



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, JULY 18, 2017 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, July 18, 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 and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Building Official Tim Evans; Public Works Director Chris Clemmons; Shoreline Protection and Recreation Manager Christy Ferguson; and Town Attorney Harrison Freedland (filling in for Attorney Noel Fox). Commissioner Kim Isenhour 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

Commissioner Freer explained in regards to item 7, Ms. LaFollette-Black is unable to attend the meeting so Dwight Willis will be substituting for her. Town Manager Hewett requested the addition of an Executive Session as item 20A, for property acquisition.

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

APPROVAL OF MINUTES

Motion by Commissioner Freer to approve the minutes of the Regular Meeting of June 20, 2017; second by Mayor Pro Tem Fletcher; approved by unanimous vote.

Motion by Commissioner Royal to approve the minutes of the Special Meeting of June 23, 2017; second by Mayor Pro Tem Fletcher; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made.

AARP AGE FRIENDLY COMMUNITIES – DWIGHT WILLIS

Dwight Willis presented information on Age Friendly Communities. He said a national survey showed that 8 in 10 people want to stay in the same home after retirement. He said it is important to have a community where citizens can age in place. Most communities don't feel prepared for their aging populations. He explained the benefits of age friendly networks, what seniors are looking for and reviewed a map of the current age friendly communities. AARP is leading this movement in the United States. There are eight domains. He reviewed the domains. Mr. Willis explained the process and what you get when you join. There is no cost to join. You can go online to check out the AARP livability index. Mr. Willis asked the Board to look at the materials provided, go online and to think about leading the way for the community.

Commissioner Royal asked if Mr. Willis has specific recommendations on what the Town can consider that would be relatively easy to implement. Mr. Willis responded the biggest area that the Town is lacking in for seniors is transportation. He suggested having a bus or minivan that could take people around the island and to different shops. He knows people who had to leave the island because they no longer had a method of transportation. He said some of that could be handled with a grant.

BRUNSWICK COUNTY TOURISM DEVELOPMENT AUTHORITY UPDATE – MITZI YORK

Mitzi York provided background information on the Tourism Development Authority. Brunswick County ranks 9th in the state as far as the amount of money tourists spend in the county based on 2015 numbers. 2016 numbers are not available yet. She provided statistics on the revenue generated and on their public relations efforts. Ms. York also gave information on the "best beaches" campaign they are working on. She reviewed the results of a survey they conducted.

FIRE DEPARTMENT REPORT – FIRE CHIEF DOUG TODD

Fire Chief Doug Todd provided statistics on calls. This year so far they ran 647 calls, 98 of them were on the island. It's a 12.8% increase from where the department was last year. Calls this year included nine total structure fires, one on the island; one brush fire on the island; and one vehicle fire on the island. The largest amount of calls right now are medical calls. They had only three water rescue calls so far this year. The average response time to the island in January was a little over eight minutes. They were down to six minutes response time starting in June. The station on the island is manned in the summer, during daytime hours. Chief Todd said they had two new fulltime employees approved in their new budget.

Commissioner Freer inquired about funding changes. Chief Todd replied that studies were completed and recommendations were made to the county commissioners. The county commissioners wanted to look into another way to fund fire departments because they don't like fire fees. They chose to submit legislation to raise the fire fee cap. It gives growing room until the county decides how to fund fire departments. The county commissioners also established a fire commission. He understands that funding will be one of the commission's tasks. Tri-Beach doesn't ask for supplemental funding. Town Manager Hewett asked what is driving the need for additional fulltime employees in relation to volunteers. Chief Todd explained it is a combination of a few things. It is hard for volunteers to leave work to go on calls. It also takes a lot of training and skills. People don't have time to meet the training needs. He said they have real good turnout on the calls they need extra help with. Mayor Holden asked if the new people impact

the coverage on the island. Chief Todd replied no. It gives him the ability to staff the Sabbath Home station 24 hours a day. Sheila Young thanked him for what they do.

POLICE REPORT – CHIEF WALLY LAYNE

- During the past month, we had two events. We had a 19 year old from the Charlotte area that fell three stories from a deck to a concrete driveway. Two weeks ago we had a young man from Kentucky that drowned in the Lockwood Folly Inlet.
- Typical summer besides those events. Survived another 4th of July.
- The tropics appear to be trying to heat up. Make sure your plans are in order.

Mr. Pompaii asked about the no swim warning that was in the paper. Chief Layne said we don't issue those. You can check the National Weather Service's website. They do a beach forecast. He talked about the conditions at the time of the drowning. Lou Cutajar asked if he had an update on the number of items collected from the beach. Chief Layne said it is probably about 50% less than last month. He had an officer that got hit in the head trying to take a cabana down last week. He ended up needing stitches.

RUN HB REQUESTS

Shoreline Protection and Recreation Manager Ferguson said that Coastal Race Productions is unable to attend. She explained there are several races that are linked together. We are the only town that doesn't allow a beer garden. She provided background on their request and how it would work. Shoreline Protection and Recreation Manager Ferguson added that the Merchants Association might be interested in a beer garden for a festival in the future, but that the two requests would be unrelated. She did talk to Chief Layne. The Town might want to have an officer present. Coastal Race Productions would need to obtain permits and get a license. She thinks if the Board is interested in the idea, you could put a stipulation on it that we try it for a year. She confirmed it is one beer per runner. Commissioner Freer said it is one beer per person, other towns are doing it. Commissioner Kyser said he is concerned with this setting a precedence. He said we bill ourselves as a family beach and to him this goes against our family beach marketing. Commissioner Royal said he concurs with what Commissioner Kyser said. In addition, he wonders about liability for the Town.

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

Commissioner Freer said he would like more information from other towns about the beer garden. He understands the reluctance, but thinks it is pretty unique. He would like to know how other towns are handling it and what they feel about it. Shoreline Protection and Recreation Manager Ferguson suggested if it doesn't mess their advertising up, Coastal Race Productions can come to the next meeting to answer questions. Commissioner Freer is okay with that. Commissioner Royal and Commissioner Kyser said they don't need any further information. No motion was made.

DISCUSSION AND POSSIBLE ACTION ON STAGGERED TERMS FOR THE BOARD OF COMMISSIONERS

Attorney Freedland said this item is a result of the action last month, whereby the Board adopted a resolution of intent to consider an ordinance amending the Town charter to implement four year staggered terms. A public hearing was held at 6:45 p.m. He reviewed the ordinance and resolution.

Commissioner Royal asked for confirmation that the special election would only involve residents of Holden Beach. Attorney Freedland replied yes. The special election would be held on November 7th and if the residents voted in favor of the amendment, it would take effect in November 2019. Mayor Holden clarified it is open to the registered voter residents of Holden Beach. Attorney Freedland confirmed that the amendment would not go into effect if the majority of the voters do not approve it.

Motion by Commissioner Royal to approve the ordinance amendment and the resolution; second by Mayor Pro Tem Fletcher; approved by unanimous vote.

FISCAL YEAR 2016 – 2017 BUDGET UPDATE

Town Manager Hewett reviewed the budget report. All funds are in the black. This is preliminary and unaudited data. We are about \$133,000 ahead in the General Fund and the Water Fund is close to \$200,000 ahead. The BPART Fund is about \$1.7 million ahead, which is primarily the result of receiving FEMA reimbursements. That is a long lived process that will probably take a few more months before we close it out. The Canal Dredging Fund has escrowed almost \$1.7 million. The Central Reach Capital Project Fund ended up about \$43,000 ahead. We do have some legal bills outstanding. The remainder will be closed out and will revert back to the BPART Fund. The ad valorem tax collection rate is up. It exceeded the estimate. State distributed revenues, vehicle, franchise and sales and use tax are up. The vehicle tax is probably double what we had estimated. Water and sewer use charges are approximately at 100%. Our occupancy tax collection is up about 5% from what was budgeted. Many of the FEMA reimbursements are disbursed through all of our funds. He talked how those reimbursements affected the budget.

Commissioner Royal asked if the legal fees remaining for the Central Reach Project are for the easements. Town Manager Hewett replied yes. Commissioner Freer asked if there were any surprises with the FEMA reimbursements so far. Town Manager Hewett replied no. Commissioner Royal thanked Town Manager Hewett and staff for the work they did to make the FEMA money a realization.

DISCUSSION AND POSSIBLE UPDATE TO THE 2016 – 2017 AUDIT CONTRACT WITH THOMPSON, PRICE, SCOTT, ADAMS AND CO., P.A.

Town Manager Hewett explained at the Finance Officers' Conference, the new state auditor voiced his concern about the viability of the Local Government Retirement System. About four dozen groups were selected to do some additional testing as far as how well local governments are actually performing with their administration of the contributions to the Local Government Retirement System. We have been selected to participate. The fee as proposed by our auditor is about \$2,500. The Town could select a separate auditor to do the attestation, but he thinks it is logical to have Thompson, Price, Scott, Adams and Co. do it at the same time. Commissioner Royal understands it that they will be looking at our administration of contribution into the retirement fund. He asked if anyone should be concerned that

there is sufficient funding for the system. Town Manager Hewett stated that is what the state auditor is concerned about. He said as a way of making sure the foundation blocks are there across the entire contributing entities, he guesses the state auditor is starting with making sure everyone is putting in what they should be.

Motion by Mayor Pro Tem Fletcher to approve the update to the 2016 – 2017 contract with Thompson, Price, Scott, Adams and Co.; second by Commissioner Royal; approved by unanimous vote.

DISCUSSION AND POSSIBLE NOMINATION OF MEMBERS TO FILL VACANCIES ON TOWN BOARDS

The Board voted and chose Larry Blume, Larry Reinhart and Ben Baker to serve as the Regular Members to the Board of Adjustment (Larry Blume – Mayor Pro Tem Fletcher, Commissioners Royal, Freer and Kyser; Larry Reinhart – Mayor Pro Tem Fletcher, Commissioners Royal, Freer and Kyser; Ben Baker – Mayor Holden, Mayor Pro Tem Fletcher, Commissioner Freer; Anne Arnold – Commissioners Royal and Kyser).

The Board voted and unanimously selected Anne Arnold and Jack Lohman to serve as Alternate Members to the Board of Adjustment.

The Board voted and selected Greg Shue to serve as a Regular Member to the Planning & Zoning Board (Greg Shue – Mayor Pro Tem Fletcher, Commissioners Freer and Kyser; Woody Tyner – Commissioner Royal).

The Board voted and chose Peter Pallas and Woody Tyner as Alternate Members to the Planning & Zoning Board (Peter Pallas – Mayor Pro Tem Fletcher, Commissioners Royal, Freer and Kyser; Woody Tyner – Mayor Holden, Commissioners Royal and Kyser; Cheryl Dellinger – Mayor Pro Tem Fletcher and Commissioner Freer).

The Board voted and selected Karen Fleischhauer, Nelson Payne, John McEntire, Olivia Gomez and Dolly Mitchell to serve on the Parks & Recreation Advisory Board (Karen Fleischhauer, Nelson Payne, John McEntire and Dolly Mitchell – Mayor Pro Tem Fletcher, Commissioners Royal, Freer and Kyser; Olivia Gomez – Mayor Pro Tem Fletcher, Commissioners Royal and Freer; Ken Weston – Commissioner Kyser).

Town Clerk Finnell said Ken Weston and Cheryl Dellinger were not selected to serve on a board and may be interested in serving on the Board of Adjustment since there is still one vacancy. Mr. Weston said he was not interested in serving on the Board of Adjustment. Ms. Dellinger was not in attendance so Town Clerk Finnell said she will verify that she would be interested in serving on the Board of Adjustment.

Motion by Commissioner Royal to select Cheryl Dellinger to fill the Alternate position of the Board of Adjustment; second by Mayor Pro Tem Fletcher; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON AMENDING TITLE IX, GENERAL REGULATIONS, SECTION 95.05 STREET RIGHTS-OF-WAY

Commissioner Freer said he worked with Attorney Fox to come up with an update to the right-of-way (ROW) ordinance. He would like to change four feet to two feet in section a; 18 inches to 28 inches in section b; and add that it should apply to only R-1 and R-2 zoned properties.

Motion by Commissioner Freer to submit his three amendments with what is already written by the Town attorney for her review and put it on the agenda for the next meeting for discussion and a possible vote; second by Mayor Pro Tem Fletcher.

Town Manager Hewett said there has been no consultation with staff. In looking through it and talking with staff, it is problematic. He said the whole landscaping ordinance is problematic and has several conflicts with some of our existing policies and other ordinances. There is a subdivision ordinance that specifically speaks to street ROWs being maintained in accordance with DOT standards. DOT standards are that you don't have anything in the ROW except speed limit signs and mailboxes. He stated that the current ordinance was adopted prior to the sewer being implemented and the Land Use Plan being adopted. He said it is a safety issue and creates problems for the maintenance of the streets. He said when this was adopted in 1985, it was a different time and place. Town Manager Hewett said he thinks the Town has outgrown that and the entire landscaping/ ROW ordinance needs to be thrown out the window. Commissioner Freer inquired about this applying to Ocean Boulevard since it is a state street. Town Manager Hewett said it is written to include Ocean Boulevard. Building Official Evans added that if this doesn't apply to Ocean Boulevard, the no parking ordinance wouldn't apply either because DOT allows parking in public ROWs. Town Manager Hewett said there is a current conflict in the ordinance. It is a constant fight with owners when repairs are made in the ROW. Mayor Pro Tem Fletcher asked if it would be his position that there should be no parking in the ROW. Town Manager Hewett replied he is addressing the landscaping ordinance; the Board established a committee to review parking. Commissioner Freer said currently the island has dozens of violations. Town Manager Hewett explained the way the ordinance is administered. Commissioner Kyser said if the Board passed what is being proposed, the Town would basically be eliminating all parking. He said all that could affect the grant money and FEMA funds we received in the past. Commissioner Freer said it is voluntary, so it wouldn't eliminate all ROW parking. Building Official Evans talked about the current ordinance and other regulations. He said if staff notices a public safety issue, they send out letters. He said it is complaint driven in addition to that. He talked about how per the ordinance, the Town does not have responsibility to protect items in the ROW. Building Official Evans said if the intent is creating a situation where we keep cars off property, he thinks we need to take another look at it to see where it fits. Commissioner Freer said the Town is unequally applying the ordinance. The Board discussed enforcement. Commissioner Freer said his attempt is to codify what is reality and if it is such a safety or traffic issue, it should have been changed a long time ago. Town Manager Hewett lead discussion about pedestrian safety on the road because of obstructions in the ROW. Town Manager Hewett would like to see it so the ROW can be made safer, clearer and more easily maintained. Building Official Evans said if the Board gives him the go ahead, he will enforce it. Commissioner Royal strongly discourages clearing all of the ROWs regardless of what is there. He discussed the Town looking carefully for a solution. He does see a safety issue. Public Works Director Clemmons said his biggest thing is when he shows up for a sewer/ water leak, he should not have to spend two hours clearing the area before he can do work. Commissioner Kyser suggested that since it seems to be such a large issue, the Board should

consider sending it to the Planning & Zoning Board or a committee. Town Manager Hewett said there is a lot of review that needs to go into this. He doesn't think it is practical to have the information ready at the next meeting. The Board discussed a timeline.

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

The Board came to a consensus to send the topic to the Planning & Zoning Board.

TOWN MANAGER'S REPORT

- GenX/ Water Supply – reports are continuing to come in. Seems like there are more chemicals turning up as a result of additional testing, but it appears they are showing up within tolerances. There is a forum addressing GenX and water quality concerns tomorrow at the Odell Williamson Auditorium. Brunswick County's website is a good resource.
- Flood Map Status – went to the Coastal Resources Commission Meeting last week. There was a team from the NC Flood Mapping Program. Instead of having a month/ time certain, the effective date has shifted to spring of 2018. It is alarming to hear from the team of researchers about interesting modules of extra research (coastal erosion, bathymetry) that could be added to existing modeling of the flood mapping program.
- Elizabeth Street Configuration – looking at doing something with a walkway. That will drive what elements can be accommodated within the Elizabeth Street site. Working on the conceptual design. Assuming it is a public ROW, which we believe it is, hoping for a fall implementation of anything being done after the Labor Day weekend.
- Lockwood Folly Inlet – sidescaster dredge, the Merritt is onsite. It is funded for 21 days. Recent surveys shows the conditions have improved on the outer bar. Thinking will be able to clear the outer bar and then hopefully we can get the Currituck in on a spot dredge basis to get us through the rest of the summer and the late fall.
- Legislative Note – There was approval for a study that would look at adjusting the distribution of Powell Funds based on a seasonal population basis. That's important to us because it is currently on a per capita basis. The NC Beach Nourishment Fund that was proposed has not been approved. Understands will be back on the legislative calendar in August.
- Jo Yount will be filling in for Kendra at the front desk while she is out on medical leave.

MAYOR'S COMMENTS

- Time runs out at noon Friday to sign up to run for office.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Fletcher

- Thanked all of the people who signed up and agreed to serve on the boards. Doesn't take a lot of time, but there is a lot of work involved. If you want to serve your community, we appreciate you putting your name forward.
- Had good turnout tonight. Thanked everyone for that.

Commissioner Royal

- He talked about the nonuse of turn signals in the area. He has never been in an area where signals are so disregarded. Suggested everyone could be ambassadors. Start by modeling the right behavior. We have enough hazards on the roads.
- Really liked the AARP discussion on age friendly perspectives. The issue is equally applicable to youngsters because they have the same issues. Thinks if it is \$0 to join the age friendly network, he encouraged the Town to consider it in a future meeting.
- Thanked the unsung heroes, all of the volunteers. Appreciates all that they do. They provide a vital function.

Commissioner Freer

- Really appreciate the AARP presentation. Loves the cost. Thinks would be a great addition to focus on some things we can do to improve the community for all ages. Supports it as well.
- Thanked all of the volunteers. It does take times, thanks.

Commissioner Kyser

- Thanked everyone for coming. Thanked the volunteers. It is a very important function. Thanks for the service.
- Understands ROW is very hot topic. Looking for a well thought out plan. Something that isn't implemented at the spur of the moment and then we end up having to implement it again because everything wasn't thought of.

PUBLIC COMMENTS ON GENERAL ITEMS

Mr. Hucks said he is part of the L.S. Holden Subdivision and the Town needs to check out the deed of conveyance before opening a can of worms. He said his deed says Elizabeth Street is a private street. He talked about the history of the area and the walkway.

Karen Fleischhauer said she and Mark took a road trip. At all of the national parks, they don't sell bottled water. They have water filling stations throughout the parks where you can fill your bottles for free. At the stations, there are signs with facts. She reviewed the facts. Mrs. Fleischhauer is asking the Town to require that everyone have a recycling bin and for the recycling to be picked up weekly during the summer. She also would like recycling containers to be at the accesses.

Joe Butler reviewed a letter he gave to Holden Beach Property Owners Association (HBPOA) about needing to remove a small plastic fence at his property. He talked about why he installed the fence. He read the ordinance pertaining to street ROWs. He would like the Town to be consistent in enforcement. Mr. Butler talked about his motion made to the HBPOA. He is requesting that the Board allow him to put his fence back in place until a solution is rendered pertaining to this problem.

Mark Pompaii said he has participated in Coastal Race Productions' races. He talked about them serving beer. It was a very controlled environment. He talked about the process and would like the Board to reconsider their decision. Mr. Pompaii said it's a great race and brings a lot of people in.

Ava Pailthorp said she would like to notify the Board that there is a user agreement coming forward for the lots her mother owns between Mullet and Conch that are being used for a helipad by the Fire Department during emergencies. She said they will submit the agreement to Chief Todd and Town Manager Hewett to agree on the terms of use. Ms. Pailthorp said she is not opposed to the Town and related emergency services using the lots, but they want to get an agreement in place. Mayor Holden said he thought he talked to Aunt Toni. He said the location has been moved eastward off of her property.

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 232NF008, OWNED BY HOLDEN BEACH ENTERPRISES AND TO CONSULT WITH THE TOWN ATTORNEY

Town Clerk Finnell read the reason for holding Executive Session.

Motion by Commissioner Royal to go into Executive Session at 9:40 p.m.; second by Mayor Pro Tem Fletcher; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 10:08 p.m.

Mayor Holden announced that no action was taken.

ADJOURNMENT

Motion to adjourn by Mayor Pro Tem Fletcher at 10:08 p.m.; second by Commissioner Royal; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk