



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, MAY 17, 2016**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, May 17, 2016 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem H. Ashley Royal; Commissioners Peter Freer, Kim Isenhour, John Fletcher and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell, Police Chief Wally Layne; Public Works Director Chris Clemmons; and Shoreline Protection and Recreation Manager Christy Ferguson.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Town Manager Hewett explained that Mike Sullivan had a family emergency so the Sanitary Sewer Report needed to be removed from the agenda. The Board also would like to add an item to Schedule a Date for a Budget Workshop. Mayor Holden suggested adding the new item to the agenda in the place of the item being removed.

Motion by Mayor Pro Tem Royal to approve the agenda as amended; second by Commissioner Fletcher; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Fletcher to approve the minutes of the Special Meeting of April 8, 2016 as written; second by Commissioner Freer; approved by unanimous vote.

Motion by Commissioner Isenhour to approve the minutes of the Regular Meeting of April 19, 2016 as written; second by Mayor Pro Tem Royal; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made.

ZIKA VIRUS/ VECTOR CONTROL – ABRAM YOUNG, BRUNSWICK COUNTY MOSQUITO CONTROL

Abram Young provided an overview on the County/ Town's program for mosquito control. He provided common symptoms and effects of the Zika Virus. He explained the Zika Virus transmission. Mr. Young reviewed mosquito prevention. Mr. Young answered questions from the Board and public.

ANNUAL FIRE DEPARTMENT UPDATE – FIRE CHIEF DOUG TODD

Chief Todd explained the Fire Department will start staffing the island around Memorial Day. They will staff two people from 7:00 a.m. – 7:00 p.m. throughout the summer. They have the results back from their inspection. The Town's insurance rating has been reduced from a 5 to a 4.

POLICE REPORT – CHIEF WALLY LAYNE

- Car break-ins have subsided. Folks that were involved are incarcerated.
- Getting ready for the tourist season. Every weekend is getting busier.
- Hurricane season starts June 1st. Make sure you have a plan. If you want to be on the Evacuation Teams, contact Town Clerk Finnell.

SETTING A BUDGET WORKSHOP

The Board came to a consensus to meet on June 9th at 3:00 p.m.

AUDIT COMMITTEE UPDATE – AUDIT COMMITTEE VICE CHAIR MARK FLEISCHHAUER

Mr. Fleischhauer explained the recently formed Audit Committee met on May 3rd. The four appointed members were the members of the previous committee so they are fairly familiar with the Town's financial systems and the audit process. Mr. Fleischhauer said they will be following and monitoring that process. He was appointed as vice-chair and Chip Haigh was appointed as the secretary.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-07, RESOLUTION AMENDING REGULATIONS GOVERNING PUBLIC COMMENT PERIODS, RULE 28 (B) OF THE BOC RULES AND PROCEDURE

Commissioner Fletcher explained that in coordination with Attorney Fox, they have eliminated the 30 minute limit; eliminated subject matter limitations; and the second period requires no sign up.

Motion by Commissioner Fletcher to accept the changes made to Rule 28 of the Rules of Procedure; second by Commissioner Freer; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 16-09, ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 92: NUISANCES (NOISE ORDINANCE)

Commissioner Fletcher explained Attorney Fox made some revisions. He stated under 92-24 the word nighttime needs to be deleted. Attorney Fox explained the proposed change.

Motion by Commissioner Fletcher to approve Ordinance 16-09 with one modification, Section 92-24(a) of the proposed ordinance should exclude the words nighttime hours, second by Commissioner Isenhour.

Commissioner Freer stated there were a couple of changes from the previous version and they look fine.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF TOWN/ COUNTY INTERLOCAL FINANCING AGREEMENT FOR THE CENTRAL REACH PROJECT

Shoreline Protection and Recreation Manager Ferguson stated that the proposed interlocal agreement went before the county last night. The county assured the Town they will make a decision by the end of the month. They want to make sure the language in the document is strong enough. She reviewed last night's meeting. Town Manager

Hewett explained the first requirement in the Local Government Budget and Fiscal Control Act is that you have to appropriate to fulfill your debt service.

DISCUSSION AND POSSIBLE ACTION ON STATE AND COUNTY FINANCIAL SUPPORT FOR DREDGING AND BEACH NOURISHMENT

Commissioner Kyser stated this item is about developing a funding stream for dredging and beach nourishment. He said getting terminal groins approved was a community effort and we need to take the same approach with dredging. He stated dredging by the Corps is going away. It would be nice if we could develop a long term funding stream to help the Town pay for it. Commissioner Kyser would like to authorize the mayor and town manager to talk to others to see if we can get some kind of movement started.

Motion by Commissioner Kyser to authorize the town manager and mayor to start conversations to develop a long term funding stream for dredging and putting the sand on the beach; second by Commissioner Fletcher; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 16-08, RESOLUTION SUPPORTING OYSTER FARMING

Shoreline Protection and Recreation Manager Ferguson explained the background on the resolution.

Motion by Commissioner Fletcher to accept and approve the resolution supporting oyster restoration to enhance the coastal North Carolina environment and economy; second by Mayor Pro Tem Royal.

Mayor Pro Tem Royal asked if the numbers in the resolution are inclusive of private gardens. Shoreline Protection and Recreation Manager Ferguson believes they are. Mayor Holden provided history about oyster beds in the area.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON BEACH SAFETY ORDINANCE ENFORCEMENT

Commissioner Fletcher relayed his observations relating to dogs, structures and holes on the beach and the Town's inability to enforce the regulations. He recommends the Board decide how to approach this so these items can be enforced properly.

Town Manager Hewett explained the past processes for enforcing the regulation concerning equipment left on the beach. Moving forward, Public Works will take away any equipment in the morning with the first trash haul. Public Works Director Clemmons added they will do their best, but it will be hard with his current resources. Town Manager Hewett stated they would rely on an outreach program. Chief Layne stated the Police Department is on the beach every day over the summer to address the issues. If people report problems, they will be glad to enforce ordinances. Commissioner Freer would like to look into options for part-time beach patrol to help the Police Department. Chief Layne stated he is open to options. He talked about volunteers and explained the process for part-time help. Mayor Pro Tem Royal thinks the best deterrent is enforcement and getting the word out. Commissioner Fletcher voiced his concerns on holes. Commissioner Freer suggested using an advisory committee to address this. Marty Arrowwood said homeowners need to be proactive and call the Police Department if they see ordinance violations.

DISCUSSION AND POSSIBLE ACTION ON ESTABLISHING AN ORDINANCE LIMITING THE OVERALL SIZE OF STRUCTURES ON THE ISLAND

Commissioner Freer stated there was previous discussion on how to control the overall size of structures. He knows the Board has received complaints about people building larger houses on combined lots. He suggested establishing

a community advisory committee under the Planning & Zoning Board (P&Z) to do research on the extent of problem and to find the solutions available. Town Manager Hewett suggested this type of tasker is better suited to P&Z, because of the land use/ zoning issues. Commissioner Kyser suggested letting P&Z choose the committee if that is the route the Board would like to take.

Motion by Commissioner Freer to establish under §155.15, a community advisory committee and to recommend Vicki Myers, Mark Fleischhauer and Tiffany Hobbs; second by Commissioner Fletcher.

Attorney Fox explained P&Z is already charged with this based on Town ordinance. Town Manager Hewett stated based on state law, it might need to go back to P&Z, even if there is a committee. Mayor Pro Tem Royal said it is good to have a plan in place for the worst case scenario. He would like to see it given to P&Z with specific direction on addressing the problem.

Commissioner Freer is okay with amending his motion to handing it to P&Z to look into the overall size of structures on the island. No second was made.

The Board and Attorney Fox discussed how the motion could be worded.

Motion by Mayor Pro Tem Royal to direct the Planning & Zoning Board to review the subdivision regulations in the Town's ordinances and make a recommendation to the Board of Commissioners to address size and combining lots; second by Commissioner Kyser; approved by unanimous vote.

TOWN MANAGER'S REPORT

- Central Reach Project – several items specific to the project are entering into critical phases. We have final designs. The bid packet is on the street in the dredging community. We are probably looking at July for feedback from the dredgers. Easements are in play. Attorney Fox explained the current status of the easements. The Municipal Service District is an administrative process that will be kicking off shortly. The services report is drafted and we are working with the engineer to get the map ready that goes with the report.
- The Town now holds a permit to dredge sand from the Lockwood Folly Inlet and place it on the beach. It pretty much mimics the Corps' authorization. We are not constricted to using the Corps' plant.
- The Division of Water Resources, collectively with the county will be dredging the inlet for about nine days, beginning about May 21st. They will not be placing sand on the beach, it is the sidecaster dredge. The hopper dredge is not available.
- The streets resurfacing work has been completed. Awaiting engineer certification on that.
- The street lights on the east end have been replaced. Believes they will meet the requirements of that particular situation.
- Bridge Beautification Project has not started. DOT is still confident the project will be complete by the contract date.
- Bridgeview Park – have made good headway. The modular restroom has been set. The court was paved today. Electrical service has been dropped. The floating dock fabrication is complete. Its arrival is imminent.
- Summertime port-a-potties will be in place next week.
- The annual beach monitoring survey is complete.
- Staff received CPR training.
- Our Earth Day shred event yielded about 1,600 pounds of shredded material.
- Our mosquito program is compliant per the NC Division of Environmental Quality.
- The third tax notices have gone out.

- We received a challenge to Paint the Town Purple. Shoreline Protection and Recreation Manager Ferguson provided information on the upcoming Survivors' Luncheon.
- Mayor Pro Tem Royal stated he was thrilled to see dredging will occur. Asked if it was Town Manager Hewett's initiative to get started. Town Manager Hewett responded it has been a partnership with many folks up the coast. The work product is from a collaboration of legislators, local government employees and elected officials.

MAYOR'S COMMENTS

- Received a letter of resignation from Ralph Martin from P&Z.
- Chief Layne referred to hurricane preparation. The Town will be preparing for the worst and getting a good group of volunteers together for the Evacuation Teams. Sign up with the town clerk.
- Mahi Mahi are biting offshore.
- Inlet is stopped up two and a half feet at low tide, so be careful if you go out.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Royal

- Glad to see the initiative on supporting the oyster industry. Would like to see a similar effort; concerned with the diminishing amount of shrimp boats.
- Thanked the HBPOA for hosting the informational meeting on the terminal groin. It was good information. Unfortunately, we didn't have a balanced presentation since our permit is not finalized. Understands that once it is, the Town will host meetings where they can solicit input on the Environmental Impact Statement. It is an important project with lots of variables. Encouraged everyone to read the links on the Town's website. Read as much as you can, so you can give input.

Commissioner Freer

- The budget process is underway. Had a meeting this morning. Encouraged everyone to attend, participate and understand the process.

Commissioner Isenhour

- A big thank you to the HBPOA for hosting the terminal groin meeting. It is important to gather as much information as possible before we make a decision. If you attended the meeting, would like to caution it was one side. It gave a lot to think about. We need to continue in the process and take a look at groins all over the world to see what they have done. Be careful when reading literature and consider factors that would affect Holden Beach.

Commissioner Fletcher

- This Board will deal probably with the largest set of expenditures we have had on the island with the Central Reach Project, terminal groin and the upgrade of the sewer system. As we go through this budget, try to be there. There is a lot of money on the table. To put sand on the beach, which is a necessity, we will need to raise taxes. If want to keep the beach as it is, will need to pay a little bit to get that done. Be a part of the process.

Commissioner Kyser

- Agreed with Commissioner Fletcher. If you ever come to a budget meeting, you see only a couple of people attend. There is a little awareness of what is done. The things in front of the Board are tremendous, the Central Reach Project, terminal groin, the sewer project. All of those things cost money. Everyone needs to be aware of what decisions are being made and why they are being made.
- After the Survivors' Luncheon there will be a walk from Town Hall to the Pavilion. Wear purple.

- The mosquito program is complaint driven. If you have a problem, call Town Hall so they can investigate and address issues.
- Personal opinion is that the Police Department does a great job. If all we are talking about is holes, dogs and cabanas, then we are not talking about major crime. Thinks that is a very good thing. They do a great job of keeping the crime down.

PUBLIC COMMENTS ON GENERAL ITEMS

Marty Arrowood is speaking for the homeowners on Crab and Shrimp Streets. She stated last year, the Town took away their traditional access to the beach when it made Ranger a public parking lot. Ms. Arrowood detailed the problems at Ranger. She asked the Town to allot a space at the base for foot traffic. They also would like a bike rack.

Irvin Woods wanted to thank the Town for the new streetlights on the east end. He attaches beach regulations to his check-in information for his renters. Mr. Woods appreciates what the Town is doing on the Central Reach Project. It doesn't impact his end of the island, but he believes this one island and one community and is for the beach being preserved. Mr. Woods said it is infrastructure.

EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(5), TO ESTABLISH OR INSTRUCT STAFF OR AGENT CONCERNING THE NEGOTIATION OF THE PRICE AND TERMS OF A CONTRACT CONCERNING THE ACQUISITION OF 247AA032, OWNED BY HOLDEN BEACH DEVELOPMENT, INC, 246DB001, 246DB002, 246DB004, 246DB005, 231ME019, 246DB006, 231ME018 and 246DB007, OWNED BY HOLDEN BEACH FISHING PIER AND PARCEL NUMNERS 232NB021, 232NB022, 232NF001, 232NF002, 232NF003, 232NF004, 232NF005, 232NF006, 232NF007 AND 232NF008, OWNED BY HOLDEN BEACH ENTERPRISES

Town Clerk Finnell read the reason for going into Executive Session.

Motion by Mayor Pro Tem Royal to go into Executive Session at 9:06 p.m.; second by Commissioner Isenhour; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 9:59 p.m. Mayor Holden announced no action was taken.

ADJOURNMENT

Motion by Mayor Pro Tem Royal to adjourn at 9:59 p.m.; second by Commissioner Freer; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk