



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, JULY 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, July 14, 2015 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Ken Kyser; Commissioners Sandy Miller, Sheila Young, Dennis Harrington and Gina Martin; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Shoreline Protection and Recreation Manager Christy Ferguson; Building Official Tim Evans; and Public Works Director Chris Clemmons.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Commissioner Miller to approve the agenda as presented; second by Mayor Pro Tem Kyser; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Miller to approve the minutes as a block (Special Meeting of May 26, 2015, Special Meeting of May 27, 2015, Recessed from May 26, 2015, Special Meeting of June 9, 2015, Recessed from May 27, 2015, Special Meeting of June 9, 2015, Recessed from June 9, 2015, Special Meeting of June 9, 2015, Regular Meeting of June 9, 2015, Special Meeting of June 15, 2015 and Special Meeting of June 23, 2015); second by Mayor Pro Tem Kyser; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made.

POLICE REPORT - CHIEF WALLY LAYNE

- It has been a typical summer. We have been one of the fortunate islands because we haven't had major trouble.
- Fireworks this year on July 4th were substantially less than in the past. Commissioner Young asked if anyone was stopped who used fireworks. Chief Layne replied yes.

Commissioner Harrington asked if any citations have been issued on the beach. Chief Layne replied yes, mostly for dogs. Tickets are issued when necessary. Commissioner Young asked about the Attempt to Locate line item. Chief Layne stated that can be a lost child, a suspicious vehicle or many other things.

DISCUSSION AND POSSIBLE SELECTION OF MEMBERS TO FILL UPCOMING VACANCIES ON BOARDS

The Board voted by ballot. The votes for the Parks & Recreation Advisory Board (PRAB) were tallied. Mayor Holden announced that John Legge was selected to serve as a member to the PRAB (John Legge – Mayor Pro Tem Kyser and Commissioners Miller, Young and Harrington, Ken Weston – Commissioner Martin). The votes for the other boards were tallied by Town Clerk Finnell as the meeting continued.

DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ON PEDESTRIAN CROSSWALKS

Shoreline Protection and Recreation Manager Ferguson explained that she and Public Works Director Clemmons have had several conversations with the North Carolina Department of Transportation (NCDOT) over the past few months. NCDOT has informed us that the greatest amount of crosswalks they like to see in a coastal community is between five and six. They may have funding to add a couple this year. They need official correspondence from the Town that shows our top priorities. Staff recommends that Jordan Boulevard and the access at Starfish be the first two priorities. Staff recommends that the other locations are 454 OBW (Durham), 169 OBE (Ferry) and 914 OBW (Marlin). Commissioner Young inquired what the \$1,400 per location amount would include. Shoreline Protection and Recreation Manager Ferguson stated it would be for high resolution paint and signage. She referred to Attachment 2 in the Board's packets that showed an example. The Town would not be able to paint other crosswalks, the NCDOT considers that graffiti. Shoreline Protection and Recreation Manager Ferguson stated staff will still continue to communicate the Town's needs to the NCDOT. Public Works Director Clemmons stated that NCDOT expressed concern that there are not sidewalks on both sides of Ocean Boulevard. He stated he thinks they feel that if you have sidewalks on both sides, it would eliminate the need for so many crosswalks. The Board discussed the potential locations. Commissioner Martin inquired if it is possible to have emergency accesses marked separately. Shoreline Protection and Recreation Manager Ferguson stated she would have to check.

Motion by Commissioner Young to accept the five recommendations from staff; second by Mayor Pro Tem Kyser; approved by unanimous vote.

DISCUSSION AND POSSIBLE SELECTION OF MEMBERS TO FILL UPCOMING VACANCIES ON BOARDS

Town Clerk Finnell stated the Board would need to vote to break a tie between Becky Willis and Michael Sullivan for one of the Alternate Member Vacancies.

DISCUSSION AND POSSIBLE ACTION ON BIDS RECEIVED FOR THE RESTROOM FACILITIES AT BRIDGEVIEW PARK

Town Manager Hewett stated that the Town received the bids a couple of weeks back. The low bid was \$473,000 which is significantly higher than anticipated. He explained the Town can reduce the scope, appropriate more funding or reject all of the bids and independently approve procurement of modular construction with placement on the site where feasible. The last option is the staff recommendation.

Commissioner Young stated she would like to apologize to the PRAB for all of the work they did since they were led to believe it would be within the range when they designed the project. Commissioner Harrington asked what was in the request for bid that drove the cost up so high. Town Manager Hewett stated the Board saw the conceptual plan. That is what the market brings to bear based on the construction requirements for the location it is in. The bids we received are fairly tight. Commissioner Young asked if this will have an impact on the grant the Town applied for. Town Manager Hewett replied no if the Board goes with Option 3 which is in the ballpark of what the Board appropriated. You would only receive reimbursement for the cost that was estimated. Building Official Evans stated that in order to build the facility that was approved in the area it was located it would have to be built to wet proof and dry proof. It would require special engineering of the structure itself to achieve that. The structure would have to be built to meet wind loads. The cost is

higher based on the location picked. Commissioner Young inquired if there would be a better place to locate it. Building Official Evans stated that the closer it is located to Town Hall and the further west it is located would be less intrusive as far as the Base Flood Elevation (BFE) and design. Commissioner Martin asked if the area would change with the new flood maps. Building Official Evans stated that is being taken in consideration. The new maps are dropping two feet on the BFE so it will be cheaper to place it in a different area.

Motion by Mayor Pro Tem Kyser to reject all bids and independently approve procurement of modular construction recommended by the staff with placement where it is feasible and where it will cost us the least amount of money; second by Commissioner Miller.

Commissioner Martin would like to know what the modular unit will look like and where it will be placed. Town Manager Hewett stated staff is thinking it would work best to move it to the corner of the east fence of the dumpster and the north fence of the water tower. Commissioner Young asked if there is any chance of moving the recycling bins. Town Manager Hewett stated if the Board could come up with a location to move them. Commissioner Harrington asked what qualifies the modular to be weatherproof. Building Official Evans stated it is an engineered design. Commissioner Young asked if this is similar to the ones in Sunset Beach. Building Official Evans replied no. Commissioner Harrington asked if we can price it with a contractor to see what one could be built for. Town Manager Hewett explained the Town would need to have a design created and it would need to be put out to bid. Building Official Evans stated if you hired a general contractor they would need to have a professional engineer seal it because it is a public facility. Shoreline Protection and Recreation Manager Ferguson talked to North Myrtle Beach regarding one of their bathrooms. Their price for stick built came in high also. It was \$280 per square foot. Commissioner Harrington stated he is perplexed that the price keeps jumping. Building Official Evans stated that one of the reasons the price went up is that the original design was simpler, but it had to be changed to fit the grant. The Board asked if designs other than what is in their packets are available. Town Manager Hewett stated the Board should be able to have whatever finish they want. Commissioner Young asked if the PRAB has had a chance to look at the design. Town Manager Hewett replied that the Board is the keeper of the funds. The contracting bid process comes to the Board to decide. Commissioner Young asked if it would be possible to turn the bids down and as a courtesy have the PRAB look at it. Town Manager Hewett stated the Town is looking at 90 – 120 days with a modular. If going with a modular is the Board's desire he wouldn't mind getting help on some of the aesthetics from the PRAB. He stated that would have limits. Peter Freer asked if the modular is a permanent or temporary structure. Town Manager Hewett stated it would be on a slab, bolted down. Tom Decker asked about the proposed location. Town Manager Hewett explained the location.

Mayor Pro Tem Kyser repeated his motion is to reject all bids and independently approve procurement of modular construction with placement onsite where it would be the cheapest, most cost effective place to put it. The motion was approved by unanimous vote.

DISCUSSION AND POSSIBLE SELECTION OF MEMBERS TO FILL UPCOMING VACANCIES ON BOARDS

Mayor Holden announced that Bob Hunter, Vicki Myers, David Burris and Mark Fleischhauer were chosen to serve as Regular Members (Bob Hunter – Mayor Pro Tem Kyser and Commissioners Miller, Young and Harrington, Vicki Myers – Mayor Pro Tem Kyser and Commissioners Young and Harrington, Mark Fleischhauer – Mayor Pro Tem Kyser, and Commissioners Miller, Young, Harrington and Martin, Michael Sullivan – Mayor Pro Tem Kyser and Commissioner Martin, David Burris – Commissioners Miller, Young, Harrington and Martin, Becky Willis – Commissioner Miller and Peter Pallas – Commissioner Martin) and Michael Sullivan and Peter Pallas were chosen to serve as Alternate Members (Original Vote: Peter Pallas – Mayor Pro Tem Kyser, Commissioners Young and Harrington, Becky Willis – Mayor Pro Tem Kyser and Commissioner Miller, Vicki Myers – Commissioners Miller and Commissioner Martin, Michael Sullivan – Commissioners Young and Harrington, Bob Hunter – Commissioner Martin) (Tie Breaker: Becky Willis – Mayor Pro Tem Kyser and Commissioner Miller and Michael Sullivan – Commissioners Young, Harrington and Martin) to the Planning & Zoning Board.

John Kilian was selected as a the Regular Member (Anne Arnold – Mayor Pro Tem Kyser, Ben Baker – Commissioner Miller, John Kilian – Commissioners Young and Harrington, Peter Pallas – Commissioner Martin) and Ben Baker as the Alternate Member (Mark Fleischhauer - Mayor Pro Tem Kyser, Becky Willis – Commissioner Miller, Ben Baker – Commissioners Young and Harrington, Peter Pallas – Commissioner Martin) to the Board of Adjustment

TOWN MANAGER'S REPORT

- The Halstead Street Fishing Pier needed to be closed last week. The pilings had deteriorated where it was a public safety hazard. Thanked Public Works Director Clemmons who noticed it and then called Building Official Evans. That happened Wednesday. Repairs were made and the pier was opened by close of business Friday.
- Terminal groin – we received word from Dial Cordy that they are supposed to send the draft Environmental Impact Statement to the Corps' legal counsel for review this week. They will update it accordingly after that. It still puts us at public distribution in August, with a public hearing in late August, early September.
- The Shallow Draft Inlet Five maintenance permit has been assigned an action id number by the Corps. We have received a DENR 401 Water Quality Certification. The major CAMA permit is what we are waiting for.
- The pavement condition survey update has started. It will be done in about 60 days. Hopefully we will have it for the Board's consideration at the October meeting.
- The Holden Beach bridge beautification project that the Board approved last month will be on the county's agenda for possible approval of a resolution of support next Monday.
- West Brunswick Wastewater Treatment Plant – it looks like the county has entered into an amended Memorandum of Agreement with Southport that temporarily provides them additional capacity. Holden Beach should receive about \$115,000 annually for four years depending on Southport's decision of building their own plant or buying capacity in an expanded West Brunswick Plant.
- Showed pictures of the recent painting class and camp. Resident John McIntyre helped out with a camp about kites.

Commissioner Harrington asked about the treatment plant. Town Manager Hewett stated the county is managing capacity for us, we didn't sell it. Commissioner Harrington asked for an update on port a potties. Town Manager Hewett stated they are here. They seem to get a lot of use. Mayor Holden stated he has received a lot comments from people thanking the Town. Town Manager Hewett stated there are two at the far east end, one at the Greensboro sewer lift station and the other is at the 800 block sewer lift station. Commissioner Young stated she hasn't seen anywhere that the finalized budget and tax rate has been mentioned in the press. Town Manager Hewett stated the budget is on the website. Brian Slattery from the Beacon stated Sarah Sue Ingram was covering our budget and he believes there was an article written on it. Commissioner Harrington asked how much the Board appropriated for the bathroom. Town Manager Hewett read from the PARTF Grant, \$80,000 for the restroom facility, with utility hookups for \$10,000.

MAYOR'S COMMENTS

- Received more than usual positive comments about the concerts. Our staff and volunteers seem to be doing a great job. One continuing complaint is the odor. Town Manager Hewett stated we have a solution, we are just waiting on the logistics of getting it done in a timely manner. We are not sure we can implement the solution in between the concerts. He added we could bring in more manpower.
- Beach strand erosion in his opinion is non-existent right now. We are benefiting from summer accretment.
- Haven't had any cancellations he is aware of due to the shark reports. Rentals, sales and construction are up.
- Has received many positive comments about the garden at the bridge intersection. Sees many people getting family photos there. It is nice to see people enjoy it.
- Had numerous people ask about the cinderblock building on the causeway. Has been told it will be 8,000 square feet of a clothing store.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Kyser

- Thanked everyone who came tonight. Thanked everyone who served on the boards in the past. Thanked everyone who volunteered. It is nice to have everyone stepping up to volunteer.
- Received lots of positive feedback on the port a potties. Once we firm up that they will remain in the locations, we will do some beautification around them.
- Thanked Shoreline Protection and Recreation Manager Ferguson for all of her activities that are going on this summer. Everyone has lots of positive comments about them.

Commissioner Miller

- Thanked everyone who volunteered to be on the boards. Hope you will stay active if you didn't get chosen at this time.
- Has received a lot of comments about the aroma at the concerts.
- Thanked everyone for coming. Looks forward to seeing everyone next month.

Commissioner Young

- Thanked everyone for coming.
- Thanked all of the volunteers to the boards and the emergency evacuation committee.
- Reminded people if you are interested in running in the next election you have until Friday at noon to register.

Commissioner Harrington

- Thanked everyone. We had a good turn-out.
- It was an eye opener to see the bids on the bathrooms.
- Reminded everyone that they have until noon Friday to register for a commissioner position.

Commissioner Martin

- Thanked Shoreline Protection and Recreation Manager Ferguson and Public Works Director Clemmons for their hard work working with the NCDOT. It is very dangerous and it would be nice if we could get a few marked crosswalks.
- Thanked everyone who put names forward for the various boards. Thinks it is very important to be involved in the community. Congratulated those who were appointed to serve. Looks forward to working with those appointed.
- As mentioned you have until Friday to get your name on the ballot for the election.

PUBLIC COMMENTS ON GENERAL ITEMS

Kit Atcock, from Bald Head Island informed the Board about House Bill 97 concerning Zeke's Island. She urged the Board to work with Bald Head Island on coastal issues. She asked if the Board would be willing to support a resolution in opposition to the Zeke's Island budget item in the capital budget.

Tom Myers, President of the Holden Beach Homeowner's Association (HBPOA), stated that at their Memorial Day meeting a letter from Burton Hall that had been presented to the Board was presented to their membership. He stated there was a lot of confusion on the vote about mega houses that was taken at the Board's March meeting. He stated a motion was made by their membership to bring up the topic again with the appropriate public notification so the Board can properly vote. He stated the voters would like clarity on where the Board stands before the election. He stated their motion was amended to ask for a moratorium to limit houses greater than 5,000 square feet or eight bedrooms. He stated the amended ordinance passed unanimously. Mr. Myers stated the county noise ordinance was also discussed and a motion for the Town to adopt ordinances consistent with those on the west end regarding noise was made. He stated the HBPOA is requesting that the Board establish a moratorium to limit houses greater than 5,000 square feet or eight bedrooms and adopt a noise ordinance consistent to the one that was approved by the HB West II Property Owners Association.

Deborah Fincher stated that at the end of Sand Dollar is what locals call the mall. People enjoy fishing and gathering there. Within the past two weeks the Town put in a speed limit sign, which she was excited to see. Some people still travel too fast. She requests that a portion of the street be reduced to 15 miles per hour. She stated they get a lot of vehicle and pedestrian traffic. It would be nice to have a sign to remind people to keep their dogs on leashes and pick up after their dogs. She is also requesting that a dog waste station be put in.

EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), TO CONSULT WITH THE TOWN ATTORNEY REGARDING SIX AT 109, FILE # 12 CVS 1986 AND MADDEN SUB TR AND VIOLET, FILE # 14 CVS 1366

Town Clerk Finnell read the reason to go into Executive Session.

Motion by Mayor Pro Tem Kyser to go into Executive Session at 8:40 p.m.; second by Commissioner Miller; approved by unanimous vote.

OPEN SESSION

Motion by Mayor Pro Tem Kyser at 9:39 p.m. to go back into Open Session; second by Commissioner Miller; approved by unanimous vote.

Mayor Holden announced there was no action taken.

ADJOURNMENT

Motion to adjourn by Mayor Pro Tem Kyser at 9:39 p.m.; second by Commissioner Miller; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk