



Town of Holden Beach  
Board of Commissioners  
Public Hearing/Regular Meeting

Tuesday, August 16, 2016  
7:00 PM

Holden Beach Town Hall  
Public Assembly



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS' PUBLIC HEARING/ REGULAR MEETING  
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY  
TUESDAY, AUGUST 16, 2016 - 7:00 P.M.**

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**PUBLIC HEARING:**

1. Creation of a Municipal Service District

**REGULAR MEETING:**

1. Invocation
2. Call to Order/ Welcome
3. Pledge of Allegiance
4. Agenda Approval
5. Approval of Minutes
  - a. Minutes of the Regular Meeting of July 19, 2016 (Pages 1 – 7)
6. Public Comments on Agenda Items
7. Police Report – Chief Wally Layne (Page 8)
8. Request for No Parking Zone: Holden Beach Chapel – Chief Layne (Pages 9 – 14)
  - a. Discussion and Possible Approval of Memorandum of Agreement Between the Town and the Holden Beach Chapel
  - b. Discussion and Possible Approval of Ordinance 16-13, An Ordinance Amending the Holden Beach Code of Ordinances, Chapter VII: Traffic Code (§72.03 Parking Prohibited at All Times)
9. Discussion and Possible Action on Pointe West Request for Parking Restriction – Commissioner Fletcher (Pages 15 – 16)
10. Report from the Planning & Zoning Board – Vicki Myers, Chair
11. Discussion and Possible First Adoption of Ordinance 16-14, An Ordinance Establishing and Creating a Town of Holden Beach Municipal Service District for Central Reach Project - Town Manager Hewett & Shoreline Protection & Recreation Manager Ferguson (Pages 17 – 23)
12. Discussion and Possible Scheduling of a Date to Hold a Special Meeting for Final Adoption of Ordinance 16-14, An Ordinance Establishing and Creating a Town of Holden Beach Municipal Service District for the Central Reach Project – Town Manager Hewett & Shoreline Protection & Recreation Manager Ferguson (Page 17)

**13. Discussion and Possible Action on Sewer Lift Stations – Commissioner Freer**

- a. Obtaining Underground Tank Non-Destructive Inspection Services
- b. Obtaining an Independent Engineering Assessment of the Recommendations of the Sewer Advisory Committee

**14. Discussion and Possible Nomination of Alternate Member to Serve on the Planning & Zoning Board  
(Pages 24 – 28)**

**15. Town Manager's Report**

**16. Mayor's Comments**

**17. Board of Commissioners' Comments**

**18. Public Comments on General Items**

**19. 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 – Town Manager Hewett**

**20. 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  
REGULAR MEETING  
TUESDAY, JULY 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, July 19, 2016 at 7:00 p.m. in the Town Hall Public Assembly. 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; Police Chief Wally Layne; Building Official Tim Evans; Shoreline Protection & Recreation Manager Christy Ferguson; and Labor Foreman Scott Cunningham.

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

*Motion by Commissioner Fletcher to eliminate agenda item #7 and replace it with an item called Discussion and Possible Action on Joint Amicus Brief; second by Commissioner Isenhour; approved by unanimous vote.*

**APPROVAL OF MINUTES**

*Motion by Commissioner Isenhour to approve the minutes of the Special Meeting of June 9, 2016 as written; second by Commissioner Freer; approved by unanimous vote.*

*Motion by Mayor Pro Tem Royal to approve the minutes of the Regular Meeting of June 21, 2016 as written; second by Commissioner Fletcher; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

Tony Marwitz said he is an owner that does not own beachfront property, but if Emerald Isle loses its lawsuit, beachfront values will be destroyed. He stated taxes will need to go up and the Town will lose tourists. Mr. Marwitz explained if Emerald Isle doesn't win the lawsuit, the Turtle Patrol would basically be out of business. He said everyone in Holden Beach needs to do everything they can to make sure Emerald Isle wins the lawsuit.

Gina Martin stated the recycling center has outlived its usefulness at the park. She said given the fact we just had a rather substantial tax increase, it would behoove the Town to look into ways to eliminate costs and this would be a good item to start with.

## DISCUSSION AND POSSIBLE ACTION ON JOINT AMICUS BRIEF

Mayor Holden said we are the only town along the coast that isn't supporting the amicus brief. Commissioner Fletcher said that he has had more time to research the topic and has changed his view since the last meeting. Commissioner Freer explained why he thinks the Board should endorse the amicus brief. In joining the Amicus Brief, Commissioner Freer does not want it to be an endorsement to the specific ordinances of Emerald Isle. Attorney Fox doesn't think by signing on as a supporter of public trust rights, it would be perceived as endorsing specific ordinances of Emerald Isle.

*Motion by Commissioner Freer to endorse and join in the amicus brief of the Department of Environmental Quality as submitted to the Supreme Court; second by Commissioner Fletcher.*

Mayor Pro Tem Royal asked if the Town would be saying we support the position of the court. Attorney Fox replied the request has come across from Emerald Isle that all municipalities on the coast support the stance that the public has the right to use the dry and wet sand beach. That is what they are seeking support of. She stated a brief is being written in support of Emerald Isle's position. Mayor Pro Tem Royal stated he reviewed our ordinances. When he looked at the opinion of the court, it appears we are appropriate in our ordinances. He asked if the Town's position being discussed now will impact the Town's existing ordinances. Attorney Fox replied no, it will be that we are supporting the public's right to access to the dry and wet beach. Commissioner Isenhour added that if Nies wins, it could hurt the Town. Commissioner Freer confirmed that the motion doesn't support participating financially. He stated the reason he didn't add that was because the Town just raised taxes to support our own project.

*The motion passed by unanimous vote.*

## POLICE REPORT – CHIEF WALLY LAYNE

- Made it through the 4<sup>th</sup> of July. Doesn't think the fireworks were as bad. Summer in general has been typical. No major events. Hopefully it will stay that way. There have been larcenies of coolers, flip flops and other things. Arrested the person who was stealing the coolers. Was able to recover some of those coolers. Don't be a volunteer victim. Don't leave items of value in cars or unlocked storage. Lock your cars. Be mindful of your stuff on the beach.
- Is on the beach four days a week. So far has seen five dogs on the beach between 9:00 a.m. – 5:00 p.m. In years previous the number was a lot higher. Thinks the sign is working. Not as many holes or problems with cabanas. Commissioner Isenhour inquired if the phrase welcome to Holden Beach could be added to the sign. Chief Layne replied they could add that. Commissioner Freer suggested adding a banner to the sign.
- Will get locked up for a fundraiser on July 27<sup>th</sup> at 1:00 p.m. Has a signup sheet for anyone who would like to help with his bail.
- Mayor Pro Tem Royal stated in light of everything going on, he wanted to take the opportunity to thank our police for everything they do. Commissioner Fletcher added they have the whole Board's support.

## **ELIMINATION OF ROLL OFF RECYCLING CONTAINERS LOCATED AT BRIDGEVIEW PARK**

Town Manager Hewett said staff's recommendation is to eliminate the bulk recycling by the water tower after Labor Day. He read his memo to the Board and explained why the site has become problematic.

*Motion by Mayor Pro Tem Royal for the approval of the recommendation to eliminate bulk recycling; second by Commissioner Kyser.*

Commissioner Freer asked if the alternative services are on our website. Town Manager Hewett stated he believes they are, but if not they will be added. Mayor Pro Tem Royal asked if staff will come back to the Board with information on options for curbside recycling. Town Manager Hewett responded that the Board will need to address the whole contract.

*The motion passed by unanimous vote.*

## **BEACH PATROL EVALUATION STATUS REPORT**

Chief Layne talked to all the folks in the area. Oak Island does what Holden Beach does. They also have an ambassador program. Sunset Beach uses the Fire Department as beach patrol. They have a paid Fire Department, not a contracted one. Chief Layne spoke with Chief Todd. They are not interested in providing this service. He doesn't want his people trying to enforce ordinances without the proper tools and they don't have a tremendous amount of manpower. Ocean Isle Beach has seven part time officers for their beach patrol. They use two a day during the week and three a day on the weekends. They pay them \$15.34 an hour. Each one is there for a minimum of eight hours. Chief Layne said that comes out to about \$30,776 a year, plus uniforms and equipment. Their part time folks are typically ones that just graduated from BLET. Their chief doesn't like the way they do it. Chief Layne looked at the total amount of overtime from last summer. That amount was \$9,212. That included beach patrol and all other overtime. He did have an officer out all last summer. Commissioner Fletcher inquired how much overtime is budgeted for the year. Chief Layne thinks the budget is \$39,000. They normally use it all.

Peggy Schiavone, Chair of the Parks & Recreation Advisory Board (PRAB) stated that Oak Island will visit the PRAB's October meeting. They have a beach ambassador program. They were originally asked to visit in July, but they weren't available. They said it is too late to start a program at this time. The PRAB isn't crazy about the idea. They don't feel people would be crazy about no pay, an interview process and minimum hours. Also, they don't think the person would have the authority to tell people about the ordinances. Ms. Schiavone said they could always make recommendations, but with no authority it is difficult. Commissioner Freer stated he thinks it is a good idea for the PRAB to meet with Oak Island.

## **DISCUSSION AND POSSIBLE ACTION ON ENFORCEMENT OF HOLDEN BEACH CODE OF ORDINANCES §157.087, BUILDING NUMBERS**

Commissioner Fletcher stated the Town has an ordinance that requires that every house have numbers visible from the street and also from the strand. He stated there are many houses that are not in compliance. His initial concern was for the Fire Department. Commissioner Fletcher's recommendation is to enforce the ordinance. His suggestion is if that if people are not in compliance, the Town do the work for them. The cost

would then be billed to the homeowner. Attorney Fox recommended sending letters to the people who are not in compliance and researching what remedies are currently available by ordinance. Building Official Evans explained that currently the Inspections Department sends out a letter to people who are not in compliance. Usually people comply once they receive the letter. There is a penalty section that would apply if people do not comply. He explained that the numbers are not uniform so sometimes the numbers are there, but not noticed. He suggested that canal homes should have numbers on the canal side. That isn't addressed in ordinance. The Inspections Department constantly checks to make sure people comply with the ordinance. Commissioner Fletcher asked if it would be possible to add to the letter that the Town could do the work if someone is not in compliance. Attorney Fox stated the Board would need to amend the ordinance, but based on what Building Official Evans is saying it doesn't seem to be an unmanageable issue. Building Official Evans said his department might need to take another pass. Commissioner Fletcher asked him to let the Board know when he does.

*Motion by Commissioner Kyser to give this to the Planning & Zoning Board to look at adding a section to require canal homes to have numbers on the backside of the homes, second by Commissioner Isenhour.*

Mayor Pro Tem Royal said he noticed this section requires 6" numbers and that is larger than normal numbers. It would be in conflict with the current ordinance if the Town doesn't require canal homeowners to do the same.

*The motion passed by a 4 – 1 vote with Commissioners Freer, Isenhour, Fletcher and Kyser voting for the motion and Mayor Pro Tem Royal voting in the negative.*

#### **DISCUSSION AND POSSIBLE NOMINATIONS OF MEMBERS TO UPCOMING VACANCIES ON TOWN BOARDS**

*Motion by Commissioner Fletcher to approve all existing board members whose times are expired and are eligible for reelection, reelect them now; second by Commissioner Kyser.*

Mayor Pro Tem Royal asked if their interest in serving again was confirmed. Commissioner Fletcher said yes.

*The motion passed by unanimous vote.*

*Motion by Commissioner Fletcher to assign Tiffany Hobbs to the vacant position on the Planning & Zoning Board from her current alternate position; second by Commissioner Freer.*

Mayor Pro Tem Royal asked if she has indicated she is interested. Commissioner Fletcher replied yes. Commissioner Kyser said his only concern is she was on the board at one time and had attendance issues. Town Clerk Finnell stated she resigned last time, but she has expressed her interest and is currently serving on that Board.

*The motion passed by unanimous vote.*

The Board came to a consensus to hold interviews for the vacant position on the Planning & Zoning Board at 6:45 p.m. on the date of the next meeting. The Board would like to interview Tony Marwitz and Greg Shue.

## TOWN MANAGER'S REPORT

- Normally on July 4<sup>th</sup> we push through about one million gallons of water a day and then it falls to 800,000 gallons in the 10 days after. This year were above one million gallons for six straight days. There are lots of people here.
- Based on the number of houses and metric of consumption, the Department of Environmental Quality has estimated our population. We are approaching almost 6,300 people. That number is different than the Census Bureau's. Based on that number, we were just advised the number of water samples will need to increase.
- We had a close call with water pressure on July 7<sup>th</sup>. A lightning strike took out some SCADA equipment at the county. The county turned the pumps on manually.
- We are going to have our Community Rating System evaluation in the next two months. Will be compiling data over the next couple of months.
- Building Official Evans said there is no update on the new flood maps. The Town can adopt the maps when we get the letter of final determination.
- The bid opening was held earlier this month for the Central Reach Project. We only received one bid. That doesn't meet the statutory bid thresholds. We have rebid in an attempt to get a qualifying bid. The bids will be opened here on August 18<sup>th</sup>. Mayor Pro Tem Royal asked if that will impact the Town being ready to start. Town Manager Hewett replied we will still be okay. Commissioner Freer asked what will happen if we only receive one bid. Town Manager Hewett responded that the Board will have to make a decision on their next move, but it is okay to only receive one bid the second time.
- Mayor Pro Tem Royal asked about the \$115,000 the Town received from Southport for excess sewer. Town Manager Hewett explained it was the second payment of \$57,000. The annual total was \$115,000. It came from Brunswick County. Mayor Pro Tem Royal asked if that was included in the budget. Town Manager Hewett stated they were specifically advised to not use that as a budgeted revenue because of the unknowns of the arrangement between the county and Southport. That amount was in last year's budget. We accepted the funds as Miscellaneous Revenue. Mayor Pro Tem Royal asked about the amount the Town will save for recycling. Town Manager Hewett replied that was a budgeted expense, we will wait until we see the results of the new solid waste contract before doing anything with that amount.

## MAYOR'S COMMENTS

- Will try to get the Chapel's parking issue on the agenda next month. Hopes everyone will support that.
- Encouraged to see so many people working on the north side of the bridge. Thanked the NC Department of Transportation.
- Received lots of positive comments about the concerts. Surrounding islands are coming here.
- We haven't had a recent Evacuation Team meeting. We have an insurance problem. We need to have a clear understanding about the insurance for volunteers if we move forward with continuing the program as it is. We are seeking protection for the Town before we move forward. Mayor Pro Tem Royal asked about having the volunteers sign a waiver. Mayor Holden said he will work with the attorney and the Board.



## BOARD OF COMMISSIONERS' COMMENTS

### Mayor Pro Tem Royal

- During the July 3<sup>rd</sup> concert we had a fire on the island. It was a reminder to check his fire extinguishers. Was reminded of the extreme risk we assume by living so close to each other. Urges everyone to have operable smoke alarms and a significant amount of extinguishers.

### Commissioner Freer

- Thanked Chief Layne for his homework and Peggy Schiavone for the efforts the PRAB put forward. Our new park is getting rave reviews. Learned how to play pickleball. The bricks were installed. They look very nice. Lots of activity in the park. Thinks the effort to remove the recycling is timely.
- Thanked everyone for attending.
- Will talk about Oak Island and how they do things to see if it is a fit for Holden Beach.

### Commissioner Isenhour

- Thinks over the past several weeks it has been refreshing to see people here enjoying this wonderful place. It is nice to see visitors show up and enjoy this beautiful place.
- There was a concern that Holden Beach was going to annex a part of Supply on Facebook. That is not going to happen. Commissioner Freer said the originator of that post has corrected his post after receiving the correct information.

### Commissioner Fletcher

- Blessed to be able to work with the Turtle Patrol. Made it a point to interview as many people as possible as to why they come to Holden Beach. It is the quiet family beach environment that attracts almost everyone he interviews. Told a story about a family who went to Myrtle Beach last year, but the kids wanted to come back. Have a lot of people who enjoy the beach.
- If you are on the beach and in the Central Reach Project region or know someone who is, ask them to sign the easement agreement as quickly as possible. We need it to do the project.

### Commissioner Kyser

- Thanked everyone for coming in the pouring rain. Commended everyone who came. You are very dedicated people and we are glad to see you.
- The response to the Tie Dye Program continues to be very large. Doing it every Tuesday.
- The park next door looks tremendous. The grass and landscaping looks good. The bathrooms are up. Not a day goes by when you don't see it being used. Happy to see that. They were working on the other side of the bridge today. Hopefully that will improve.

## PUBLIC COMMENTS ON GENERAL ITEMS

Mr. Ray Compton stated he remembers getting a notice about numbers on the strand. The biggest problem he had was figuring where to put the post. He suggested that it would be good if the Town indicated where to put the posts and numbers. Mr. Compton added that his wife would like all the same colors.

**EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), TO CONSULT WITH THE ATTORNEY EMPLOYED BY THE PUBLIC BODY IN ORDER TO PRESERVE THE ATTORNEY CLIENT PRIVILEGE BETWEEN THE ATTORNEY AND THE PUBLIC BODY**

Town Clerk Finnell read the reason for going into Executive Session. The Board agreed to go into Executive Session at 8:25 p.m.

**OPEN SESSION**

The Board went back into Open Session at 9:18 p.m.

*Motion by Mayor Pro Tem Royal to call a Special Meeting on August 1<sup>st</sup>, time to be determined during discussion, for the purpose of Discussion and Possible Action on a Resolution of the Town of Holden Beach Authorizing Filing of Condemnation Actions to Acquire Easements for the Town's Central Reach Shore Protection Project; second by Commissioner Fletcher.*

The Board agreed to 7:00 p.m. as the time.

*The Board came to a consensus to have the meeting at 7:00 p.m. on August 1<sup>st</sup>.*

**ADJOURNMENT**

*Motion by Mayor Pro Tem Royal to adjourn at 9:21 p.m.; second by Commissioner Isenhour; 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.

(07/01/2016 - 07/31/2016)

911 Hang Up/Open Line	6	Administrative Call	1
Alarm Activation	6	Animal Complaint	11
Arrest	1	Assist Motorist	12
Assist Officer (HBPD Only)	1	Assist Other Agency	12
Attempt to Locate-ATL	22	Debris	1
Disturbance/Fight	10	Domestic Disturbance	5
EMS/Medical Call	25	Fire Call	7
Fireworks	13	Found Person	1
Found Property	3	Incident Report	18
Intoxicated Subject	1	Investigation	1
Keep Check	2	Lost Property	13
Maintenance Call (Not HB Public Works)	2	Maintenance/Water Leaks(HB Only)	5
Meet with Complainant	18	Missing Person	4
Motor Vehicle Crash (Property Damage Only)	2	Noise/Nuisance Complaint	5
Parking	14	Phone Call (requested to call subject)	24
Public Assist	1	Recovered Property	1
Supplemental ( to prior report - use original OCA)	1	Suspicious Activity	2
Suspicious Person	1	Traffic Control	1
Trespassing	1	Water Rescue	5
Welfare Check	3		

**Total Number Of Events: 262**



Date: August 5, 2016  
To: Board of Commissioners and Mayor Holden  
From: Wally Layne, Police Chief *W. Layne 8/5/16*  
Re: No Parking Zone Request by Chapel

The following Memorandum of Agreement (MOA) and ordinance change are based on a request from the Holden Beach Chapel for a no parking zone from their driveway on Rothschild Street to the parsonage on Brunswick Avenue on the south side of the street. No parking is already designated on Rothschild Street.

Staff recommends approval of the proposed MOA and ordinance change, contingent on the Chapel's approval of the MOA.

#### Attachments

1. Memorandum of Agreement
2. Ordinance 16-13
3. Area Map

**MEMORANDUM OF AGREEMENT  
BETWEEN THE TOWN OF HOLDEN BEACH AND THE HOLDEN BEACH CHAPEL**

This Memorandum of Agreement (MOA) is hereby made and entered into by the Town of Holden Beach, hereinafter referred to as the Town and the Holden Beach Chapel, hereinafter referred to as the Chapel.

**A. PURPOSE:**

The purpose of this MOA is for the Town to enact a No Parking Zone around the Chapel's property, in return for the use of the Chapel's parking lot. The Chapel is concerned with vehicles pulling onto their lawn, breaking sprinkler heads and damaging plantings. The Chapel would like to maintain the beauty of their campus for all of the townspeople to enjoy, keep the parking lot in good repair, and do so without encountering problems from Town right-of-way restrictions. Establishing a No Parking Zone for the Chapel would accomplish this goal.

**B. THE TOWN SHALL:**

1. Update Chapter VII: Traffic Code of the Holden Beach Code of Ordinances to reflect a No Parking Zone on Brunswick Avenue West from Rothschild Street West to a point at the Northwestern corner of the Holden Beach Chapel parcel (# 232OD016)(south side of the street only).
2. Actively enforce any violations of the revised ordinance.

**C. THE CHAPEL SHALL**

1. Allow the use of the Chapel parking lot for the Town and others.
2. Pay for the purchase of the signs to establish the No Parking Zone.

This the 16<sup>th</sup> day of August, 2016.

\_\_\_\_\_  
J. Alan Holden Mayor

\_\_\_\_\_  
Chapel Representative

**TOWN OF HOLDEN BEACH  
ORDINANCE 16-13**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, TITLE VII: TRAFFIC CODE  
(Section 72.03 Parking Prohibited at All Times)**

**BE IT ORDAINED BY** the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Title VII: Traffic Code be amended as follows:

**Section One:** Amend Section 72.03 Parking Prohibited at All Times to read as follows (changes in red):

**72.03 PARKING PROHIBITED AT ALL TIMES.**

(A) No person shall park a vehicle at any time upon any of the streets or parts thereof described in this ordinance. ('85 Code, § 7-3.1) (Ord. 9-84, passed -- ; Am. Ord. 3-85, passed -- ; Am. Ord. 14-85, passed -- )

(B) In accordance with the provisions of division (A) of this section, no person shall park a vehicle at any time upon any of the following described streets or parts of streets. These prohibitions shall not apply to the temporary parking of emergency, governmental, public and private utility and private vehicles being used during the provision of emergency or other bona fide governmental or public or private utility service

(C) No person shall park a boat trailer at any time in the Municipal Parking Area under the bridge. This area is described as the area between Jordan Boulevard North from Carolina Ave and West from the Eastern most point of Jordan Boulevard for a distance of 200 feet on any roadway surface or right of way.

**Name of Street Location**

All streets which intersect directly with Ocean Boulevard East and West from the center line of Ocean Boulevard North and or South for 125 feet; unless specifically mentioned otherwise herein.

Avenue A	No parking within 25 feet of any intersection with any street
Avenue B	No parking within 25 feet of any intersection with any street
Bendigo	No parking within 25 feet of any intersection with any street
Ranger (extended Southward through right-of-way of Hillside Drive)	No parking within 25 feet of any intersection with any street <i>Exception: All parking shall be designated by signs.</i>
Holden	No parking within 25 feet of any intersection with any street
Elizabeth	No parking within 25 feet of any intersection with any street

Ferry	On the South side of Ocean Boulevard East, no parking within 25 feet of any Intersection with any street
Cole Street	From center line of Ocean Boulevard West northward for 30 feet
Davis Street	From center line of Ocean Boulevard West northward for 30 feet
Dunescape Drive	No parking within 25 feet of any intersection with any street.
Ocean Boulevard East	beginning at Jordan Boulevard to its eastern terminus where State Maintenance Ends
Ocean Boulevard West Holden	beginning at Jordan Boulevard to its western terminus excluding the Beach West gated Subdivision.

**Exceptions:**

The Southern right-of-way from a point directly across from the western right-of-way of Burlington Street to a point directly across from the eastern right-of-way of Durham Street

**McCray Street. No Parking;**

- 1) On North side of street from Dunescape Drive to a point 125 feet East from the center line of Dunescape Drive at McCray Street,; and
- 2) On South side of street from the center line of Dunescape Drive at McCray Street to the Eastern Terminus; and
- 3) Ave A and the Eastern terminus of Ocean Boulevard East.
- 4) Ocean Boulevard East Extension. No parking South side of street from Ave A East to Dunescape Dr.

**Rothschild Street** No parking, except North of Brunswick Avenue West. *(This restriction is in the current ordinance, this is just to correct the formatting.)*

**Brunswick Avenue West** No parking from Rothschild Street, west to a point at the northwestern corner of the Holden Beach Chapel parcel #232OD016. Prohibition applies to the south side of the street only.

(C) No person shall park a boat trailer at any time in the Municipal Parking Area under the bridge. This area is described as the area between Jordan Boulevard North from Carolina Ave and West from the Eastern most point of Jordan Boulevard for a distance of 200 feet on any roadway surface or right of way.

('85 Code, Ch. VII, Sched. I) (Ord. 6-86, passed 4-18-86; Am. Ord. 94-08, passed 4-4-94; Am. Ord. 94-16, passed 7-20-94; Am. Ord. 95-08, passed 6-5-95; Am. Ord. 95-17, passed 9-20-95; Am. Ord. 96-04, passed 6-3-96; Am. Ord. 97-15, passed 10-28-97; Am. Ord. 00-07, passed 3-13-00; Am. Ord. 02-05, passed 4-8-02; Am. Ord. 05-07, passed 7-25-05) Penalty, see § 70.99

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

**Section Three:** This ordinance shall be effective the 17<sup>th</sup> day of August, 2016.

Adopted this the 16<sup>th</sup> day of August, 2016.

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk





Google earth

feet  
meters



Red line = current no parking  
 yellow line = requested no parking

# Pointe West

July 5, 2016

Dear Board of Commissioner's:

The property owners in Pointe West are requesting that a parking accommodation be made for our subdivision. Since the Traffic Code Ordinance is being revised we would like the Board to add - parking on both Tide Ridge Drive and Pointe West Drive be prohibited at all times.

Pointe West subdivision was marketed as a private community with a POA  
**Pointe West Subdivision / Public Declaration of Covenants, Restrictions, and Conditions**  
 Article II / Section 3 / Paragraph H

**Parking on Tide Ridge Drive and Pointe West Drive shall be prohibited at all times**

**Pointe West Property Owners Association / Rules & Regulations Handbook**

Section - Community Safety and Security / Vehicle Use and Parking

- 1) All property owners' vehicles shall be parked only in garages, carports, driveways.
- 2) No parking on the street is permitted.
- 3) No parking on community property / common areas is permitted.
- 4) No parking on owners' lawns is permitted.

Pointe West has had numerous parking and trespassing issues in the past. There is no street parking allowed in Pointe West and is clearly signed as such. Excluding property owners there is no reason for the public to park in Pointe West. Tide Ridge Drive runs parallel to OBW and has turnarounds at both ends of the street essentially making it a dead-end street. There is not any access to anything other than our two private amenities. The nearest public beach access point is over a quarter mile away. So the only reason that vehicles have parked on the street in the past is to use one of our private amenities; in other words, to trespass. That's why we initially requested signage. Public Works, at our request, put up No Parking Anytime signs throughout the community in the right-of-way. In January 2012 we approached the Town with a request to add Pointe West to Chapter 72: Parking Schedules in the Code of Ordinances. Since we had the signs we were told it was not necessary to change the ordinance.

At some point in time the roads were transferred to the Town by the Developer. In 2014 we were informed that if our rules differ from the Town's policy on parking along public streets the town ordinances will now prevail. Since they are now public roads the public has a right to park in the right-of-way excluding regulated areas. Therefore, **covenants prohibiting Parking on Tide Ridge Drive and Pointe West Drive cannot be enforced.** In August 2014 we approached the Board again. Although the Board was sympathetic to our situation they were unwilling to prohibit parking in Pointe West.

*The Pointe West Board of Directors would like to request the following accommodations:*

- 1) Pointe West Drive - we are requesting no parking on both sides of the street*
  - a) Community entry way where most of the area is already regulated*
    - Only @125 feet on each side of the street is currently not regulated*
    - Street intersections / Driveways / Fire hydrant*
    - Extensive landscaping on both sides of entry way*
  
- 2) Tide Ridge Drive - we are requesting no parking on both sides of the street*
  - a) ICW access point - trespassing issues*

*Alternative - request would be restricted to our ICW access point only*

- No Parking zone of fifty (50) feet on both sides of the ICW access walkway*
- No Parking zone of hundred (100) feet on the other side of the street*

*The POA appreciates your consideration of this matter. We are available to discuss the situation with you by phone or in person if that will help. Thanks in advance!*

*Sincerely,*

*Pointe West POA Board of Director  
Lou Cutajar*

*Loa Cutajar*



Date: August 8, 2016  
To: Commissioners and Mayor Holden  
From: David W. Hewett, Town Manager  
Re: Creation of a Municipal Service District

Establishment of a municipal service district (MSD) is a requirement for the issuance of special obligation bonds.

Recent legislation requires approval of an ordinance establishing a MSD at two meetings. The August 16, 2016 public hearing and subsequent consideration is the first of the two required meetings. A second meeting will need to be scheduled; at which time the Board may consider adopting the ordinance in its final form.

I recommend scheduling the special meeting on Monday, August 22<sup>nd</sup> at 9:00 a.m.



## Town of Holden Beach "The Family Beach"

### Beach Nourishment Project Report Establishment of a Municipal Service District For Beach Erosion Control and Flood and Hurricane Protection In Accordance with NCGS 160A 535- 160A 544

**1. The attached map identifies the proposed Municipal Service District (MSD).**

This project allows for placement of up to 1.31 million cubic yards along 4.1 miles (22,000 feet) of shoreline, with boundaries of 240 Ocean Boulevard East to 781 Ocean Boulevard West.

**2. Statement showing that the proposed district meets standards set out in NCGS 160A-537(a):**

The Town is committed to a comprehensive beach management and maintenance program to protect and enhance the beach system. This beach management plan identifies areas within the MSD as being subject to significant and chronic erosion. Properties in the MSD will benefit from a beach nourishment project by the direct protection of these properties from damage to structures that result from erosion and storm damage. The beach nourishment project is designed to limit damage from erosion and storms, thus protecting structures from this damage. Beach nourishment provides a wide recreation beach which protects structures of historic significance; maintains a tax and economic base; and protects town infrastructure and facilities including public beach access areas.

The proposed district is in need of this project to a demonstrably greater extent than the remainder of the town in order to meet the needs and goals set forth above.

**3. Plan for providing proposed services in the Municipal Service District:**

The Town's permitted Central Reach Nourishment Project represents the largest beach fill project to date on Holden Beach. The project includes dredging and placement of up to 1.31 million cubic yards, along 4.1 miles (22,000 ft) of shoreline. The project boundaries are 240 Ocean Boulevard East to 781 Ocean Boulevard West. The sand will be dredged from an approved borrow area offshore. The MSD is at greater risk of damage as evidenced by historical erosion trends in this area as compared to the remainder of the Town.

**ORDINANCE 16-14****ORDINANCE ESTABLISHING AND CREATING A TOWN OF HOLDEN BEACH MUNICIPAL SERVICE DISTRICT**

WHEREAS, Chapter 160A, Article 23 of the North Carolina General Statutes authorizes towns within North Carolina to define service districts to finance, provide, or maintain for such districts one or more services, facilities, or functions in addition to or to a greater extent than those financed, provided or maintained for the entire city; and

WHEREAS, said statutes further provide that the town may define a service district for the purpose of beach erosion control and flood and hurricane protection works; and

WHEREAS, acting in response to a need for action in order to protect the tax and economic base and protect town infrastructure including facilities for public recreational access, the Board of Commissioners for the Town of Holden Beach has determined that the creation of a municipal service district for erosion control and hurricane protection works will be for the benefit of those properties located within the service district boundaries; and

WHEREAS, the Board of Commissioners for the Town of Holden Beach further finds that the proposed district is in need of projects and programs to the standards of G.S. 160A-537(a) to a demonstrably greater extent than the remainder of the town to meet the needs and goals set forth above; and

WHEREAS, pursuant to such determinations and in accordance with applicable provision of the General Statutes, the Board of Commissioners for the Town of Holden Beach has defined such a district, and does determine, as a fact, that the proposed district is in need of one or more of the services, facilities, or functions listed in G.S. 160A-536(a) to a demonstrably greater extent than the remainder of the town; and,

WHEREAS, a map of the proposed district showing proposed boundaries, a copy of which is attached hereto and incorporated by reference, a statement showing that the proposed district meets the standards set out in G.S.160A-537(a), and a plan for providing in the district one or more of the services listed in G.S. 160A-536 has been created; all of which has been incorporated into a report which has been available for public inspection in the office of the Town Clerk for four (4) weeks prior to the public hearing on the matter of the establishment of the service district; and

WHEREAS, the Board of Commissioners for the Town of Holden Beach has caused a notice of such hearing to be duly published in the Brunswick Beacon, a newspaper having general circulation in the Town of Holden Beach and Brunswick

County, said hearing having been conducted on August 16, 2016, and the Town Clerk has certified to the Board of Commissioners that the mailing of notice of hearing has been completed, all in conformity to G.S.160A-537(c).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE TOWN OF HOLDEN BEACH, NORTH CAROLINA that:

1. The Town of Holden Beach has fully complied with each and every requirement of Chapter 160A, Article 23 of the North Carolina General Statutes and determines and finds same as a fact.

2. The Holden Beach Erosion Control and Flood and Hurricane Protection Works Municipal Service District for erosion control and flood and hurricane protection works is hereby established and created in accordance with the following description:

Proposed District: Contained within the boundaries of the Atlantic Ocean to the South, State Road 1116 and Ocean Boulevard East to the North; tax parcels 232MM005 and 232MM011 inclusive and containing that portion of Brunswick Street lying between and adjacent to said parcels, to the East; 781 Ocean Boulevard West inclusive to the West; and more particularly being the property as shown within the boundaries set forth on that certain map attached hereto as Exhibit "A" and incorporated herein by reference, to which reference is made for a more complete and accurate description of the boundaries of the Holden Beach Erosion Control and Flood and Hurricane Works Municipal Service District.

3. Special obligation bonds are anticipated to be authorized for beach erosion control and hurricane protection works within the Municipal Service District and therefore this ordinance shall be effective immediately upon its adoption.

ADOPTED the \_\_\_\_\_ day of August, 2016.

\_\_\_\_\_  
J. Alan Holden, Mayor

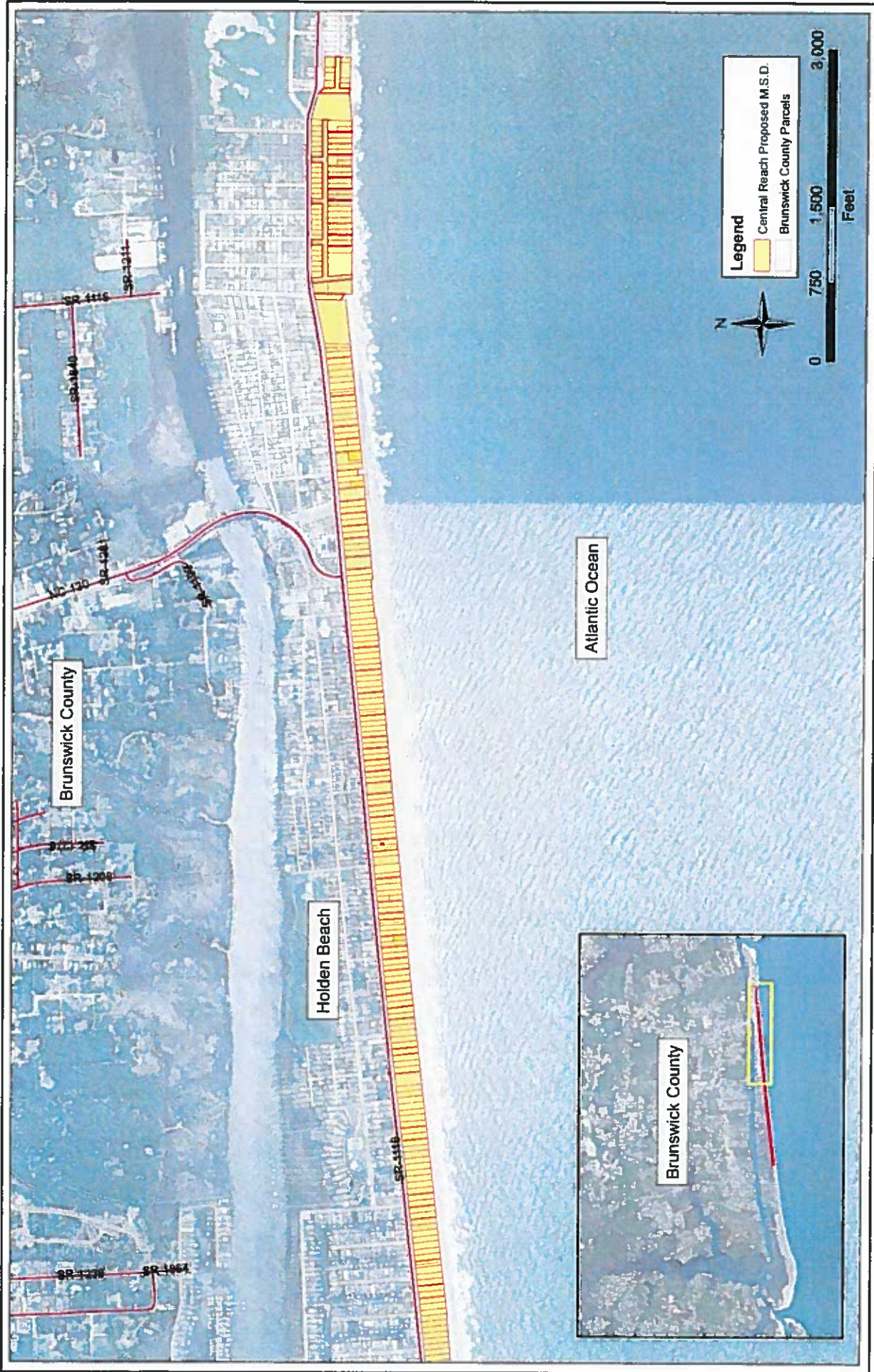
ATTEST:

\_\_\_\_\_  
Heather Finnell, Town Clerk

(Town Seal)





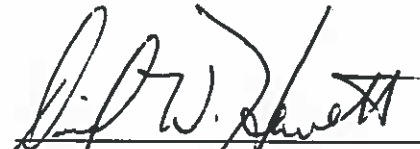


**TO THE HONORABLE MAYOR HOLDEN AND BOARD OF COMMISSIONERS OF THE TOWN OF HOLDEN BEACH:**

I, David W. Hewett, Town Manager of the Town of Holden Beach, North Carolina, do hereby certify that notices of the public hearing required to establish a Municipal Service District were mailed by first class mail on the 12<sup>th</sup> day of July 2016, to the owners of the properties within the proposed district, as shown on county tax records.

This certificate is conclusive in the absence of fraud.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Holden Beach, North Carolina, this the 12<sup>th</sup> day of July, 2016.

  
\_\_\_\_\_  
David W. Hewett, Town Manager





Date: August 8, 2016

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk *H.F.*

Re: Board Vacancies

There is one alternate member vacancy on the Planning & Zoning Board. Greg Shue, Tony Marwitz, Robert Ingraham and Joe Butler are interested in filling the vacancy.

Greg Shue and Tony Marwitz are scheduled to be interviewed at 6:45 p.m. at the special meeting. Robert Ingraham and Joe Butler have been interviewed previously. All of their resumes are included in the packets for your review.

Please let me know if you have any questions.



### RESUME FORM

Date: 3/1/08

Municipal Board or Committee  
in which you are interested: PEZ  
BOARDS OF ADJUSTMENT

Name: C.A. "Tony" MacWitz Phone (Home): 842-8993  
(Work): \_\_\_\_\_

Address: 118 FRIGATE DR

Occupation/Employer: RETIRED

#### Educational Background:

School (s)	Dates	Area of Study	Degree
<u>N.C. STATE</u>	<u>59-1963</u>	<u>ENGINEERING</u>	<u>BSEE</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

#### Places you have lived, length of residence (in reverse order):

- (A) Holden Beach Dates: 94-PRESENT
- (B) RICHMOND VA Dates: 74-94
- (C) CHARLOTTE NC Dates: 65-74

Specific experiences, training or interests which you have that you feel would be useful in the work of this Board or Committee.

EXTENSIVE KNOWLEDGE OF COASTAL N.C. BUILDING REQUIREMENTS  
" " OF N.C. BUILDING CODES  
12 YEARS OF EXPERIENCE IN BUILDING INDUSTRY IN  
COASTAL N.C.

Submitted by: C.A. MacWitz

## RESUME FORM

Date: 12-7-15Municipal Board or Committee  
in which you are interested: ANTName: Robert R. Ingraham Phone (Home): \_\_\_\_\_  
(Work): 704-941-8083Address: 239 Ocean Blvd WestEmail Address: robert@foreseasonsllc.comOccupation/Employer: Fore Seasons LLC

## Educational Background:

School (s)	Dates	Area of Study	Degree
<u>NCSU</u>	<u>1969-1972</u>	<u>Engineering</u>	<u>EIT</u>
<u>UNCC</u>	<u>1972-1973</u>	<u>Engineering Mgmt</u>	<u>PE</u>
_____	_____	_____	_____
_____	_____	_____	_____

## Places you have lived, length of residence (in reverse order):

- (A) 300 McDonald, Charlotte NC 28202 Dates: 2002-2007  
 (B) 90 E. MLK, CH NC. 28202 Dates: 2002-2015  
 (C) 8 Springs Valley Ct Zirkow NC 28374 Dates: 2007-2015

Specific experiences, training or interests which you have that you feel  
would be useful in the work of this Board or Committee.

Business owner who has operated a Residential/Commercial Building Company  
in NC, SC + TN since 1973. Over 6000 units built. Past  
President Charlotte HBA, 1995 NC HBA President. HBA board member and past vice chair  
Builders Mutual Finc past vice chair. Built homes in the 60s/70s NC counties:  
Moore, Mecklenburg, Cumberland, Brunswick, Fiedell, Gaston, Stanly, Cabarrus, Hargett

Submitted by: RI



### Town of Holden Beach Adjustment Application

Date of Request: 1/11/2016

Name: Joseph Butler

Service Address: 169 BRUNSWICK AVE EAST

Account #: \_\_\_\_\_

Telephone #: 910-846-2185

Reason for requesting an adjustment: APPLYING FOR BOARD OF  
ADJUSTMENT POSITION

If requesting an adjustment due to a leak please provide location: N/A

**\*\* Please attach a copy of the plumbing repair invoice or a copy of the receipt for any parts purchased to repair the leak. \*\***

Applicants Signature: [Signature]

**\*The Following is for Office Use Only\***

Date of billing requiring adjustment: N/A

House or Irrigation Meter: \_\_\_\_\_

Customer notified of adjusted total due on: \_\_\_\_\_