



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, MARCH 8, 2016 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, March 8, 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 Kim Isenhour, John Fletcher and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell; Public Works Director Chris Clemmons; Water & Sewer Superintendent Eric Long; Police Chief Wally Layne; Building Official Tim Evans; and Shoreline Protection and Recreation Manager Christy Ferguson. Commissioner Peter Freer was unable to attend the meeting due to family illness.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Commissioner Isenhour would like to move number 11, the noise ordinance, to the next meeting. The Town Attorney has some great ideas for enforceability.

Motion by Commissioner Isenhour to approve the agenda with the change; second by Mayor Pro Tem Royal; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Kyser to approve the minutes of the Special Meeting of February 16, 2016 as written; second by Commissioner Fletcher; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Commissioner Fletcher provided an overview of the new rules. Mayor Pro Tem Royal suggested having the rules at the back of the room for the next meeting.

Dolly Mitchell stated she delayed a trip in February to attend the February meeting. On her trip she read Lou's Views. Mrs. Mitchell listened to the audio of the meeting to verify the specifics were not discussed at the meeting. She would like the Board to think through the resolutions being passed. She has a concern that a commissioner will serve on the Audit Committee and that he will pick the members of the committee.

Gina Martin stated she is addressing item 14, the change to the meeting schedule. She said the Board approved a resolution before the public had an opportunity to review it. She stated key parts were left out when it was approved. Mrs. Martin stated since you can't have a comment period before the meeting, the Board needs to change the meeting time or change the resolution they just passed. She feels that moving the time and date could cause a problem.

Pete Pallas, Alternate Member on the Planning & Zoning Board (P&Z), asked the Board to consider purchasing spare parts for the sewer system. If the Town had a catastrophic event it could take three months to get some of the parts. He urged the Board to get the parts.

POLICE REPORT – CHIEF WALLY LAYNE

- The break-ins have subsided. Hopefully it will continue that way.
- Over halfway through in-service training for 2016. Every officer is required by state mandate to have 24 hours of in-service training. Trying to get it done before the season kicks off.
- Have a couple of part-time administrative assistants. Dorrie Mercer has been accepted into grad school. Is in search of her replacement. Ms. Mercer has been an asset to the department.
- Preparing for an annual audit. Will occur March 24th.
- Sheila Young asked about the difference in the keep checks as noted on the Police Report. Chief Layne responded they are still doing keep checks, it is just a paperwork change.

DISCUSSION AND POSSIBLE AWARD OF CONTRACT FOR ROADWAY WORK – SHANE LIPPARD, RIGHT ANGLE ENGINEERING

Mr. Lippard stated his company prepared a set of bid documents for the roadway work repairs as identified in the conditions assessment completed a couple of months ago. The dollar amount was that it could be bid informally. Received three bids. The lowest one was Southern Asphalt at \$105,800. They broke down each street individually. It was for Davis, Holden, By the Sea, Elizabeth and Sunshine. His company has prior experience with the low bidder. Mr. Lippard thinks they would do a good job. Mayor Pro Tem Royal asked if the bids were sealed. Mr. Lippard replied the bids were sealed to them, but it wasn't a formal process. Mayor Pro Tem Royal inquired if the reason Brunswick Avenue didn't show up was because it was a different issue. Mr. Lippard responded yes. Mayor Holden added we have the same issues with High Point. Mr. Lippard stated that those seem to be utility related complications, not regular road maintenance. Commissioner Isenhour asked if the work will be completed within 60 days if the Board approves this. Mr. Lippard stated it should be, depending on the weather. Town Manager Hewett recommends approval.

Motion by Commissioner Fletcher to approve the contract with Southern Asphalt for rehabilitation of the streets, second by Commissioner Kyser.

Town Manager Hewett stated it is funded within the current budget.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE CONFIRMATION OF AUDIT COMMITTEE MEMBERS – COMMISSIONER FLETCHER

Commissioner Fletcher would like the Board to confirm the membership of the Audit Committee. He previously announced three of the four from the old committee, Ron Skubic, Ben Byrnside and Mark Fleischhauer are willing to serve. He now has spoken with the 4th member, Chip Haigh and he is also willing to serve. For the next year he recommends these four are the members of the Audit Committee.

Motion by Commissioner Fletcher to approve those four as the Audit Committee; second by Mayor Pro Tem Royal; approved by unanimous vote.

PRELIMINARY PROGRESS REPORT: SANITARY SEWER VULNERABILITY – PLANNING & ZONING BOARD MEMBER MIKE SULLIVAN

Planning & Zoning Board Member Mike Sullivan provided background on the committee. He explained it is clear there are other things that can damage the system. The committee would like the Board to give permission to look at all threats, not just storm surge. The committee reviewed the available information related to the severity and frequencies of storms. Public Works provided an estimate of \$700,000 for the replacement cost of the equipment at the pump stations. Some of the parts would take three months to be replaced. Each station has unique component parts. They looked at availability of replacement parts. It is hard to find compatible systems.

Oak Island and Ocean Isle Beach put the parts of their systems susceptible to flooding above the base flood level. Our retention tanks are underground and are covered by a concrete slab. There is no way to change them out. One of the committee members is an engineer. His suggestion is to put the susceptible parts above flood level. Mr. Sullivan understands money was allocated for technical consulting. They want an independent engineer to do a cost analysis for the raising of the equipment susceptible to flooding.

Mr. Sullivan answered questions from the Board.

Motion by Commissioner Kyser to expand the scope to include other high vulnerability items and then make a plan to be able to cope with those, second by Commissioner Isenhour.

Mayor Pro Tem Royal would like some discussion on prioritizing. Commissioner Kyser agreed with that.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 16-07, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 30: TOWN GOVERNMENT AND OFFICIALS (SECTION 30.25 COMMISSIONS, BOARDS, AGENCIES AND AUTHORITIES ESTABLISHED BY ORDINANCE OR UNDER THE AUTHORITY OF THE BOC

Town Clerk Finnell explained this ordinance confirms a motion made at a previous meeting.

Motion by Mayor Pro Tem Royal to approve Ordinance 16-07; second by Commissioner Fletcher; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON MULTI-JURISDICTIONAL DISASTER DEBRIS MANAGEMENT AND MONITORING REQUEST FOR PROPOSALS – PUBLIC WORKS DIRECTOR CLEMMONS

Public Works Director Clemmons stated this is a request for the Board to consider joining the County for solicitation of bids for storm debris cleanup. This is necessary for FEMA requirements. He stated he feels like it is a good direction to go. It would be like we are a primary holder of the agreement. We can activate the agreement without the county. This is just for the solicitation. Public Works Director Clemmons explained that our last contract expired and we received no replies on our last solicitation. Mayor Pro Tem Royal asked if it is fair to say this should be most economical rather than soliciting individual bids. Public Works Director Clemmons replied yes.

Motion by Commissioner Kyser to join the multi-jurisdictional debris disaster management and monitoring request for proposals; second by Commissioner Fletcher; approved by unanimous vote.

Town Manager Hewett stated he anticipates a contract will come back to the Board for final approval late May/ early June.

POSSIBLE AMENDMENT TO THE HOLDEN BEACH BOARD OF COMMISSIONERS' 2016 MEETING SCHEDULE – COMMISSIONER ISENHOUR

Commissioner Isenhour requested the Board consider moving the meeting to the third Tuesday of each month so the Town Attorney can attend the meetings. The proposed time is 6:30 p.m. They can have discussion if the proposed days and time do not work for people. Commissioner Isenhour thinks it will be valuable for the Town Attorney to attend the meetings. Town Clerk Finnell explained the 6:30 p.m. start time would bring the Board into compliance with the resolution that was passed regarding public comments sign-up. Commissioner Kyser will not be able to make the June 21st meeting. He is unsure if he can be at the meetings by 6:30 p.m. on other days. The Board agreed to hear the opinions of the audience.

Betty Curtis stated she couldn't come at 6:30 p.m. She thinks most people would not approve of that time.

Carol Ann Lohman said December 20th is not a good day to meet. It is Christmas week.

Gay Atkins asked if they thought about the public when the Board picked an attorney. She thinks 6:30 p.m. is too early.

The Board discussed the start time.

Motion by Mayor Pro Tem Royal to adopt the dates of the meetings, but change the start time to 7:00 p.m.; second by Commissioner Fletcher.

Commissioner Isenhour asked if the Board needed to change the public comment resolution. Town Clerk Finnell explained she could have an amended version for the Board next month. Mayor Holden stated he will try to be there. He might have conflicting meetings that have already been scheduled.

The motion passed by a 3 – 1 vote with Mayor Pro Tem Royal and Commissioners Isenhour and Fletcher voting for the motion and Commissioner Kyser voting in the negative.

TOWN MANAGER'S REPORT

- Boating Infrastructure Grant Status – the dredging is complete. Construction on the access pier is moving ahead as scheduled. Awaiting floating docks assemblies.
- SEARCH 5k – had over 1000 participants, over 500 of those were children.
- Staff probably won't be reachable by email this weekend. We are finalizing our cloud server migration. Testing has been completed. Will be flipping the switch this weekend. Will be back up Monday.
- Public Works Director Clemmons has odor controls in place at Jordan Boulevard. It is just in time for the Easter crowd.
- Valve Pit Replacements – work continues.
- Ad Valorem Tax Collection Rate – collections are coming in. We are ahead of where we were this time last year. We are at almost 98%. Fiscal Operations Clerk Lancaster is sending second notices out this week for people who have not paid.
- Corps' Update on Project Funding/ Dredge Schedule – there hasn't been any maintenance done in the Lockwood Folly Inlet Crossing this year. The last time was three seasons ago. The \$3 million federal contract for shallow draft inlets crossing maintenance is supposed to be performed in November 2016/ April 2017.
- SDI - 5 – received the biological opinion from US Fish and Wildlife. Anticipating permit issuance in the June/ July timeframe. The permit will allow local governments in North Carolina to do shallow draft inlet maintenance.

- About \$3.5 million available for award via the state/ federal memorandum of agreement to provide shallow draft inlet maintenance.
- FEMA Project Extension (Irene) - have verbal approval on the project. Waiting hard copy confirmation. Project is for the 600 block area, worth approximately \$450,000. Hopefully can work it into the Central Reach Project. There is a Special Meeting scheduled for that Friday at 10:00 a.m.
- There is a new polling place. It is at the Emergency Operations Center. The address is 1044 Sabbath Home Road.

MAYOR'S COMMENTS

- Martins are back. The first week of March is when you should put Martin houses up.
- Sales continue to improve. At a meeting, an economist said this year through the summer and early fall should be the best sales we have had in many years.
- In talking with the Building Official Evans, the Town has the most construction it has had in many years. His memory is the best year was 55. Building Official Evans stated we are going to get close to that this year.
- If you are interested in beach nourishment, please be at Special Meeting Friday. We need all the help we can get in making this major decision. The Town needs to make a decision now.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Royal

- From his research, the Central Reach Project is one that has more obvious benefit. Looking forward to the discussion. Is already pre-dispositioned to be in favor of that. Erosion is certainly real. Need to manage it. Have precious resources that we need to prioritize. Look forward to hearing from the Sewer Committee. Want to do it right, but also in a timely manner.
- Thanked everyone for their comments.

Commissioner Isehour

- Thanked everyone involved in putting on the race. It was an amazing event. There were so many pictures of kids having a great time. That is the face of Holden Beach.
- Thanked those who have been calling and sending emails. It is nice to hear from people. Appreciates the time people take to call.

Commissioner Fletcher

- Seconds that. Appreciates the letters and calls. The more the Board knows about people's positions, the more they can respond.
- Going forward, we have the meeting Friday. Will very soon follow up with budgeting for the next year. Will have public meetings. Try your best to be there and participate. Will have the Audit Committee watching the process. Same with the terminal groin. Learn all you can about the issue and let them know your position.

Commissioner Kyser

- Thanked everyone for coming, nice to see a large crowd.
- The meeting on Friday is very important. Talking about an extremely large financial project. Would like feedback.
- Early voting is taking place now. Election Day is March 15th.
- Thanked Shoreline Protection and Recreation Manager Ferguson for her help with the race.

Tony Marwitz attended many meetings. In that time, seen lots of comments. He has spoken probably about 50 times. Only about a third of those were planned. Something happened at the meeting that he thought made it worthwhile for him to stand up and talk. Mr. Marwitz stated most of the Board campaigned on a platform of transparency, yet they passed a rule limiting public comments. He urged the Board to remove the requirement to sign-up.

Karen Fleischhauer provided background on the recent dangerous dog case on the island. Her husband was attacked two separate times by the same dog. She is upset the new ordinance pertaining to dangerous dogs doesn't apply to the case. She and her neighbors are concerned about safety since the dog remains on the island.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 8:31 p.m.; second by Commissioner Isehour; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk