Debt Service is due on the Special Obligation Bonds, the County agrees to pay the Town the amount of the Debt Service due on the Special Obligation Bonds; provided, however, the Town expects to make the payment of Debt Service due on the Special Obligation Bonds from its other available funds and, to the extent that it does, the County will not be required to make any payment to the Town on such date. The County is only required to make its payment on or after any date the payment of Debt Service on the Special Obligation Bonds is due under the preceding sentence if it receives notice from the Town or the Lender that the Town has not made the required payment of Debt Service on the Special Obligation Bonds when due. The Town may agree with the Lender that the County's payment under this Interlocal Agreement be made directly to the Lender. Each time the Town makes a payment of Debt Service from its other available funds, the County is relieved of its obligation to make the corresponding payment under this Interlocal Agreement.

The County's payment obligations under this Interlocal Agreement are subject to the annual appropriation by the Board of Commissioners of the County. The County will in good faith cooperate with the Town as it seeks financing for the Project and approval of the North Carolina Local Government Commission for the Special Obligation Bonds.

Section 4.3. ***Reserve Fund held by County.*** Before the Town issues the Special Obligation Bonds, the Town will remit an amount to the County equal to the maximum annual debt service on the Special Obligation Bonds (the "***Reserve Amount***"). The County will hold the Reserve Amount in a separate account as restricted fund balance to be used for the sole purpose of making the County's appropriation and any actual payment required under Section 4.2 above. The Reserve Amount will be invested by the County in a prudent manner and consistent with the way the County invests its other fund balance. All investment earnings from the investment of the Reserve Amount will be remitted annually by the County to the Town. Any of the Reserve Amount remaining on the date that the Town is required to make the final payment on the Special Obligation Bonds (or any earlier date that the Special Obligation Bonds are prepaid or defeased in whole) will be returned by the County to the Town for the Town's use in making such final payment.

Section 4.4. ***Town Appropriations for Debt Service.*** In each fiscal year that the Special Obligation Bonds are outstanding, the Town will include in its budget and agrees to appropriate the total amount of Debt Service due in such Fiscal Year and use such amount appropriated to pay Debt Service on the Special Obligation Bonds. For the fiscal year ending June 30, 2017 the Town will include in its budget and agrees to appropriate the anticipated interest payment due on the Special Obligation Bonds for such Fiscal Year based on the maximum amounts set forth in Section 4.1 and in each subsequent Fiscal Year the Town will include in its budget and agrees to appropriate the actual Debt Service due in such Fiscal Year based on the schedule that is attached pursuant to Section 4.1. On each date that Debt Service is due on the Special Obligation Bonds, the Town agrees to pay the Debt Service due on the Special Obligation Bonds from its legally available funds. The Town will provide any proof required by the County that it has made such appropriations and payments required by this Section.

## ARTICLE V

### DISPUTES AND REMEDIES

Even if the County disagrees with the amount of the County Contribution due under Section 4.2, the County shall be obligated to pay, in full, said County Contribution, but can do so “under protest.” The “protest” shall be resolved according to the provisions on this Interlocal Agreement.

If the County disputes all or part of any County Contribution, the County shall within 15 days of learning of the nature of the dispute notify the Town in writing that the County Contribution is disputed, the grounds for the dispute and the amount in dispute. Failure to have made the full payment as provided in Section 4.2 will result in the Town, at its option, denying the County’s claim. On receipt of notification of dispute, representatives of the County and the Town will meet within 15 days to resolve the dispute. The County and the Town will promptly and continuously attempt to resolve the dispute within five business days of meeting. In the event that it is determined that the County shall have overpaid, the Town will repay the County the amount of the overpayment. If the dispute cannot be thus resolved, subject to Article VIII, each party shall thereafter be entitled to exercise any remedies available at law or in equity.

## ARTICLE VI

### LIABILITIES AND INDEMNIFICATION

Any liabilities arising from the Project will be the sole responsibility of Town. The Town will indemnify, protect and save the County and any member of the governing body, officer, agent or employee thereof, acting in such capacity, harmless from all liability, obligations, losses, claims, damages, actions, suits, proceedings, costs and expenses, including reasonable attorneys’ fees, arising out of, connected with, or resulting, directly or indirectly, from the Project. The indemnification arising under this Article shall survive the termination of this Interlocal Agreement and continue in full force and effect notwithstanding the payment in full of all obligations under this Interlocal Agreement.

## ARTICLE VII

### PERFORMANCE OF GOVERNMENT FUNCTIONS

Nothing contained in this Interlocal Agreement shall be deemed or construed so as to in any way estop, limit, or impair the Town or the County from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions pursuant to applicable law.

## ARTICLE VIII

### AMENDMENTS AND TERMINATION

The County and the Town recognized that this Interlocal Agreement will constitute an essential part of the Town’s financing plan for the Project. After the Special Obligation Bonds are sold, and notwithstanding a breach by the County or the Town of its obligations hereunder, this Interlocal Agreement cannot be terminated while the Special Obligation Bonds are outstanding or altered in any manner that will impair or adversely affect the security afforded the Special Obligation Bonds without the consent of the County, the Town and the Lender. The County and the Town will otherwise be entitled to exercise any remedies available at law or in equity subject to the provisions of Article V.

## ARTICLE IX

### MISCELLANEOUS

Section 9.1. **Notices.** All notices, certificates, requests, requisitions, or other communications given pursuant to this Interlocal Agreement must be in writing and will be sufficiently given and will be deemed given when delivered by hand or mailed by certified mail, postage prepaid, addressed as follows:

County:           Attention County Manager  
30 Government Center Drive (David R. Sandifer Building), third floor  
Bolivia, NC 28422

Town:             Attention Town Manager  
110 Rothschild Street  
Holden Beach, NC 28462

Section 9.2. **Severability.** If any section of this Interlocal Agreement is deemed to be illegal or otherwise unenforceable, it is the intent of the parties hereto that all other provisions of this Interlocal Agreement shall remain in full force and effect.

Section 9.3. **Governing Law.** This Interlocal Agreement is to be governed by and interpreted in accordance with the laws of the State of North Carolina.

Section 9.4. **Time is of the Essence.** Time is of the essence in this Interlocal Agreement.

Section 9.5. **Execution in Multiple Counterparts.** This Interlocal Agreement may be executed in multiple counterparts, each of which constitutes a completed document.

Section 9.6. **Effective Date.** This Interlocal Agreement takes effect on its execution by the County and the Town.

Section 9.7. **Term.** This Interlocal Agreement shall be in full force and effect until the Special Obligation Bonds are no longer outstanding unless otherwise terminated in writing by the County and the Town with the written consent of the Lender.

Section 9.8. **Local Government Commission.** This Interlocal Agreement must be approved by the LGC. The Town and the County agree that the LGC is a third-party beneficiary of this Interlocal Agreement and that the LGC may enforce this Interlocal Agreement against the Town and the County as if the LGC were a party hereto.

Section 9.9. **Amendments.** Any amendment to this Interlocal Agreement must be signed in writing by an authorized representative of the Town and the County and must be approved by the LGC.

[Signatures continued on following pages]



*IN WITNESS WHEREOF*, the parties hereto, acting by and through their duly authorized representatives pursuant to the resolutions of their respective governing bodies, have caused this Interlocal Agreement to be executed as of the day and year first written above.

COUNTY OF BRUNSWICK, NORTH CAROLINA

[SEAL]

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Clerk to the Board of County Commissioners

**This instrument has been preaudited  
in the manner required by the Local  
Government Budget and Fiscal Control Act.**

\_\_\_\_\_  
**Finance Officer  
County of Brunswick, North Carolina**

**TOWN OF HOLDEN BEACH, NORTH CAROLINA**

[SEAL]

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

**This instrument has been preaudited  
in the manner required by the Local  
Government Budget and Fiscal Control Act.**

\_\_\_\_\_  
**Finance Officer  
Town of Holden Beach, North Carolina**

[COUNTERPART SIGNATURE PAGE TO THE INTERLOCAL AGREEMENT  
BETWEEN THE TOWN OF HOLDEN BEACH, NORTH CAROLINA  
AND THE COUNTY OF BRUNSWICK, NORTH CAROLINA]

This Interlocal Agreement has been approved  
under the provisions of Section 159-153 of the  
General Statutes of North Carolina, as amended.

By: \_\_\_\_\_

Greg C. Gaskins

Secretary

Local Government Commission of North Carolina

**Resolution No. 16-08**

**RESOLUTION SUPPORTING OYSTER RESTORATION TO ENHANCE THE COSTAL NORTH CAROLOINA ENVIRONMENT AND ECONOMY**

**WHEREAS**, oysters and their habitats are part of the natural and cultural heritage of the North Carolina coast;

**WHEREAS**, healthy oysters filter the water, improving water quality and promoting clean and productive waters and fisheries;

**WHEREAS**, oyster reefs provide habitat for marine life;

**WHEREAS**, building new oyster reefs lessens wave action and reduces shoreline erosion;

**WHEREAS**, North Carolina's oyster population has shrunk to less than 10 percent of its historic range secondary to unsustainable harvesting depleting oyster beds; onshore development degrading habitat; and Dermo disease;

**WHEREAS**, by investing in oysters Virginia has dramatically grown its oyster industry in the last ten years, is now the number one oyster producing state on the East Coast, growing and harvesting nearly 6 times more oysters than North Carolina in 2015;

**WHEREAS**, Virginia promotes its oysters by creating "oyster trails" that have become important tourist attractions enjoyed by its coastal visitors;

**WHEREAS**, North Carolina has the second largest estuarine system in the United States, and with strategic investments our coast could lead in oyster production;

**WHEREAS**, reviving and restoring oysters will drive sustainable coastal economic development for the marine construction industry, fishermen, and tourism in Brunswick County and the rest of coastal North Carolina.

**NOW, THEREFORE BE IT RESOLVED THAT**, The Town of Holden Beach supports and endorses the strategic plans for oyster restoration developed by the N.C. Division of Marine Fisheries at the request of the N.C. General Assembly. These plans provide blueprints to create the Senator Jean Preston Oyster Sanctuary Network by 2026; enhance shellfish management areas; and encourage oyster aquaculture. The Town of Holden Beach encourages the N.C. General Assembly to fully invest in these strategic plans so that oysters once again become a significant environmental, economic and cultural asset in North Carolina.

This resolution is effective upon its adoption this 17<sup>th</sup> day of May, 2016.

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk

## Holden Beach Code of Ordinances

### § 94.04 DEFINITIONS.

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

**BEACH.** The area between the mean low water mark of the Atlantic Ocean and the seaward toe of the frontal dune.

**BEACH EQUIPMENT.** Any personal items that are designed or manufactured for use, or actually used, on the beach or in the adjacent tidal waters. Examples include, without limitations: chairs, lounges, umbrellas, cabanas, tents, horseshoes and stakes, kayaks, paddle vessels, sailboards, surfboards, fishing gear, sporting equipment, rafts, floatation devices, beach toys, baskets, bags, towels, coolers and any other personal property items. **BEACH EQUIPMENT** shall not include municipal trash containers, signage or structures or any items placed or permitted by a governmental agency (for example signs or protection devices for turtle nests).

**SAND RENOURISHMENT.** The placement and maintenance of sand onto the beach in order to nourish, renourish, protect, operate and maintain a public beach, including the right to deposit sand, alter the contour of the land, construct dunes and berms, plant vegetation on and prohibit access to the dunes and berms, to erect protective silt screens and fences, and to perform any other work necessary and incident to the maintenance of the dune system.

(Ord. 02-08, passed 5-27-02; Am. Ord. 10-08, passed 9-14-10)

### § 94.06 PLACING OBSTRUCTIONS ON THE BEACH.

(A) All beach equipment must be removed from the beach by its owner or permitted user on a daily basis. All personal items and beach equipment unattended and remaining on the beach between the hours of 6:00 p.m. and 7:00 a.m. will be classified as abandoned property and shall be removed and disposed of by the town.

(B) All beach equipment shall be set at least ten feet from any sea turtle nest or dune vegetation.

(Ord. 10-08, passed 9-14-10)

Holden Beach Code of Ordinances

**§ 94.05 DIGGING OF HOLES ON BEACH STRAND.**

(A) To help prevent personal injury and damage to property, it shall be unlawful for any person, firm or corporation within the corporate limits of the town to dig into the sand on any part of the beach strand greater than 12 inches deep, without having a responsible person attending the area to prevent any person or persons from walking into any existing hole and risking personal injury and to allow public safety vehicles the ability to respond to emergencies without the risk of damage to equipment or personal property.

(B) Prior to leaving the area, any hole greater than 12 inches deep shall be filled to be level with the surrounding area, leaving the area in the same general condition in which it was found.

(C) The violation of this section shall be punishable by a \$50 fine.

(Ord. 06-12, passed 10-24-06)