



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, APRIL 14, 2015 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, April 14, 2015 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor Pro Tem Ken Kyser; Commissioners Sandy Miller, Sheila Young, Dennis Harrington and Gina Martin; Town Manager David W. Hewett; Town Clerk Heather Finnell; Building Official Tim Evans; Public Works Director Chris Clemmons; and Shoreline Protection and Recreation Manager Christy Ferguson. Mayor J. Alan Holden arrived at 7:35 p.m. Police Chief Wally Layne also arrived late.

Mayor Pro Tem Kyser asked for a moment of silence and then called the meeting to order. He explained Mayor Holden asked him to begin the meeting because he was running late due to another appointment.

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

*Motion by Commissioner Miller to approve the agenda as written; second by Commissioner Martin; approved by unanimous vote.*

**APPROVAL OF MINUTES**

*Motion by Commissioner Young to approve the minutes of the Regular Meeting of March 10, 2015 as written; second by Commissioner Miller; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

No comments were made.

Chief Layne was running late so his report was moved to later in the meeting.

**DISCUSSION AND POSSIBLE APPROVAL OF ENCROACHMENT AGREEMENT BETWEEN THE TOWN AND TIME WARNER CABLE SOUTHEAST , LLC**

Town Manager Hewett explained that Time Warner will be dropping another fiber service line across the waterway. Joe Moss, the engineer representative from Time Warner is here for any questions. Time Warner would like to run a line in the state right-of-way from the other side of the waterway, pretty much along the bank at the Pavilion. It will come out at the junction box near the public restrooms. Mr. Moss stated it is a routine job. They plan to bore across the waterway and attach fiber optic cable to existing equipment. The encroachment is to bore under the Town's lot. It will come up in the state right-of-way. Mayor Pro Tem Kyser

asked if it will be by the sewer line. Mr. Moss stated there should be about 75' clearance. It will cross the sewer line on dry land. Commissioner Young asked if this is for improved service. Mr. Moss replied there will be a lot of additional capacity. Commissioner Martin asked if it will impede the use of the waterway. Mr. Moss stated the only above ground appearance would be in ROW. They already have their other permits in hand.

*Motion by Commissioner Harrington to accept the encroachment agreement as stated; second by Commissioner Martin; approved by unanimous vote.*

#### **DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR AN EASEMENT ACROSS HILLSIDE DRIVE FOR 226 OCEAN BOULEVARD EAST**

Town Clerk Finnell stated this is standard for homes in that area that would like to build a walkway. There was already an agreement in place for that address; however there was a change in ownership prior to a walkway being built.

*Motion by Commissioner Miller to approve the request for an easement; second by Commissioner Young; approved by unanimous vote.*

#### **DISCUSSION AND POSSIBLE APPROVAL OF THE SECOND AMENDMENT TO WATER TOWER LEASE AGREEMENT WITH CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS**

Town Clerk Finnell explained Verizon is requesting to modify their equipment on the water tower. The rest of the terms of the contract would remain the same. Commissioner Harrington inquired about Attorney Tyson's correspondence saying consideration is required in a contract. Town Clerk Finnell explained we feel consideration is within the contract since the current contract does require Verizon to pay rent.

*Motion by Commissioner Harrington to accept the amendment; second by Commissioner Miller; approved by unanimous vote.*

#### **FLOOD INSURANCE RATE STATUS – BUILDING OFFICIAL TIM EVANS**

Building Official Evans stated the review period for the preliminary maps keeps changing. They are now saying it will be May or June before they are released. It is his understanding that FEMA is not releasing them for the state's review. Commissioner Harrington asked if the Town's decisions are based on the proposed maps. Building Official Evans stated decisions are still being done based on the original maps; the preliminary ones can't be used yet.

#### **POLICE REPORT - CHIEF WALLY LAYNE**

The Board agreed to move the Police Report to this portion of the agenda since Chief Layne arrived.

- Apologized for being late. He just got back from Savannah, GA tonight.
- The island is safe. There is not much going on. Just preparing for the season. In budget mode as well.

Commissioner Miller stated there still seems to be a problem with trucks parking on the sidewalks. Chief Layne stated they keep dealing with it as they see it. Most of the folks who work over here a lot listen. It is a continuing education process for people who do not work here frequently. Chief Layne confirmed that parking

on both sides of OBW is not allowed. Mrs. Compton asked about the noise ordinance and if it is true that those types of calls aren't logged. Chief Layne asked that she let him know who is saying that, the department's policy is to log all calls. Chief Layne stated it doesn't make a difference if you call 911 or the officer on duty, either one should generate an officer log. Mr. Fletcher stated sometimes 911 doesn't pass calls along to the Police Department. Chief Layne stated people can call the Police Department directly, unless it is an emergency situation where you would need resources other than the Police. Mr. McIntyre asked the Police's staffing situation. Chief Layne stated they have eight officers and have for the past three years. They do the best they can. He thinks they do an adequate job. They do get stretched out at times. Of course he would like more officers, but that probably won't happen. Chief Layne would really like to see someone at the front desk. Mrs. Compton stated she agreed and asked if they could get a volunteer. Chief Layne stated it might be more than what a volunteer can handle. He is planning on asking for someone to staff the office during business hours during the budget process. They did have an intern in the past that worked really well. Commissioner Harrington stated he thinks the confusion on 911 versus the Police Department came after the mega house conversation at the last meeting. He stated the party next door called more than what was reported. He thinks it is best to call 911 because all calls are recorded. Chief Layne stated either way is fine, but every officer is required to fill out a log with every call they receive. Commissioner Harrington asked how long the logs are retained. Chief Layne replied forever. Sarah Sue Ingram expressed her thanks for the Police Department's help with all of the pipes that broke over the winter.

**DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 15-04, AN ORDINANCE AMENDING ORDINANCE 14-06, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2014 – 2015 (AMENDMENT NO. 7)**

*Motion by Commissioner Miller to approve Ordinance 15-04; second by Commissioner Young; approved by unanimous vote.*

**DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 15-05, AN ORDINANCE AMENDING ORDINANCE 14-06, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2014 – 2015 (AMENDMENT NO. 8)**

Town Manager Hewett explained that this meets the requirements to procure a second generator per our operations permit. This will be a portable generator. The total cost is \$37,300, funded by the sale of the backhoe and a pickup truck in the amount of \$26,304, a realignment of funding of \$10,000 that wasn't used for vinyl fencing and \$996 from contracted services.

*Motion by Commissioner Harrington to accept the recommendations of the town manager; second by Commissioner Young; approved by unanimous vote.*

**TOWN MANAGER'S REPORT**

- The refinancing of the Emergency Operations Center loan closed on March 12<sup>th</sup>. We saved \$316,000 over the life of the loan. The payment is \$3,000 less than anticipated. Since we were aggressive in closing we avoided some interest costs. Now the \$32,000 the Town had tied up per the USDA loan debt covenant is no longer obligated. We get credit for that.
- Streets – we have had input on crosswalks over the past few months. Consulted with DOT to make sure we are doing things right. The Division Engineer will be doing an inspection and they will apprise us what we can and can't do.
- Scotch Bonnet bulkhead work will begin next week.
- Will be submitting for reimbursement through Brunswick County and the state for the work at Sailfish.

- Thanks to everyone who participated in the nighttime egg hunt. There were over 300 people.
- As previously reported, the SDI-5 CAMA application was submitted by the state. It appears the road we are on is for local governments to pick up funding that was previously provided by the federal government. When we started down this road, this was plan c. It appears the writing is on the wall and we will need to pick up more of it. Not sure how long it will take to get the permit approved. It is in the works.
- Coastal Resources Commission Development Line – attended a working group meeting three weeks ago. The proposed draft rule language has been sent to Chairman Gorham. Believes it should be reviewed at the April meeting.
- The annual monitoring survey is underway. They should wrap that up this week barring any more bad weather. The annual survey is done to maintain our status as an engineered beach. It probably will be Memorial Day or summer before we get the engineer’s report on the survey.
- April 22<sup>nd</sup> is Earth Day. The schedule of events for the day is in the back of the room.
- Commissioner Young asked for an update on an email Town Manager Hewett sent awhile ago about the sewer capacity lease agreement. Town Manager Hewett stated he doesn’t have an update from what he passed on. The County is attempting to facilitate a short term lease for excess capacity for Southport. We still haven’t seen anything in writing, it is just being discussed.
- Commissioner Harrington asked about the second garbage pickup. Town Clerk Finnell stated they do one second pick-up the Saturday before Easter and then start Saturdays for the summer Memorial Day weekend.
- Mr. Fletcher asked if the Town has an electronic defibrillator. The Turtle Patrol is considering funding one.

#### **MAYOR’S COMMENTS**

- Apologized for being late. Had a call from his doctor to complete a physical for his commercial driver’s license.
- Easter was great. Business is picking up. Received some concerns from the general public about yard waste not being picked up and some concerns on the condition of beach. Overall the mood was much better than anticipated. The east end of the beach (growth of the sand bar) was a subject he received a lot of calls on. Seems like everyone enjoyed everything.

#### **BOARD OF COMMISSIONERS’ COMMENTS**

Commissioner Kyser

- Thanked everyone for coming.
- The Easter Egg Hunt was a great success. Hopefully next year will be even bigger.
- Days at the Docks is coming up April 25<sup>th</sup> and 26<sup>th</sup>.
- This is Free Dump Week at the County.

Commissioner Miller

- Thanked everyone for coming.
- This Thursday the 16<sup>th</sup> is National Healthcare Decisions Day. The local hospice will have some volunteers at restaurants around here to hand out a packet. Provisions will have people there from 11:00 a.m. – 5:00 p.m. Will be there from 1:00 p.m. – 3:00 p.m. It is a chance for people to have access to healthcare documents.

Commissioner Young

- Thanked everyone for coming tonight.
- Noticed because someone is building behind her that lights were shining on her house. Talked to them to fix it. People may not realize this is happening. Thinks you can go politely to a neighbor to request a change. Sometimes when you go to pull out from Ocean Boulevard, you might find a neighbor might have a shrub that is overgrown. You can stop and ask if they might trim the shrub or you can leave a note for them asking them to take care of it. Thinks it is the neighborly thing to do.

Commissioner Harrington

- Thanked everyone for coming. This may be one of the shortest meetings they ever had.

Commissioner Martin

- Thanked everyone for coming.
- Reminded everyone about Days at the Docks and the Beautification Club's Plant Sale. All of the proceeds from the plant sale are to the benefit of everyone here because the Club puts their money back into the Town. They have some great buys. Encouraged everyone to visit the sale.

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

John Fletcher, VP of the Holden Beach Property Owners Association, read a letter (hereby incorporated into the minutes) from Burton Hall since he was unable to attend the meeting. The letter expressed Mr. Hall's concern regarding the large house on the west end.

#### **ADJOURNMENT**

*Motion by Mayor Pro Tem Kyser to adjourn at 7:49 p.m.; second by Commissioner Miller; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk