



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, JUNE 20, 2017 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, June 20, 2017 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem John Fletcher; Commissioners Peter Freer, Kim Isenhour and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Public Works Director Chris Clemmons; Shoreline Protection and Recreation Manager Christy Ferguson; Building Official Tim Evans; and Fiscal Operations Clerk Mandy Lockner. Commissioner Ashley Royal was unable to attend the meeting.

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

Mayor Holden said Commissioner Royal is out of town on business. Two of the items have been placed on the agenda by Commissioner Royal. Mayor Pro Tem Fletcher said Commissioner Royal asked him to speak for him.

*Motion by Commissioner Fletcher to amend item 14 to read 14a and add the words “and associated beach access matters” and add 14b: Discussion and Possible Action to Amend Ordinance 95.05B: Streets and Rights of Way.*

Mayor Pro Tem Fletcher said the items are just for discussion tonight. Attorney Fox suggested discussing the item under the comments. Commissioner Freer confirmed that Mayor Pro Tem Fletcher would like to direct the clerk to prepare an ordinance to vote on at the next meeting. Attorney Fox said she cannot give legal advice because she does not know what is being proposed to be discussed. Commissioner Kyser said he is not prepared to discuss something he had no idea would be on the agenda. He is opposed to adding that item unless it is discussed under comments. Attorney Fox suggested it would be easier to ask for a consensus under his comments instead of amending the agenda.

*Mayor Pro Tem Fletcher amended his motion. He said we would not need to add item 14a or 14b, we can just add the words “and associated beach access matters” to the Elizabeth Street parking issue. The amended motion was seconded by Commissioner Freer.*

Commissioner Kyser would like to know what the Board would be discussing. Mayor Pro Tem Fletcher responded the parking situation for Elizabeth Street and the access at the street. Attorney Fox said at the last meeting the Board asked her to research the issue. She has not connected with Ms. Pailthorp until tonight and she is not prepared to give a legal opinion on if the Town has the ability to do anything at that access. The Board discussed if the amendment should be approved.

*Mayor Pro Tem Fletcher, with Commissioner Freer in agreement, withdrew his motion.*

*Motion by Commissioner Isenhour to approve the agenda as presented; second by Mayor Pro Tem Fletcher; approved by unanimous vote.*

## **APPROVAL OF MINUTES**

*Motion by Commissioner Freer to approve the minutes of the Regular Meeting of May 16, 2017, the Special Meeting of May 19, 2017 and the Special Meeting of June 9, 2017 as written; second by Mayor Pro Tem Fletcher; approved by unanimous vote.*

## **PUBLIC COMMENTS ON AGENDA ITEMS**

Rick Green, a resident and an attorney, has been retained by one of owners in the L.S. Holden Subdivision. He said there are two issues, one, parking is addressed by the resolution. He said the second is the beach access. He provided information on his research. Mr. Green hit the public comment time limit.

*Motion by Mayor Pro Tem Fletcher to waive the time limits and let Mr. Green go on.*

Mayor Pro Tem Fletcher said it could be extended for another two minutes. Mr. Green said he might take three minutes.

Mr. Green talked about the homeowners in the L.S. Holden Subdivision maintaining the accessway. He would like the Town to restore the area to a private access for the L.S. Holden Subdivision and make Elizabeth Street no parking.

## **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 17-08, FISCAL YEAR 2017 – 2018 BUDGET ORDINANCE**

Town Manager Hewett reviewed the budget process. The two items the Board requested to be changed are in the ordinance, the \$100,000 appropriation for Lockwood Folly dredging and a footnote on the terminal groin that indicates the total lifecycle, 30 year costs for the project. Commissioner Freer said he made the request regarding Lockwood Folly, but wanted a separate line item to be added. He would like the focus to be east end beach nourishment, not inlet dredging. Town Manager Hewett explained the line that is already established is the same line that was put in the budget for the previous two cycles and the most recent appropriation of \$35,000 for the Lockwood Folly dredging. The vessel that will probably be used is the sidecaster dredge. The sidecaster doesn't put sand on the beach. According to the latest information from the Corps late last week, the inlet crossing projects this coming year won't happen down south. The \$76,000 from the last budget was under the Lockwood Folly Dredging line item. That was done

under the Corps' permit which uses the least cost method of disposal. The sand is the byproduct. Town Manager Hewett said there is a line item call Beach Nourishment. He stated the discriminator he tried to implement is to tie that item to a permit that the Town holds. He thinks it clouds the issue on what the money is earmarked for if that item is tied to a different line item. Commissioner Freer said he understands the Town has a permit that we have not exercised at this point. Town Manager Hewett said we won't be able to use the permit in the upcoming budget because of the dredging window. He said there won't be enough sand in the inlet to economically deploy on that permit. He doesn't anticipate any more dredging this fiscal year besides the one that has not yet happened for the \$35,000 the Town contributed. He said the Merritt should be here around July 15<sup>th</sup> for about two weeks, then there will be late September and late October cycles. At that time, the Merritt will be sent to the yard for repairs. The Corps doesn't have an outer bar sidecaster vessel available for the inlet for this time next year. He said it will be next November before the Town has a crack at conceptually getting together an east end sand nourishment project using sand from the inlet. The survey we just received shows the Lockwood Folly Inlet outer bar is opening up a little bit. Town Manager Hewett said conditions have improved on the outer bar since a month ago. Commissioner Freer said the Corps' perspective may be low cost, but to him sand was the primary benefit. Commissioner Freer said the Board added that in because previous amounts weren't planned. Town Manager Hewett said by putting it in, depending on availability of the Merritt, it could be there is a window where the \$100,000 provides that kind of capability where we are trying to scramble and fulfill now.

Commissioner Freer stated he saw the asterisk on the projected 30 year cost related to the capital expenditure. He said he is a little afraid to vote on the budget because he is wondering if the Board is approving all of the items in the Capital Plan. Town Manager Hewett responded that the only expenditures that are authorized are the current year budget expenditures. The numbers in the other nine years float. Commissioner Freer would like the plan to be in the Budget Message, but not in the ordinance. Town Manager Hewett said that is different from the previous guidance. Fiscal Operations Clerk Lockner said you are only approving the expenditures for 2017 – 2018, you are not approving the next 10 years. She provided an example of how the previous numbers in the plan changed.

*Motion by Mayor Pro Tem Fletcher to adopt the budget as presented, Fiscal Year 2017 - 2018, second by Commissioner Isehour; approved by unanimous vote.*

#### **POLICE REPORT – CHIEF WALLY LAYNE**

- It has been a typical busy summer. We have been one officer short for the past week. Sean Watson was bitten by a copperhead at his home and continues to recover.
- Have removed 62 items from the beach at night. The items are typically removed between Saturday and Monday night.
- 4<sup>th</sup> of July is coming. We are in hurricane season. Make sure you are prepared for both.

#### **BEACH RANGER PROGRAM REPORT – BUILDING OFFICIAL TIM EVANS**

Building Official Evans provided statistics on the Building Inspections Department. He said permitting and the number of inspections are up. He talked about the background of the Beach Ranger Program. They

are running shifts between 9:30 a.m. and 3:30 p.m. He wants it to be an educational program and assist folks. They keep a daily log of all contact. Building Official Evans provided statistics on the information logged and types of services they provide. He talked about some problems they encountered. Commissioner Freer said he read in the newspaper that the beach rangers won't ticket if there is a violation. Building Official Evans explained if people don't comply, the rangers advise them they will come back with help.

#### **SOLID WASTE REPORT – PUBLIC WORKS DIRECTOR CHRIS CLEMMONS**

Public Works Director Clemmons said as a result of the last budget meeting, he met with Waste Industries. They have one standard service that they don't customize. Waste Industries did agree to work with the Town on routes. He explained the new routes. We tried the new route on Saturday. By 10:00 a.m. all cans were dumped on Ocean Boulevard and the rollback provider was gone. After talking to the rollback provider, he asked everyone to talk to their neighbors to clarify the recycling schedule. He said another issue the rollback provider noticed was that cleaning crews are filling the trash cans back up after they clean the houses.

#### **DISCUSSION AND POSSIBLE ACTION ON SUPPORT OF BRUNSWICK COUNTY OPIOID TASK FORCE**

Town Clerk Finnell said a letter and resolution were prepared for the Board based on the feedback from the last meeting.

*Motion by Commissioner Isenhour to support the Brunswick County Opioid Task Force with a letter and resolution; second by Commissioner Kyser; approved by unanimous vote.*

#### **DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 17-07, RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF HOLDEN BEACH TO IMPLEMENT FOUR-YEAR STAGGERED TERMS FOR THE MEMBERS OF THE TOWN OF HOLDEN BEACH BOARD OF COMMISSIONERS AND SETTING THE DATE FOR A PUBLIC HEARING**

Attorney Fox said Resolution 17-07 is presented for consideration. The resolution was drafted based on Board direction. Adoption of an ordinance for staggered terms for the Board, excluding the mayor would be considered at the July meeting. Commissioner Freer asked about referendum versus an ordinance. Attorney Fox explained if the Board adopts the resolution tonight, Town Clerk Finnell will publish a notice of intent to adopt an ordinance at the July meeting. There will be a public hearing prior to the meeting and then the Board would adopt an ordinance at the July regular meeting. Also, at that time based on previous discussion, the Board would also adopt a resolution asking the clerk to notify the Board of Elections that it should be a matter to be voted on by the public at the November election.

*Motion by Mayor Pro Tem Fletcher to approve Resolution 17-07; second by Commissioner Freer; approved by unanimous vote.*

## **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 17-08, RESOLUTION AMENDING THE FEE SCHEDULE FOR THE TOWN OF HOLDEN BEACH**

Town Clerk Finnell said based on feedback from the Board at the last meeting, staff prepared Resolution 17-08. Town Manager Hewett added this is with the understanding that people who want to get the additional decals will come in to obtain them. Mayor Pro Tem Fletcher talked about his past experience with decals.

*Motion by Mayor Pro Tem Fletcher to approve Resolution 17-08; second by Commissioner Freer; approved by unanimous vote.*

## **DISCUSSION AND POSSIBLE ACTION TO AMEND ORDINANCE 72.03, PARKING PROHIBITED AT ALL TIMES**

*Motion by Mayor Pro Tem Fletcher to amend the parking ordinance, 72.03, to designate Elizabeth Street as closed to vehicular traffic, a no parking zone; second by Commissioner Freer.*

Town Clerk Finnell asked if she is being directed to bring that back to the Board because she doesn't have an ordinance prepared to vote on. Mayor Holden said the motion should be to have the item put on the agenda at the next meeting. Attorney Fox said vehicular traffic is another issue than no parking, which is a whole different process. She explained the process.

*Mayor Pro Tem Fletcher agreed to amend his motion to direct the town clerk to prepare an ordinance for no parking on Elizabeth Street to be considered at the next meeting.*

Commissioner Kyser said the Board hasn't heard from the attorney about this whole subject. He said he knows people do not like parking on Elizabeth Street, but other streets have the same issue. He understands the problem, but he doesn't want to see a knee jerk reaction without getting Attorney Fox's advice. Chief Layne said the thing everyone needs to keep in mind is that it is Town right-of-way.

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

## **DISCUSSION AND POSSIBLE SCHEDULING OF A TIME TO HOLD INTERVIEWS FOR UPCOMING VACANCIES ON TOWN BOARDS**

The Board came to a consensus to schedule interviews for July 18<sup>th</sup> at 6:30 p.m.

## **TOWN MANAGER'S REPORT**

- GenX and Water Supply – We do get our water from the Cape Fear River. We don't know anything about the compound except from the communications from the county, state and various media. Handouts from the county are available in the back. We have been notified that they will stop the release of the compound into the Cape Fear River. Mayor Holden asked Town Manager Hewett to clarify we get some of our water from the Cape Fear River, not all of it.

- The water tank is full and online. The Fire Department is doing flow testing. Asked Chief Todd to give a report at the July meeting.
- No new information on the flood map status.
- Paving for Jordan, Marsh Walk and Schooner is complete.
- Sewer Vulnerability Improvements – all four lift station gensets are operational as of last week. Will incorporate into Town’s plans.
- Central Reach Project - sand fence installation is complete. Seeing immediate results on some of those sections of sand fence. Vegetation planting is underway. Will move to the eastern reach when finished there.
- Bridgeview Park – finished mitigation measures with the installation of marsh plantings. It was a permit requirement. It was an Eagle Scout Project by Jack Boldt of Troop 262. The troop leader is Matt Gould, Our 2<sup>nd</sup> kayak launch has been installed. We only have the splash pad installation remaining. That will occur this fall.

### **MAYOR’S COMMENTS**

- Comments being made about our beach strand by visitors have been overwhelmingly good. Comments about the flowers in the garden have been excellent. Overall comments have been good. Thinks the crowd we had here for Memorial Day was the biggest he could remember. We didn’t have any major incidents.
- Didn’t have to haul trash this week. Thanked Public Works Director Clemmons for what he did.

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

Mayor Pro Tem Fletcher

- We have a nice turnout tonight and some new faces.
- He and his wife are morning riders for the Turtle Patrol. He provided Turtle Patrol statistics. He told a story about a man sleeping on the beach and loggerhead laying her nest near him. We are pretty much on track with last year.

Commissioner Freer

- Thanked everyone for coming. Thanked staff. His family did tie dye. It is a lot of work.

Commissioner Isenhour

- After Hurricane Matthew the numbers on the Oceanside of her house blew away. They had to put them back up. This past weekend they blew away again. Pay attention to the numbers on your house. They are good for safety reasons.

Commissioner Kyser

- Thanked everyone for being here. Reminded everyone about the public hearing about staggered terms. Come express your opinions.

## **PUBLIC COMMENTS ON GENERAL ITEMS**

Marlene Barz read a letter from the Holden Beach Property Owners Association regarding parking problems on the island. They are requesting that the Board prevent parking on improved property and communicate by letter regarding right-of-way issues.

Dolly Mitchell said Mayor Holden spoke to the Men's Fellowship this morning. She asked Mayor Holden to comment on his discussion regarding having serial numbers for all appliances in case you need to be reimbursed for homeowners' insurance. Mayor Holden said at the Men's Breakfast they discussed planning for emergencies and hurricanes. In regards to insurance claims, you need to have serial numbers for anything of value. As we get into the season, we will have opportunities for the public to be informed of plans. Commissioner Kyser added he had a neighbor whose house burnt down. He talked about his experience. He suggested if you videotape everything you have, you can review it and make a claim for everything you have.

Woody Tyner wanted to recognize Town Manager Hewett and his staff for the Budget Message, it is an excellent document. If you haven't read it, read it.

### **EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(5), TO ESTABLISH OR INSTRUCT STAFF OR AGENT CONCERNING THE ACQUISITION OF PARCEL NUMBERS 232NF029, 232NF001, 232NF002, 232NF003, 232NF004, 232NF005, 232NF006, 232NF007 AND 232NFO08, OWNED BY HOLDEN BEACH ENTERPRISES AND TO CONSULT WITH THE TOWN ATTORNEY**

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

*Motion by Mayor Pro Tem Fletcher to go into Executive Session at 8:25 p.m.; second by Commissioner Freer; approved by unanimous vote.*

## **OPEN SESSION**

*Motion by Commissioner Isenhour to go back into Open Session at 9:18 p.m.; second by Commissioner Kyser; approved by unanimous vote.*

Mayor Holden announced that no action was taken.

## **ADJOURNMENT**

*Motion Mayor Pro Tem Fletcher to adjourn at 9:18 p.m.; second by Commissioner Freer; approved by unanimous vote.*

ATTEST:

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J. Alan Holden, Mayor

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Heather Finnell, Town Clerk