



Town of Holden Beach
Board of Commissioners
Regular Meeting

Tuesday, January 16, 2018
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, JANUARY 16, 2018 - 7:00 P.M.**

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 December 19, 2017 (Pages 1 – 12)
6. Public Comments on Agenda Items
7. Police Report – Chief Wally Layne (Page 13)
8. Quarterly Budget Report – Town Manager Hewett (Pages 14 – 16)
9. Discussion and Possible Approval of Resolution 18-01, Resolution Approving BB&T Signature Card – Town Clerk Finnell (Pages 17 – 18)
10. Discussion and Possible Nomination of a Board of Commissioners' Member to Serve as the Audit Committee Chair – Per Town Ordinance (Page 19)
11. Beach Vitex Report – Building Official Evans (Page 20)
12. Report on Speed Reducing Devices for Shell Drive – Building Official Evans (Page 21)
13. Discussion and Possible Scheduling of a Date to Interview Candidates for Vacancy on the Planning & Zoning Board – Town Clerk Finnell (Pages 22 – 23)
14. Discussion and Possible Action on Recommendation from Citizen Advisory Committee Report on Parking for Implementation Prior to the 2018 Beach Season – Commissioner Butler (Pages 24 – 25)
15. Discussion and Possible Action to Remove “or sibling” from §30.25 Commissions, Boards, Agencies and Authorities Established by Ordinance or Under the Authority of the BOC – Commissioner Freer (Page 26)
16. Discussion and Possible Action to Establish the Inlet and Beach Protection Board – Commissioner Freer (Pages 27 – 31)

17. Discussion and Possible Scheduling of a Date for a Special Meeting to Hold an Executive Session to Discuss a Personnel Matter (Town Manager's Performance Evaluation) – Commissioner Kwiatkowski
18. Town Manager's Report
19. Mayor's Comments
20. Board of Commissioners' Comments
21. Public Comments on General Items
22. Adjournment



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, DECEMBER 19, 2017 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, December 19, 2017 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem John Fletcher; Commissioners Ashley Royal, Peter Freer and Ken Kyser; Commissioner-Elects Mike Sullivan, Pat Kwiatkowski and Joe Butler; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Public Works Director Chris Clemmons; Building Official Tim Evans; Shoreline Protection and Recreation Manager Christy Ferguson; and Town Attorney Noel Fox.

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 correct and replace item number 21 of the agenda to read as follows: Discussion and Possible Action of Hiring of Special Environmental Council.

Commissioner Freer said this item was discussed with the Town Attorney. The intention was to hire an environmental lawyer who would report directly to the Board. He apologized for the confusion.

The motion was seconded by Mayor Pro Tem Fletcher and approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Fletcher to approve the minutes of the Regular Meeting of October 17, 2017; second by Commissioner Kyser; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Lewis Mitchell thanked Town Manager Hewett and Shoreline Protection and Recreation Manager Ferguson for their work on the grant and the Board for proceeding with it. He said in the past the canal owners have always paid 100% for dredging. He said it is nice to have some help with the cost.

PRESENTATION OF PLAQUES

Town Manager Hewett presented a plaque to the outgoing Board of Commissioners. Mayor Holden presented plaques to Commissioner Royal and Commissioner Kyser for their service to the Town. Kim Isenhour was unable to attend the meeting to receive her plaque.

BOARD OF COMMISSIONERS' COMMENTS

Commissioner Royal congratulated the new Board and Mayor. It represents the public's view of your perspective. He took leadership training years ago; a professor talked about how to give effective speeches. It comes down to seven words, be brief, be brilliant and be gone. His only advice to the Board is to temper your perspective with as best as you can determine to be the will of the people because it is the people we serve. Commissioner Royal wished the Board fair winds, following seas and God speed.

Commissioner Kyser congratulated the people elected in the last election and thanked Town staff for their support over the past 10 plus years. He thanked the Town's people for giving him the privilege and honor of representing them as a commissioner for such a long time. It has been an enjoyable experience. Commissioner Kyser said the Board should try to do what is right for the Town and not necessarily what you think is right, which is sometimes hard to do when you are sitting as a commissioner.

OATH OF OFFICE TO THE 2017 – 2019 BOARD OF COMMISSIONERS – JUDGE FRED GORE

Judge Gore administered the Oath of Office to Mayor J. Alan Holden and Commissioners Mike Sullivan, Pat Kwiatkowski, Joe Butler, John Fletcher and Peter Freer.

ELECTION OF MAYOR PRO TEMPORE

Commissioner Fletcher nominated Mike Sullivan to serve in the role of Mayor Pro Tempore for the next year. The Board all agreed.

ELECTION OF EXECUTIVE SECRETARY

Motion by Commissioner Fletcher for Peter Freer to be Executive Secretary and to continue with the role he had the last year; second by Mayor Pro Tem Sullivan; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF 2018 BOARD OF COMMISSIONERS' MEETING SCHEDULE

Town Clerk Finnell explained the proposed schedule reflects the 3rd Tuesday of each month, which is the current schedule. Commissioner Freer asked to move the March 20th meeting to March 27th. Mayor Pro Tem Sullivan asked to move the May 15th meeting to May 8th and the July 17th meeting to July 10th. Commissioner Kwiatkowski said she won't be available October 16th and would like to delay the meeting to October 23rd. Attorney Fox said she is not available for meetings that occur on the 2nd Tuesday of the month. The Board would like to address the dates individually. Town Manager Hewett explained that when you delay a meeting by a week that gets into the publishing of the agenda for the

next meeting. Mayor Holden stated he still works and serves on boards and committees. He said he will do the best he can, but two years ago he shuffled his schedule to comply with this schedule and he is not sure if he can accommodate this change. The Board discussed the following schedule:

January 16th
 February 20th
 March 27th
 April 17th
 May 8th
 June 19th
 July 10th
 August 21st
 September 18th
 October 23rd
 November 20th
 December 18th

Motion by Commissioner Fletcher to approve the meeting schedule; second by Commissioner Freer; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF 2018 BUDGET SCHEDULE PROCESS AND SCHEDULING OF A DATE TO HOLD A STRATEGIC WORKSHOP

Commissioner Freer said he thinks the Board needs to pick a date to start the budget process. Town Manager Hewett suggested holding the Strategic Workshop on the day of the next Board meeting, January 16th. He suggested the Board would benefit from setting out their priorities. He would like to functionally group the priorities. Town Manager Hewett asked the Board to entertain a briefing from Fran Way, the beach engineering consultant. He can cover any beach related perspectives. Commissioner Freer said that sounds good.

Motion by Commissioner Fletcher to select January 16th to hold the workshop. Commissioner Freer suggested holding it at 9:00 a.m.

Commissioner Freer said the rest of the schedule can be developed at that time. Town Manager Hewett asked for the Board to submit their availability and priorities to him by the Friday prior to the meeting. He will hand them out at that meeting.

DISCUSSION AND POSSIBLE ADOPTION OF RULES OF PROCEDURE FOR THE BOARD OF COMMISSIONERS

Town Clerk Finnell explained the Board is required to adopt Rules of Procedure per the Town's Code of Ordinances. She included two versions for the Board's review, the version the 2015 – 2017 Board adopted when entering office and the Suggested Rules of Procedure for a City Council which was recently released by the School of Government. The Board can choose either version, combine them or make any amendments. Commissioner Kwiatkowski asked if the Board could continue under the

current rules until after the members take an upcoming governance course. She said at that time the Board might be able to make a more informed decision. Town Clerk Finnell replied that would be okay.

Motion by Commissioner Kwiatkowski to continue under the current rules and revisit this in February after they have had their course; second by Commissioner Fletcher; approved by unanimous vote.

POLICE REPORT – CHIEF WALLY LAYNE

- So far we are in good shape. No crime waves on the island. Not one break-in reported here, Ocean Isle or Sunset.
- Welcomed the new board, looks forward to working with them.
- Hopes everyone has a merry Christmas and a safe and happy 2018.

CITIZEN ADVISORY COMMITTEE REPORT ON PARKING – MARK FLEISCHHAUER

Mark Fleischhauer said the written report is on the table. There was a mistype, Vicki Myers is the Planning & Zoning Board (P&Z) chair. He was the chair of the committee. He and Mrs. Myers served as the P&Z representatives on the committee. At large members were Bob Bayless, Joe Butler and Hudson Bullard. He described the process the committee took. They had a lot of public input. Mr. Fleischhauer reviewed the issues the committee was asked to address. He showed a listing of CAMA beach accesses in the Town and the available public parking spaces by those sites. There are 426 total spaces. He said there is a red dot that represents 96 spaces, which is Jordan Boulevard to the Pavilion. He showed a highlighted area; they believe there are up to 200 spaces on the marsh side of the canal neighborhoods. He said the red spaces on his presentation were based on a subcommittee that went out, walked the spaces and estimated with reasonable criteria how many cars should fit there. Of the 96 spaces, they aren't all clearly marked. This was based on a more logical layout.

Mr. Fleischhauer discussed where you may be able to get more parking out of Town owned properties. He talked about the maps where Town owned properties were highlighted. He said the Town owns lots that from an original community design standpoint might have been streets, but are vacant lots. One consideration would be that the lots could be cleared and diagonal parking on one-way streets could be made. He said they believe you could get 20 – 30 spots in each of those areas, for a total of 40 – 60 potential spots if the Town chooses to develop them. A couple of Town representatives drove all over the island and looked at right-of-way (ROW) parking. They estimated about 350 spaces. He said there are a lot of commercial property lots where a lot of people park, but they aren't doing commercial business. The businesses don't enforce commercial parking. That could change if the ownership or usage changes. There is another area in the 800 block; the Town owns about four or five parcels there. Mr. Fleischhauer said Building Official Evans looked at it and believes you could get as many as 40 spaces in it, with an organized parking lot.

Mr. Fleischhauer said they solicited other communities including Sunset Beach, Ocean Isle, Oak Island, Caswell Beach, Kure Beach and Topsail Beach. He said Holden Beach is in favorable standing in terms of welcoming outsiders to our beach. He doesn't think anyone proportionally had more spaces than they calculated can be provided. He said Ocean Isle and Sunset Beach have paid parking, but they are

privately run. The only public paid parking is at Kure Beach and it is on a trial basis. Mr. Fleischhauer said no one has as lenient ROW parking as the Town has.

Mr. Fleischhauer said the committee explored options with several firms regarding paid parking. He thinks the committee felt the parking problem is restricted to just a couple of days a year and the Town would be putting in an elaborate system that probably wouldn't get economically utilized.

Mr. Fleischhauer explained that the committee looked at state statutes, county and CAMA regulations and solicited information and basically there are no stipulations that require a certain amount of spaces. He said when you apply for grants, part of the process is to say how much public parking there is available. He said it is a public beach, you have to make it accessible to the community, but he thinks the committee feels the Town does more than an adequate job with public parking. At one point, the committee said no ROW parking, then they subsequently realized that unintended consequences could arise. They believe the existing ordinance that allows homeowners to landscape and put up other devices is sufficient for individuals that do not want people to park there. They think it is an individual homeowner determination.

The committee thinks the Town needs to do a better job of publicizing authorized parking. They suggested a unique sign by color be posted and to put a map on the website. They suggested dividers in the Jordan Boulevard area. The Town does have three parcels of land that could be converted to parking. Mr. Fleischhauer said at the P&Z meeting, some of the members discussed that additional enforcement may be need.

Commissioner Butler said the committee did a great job in evaluating and identifying spots. He suggested putting this item on the January agenda for the Board's discussion. He said if the Board doesn't look into taking some of the recommendations, before we know it, it will be summer. He put together a document identifying the action steps to be implemented before the summer season. He explained the suggestions on his list. He is recommending putting it on the January agenda. He suggested it could even be discussed in the planning meeting. There were no objections from the other Board members.

Town Manager Hewett said as far as required parking spaces for grants it may be true that there is not any grant requirements for parking spaces, but there is a set of criteria for calculation of the recreational benefit in the evaluation of the decision document that contributes to the decision on if the 50-Year Project is recognized as feasible. He said we can do a deep dive and bring that back to the Board. We will need to talk about the Town's participation in the 50-Year Project going forward. It's out there, but has been static for some time. That could also be discussed at the planning meeting. Town Manager Hewett said Holden Beach, Oak Island and Caswell are trying to obtain a 50-Year Project. We have been trying to become part of the authorization since about 1995. This would be obtaining a federal authorization, 65% federal money would fund beach nourishment, with 35% being provided by the local government. This is a beach project that is one facet of the Land Use Plan. The Land Use Plan is a host of other interrelated issues affecting Holden Beach. He will make sure to discuss that at the planning meeting.

DISCUSSION AND POSSIBLE APPROVAL OF AGREEMENT BETWEEN THE TOWN AND GREEN ENGINEERING, PLLC FOR ENGINEERING SERVICES FOR STRUCTURAL AND MECHANICAL MODIFICATIONS TO VACUUM SEWER PUMP STATION NUMER 4

Public Works Director Clemmons congratulated the new Board. He reviewed the memo requesting the Board to approve the agreement with Green Engineering for the sewer system updates for Pump Station #4. He provided background up to this point. Commissioner Freer inquired if the project end date could be pulled into 2018. He also said there is a blank in Section 10.4. He said it is a placeholder for the name of a mediation firm. Attorney Fox said her recommendation is that the Board approve the contract with a revision of ending that sentence with disputes to mediation and not naming a firm for mediation. Commissioner Butler said this is such a critical project; he would like to know the status of the project, maybe at the monthly meetings. Commissioner Freer said he would like a written monthly status report. He would like the Board to be privy and approve the final plan and any change orders. Town Manager Hewett said by statute all change orders would need to be approved by the Board. Commissioner Freer asked the maximum Green would charge the Town if he doesn't perform all of the actions in the contract because the bids come back very high. Town Manager Hewett responded that if the bids come in high there is a negotiation process that would be adhered to. Attorney Fox reviewed Section 5-1. Payments are paid monthly in proportion to the satisfactory work performed. Town Manager Hewett talked about Commissioner Freer's question on moving the end date to 2018. Green is proposing six months, plus two weeks startup. He said that is standard. The Board talked about process and the date. Town Manager Hewett said in conversations with Mr. Green, he has said he might be able to get it built and stood up shortly after Labor Day. He thinks we need to allow some wiggle room. Commissioner Fletcher asked who is doing the RFQ for the construction. Town Manager Hewett replied Mr. Green. Mayor Pro Tm Sullivan asked if Building Official Evans looked at this. Building Official Evans replied that it addressed everything the Board approved and everything in his opinion that was lacking when it was installed. Town Manager Hewett added that Building Official Evans has to approve the build.

Motion by Commissioner Freer to accept the agreement; second by Commissioner Fletcher; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-10, RESOLUTION IN SUPPORT OF THE WATER RESOURCES DEVELOPMENT GRANT FOR CANAL MAINTENANCE DREDGING

Shoreline Protection and Recreation Manager Ferguson congratulated the new Board. The North Carolina Shallow Draft Navigation Fund is beginning to open more avenues of giving money towards navigation, other than just inlet dredging. There are only two application times per year so we took the initiative to apply for the grant to meet the deadline. We have preliminary approval for \$1,439,922 based on the Master Plan that the Board approved earlier in the year. We need a resolution of the Board to finalize the application. Shoreline Protection and Recreation Manager Ferguson asked that based on the timeline, that the Board not only approve the resolution, but also make a motion to let Town Manager Hewett execute the contract when it comes in so it doesn't hold up the process. Commissioner Freer asked if this has an expiration or if it is mapped with the schedule in the Master Plan. Shoreline Protection and Recreation Manager Ferguson replied it will have an expiration date when it is sent, but it is mapped with the schedule. Town Manager Hewett said the Master Plan does

have a schedule, this accelerates the one that would only have the entrance canal this time. It is a full cleanout in one swoop. The grant is only good for two years. Shoreline Protection and Recreation Manager Ferguson said this does have the backing of the working group. It is a reimbursement grant; everyone still has to pay their assessments. The Town will pay the bill upfront, then we will get reimbursed when we show satisfactory evidence that we completed the requirements. There is no guarantee that these funds will be here next time we do a project. The reimbursement will go back into the Canal Dredging Fund. Commissioner Kwiatkowski asked about item 7 in the resolution. Shoreline Protection and Recreation Manager Ferguson said the Town has to show we are providing transportation for everyone, it is not private. Town Manager Hewett added those are public trust waters.

Motion by Commissioner Freer to accept the resolution and recommendation of allowing Town Manager Hewett to execute the contract, second by Commissioner Fletcher; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACCEPTANCE OF REAL PROPERTY GIFT, 158 MARLIN STREET, PARCEL #246AC001

Town Manager Hewett stated that Ernie Crews, the principal of Sawgrass LLC contacted him and offered to gift deed the property at the northeast end of Marlin Street. The tax value is \$32,000. The County taxes are paid. The outstanding Town taxes and assessments totals \$1,345. It is not a sufficient size to construct a single family dwelling. Up until today, the bulkhead maintenance requirement wasn't known. The property could support two to four parking spaces and it could be used to access public trust waters (the canal system that connects to the ICW). Acquiring the property seems to be consistent with the Land Use Plan, which sets forth a goal of improving access to the beaches and public trust waters within corporate limits and also maximizing recreation opportunities for residents and visitors. It also seems the use of the property for public recreational activities is compliant with the restrictive covenants, which he provided in the packets. Town Manager Hewett said in consultation with Attorney Fox, she has surmised the covenants probably aren't even enforceable. He is not certain as to what type of expense we could be getting into. It looks like there is about 50 feet of bulkheading that needs to happen and he is not sure what we would be getting into in terms of reoccurring expense for the Town. He estimates it could be in neighborhood of \$40,000 to put a bulkhead in. He talked about the existing rip-rap. He can't recommend for or against the acceptance of the gift. He can't get an answer on the expense by the end of the year. Commissioner Freer asked if parking would be allowed in the zoning. Town Manager Hewett replied he believes Town facilities are exempt. The lot adjacent to it is vacant. There is a dredging assessment fee for that lot that would need to be paid. Commissioner Kwiatkowski asked about the types of things he would be proposing. She reviewed a part of the covenants. Town Manager Hewett said with his brief look at it the things that came to mind would be clamming, fishing and possibly a kayak launch. He doesn't know if a full blown dock could be built there. Attorney Fox said the covenants are referenced in the deed, but they contain a paragraph they terminate in 1975.

DISCUSSION AND POSSIBLE ACTION OF HIRING OF SPECIAL ENVIRONMENTAL COUNSEL

Motion by Commissioner Freer that the Board of Commissioners adopt the resolution previously distributed to the Board of Commissioners engaging Mr. Clark Wright Esquire of the North Carolina firm of Davis Hartman and Wright to serve as legal advisor to the Board with respect to beach protection and other environmental issues currently facing the Board. As a Board we currently confront a number of potentially serious and costly issues related to beach protection, inlet dredging and navigability, legal rights of private property owners along the oceanfront and challenges including threats of cost of litigation by public interest groups, all related to ongoing project, plans and permits. This Board needs to be proactive in addressing these issues and threats and we cannot do that without sophisticated legal advice. Commissioner Freer circulated Mr. Wright's firm's draft engagement letter. He said many of us, including the Town attorney, Noel Fox, have worked with Clark Wright in the past and are very familiar with his impressive qualifications. Most recently, Clark worked effectively with the Town on behalf of the Holden Beach Property Owner's Association to effectively resolve property owner concerns about the implementation of the Central Reach Project. The HBPOA and Clark worked very constructively to help resolve potential costly disputes that could have seriously delayed or even derailed the Central Reach Project. Briefly, Clark is the Senior Environmental Law Partner with the North Carolina firm of Davis Hartman and Wright. His undergraduate and law degrees are from UNC and prior to private practice he was a Senior Attorney in the North Carolina Environmental Protection Division. He has a longstanding working relationship with key players, including North Carolina CAMA, Federal EPA and the Wilmington Office of the US Corps of Engineers. Mr. Wright's time will be billed at a significant discount rate of \$330 per hour from the standard rate of \$450 per hour. His engagement letter will be delivered to the Town Attorney for review and approval (it already has). Mr. Wright will report to the Board at an Executive Session to be scheduled within the next 30 days to provide a legal overview and to make recommendations with respect to currently pending beach nourishment and environmental issues and during this brief review period the Town won't make any filings or take any legal actions on these issues; second by Commissioner Fletcher.

Mayor Pro Tem Sullivan asked that this item be tabled.

Mayor Pro Tem Sullivan said he knows for the past two years they have been saying they would be transparent and put the documents out for people to see and have the chance to give it some due consideration. He said this is not how he envisioned it to be. He said the first motion was to replace the attorney, which he is glad it is withdrawn because that happened two years ago. He didn't think it was right then or tonight. Mayor Pro Tem Sullivan said to replace it with a whole different motion isn't right. He would like to see his Curriculum Vitae. He said he worked with him with the HBPOA. He did a nice job, but he would like to know additional information. He would like the item to be tabled and placed on the next agenda. Commissioner Kwiatkowski agreed. She said they didn't get the information in a timely fashion for a proper evaluation. She said having the chance to get the information and addressing it in January is the appropriate way. Commissioner Freer said the replacement of the agenda item was sent. Mayor Pro Tem Sullivan said the people in the audience did not get the information and they should have it.

Commissioner Kwiatkowski seconded Mayor Pro Tem Sullivan's suggestion to table the item.

Mayor Holden explained the Board has to address the first motion before moving on to another.

Town Manager Hewett explained the Town has an Environmental Legal Counsel of record for the terminal groin project. His name is Todd Roessler, with Kilpatrick Townsend. He asked if this passed if the Board wants to terminate that relationship. Town Manager Hewett said acquiring the Environmental Impact Statement (EIS) is part of the CAMA permitting process. Commissioner Freer said his understanding is the EIS is delivered and then you apply for the permit. Town Manager Hewett said the record of decision that's rendered for the Final EIS comes hand in glove with a general permit from the Corps, it's the precursor for obtaining the CAMA permit. Commissioner Freer said that confirms the need for an environmental attorney to report to the Board. Mayor Pro Tem Sullivan suggested contacting the attorney on record before hiring another attorney.

The motion passed by a 3 – 2 vote with Commissioners Butler, Fletcher and Freer voting for the motion and Mayor Pro Tem Sullivan and Commissioner Kwiatkowski voting in the negative.

TOWN MANAGER'S REPORT

- Flood map status – we still do not have a letter of final determination. As reported previously, we were supposed to have that in September and then an active date of six months for the flood map. Still don't have that. At the Contractors' Informational Workshop, the NC Floodplain Manager promised Mayor Holden that was still a good date, but when we got the writing backup for the promise, there were more qualifiers than a billionaire's prenuptial agreement.
- Lockwood Folly Dredging –last night Brunswick County authorized the assistant county manager to coordinate with the Corps on a project to clear the Lockwood Folly Inlet sometime shortly after January. The price tag of the local government match will be fronted, to the tune of about \$168,000. The County will be asking Holden Beach to reimburse half of that local cost. The Murden is a hopper dredge that will put the sand in the near shore. It won't be putting it on the beach. The County is also investigating another option. There is also interest in possibly piggybacking on the Kure Beach/Ocean Isle Beach Storm Damage Protection Project. There is a big pipeline dredge and it might be possible to get it in the inlet to clear not only the crossing, but the inlet throat. Have been in contact with the County's Coastal Consultant Engineer. We are working on perfecting the easements for the Town's Shallow Draft Inlet permits to put sand on the beach. Doesn't know if will be able to get there in order to meet that timeline. Oak Island is requesting a resolution of support from the County to add their name to the Shallow Draft Inlet Permit for the Lockwood Folly Inlet. As he understands it, the County Commissioners would like to see what the Town's official position was for pulling the sand from the inlet and putting it on Oak Island instead of the historical method of putting it on our east end. Commissioner Freer said he thought it was a Holden Beach permit. Town Manager Hewett answered that it is, they are asking to be added to the permit. We haven't been asked our opinion if we want our permit to be modified. Commissioner Freer asked if he is asking the Board to approve the local share of \$84,000 for the Murden. Town Manager Hewett said there's \$100,000 in the current budget for navigation maintenance. He thinks the Town should wait and see what happens. He would bring it back to the Board before releasing the funds for the local match.
- Water Tower Status – the painting crew for refurbishing the water tank have mobilized and are on scene. The water tank is empty. All operations going on right now are going on inside the tank. Will

follow with shrouding and painting of the outside. Goal is to complete this before Easter. Commissioner Freer asked if they are testing for GenX or any substances. Town Manager Hewett replied no, it is empty and as a retailer we don't do any testing here.

- We are in our third year of waterline testing. We pull three samples of our concrete pipe and send them off for testing. Have two done; will wait until after the holidays to do the third section. This is for life cycle testing.
- Solid Waste – staff and the ad hoc group have completed the data collection. Intends to be able to provide a full blown report at the February meeting.
- Bridgeview Park – splashpad is down. The wet test is done. It is the final site element of the park. Absent from the grant is landscaping and fencing. Will take care of those issues.
- County's Holden Beach Park – At the County's meeting last night they approved an engineering services agreement to handle the construction of the amenities for the park. It's referred to as the Holden Beach Park. In talking with staff, he thinks we are going to have issues with that. Not only marketing issues, but foresees potential confusion over names in applying for grants. Asked the Board to allow him to formally ask the County to name it something else besides the Holden Beach Park.

Motion by Commissioner Fletcher to formally ask the County to name the park something else besides the Holden Beach Park; second by Commissioner Freer; approved by unanimous vote.

- Town Facilities – have new shingles on the firehouse. Have two HVAC units down at Town Hall. Estimates it is about \$15,000 to fix. Working with Building Official Evans on the best solution.
- MPO Sidewalk Grant – able to qualify for a federally funded 75/25 percent sidewalk grant. It is a \$34,000 total sidewalk grant from Padgett Garden to the public restroom. Will meet with DOT tomorrow to evaluate the program requirements.
- Met with DOT Monday, they want to turn over Bridge Beautification Project. There are several issues that require attention before the Town will agree to take it over.
- Turkey Trap – the permit has been extended until 2021. SL 2017-209 modifies existing mining permit expiration date to forever. There is about 450,000 yards of sand there.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Holden

- Thanked everyone for being here. Welcomed the new board members. Sure they will have an exciting time and do a good job.
- The increase of wind and hail insurance is up for discussion again. Will stay on top of that and report back.
- Thanked everyone for being here.

Commissioner Sullivan

- Thanked everyone who came here and everyone who voted for him. It is an honor and privilege. Will try to do the best he can to make Holden Beach the best for everyone.

Commissioner Kwiatkowski

- Appreciates the confidence the voters have shown in her. If you have anything, contact by email or drop a note at Town Hall. Will check that on a regular basis.
- Thanks for coming. Hopes everyone has happy holidays.

Commissioner Butler

- Thanked everyone for coming out this evening.
- Thanked those who voted. As a newly elected commissioner plans on serving the Board to the best of his ability and to help meet the needs of fulltime residents and property owners.
- Wished families a happy holiday season, a merry Christmas and a happy and healthy New Year.

Commissioner Freer

- Thanked everyone for coming.
- Thanked for returning him to the Board.
- Merry Christmas and happy New Year.

Commissioner Fletcher

- Thanked everyone for coming. Appreciates the support.
- Wished everyone a happy holiday. See you next year.

PUBLIC COMMENTS ON GENERAL ITEMS

Larry Blume said he kept getting letters from FEMA saying he needed to get an elevation certificate. He paid to get one done, took it to Farm Bureau. They told him he wasted his money, they would have taken the old one. Mayor Holden said several of his customers have needed new ones. Mr. Blume cautioned people to check with their flood company. He said he realizes the property owners on the canals are putting money into the dredging fund. He would like the Town to consider reducing the rates.

Dolly Mitchell said their rates are determined by their association. Town Manager Hewett said they work closely with the dredging subdivisions. Mrs. Mitchell said their association has a meeting every year and through the leadership of their president, Bill Gettys, they are far ahead of the other canals with the money the Town is holding for them. She thanked Shoreline Protection and Recreation Manager Ferguson and Town staff for their efforts in the tree lighting and the dog walk. Mrs. Mitchell addressed the Board about the new calendar. They make their plans around the schedule. She expressed her disappointment with the new schedule and said if only one Board member is missing, she does not see a reason to reschedule.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 9:12 p.m.; second by Commissioner Freer; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

Activity Log Event Summary (Cumulative Totals)

HOLDEN BEACH POLICE DEPT.

(12/01/2017 - 12/31/2017)

Alarm Activation	15	Animal Complaint	1
Assist Other Agency	4	Attempt to Locate-ATL	2
Citation	1	Disturbance/Fight	1
EMS/Medical Call	4	Incident Report	2
Investigation	2	Lost Property	6
Maintenance/Water Leaks(HB Only)	2	Meet with Complainant	3
Open Door	5	Other Ordinance Complaint	1
Phone Call (requested to call subject)	1	Public Assist	1
Residence Check	4	Suspicious Activity	1
Suspicious Vehicle	5	Trespassing	1
Welfare Check	1		

Total Number Of Events: 63

Budget Report ao 31 Dec 2017

<u>Fund</u>	<u>Budget</u>	<u>Actual+Enc</u>	<u>Delta</u>	<u>(Actual+Enc/Budg</u>
<u>General</u>				
Revenue	3,369,711	2,069,173	1,300,538	61.41%
Expense	3,369,711	976,410	2,393,301	28.98%
Rev less Exp	0	1,092,763		32.43%
<u>H2O and Sewer</u>				
Revenue	5,140,804	2,239,636	2,901,168	43.57%
Expense	5,140,804	1,235,390	3,905,414	24.03%
Rev less Exp	0	1,004,246		19.53%
<u>BPART</u>				
Revenue	9,068,606	2,548,776	6,519,830	28.11%
Expense	9,068,606	2,055,730	7,012,868	22.68%
Rev less Exp	0	493,038		5.44%
<u>Canal Dredge</u>				
Revenue	2,046,713	1,903,520	143,193	93%
Expense	2,046,713	0	2,046,713	0.00%
Rev less Exp	0	1,903,520		93%

Budget Report ao 31 Dec 2017

- Highlights
 - General, H2O, Canal Funds
 - positive cash flows; illustrate time year collections
 - Total Debt Services = \$3.651mm
 - 44% a/o end of 2nd qtr; 37% due 3rd qtr; etc
- Monthly: Budget/Actual by line on website



Date: January 9, 2018

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk *HF*

Re: Resolution 18-01

Historically, the official signatories for the Town's BB&T accounts are the mayor, mayor pro tem and two staff members. Resolution 18-01 updates the current signature card by designating Mayor Holden, Mayor Pro Tem Sullivan, Town Manager Hewett and Fiscal Operations Clerk Lockner as the official signatories.

Staff recommends approval of the resolution.

RESOLUTION 18-01
RESOLUTION APPROVING BB&T SIGNATURE CARD

WHEREAS, the Town of Holden Beach currently holds accounts with BB&T; and

WHEREAS, the BB&T Signature Card became out of date when the current Holden Beach Board of Commissioners entered office; and

WHEREAS, the Town of Holden Beach and BB&T requires approval of the signatures to be placed on the BB&T Signature Card.

NOW THEREFORE, BE IT RESOLVED by the Holden Beach Board of Commissioners that Mayor J. Alan Holden, Mayor Pro Tem Mike Sullivan, Town Manager David W. Hewett and Fiscal Operations Clerk Mandy Lockner be designated as the official signatories for the Town of Holden Beach's BB&T account.

BE IT FURTHER RESOLVED that the official signatories selected visit the Holden Beach branch of BB&T to sign the necessary official paperwork.

This the 16th day of January, 2018.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

§ 30.26 AUDIT COMMITTEE OF THE BOC.

(A) There is hereby established an Audit Committee of the BOC, which shall be comprised of: a Chairman of the BOC Audit Committee, who shall be a member of the Board of Commissioners; and not fewer than two nor more than four Public Members, as determined by the BOC at the first regular meeting in January. The Chairman of the BOC Audit Committee and each of the Public Members shall have a normal term of one year, and all shall serve at the pleasure of the BOC. The Chairman of the BOC Audit Committee shall be elected by the BOC at the first regular meeting in January. The Public Members shall be appointed by the Chairman of the BOC Audit Committee, subject to confirmation by the BOC.

(B) The functions of the BOC Audit Committee shall be:

(1) To assist and advise the BOC in its oversight responsibilities for the town's: financial reporting process, system of internal controls over financial reporting and the external audit process;

(2) To evaluate the performance of the external audit firm as it relates to the annual audit of the Town of Holden Beach;

(3) Where appropriate, to review proposals from alternative external audit firms and recommend retention/selection action to the Board of Commissioners;

(4) In consultation with the Town Manager, review, advise and make recommendations to the BOC with respect to the town's treasury management function and its' risk management policies and procedures, including without limitation, the town's insurance and self-insurance policies; and

(5) Such other related functions as shall be delegated or assigned to it by the BOC from time-to-time.

(C) Not later than the first regular meeting in March 2016, the BOC Audit Committee shall adopt, and present to the BOC for confirmation or modification, by-laws setting forth such other policies and procedures as it shall deem necessary or appropriate to carry out its function. Such by-laws may be amended by the BOC, subject to confirmation or modification by the BOC.

(Ord. 16-02, passed 1-12-16)



Town Of Holden Beach

PLANNING & INSPECTIONS DEPARTMENT

Tuesday, January 9, 2018

Director
Tim Evans
Tevans@hbtownhall.com

Assistant Inspector
Rhonda Wooten
Rwooten@hbtownhall.com

Permits Administrator
Ava Crocker

planninginspections@hbtown

Memo: Beach Vitex,
To: Commissioners and Mayor,
From: Planning and Inspections Director, Timothy D. Evans

Topics of Discussion:

What is Beach Vitex?
Where did it come from?
What is the History of the Beach Vitex Program?
Who Funded the Program?
Who were the primary Players?
What studies were done?
How to manage it?
Who should manage it?
What other places are doing?
Recommendations?
Is it still marketable?
What were the cost of treatment?

The Town of Holden Beach, still has 19 locations, with only one location fully eradicated. This is the exact same amount that were identified during the original 2013 survey. The areas do not appear to have expanded, since there were no accountable records kept in regards to expansion or termination of sights by the Group that was funded. Impact of the program is unknown.



Town Of Holden Beach

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Memo: West End Gate, and Traffic Issues Related

To: Commissioners and Mayor

From: Timothy D. Evans, Planning and Inspections Director *T.D.E*

Location: West End Side Street

The Planning Department will discuss history and effects of west end gate; also will discuss known issues and possible solutions.

1. History of Gate
2. Issues /traffic/vehicular logistical confusion/public safety
3. DOT signage, what's allowed and what's approved
4. Education instead of physical impediments
5. Citizens' Safety

We are in the process of contacting DOT for additional signage.



Date: January 9, 2018

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk *HF*

Re: Scheduling of a Date to Interview Candidates for Vacancy on the Planning & Zoning Board

The Planning & Zoning Board currently has a Regular Member vacancy. We have a couple of property owners interested in serving on the Planning & Zoning Board. I recommend setting up interviews on February 20th at 6:45 p.m., prior to the Regular Meeting.

PLANNING AND ZONING		TERM EXPIRES	TERM
Vicki Myers	Appointed to Ralph Martin's Alternate Position on 8/12/14 Appointed to John Legge's Regular Position 07/14/15 Reappointed to Regular Position 7/19/16	07/01/2019	1st
Bob Hunter	Appointed to Tiffany Hobb's Alternate Position Appointed to Brayton Willis' Regular Position 07/14/15	07/01/2018	1st
Mark Fleischhauer	Appointed to Tony Marwitz's Regular Position 7/14/15	07/01/2018	1st
Vacant	Mike Sullivan resigned December 2017	07/01/2018	
Greg Shue	Tiffany Hobb's Vacant Alternate Position 8/16/2016 Appointed to Tiffany Hobb's Regular Position 7/18/17	07/01/2020	1st
Peter Pallas	Appointed to Vicki Myer's Alternate Position 7/14/15 Reappointed 7/19/16 Reappointed 7/18/17	07/01/2018	
Woody Tyner	Appointed to Greg Shue's Alternate Position 07/18/17	07/01/2018	

Review, discuss and identify action steps to be implemented before the 2018 summer season.

Proposed action steps:

Before 2018 Beach Season

1. Develop a visitor map of all available approved parking locations throughout the island. Parking maps should show amenities such as restrooms/port-a-johns, showers, crosswalks, handicap accesses and handicap parking.
2. Provide signage at the bottom of the bridge as to parking locations, to include signage at these locations.
3. Better utilization of current parking through the use of parking space marking and dividers.
4. Property owners have an option to preserve their property to have an item in the ROW to clearly indicate to the public that this area is not approved parking. The items must not obstruct or create a safety issue as outlined in the current town ordinance. Landscaping or other installed deterrents must not exceed three (3) feet in height.
5. Town ordinances impacted by the changes to be revised accordingly.
6. Develop a communication plan regarding the parking revisions to improve the parking issues on the island. This should include various media sources. Communications to island day-visitors should emphasize the ample parking available and where to find it. Communications to property owners should clearly illustrate acceptable landscaping and parking deterrents and where to get more information.
8. Police enforcement and monitoring required to support implementation of the changes to include visitor guidance.
9. Change parking violations to civil offenses, allowing the Town to keep the fines. Funds collected would help offset additional seasonal staff to serve as parking compliance officers.

Mid-year 2018:

1. Monitor parking revisions.
2. Identify the next phase of the parking project, with the support of a third party to investigate the possibility of increasing parking on Jordan Blvd. and area surrounding the Pavilion. This should also include investigating organization options for boat and vehicle parking, which is currently having an impact on single car visitor parking.
3. After the summer season, review the effectiveness of the proposed changes and if necessary provide additional recommendations. Possible options include making all rights-of-way in residentially zoned areas No Parking, unless the vehicle has a current hurricane sticker.

2019

1. Investigate other potential vacant land / properties that can support additional visitor parking on the island. (If determined to be necessary)
2. Conversion of town owned properties into additional visitor parking if needed.

§ 30.25 COMMISSIONS, BOARDS, AGENCIES AND AUTHORITIES ESTABLISHED BY ORDINANCE OR UNDER THE AUTHORITY OF THE BOC.

(A) Except as otherwise expressly provided for in these ordinances:

(1) No person shall be appointed or elected by the BOC, or pursuant to any authority delegated by the BOC, as a voting or non-voting member or officer or other official of any commission, board, agency, authority or other similar group or body established by ordinance or otherwise under the authority of the BOC (other than committees and sub-committees of the BOC that are comprised only of members of the BOC or the Audit Committee of the BOC) who is member of the BOC; the Town Manager, Town Attorney, Town Clerk, Police Chief or any full or part-time employee of the town who reports to any of the forgoing; a contractor, consultant or other person providing good or services to the town in consideration of cash or other thing valued at more than \$1,000 in any one year or an officer or material owner thereof; or the spouse, domestic partner, child, parent or sibling of any of the forgoing;

INLET AND BEACH PROTECTION BOARD

ORGANIZATION.

Pursuant to authority contained in G.S. § 160A-361, the Inlet and Beach Protection Board shall be organized to perform the functions and duties herein prescribed.

MEMBERSHIP AND VACANCIES.

The Inlet and Beach Protection Board shall consist of seven members appointed by the Board of Commissioners for staggered terms of three years. All members shall be residents or property owners of the town. Initial appointments shall be made promptly after the effective date hereof, and, thereafter, appointments shall normally be made as of July 1 of each year, provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. Notwithstanding their stated terms of office, all members shall serve at the pleasure of the Board of Commissioners subject to removal with or without cause.

OFFICERS; LEGAL COUNSEL RULES; MEETINGS.

(A) Upon the initial appointment of members and annually thereafter, the Board of Commissioners shall designate a Chairperson, Vice-Chairperson and Secretary from among the regular member members appointed by the Board of Commissioners for terms of one year. The Chairperson, or in his or her absence or recusal, the Vice-Chairperson, shall preside at all meetings and the Secretary shall be responsible for providing notices and keeping minutes for the Inlet and Beach Protection Board. Notwithstanding their stated terms of office, all such officers shall serve at the pleasure of the Board of Commissioners subject to removal with or without cause.

(B) The Board of Commissioners shall designate and engage legal counsel, who may be the Town Attorney or other environmental legal counsel otherwise engaged to advise the Board of Commissioners, as legal counsel for the Inlet and Beach Protection Board.

(C) Subject to review and modification by the Board of Commissioners, the Inlet and Beach Protection Board shall adopt rules for transaction of its business.

(D) The Inlet and Beach Protection Board shall hold at least one meeting monthly, unless there is no business to transact. All meetings shall be open to the public. The agendas and minutes of all meetings, and all documents or materials presented at any meeting shall be made available to the public. An audio or audio and video recording of all meetings shall be kept and shall be made available to the public. There shall be a quorum of four members for the purposes of taking an official action.

(E) The Town Manager, and his or her designee, shall be responsible for providing all necessary technical, clerical and logistical information and support as requested by the Chairman, but shall not direct or interfere with the functioning of or refer matters to the Inlet and Beach Protection Board.

PURPOSE AND PURVIEW; POWERS AND DUTIES.

(A) It shall be the general purview of the Inlet and Beach Protection Board to investigate, study, evaluate and make recommendation to the Board of Commissioners and the public with respect to: (i) the management, dredging and protection of the Lockwood Folly and Shallotte River Inlets and their navigational channels; (ii) the management, protection and nourishment of the town's Atlantic Ocean beaches (including those adjacent to such inlets); (iii) the management, protection and nourishment of town's protective dune systems and related vegetation; (iv) the construction, management and permitting of public and private beach access easements and walkways; (v) the analysis, evaluation and funding of public beach nourishment, dune fencing and vegetation projects; and (vi) the analysis, evaluation and public funding of hard beach and inlet protection structures, including sea wall, jetties, groins and similar structures to the extent permitted by applicable law, all for the general purpose of promoting the economic well-being of the town and the public, protecting the value of public and private property within the town and promoting private recreational enjoyment of the Lockwood Folly and Shallotte River Inlets and their navigational channels and the town's Atlantic Ocean beaches.

(B) Without limiting the forgoing purview of the Inlet and Beach Protection Board, its powers and duties shall include, but not be limited to the following:

(1) To prepare and recommend to the Board of Commissioners, a comprehensive long-term plan for the management, dredging and protection of the Lockwood Folly and Shallotte Inlets, including their respective navigational channels, and the management, protection and nourishment of the town's Atlantic Ocean beaches protective dune systems;

(2) Investigate and recommend to the Board of Commissioners a comprehensive long-term plan to cooperate with federal, state and local governments and agencies for the maintenance and dredging of the Lockwood Folly and Shallotte Inlets and the equitable and cost-effective sharing of the dredged sand for beach nourishment purposes;

(3) To investigate and recommend to the Board of Commissioners a comprehensive long-term plan to cooperate with nongovernmental nature conservancy and environmental protection organizations to promote environmentally feasible methods for inlet, beach and dune management and protection to ensure the long-term viability of the town's ocean, beach and dune natural resources;

(4) To review all proposed dredging projects, beach and/or dune nourishment projects and protective structure projects with respect to Lockwood Folly and Shallotte Inlet and the town's Atlantic Ocean beaches (including those adjacent to such inlets) in light of such comprehensive plan, evaluate the feasibility and cost and benefits of such projects to the town and to property owners within the town as a whole, and make recommendations to the Board of Commissioners with respect to such projects;

(5) To monitor, evaluate and report to the Board of Commissioners with respect to the schedule, status, performance, budgets and costs of proposed and on-going inlet dredging, beach and dune nourishment and protective structure projects and related permit and regulatory requirements;

(6) Review and make recommendations to the Board of Commissioners with respect to the appropriate terms and conditions for private property easements and covenants necessary for or related to current or proposed inlet dredging, beach and dune nourishment and protective structure projects;

(7) To monitor and make recommendations to the Board of Commissioners with respect to all budgeted expenditures from the town's BPart Funds and related reserves, including recommendations with respect to the establishment of appropriate reserves for inlet dredging and beach and dune nourishment

(8) To prepare a comprehensive definition and designation of the "protective dune system" and "frontal dune" within the town and recommend to the Board of Commissioners appropriate amendments or modifications to the town's ordinances with respect thereto;

(9) To prepare and recommend to the Board of Commissioners modifications to the town's ordinances with respect to public and private beach access walkways promoting the protection and growth of the town's protective dune systems;

(10) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in the Lockwood Folly and Shallotte Inlets, including their respective navigational channels, the town's beaches and beach erosion and accretion, and the growth, erosion and development of the town's protective dune system and related vegetation;

(11) To keep the governing body and general public advised as to the matters within the purview of the Inlet and Beach Protection Board; and

(12) To perform such other duties within or related to the general purview of the Inlet and Beach Protection Board which may assigned to it from time-to-time by the Board of Commissioners.

(B) The Inlet and Beach Protection Board may conduct such public hearings as may be required to gather information necessary for the performance of any of its duties prescribed in this chapter or elsewhere in this code of ordinances.

(C) The Inlet and Beach Protection Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations, may conduct or sponsor public information meetings or forums and may employ such other means of publicity and education as it may determine.

(D) Members of the Inlet and Beach Protection Board may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Inlet and Beach Protection Board may, upon formal and affirmative vote, pay, within budget of such board, the reasonable expenses incident to such attendance.

(E) With approval of the Board of Commissioners, the Inlet and Beach Protection Board may engage one or more consultants to advise it or make recommendation with respect to matters within its purview.

(F) Unless otherwise expressly directed by the Board of Commissioners, none of the Planning and Zoning Board, Parks and Recreation Board nor any Community Advisory Committee shall review, consider or act upon any of the forgoing matters within the purview of the Inlet and Beach Protection Board

FUNDS.

The Inlet and Beach Protection Board is authorized to make such expenditures, as it may see fit, subject to limitations of funds provided for the Inlet and Beach Protection Board in the town's annual budget. The Board shall submit to the Board of Commissioners in April of each year for budget consideration its request for funds needed for operation during the ensuing year.