



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, AUGUST 15, 2017 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, August 15, 2017 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem John Fletcher; Commissioners Ashley Royal, Peter Freer, Kim Isenhour and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Shoreline Protection and Recreation Manager Christy Ferguson; Public Works Director Chris Clemmons; Zoning Official Rhonda Wooten; and Town Attorney Noel Fox.

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

Town Manager Hewett explained Attorney Fox has requested an Executive Session prior to the item pertaining to Elizabeth Street and Chief Layne has an interlocal agreement between the Town and Sheriff's Department that he would like the Board to approve. He said the proposed amendment would be to add the Interlocal Agreement as item 8a and the Executive Session to Consult with the Attorney as item 11a. He suggested that the Board may wish to move item 19 to 11b so that both Executive Sessions can be conducted at the same time.

*Motion by Mayor Pro Tem Fletcher to make that change.*

Commissioner Royal asked if it is against protocol to address all topics in one Executive Session. Town Manager Hewett said not as long as the purposes are articulated. Attorney Fox agreed it was okay.

*The motion was seconded by Commissioner Freer and approved by unanimous vote.*

Mayor Holden reviewed the changes.

**APPROVAL OF MINUTES**

*Motion by Commissioner Royal to approve the minutes of the Special Meeting of July 18, 2017 as written; second by Mayor Pro Tem Fletcher; approved by unanimous vote.*

*Motion by Commissioner Royal to approve the minutes of the Special Meeting (Public Hearing) of July 18, 2017 as written; second by Mayor Pro Tem Fletcher; approved by unanimous vote.*

*Motion by Commissioner Freer to amend the minutes of the Regular Meeting of July 18, 2017.*

Commissioner Freer said on page 8, lines 41/42 he would like to add *safety or traffic* issue. He also would like to add Town Manager Hewett's discussion about pedestrian safety on the road because of obstructions in the right-of-way. His motion is for both proposed changes.

*The motion was seconded by Mayor Pro Tem Fletcher and approved by unanimous vote.*

## **PUBLIC COMMENTS ON AGENDA ITEMS**

Gay Atkins asked why the Town would be considering purchasing 222 Ocean Boulevard East. Attorney Fox said Ms. Atkins can offer her comments to the Board, but the item will be discussed in closed session. Ms. Atkins said she wishes the Board would listen to Mayor Holden because of his background. She said if the Board is considering purchasing the lot for parking, the Town already has parking about four lots down from it. She is not sure if the Town can afford it. Commissioner Freer said the Board doesn't have information on the lot today, they will be receiving it today in Executive Session. Attorney Fox explained what information is public and that if action is taken it will be in Open Session.

Karen Fleischhauer said she spoke about recycling last month and Mark Pompeii suggested watching Plastic Ocean. She recommended people watch the documentary.

## **GUEST SPEAKER: YVONNE HATCHER – BRUNSWICK TRANSIT SYSTEM**

Town Manager Hewett introduced Yvonne Hatcher. Ms. Hatcher explained the services Brunswick Transit Service provides and their background. They operate five days a week in the county. They are funded mostly through grants. Anyone in the community can call for the service. They require 48 hours' notice for a reservation. The cost is \$3 each way. They go into New Hanover twice a week. Ms. Hatcher said they just received notice of a grant that will target Shallotte for a pilot program to offer same day service. Town Manager Hewett asked if it is okay to put a link on the website. Commissioner Royal asked about the wait time on the return trip. Ms. Hatcher said that is all scheduled when someone calls in. Commissioner Royal also asked about how many Holden Beach residents are using the service. Ms. Hatcher replied she could get that information.

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

- Had a rash of car break-ins (doors were unlocked). County had the same situation. This weekend we arrested the young addict and his girlfriend that were doing the break-ins.
- Tropics are continuing to heat up. Make sure your plans are in place. Talked about the current systems. NOAA has increased the number of named storms/ hurricanes.

Commissioner Kyser asked if the break-ins are on the sheet. Chief Layne said it is a month behind, you will see them next month. He answered questions from the audience. Chief Layne said he will make sure traffic

stops are included in the report next month. He provided details about the runner who was recently hit by a vehicle.

## **DISCUSSION AND POSSIBLE ACTION ON INTERLOCAL AGREEMENT BETWEEN THE TOWN AND THE BRUNSWICK COUNTY SHERIFF'S OFFICE**

Chief Layne said annually the Sheriff's Department sends the Town an interlocal agreement for mutual aid. This has been ongoing for years.

*Motion by Commissioner Royal to approve; second by Mayor Pro Tem Fletcher; approved by unanimous vote.*

## **YARD DEBRIS REPORT – PUBLIC WORKS DIRECTOR CHRIS CLEMMONS**

Public Works Director Clemmons explained that in April the Board accepted a bid from Coastal Transplants for yard debris and asked for a report on how many people utilize the service. We only have a month and a half of data so far. We have about 50 – 60 people that are utilizing the service each month. He doesn't think we have been collecting data long enough for a complete picture. The fall pickups will be in October, November and December on the 2<sup>nd</sup> and 4<sup>th</sup> Fridays of each month. The spring pickups are in March, April and May. The debris has to be bundled or be in biodegradable bags. Public Works Director Clemmons explained his numbers are based on people who were in compliance with the regulations. There were about the same amount of people who were not in compliance.

## **DISCUSSION AND POSSIBLE APPROVAL OF FUND BALANCE POLICY**

Town Manager Hewett said that during the budget season, the Board requested that a Fund Balance Policy be crafted that would provide for setting an Unassigned General Fund Balance ratio. What we proposed here, which is in sync with our discussions with what the Local Government Commission has recommended, is that a range with a minimum of 40% to a maximum of 70% be established. The thought process is that funds in excess of 70% would then be automatically escrowed in a Beach Nourishment Capital Reserve Account. The second piece of the policy also provides for consideration of an annual contribution to the Beach Nourishment Capital Reserve Account that equals 5% of the Town's Occupancy Tax collection. This policy establishes a goal and establishes a mechanism to do it.

Commissioner Freer asked if there is a provision that the 40 -70% to the General Fund is not a transfer from the BPART Fund. Town Manager Hewett said the General Fund Balance ratio is a measurement of how much revenue in the General Fund is available for appropriation in the following year and it has nothing to do with the transfer of the BPART Fund Balance. It is a measurement of the end of year General Fund revenues that are available to be appropriated in the General Fund in the next year. Commissioner Freer said so we never have transferred BPART Funds to reflect in the General Fund Balance for the next year. Town Manager Hewett said if the question is have we ever transferred BPART Funds to the General Fund in the past, the answer is yes, but that it is not the measure that the Fund Balance Ratio is. Commissioner Freer said you can achieve that by transferring funds from the BPART Fund into the General Fund to meet that minimum. He said he thinks the Town doesn't want to do that all of the time. Town Manager Hewett said the way this policy is crafted is that it envisions that funds in excess of 70% will go to the BPART Fund. He said he believes the Fund Balance number in this year's Budget Message is about 35%, but that needs to be checked. Mayor

Holden said the BPART Fund is not a piggybank that you can go to for money. There are strings attached, those funds can only be used for certain things. That money in the BPART Fund has to be directed to something that is covered in the state statutes.

*Motion by Commissioner Freer to approve the Fund Balance Policy; second by Mayor Pro Tem Fletcher; approved by unanimous vote.*

#### **DISCUSSION AND POSSIBLE NOMINATION OF MEMBER TO FILL VACANCY ON THE PARKS AND RECREATION ADVISORY BOARD**

Town Clerk Finnell said she neglected to add Becky Willis's position to last month's meeting. Her term is up, but she is willing to serve another term.

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

#### **EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3) TO CONSULT WITH THE TOWN ATTORNEY AND 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 PARCEL NUMBER 232MN008, OWNED BY THE KINSEY FAMILY LIMITED PARTNERSHIP**

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

*Motion by Mayor Pro Tem Fletcher to go into Executive Session at 7:47 p.m.; second by Commissioner Royal; approved by unanimous vote.*

#### **OPEN SESSION**

The Board went back into Open Session at 8:32 p.m. Mayor Holden announced no action was taken.

#### **DISCUSSION AND POSSIBLE ACTION ON PARKING ON ELIZABETH STREET**

*Motion by Mayor Pro Tem Fletcher that Elizabeth Street be identified as a no parking street and the sign be moved back to the dune from the street with immediate effect; second by Commissioner Freer.*

Mayor Pro Tem Fletcher said his observations of parking at Elizabeth Street represent a significant risk to pedestrians. He said there isn't room for the kind of parking being seen. He said people are parking on the pavement, with very little room between vehicles. He said for safety reasons, Elizabeth Street, with houses on both sides of it, deserves to be a no parking area. Commissioner Freer asked if he would recommend providing bicycle, golf cart and wagon parking.

*Mayor Pro Tem Fletcher said he would amend his motion to allow for the parking of bicycles, beach wagons/carts and golf carts.*

Town Clerk Finnell read the motion per Mayor Holden's request.

*Commissioner Freer agreed with the amendment.*

Town Clerk Finnell said if the Board is making it no parking and not just designating it by sign that would need to be an ordinance amendment. She does not have an ordinance prepared.

*Motion by Mayor Pro Tem Fletcher to amend the motion to make it parking by signage which would include allow bicycles, golf carts and beach wagons, but no automobiles or other vehicles, second by Commissioner Freer.*

Commissioner Royal asked for clarification. Town Clerk Finnell said it is on the books now that you can restrict it by signage, but you can't make it no parking without an ordinance amendment. Town Manager Hewett said he thinks he is obligated to make the Board aware of some policy obligations that they may not have factored in. He looked at the pictures and it appears to be an enforcement issue, which seems to be another matter. He asked if this is a temporary measure that the Board is contemplating. You have some CAMA Land Use Policies (LUP) that are on the books that need to be addressed. Town Manager Hewett said in the LUP you have things like maximizing public access to the beach; maximizing recreation opportunities for residents and visitors; access for all segments of the community; Town supports public access to the oceanfront; seeking funding from federal, state and county sources; continue to identify ways to improve existing access sites; and improve handicap access. These policies specifically address improving access and this appears to restrict access.

Town Manager Hewett said the Town has six parking lots that are generally configured in the same manner. Improving the access for handicap is what he kind of focused on. He said whenever possible when improvements are made we try to make them ramps. He explained how handicap people include more than people who are in a wheelchair. He asked how someone who is handicap will get to the access if we restrict the parking to bicycles and golf carts. Commissioner Royal said given the information from the last meeting, he would support this being temporary. He would encourage Town Manager Hewett to continue with his plans. He is sold on the handicap access, but we don't have it right now. Commissioner Freer said the Town did something similar with Ranger Street; we put in spaces for bicycles, golf carts and wagons. He thinks this is fairly unique because there are two houses so the parking is more restricted, it is not a wide open space. Town Manager Hewett said it is not any different from the parking at Quinton Street. He said the Town needs to standardize our access points whenever possible. He said he wants to make sure, but that to his knowledge the Town has not withdrawn participation in the 50-Year Project. It has a requirement for beach accesses within every 400 meters or so that have parking available to them. He thinks this is a slippery slope. Town Manager Hewett said there is pending legislation in front of the General Assembly that is to provide funding for beach nourishment and hazard mitigation. That legislation has not passed, but he is pretty sure there will be a requirement in that law that probably will mimic the rules in the federal 50-Year Project so that there will be adequate access for all to the beaches, to include parking, if you have any chance of accessing that state money. Commissioner Royal said we have heard from citizens that the east end is almost oversaturated with parking so he thinks the Town can address his concerns with other properties. Commissioner Isenhour thinks there needs to be a comprehensive look at parking, instead of addressing individual streets on a month to month basis and taking away parking spaces on the island. She said that is not helping the whole Town's parking problem. Commissioner Freer said we have people working on that. He said these are three unique

streets. Mayor Pro Tem Fletcher said if it wasn't a safety issue he wouldn't be as concerned. He doesn't think they are minimizing access. He said there is an increase in the amount of golf carts being used on the island and he thinks more people would use the access for golf carts. Town Manager Hewett asked what makes Elizabeth Street more unsafe than the other five lots east of Jordan Boulevard. He said shouldn't the same consideration be made for the others if it is deemed unsafe for them. Commissioner Royal said assuming that is correct, certainly. If it is a safety issue, you cannot ignore it because others exist. Town Manager Hewett said you have a CAMA contract for the construction of the facility on Quinton Street. The Town accepted money and it was approved to be constructed as handicap accessible. If we are now saying Elizabeth street is unsafe, so is Quinton, but we accepted funds many years ago to make it public parking, that is a quandary. Chief Layne said since he has been here, there has never been any incident on any of the streets being discussed concerning safety. Mayor Pro Tem Fletcher said up until 2016 it was a no parking street. Commissioner Royal said the pictures they have show multiple vehicles parking on the pavement so that is an infraction. He said there is a problem there. He said he assumes Quinton doesn't have the same configuration. Town Manager Hewett said it is not a street end, it is a lot. Commissioner Royal said they talked about it being temporary, so the Board can change it when Town Manager Hewett is ready to present his plan. He said he is in favor of the handicap access he described. Town Manager Hewett asked if what the Board is saying is they expect him to bring the application to construct a public access at Elizabeth Street back before them for approval. Commissioner Royal said he was just giving it the context of temporary. Commissioner Freer said parking and access are separate. He said Town Manager Hewett has the approval and he is moving forward with the permitting and everything associated with the access. Commissioner Royal said he is not asking to approve that.

Town Manager Hewett stated he will need to have signs made, the Town does not have those. Public Works Director Clemmons said it will take two – three weeks. Town Manager Hewett said that will bring us to Labor Day and the issue will go away.

After asking the audience to refrain from talking, Mayor Holden advised Mr. Lynch he was out of order when he didn't comply. He said the Commissioners asked him to get order and he needs to. He told Mr. Lynch he can't talk unless recognized by the Board. Mayor Holden told him he could talk under public comments.

*The motion passed by a 4 – 1 vote, with Mayor Pro Tem Fletcher and Commissioners Royal, Isenhour and Freer voting for the motion and Commissioner Kyser voting in the negative.*

Town Manager Hewett pointed out that the motion called for immediately. Mayor Pro Tem Fletcher said as soon as possible is fine.

## **DISCUSSION AND POSSIBLE ACTION ON RECYCLING AND SOLID WASTE**

*Motion by Mayor Pro Tem Fletcher that the Board of Commissioners instruct the Town staff through the Town Manager to determine the cost to increase recycling pickup to weekly for the period of approximately May 15<sup>th</sup> – September 15<sup>th</sup>, effective with the 2018 calendar year; second by Commissioner Freer.*

Commissioner Royal asked if the other item under item 13, require all rental units to have one recycle bin, is being considered separate. Mayor Pro Tem Fletcher said he would like to do one subject matter at a time. He hopes staff can find out the cost to increase the frequency of the recycling pickup. Town Manager Hewett

stated that this item and item 14 are part of a topic the Board broached during a couple of budget workshops. He said at the time, we communicated staff is conducting a process review of all of the attributes of solid waste. He was going to wait until the Town had a year's worth of data in September, which would be the anniversary of removing the former recycling site at the water tower. Town Manager Hewett said as staff delved into the topic, approximately 70 different elements related to solid waste were identified, all of these things are interrelated. He proposes that he and staff present the information in a holistic format so it isn't relayed in a piece by piece matter. He added that part of that would be to bring some stakeholders in. He said he needs to get through Labor Day and to receive more data from Waste Industries so he might have some information by mid-October or November, assuming he could get some stakeholders in. He hopes to include property management companies, an absentee property owner and others to get insight to make sure we are shrink wrapping the service levels for the community. Commissioner Royal said he thinks the Town has evidence that those stakeholders are appropriate. Mayor Pro Tem Fletcher asked if Town Manager Hewett would expect to come back to the Board with a proposed ordinance requiring every rental property to have at least one recycling bin. Town Manager Hewett responded that it certainly would be a consideration. He doesn't know once we go through it if it would be an appropriate solution or desired. He would make sure the items in 13 and 14 would be considered. Mayor Pro Tem Fletcher said what he observes is a huge home with one trash can. He hopes enforcement would be looked at too.

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

## **TOWN MANAGER'S REPORT**

- Sewer Lift Station Upgrade – we have a Request for Qualifications for engineering services on the street. The proposals are due September 1<sup>st</sup>. Hopefully they will be ready for the Board's consideration at the next meeting.
- Flood Map Status – has nothing different from last month, spring of 2018.
- Lockwood Folly Inlet – Merritt repairs are complete, should be here by the end of week. Conditions resulting from some of the work and the piggyback project have helped to keep the throat of the inlet scoured out. There is no recent survey. Spent \$150,000 of the \$420,000 provided by the memorandum of agreement, leaving just shy of \$300,000 that is available to continue the Lockwood Folly Dredging Program. That equates to about 15 days, not sure if they will need 15 days.
- Public Access Signs – have signs up on the public accesses. They are located on the beach and street side. Showed pictures of the signs and explained how they are numbered.
- Vegetation Plantings/ Sand Fence/ Post and Rope Installation – showed picture on how well the vegetation is doing now that it started raining. Pretty much finished installation, but we have some fine tuning left to do. Will do an assessment after hurricane season west of the Central Reach Project.
- Beach Ranger Program – thinks the program is doing what the Town wants it to do. Abandoned personal property tickets have come done. Don't get a lot of complaints that stuff is being left out overnight. Not hearing dogs on the beach complaints. Thinks holes on the strand will always be an issue. So far thinks we are accomplishing the objective.
- Hurricane Preparation – now is the time to get extra decals. Since we have generators on the facilities now, part of our protocol in an evacuation scenario will be pulling generators off the island. Will limit staff's ability to give decals out prior to a storm. Get your decals early.

## MAYOR'S COMMENTS

- If don't have your hurricane plan ready, please get busy making sure it is up to date. If you need help or a list of things we recommend doing contact the Town or me.
- Trash Pickup - still using his dump truck for his property management homes. Looking forward to the Board making changes to the trash pickup before next season.
- If you haven't signed up for the Town's email blasts, it is storm season. We get emails out as things change during a storm. Highly recommends everyone signs up.

## BOARD OF COMMISSIONERS' COMMENTS

### Mayor Pro Tem Fletcher

- Thanked everyone for coming and participating tonight. If you have any issue, contact the Mayor, Town Manager and Commissioners. Give the details and give them the chance to sort it out. They try to do their best.

### Commissioner Royal

- Thanked everyone for listening to this laborious process that sometimes seems to not have a solution. Personally endeavors to find out as much as he can so he can contribute or give an opinion if it is something worth pursuing.
- Not running for reelection. Really enjoyed it, but during his term was given a business opportunity that he couldn't turn down. Couldn't in good conscience run again and give it the attention it needs.

### Commissioner Freer

- Thanked everyone, the Town Manager and his staff. Lots of good things happening in the Town. Heard great things about the Beach Ranger Program. There is lots of activity and they are working hard to make it a success.

### Commissioner Isenhour

- Had several people call about an idea. It's called the Little Free Library. Provided information on it. Had two people recently ask if we could consider putting one here. Would like to take a look at it. We have a fantastic library and she thinks it will be a nice addition. Suggested people take a look at them online. Hopes we can endeavor to get one.
- Has seen the Beach Rangers on the beach. It's been wonderful. They are very friendly, welcoming and a joy to see. Very thankful when they drove past.
- Not running for another term. It's not because it hasn't been a wonderful experience. Thankful for Town staff. Working with the Board has been a pleasure. Has young children that need a mom.

### Commissioner Kyser

- Thanked everyone for being here. If you don't have stickers for your car, get them now. Talked about the current storms out there. There are three storms headed this direction. Pray that none of them come.

## **PUBLIC COMMENTS ON GENERAL ITEMS**

LC Lynch apologized for being out of order. He said he is confused. He said he has been here half a dozen times to talk about the street (Elizabeth Street). He said personally he has a parking problem. Mr. Lynch said he heard the commissioners say they want it no parking, but they don't seem to be able to get there. He explained why the situation confuses him. Mr. Lynch would like to be involved and he wants the decision for the area to involve the community.

Gay Atkins talked about how the terms were configured when she served. She thinks the Board needs to study staggered terms before making a decision.

Steve Simpson thanked the Board. He is confused about the parking situation. He said for 26 years, he understood there was no parking at the L.S. Holden access. He doesn't think it's the greatest place for parking. He doesn't understand why people can't walk to the access. Mr. Simpson would be appalled if someone parked in his yard. He hopes the Board can figure something out.

## **ADJOURNMENT**

*Motion by Commissioner Kyser to adjourn at 9:29 p.m.; second by Commissioner Freer; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk