



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, JANUARY 16, 2018 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, January 16, 2018 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Mike Sullivan; Commissioners Pat Kwiatkowski, Joe Butler, John Fletcher and Peter Freer; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Public Works Director Chris Clemmons; Building Official Tim Evans; Shoreline Protection and Recreation Manager Christy Ferguson; 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

Motion by Commissioner Kwiatkowski to approve the agenda; second by Commissioner Freer; approved by unanimous vote.

APPROVAL OF MINUTES

Commissioner Kwiatkowski would like to add that no action was taken to page 7, under the Real Property Gift Discussion.

Motion by Commissioner Fletcher to approve the amended minutes of the Regular Meeting of December 19, 2017; second by Commissioner Kwiatkowski; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Larry Blume said he would like to address item 15, to potentially remove “or sibling” from Section 30.25. He doesn’t think many people would object to people serving on lower level committees. He said the with four year terms for the Board, there is potential for commissioners to resign. In that situation, the existing Board would have to select someone to take the person’s place. Mr. Blume said he can see a potential problem if you remove the word sibling, the Board can potentially select a sibling to serve. He would like to see language to prevent the Board from selecting a sibling to serve on the Board of Commissioners.

Dolly Mitchell stated she is concerned about some of the items included in agenda item 16. Shoreline protection already exists. She is concerned about the structure of the Inlet and Protection Board and concerned that staff is being excluded in the way it is currently written. She asked who wrote the ordinance, where it originated and if it was run by the lawyers. Mrs. Mitchell said according to what is written it says the Commissioners will choose the seven members and will designate the chair, vice-chair and secretary. On the board she serves, they elect

those positions. She has concerns that the Board would choose those positions. It also doesn't delineate if a commissioner can serve on the committee. She said the language is written that you can be removed from the board with or without cause. She understands being removed for cause, but not otherwise. Mrs. Mitchell talked about the language that talks about the town manager and/ or his designee. She thinks there needs to be open communication. She said we have a Town staff that is highly qualified. Commissioner Freer said he thinks he will address most of the concerns when the item is discussed.

Karen Fleischhauer stated she is currently the chair of the Parks & Recreation Advisory Board (PRAB). Prior to the creation of the PRAB, she was a member of Shoreline Protection Committee. The PRAB section says the PRAB shall advise the Board and town manager on beach vegetation, fencing and other methods of protection for the beach property. She read from the meeting minutes of the first PRAB meeting. Town Manager Hewett requested that the board separate into two committees, the beach nourishment committee and the recreation committee. She said the minutes read that it was a staff recommendation to combine the Shoreline Protection Committee and the Public Area Improvement Committee because there is a significant amount of overlap in the interest of both groups. She asked the Board to approach the PRAB. Since she has been chair she hasn't had any feedback or requests from the Board. They did take a field trip to Coastal Transplants to see how sea oats were grown and she would be happy to report on that at a later date. Mrs. Fleischhauer said they already have a board and asked the Board to please utilize the people we already have in place.

POLICE REPORT – CHIEF WALLY LAYNE

Chief Layne said he is pleased to share that things are good on the island. Break-in season has not started yet. No major crime waves on the island. Now we are working on the budget.

Sheila Young asked for a report on the house fires. Chief Layne replied it was more than likely an electrical situation. He provided some details and said he is not sure if anyone will be able to determine the actual cause. Unfortunately, the houses here are close together. Mayor Holden said he had numerous phone calls in appreciation on how the fire was handled.

QUARTERLY BUDGET REPORT

Town Manager Hewett reviewed the chart in his slideshow. The blue blocks are the cash position where we are today. We are basically ahead \$1 million in the General Fund, ahead \$1 million in the Water Fund, the BPART Fund is almost half of a million and the Canal Fund is ahead about \$2 million. This report is as of December 31st. It reflects a large influx of water and sewer assessments that get paid with the property taxes. The report highlights that our cash flows are positive at this time of year, but it illustrates the time of year when we receive a lot of assessments and tax money. It is a requirement of the Fiscal Control Act that the first thing you need to do when developing a budget is to pay your debt service. We have in excess of \$3.6 million of debt service. As of the end of the 2nd quarter we have almost paid half of our debt services, 44%. You have to remember there is still \$1.7 million due in debt services. If anyone is interested in the line item detail, every month we post the Budget to Actual online. We are available to answer any questions anyone might have.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 18-01, RESOLUTION APPROVING BB&T SIGNATURE CARD

Town Clerk Finnell explained that Resolution 18-01 updates the current signature card by designating Mayor Holden, Mayor Pro Tem Sullivan, Town Manager Hewett and Fiscal Operations Clerk Lockner as the official signatories.

Motion by Commissioner Fletcher to approve the signatures on the bank card; second by Commissioner Freer; approved by unanimous vote.

DISCUSSION AND POSSIBLE NOMINATION OF A BOARD OF COMMISSIONERS' MEMBER TO SERVE AS THE AUDIT COMMITTEE CHAIR

Motion by Commissioner Freer to continue having Commissioner Fletcher serve; second by Commissioner Butler; approved by unanimous vote.

Town Manager Hewett said that today we had discussion on House Bill 436 and the requirement to have an engineer review and recommend a new fee schedule for water and sewer rates. The Board's consensus today was to get the Audit Committee to review and comment on the recommended fee schedule as it may come forth. He said we had technical difficulties with the recording today and asked the Board to reaffirm the consensus.

Motion by Commissioner Fletcher to approve Town Manager Hewett's request; second by Commissioner Freer; approved by unanimous vote.

BEACH VITEX REPORT

Building Official Evans said you can find a wealth of information about Beach Vitex online. He talked to the leader of the Beach Vitex Group, Ms. Branson. He also spoke to Mr. Westbrook who wrote papers on this and was one of the original folks involved. In 2006, the Town declared Beach Vitex in an ordinance as being something you shouldn't have. That was three years before Lowe's stopped selling it and before it was considered a noxious weed in North Carolina. Ms. Branson said she is not sure if South Carolina ever declared it a noxious weed because it is native to Hawaii. There are several papers that talk about the fact that there were never studies done to verify it was an environmental hazard towards turtles. There were 12 communities that wrote ordinances based off the papers written by four individuals. He talked about other communities' ordinances, when they were adopted and the group that worked with Beach Vitex. He doesn't think any towns are going out and removing it. In 2013, the Town was notified that they wanted to do a survey here. We had 19 locations. We still have 19 locations. Building Official Evans discussed Beach Vitex and different methods he has researched about eradicating it.

Building Official Evans is not sure of the best course of action. There is no more money available in the program. His recommendation would be to leave the ordinance as it is. If people get it and it is identified, let them remove it. They may want to check with a lawn person or a horticulturist to see what the best way to handle it is. He said if his department sees Beach Vitex, they send the property owner a letter. There is one community whose ordinance prohibits it from growing across other people's property.

Commissioner Fletcher asked if there is a regulation saying it is illegal to grow it or transport it. Building Official Evans responded that is why you can't buy it. It got on the noxious weed list and it can't be sold in North Carolina. Commissioner Freer asked about the 19 locations. Building Official Evans said it hasn't spread, but it was treated once a couple of years ago. They also hired an outside contractor that did a couple of sites. He said it will definitely grow out there. He said it was brought here for erosion control. Commissioner Kwiatkowski said her perspective is that it is still in all of these locations and it is an invasive species that will continue to spread. She asked if letters will be sent to the 19 property owners and if the letter will contain a recommendation that they seek a horticulturist or professional advice on appropriate eradication. She would hate to see owners taking whatever they can find on the shelves at Home Depot or Lowe's and whacking away at it with something that may have no control characteristics for this particular plant. Attorney Fox stated the Town has enforcement

capability through the current ordinance. She is not sure what the Board would like to do, but you do have the authority to enforce the ordinance as it is drafted now, which says to remove it. She added that guidance could be put in the letter. Building Official Evans said everyone who has it is aware that they have it and that the ordinance exists. There just isn't grant money anymore. They can send letters to them all and recommend they get a hold of a landscaper or horticulturist. He said that wouldn't guarantee they go that route. He doesn't think the ordinance needs to be changed.

REPORT ON SPEED REDUCING DEVICES FOR SHELL DRIVE

Building Official Evans said the Town had a gentleman who requested a speed bump on Shell Drive at a previous meeting because people are turning around down there because of the west end gate. It is not a new problem. Our ordinance reflects it's been an issue since 1989. He has talked with several planners who don't feel speed bumps are effective. He has been with municipalities who tried to deploy them and he doesn't think they are effective. They are noisy. The gate was designed by DOT. DOT originally would only allow one sign at 500 feet. Now they may let us have another sign at 1000 feet. We also have a share the road sign that seems to block the sign. DOT said they would move that sign back. We are hoping to get an informational sign on the DOT right-of-way that shows what the directions are when you get to the gate. He said we are also trying to get writing on the road to show where people should go. Building Official Evans thinks if we can limit what gets down there, we can improve the traffic. He added the dead end street signs are halfway down the street and they need to move them up.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE TO INTERVIEW CANDIDATES FOR VACANCY ON THE PLANNING AND ZONING BOARD

Town Clerk Finnell said there is a vacancy on the Planning & Zoning Board. She suggested setting up interviews at 6:45 p.m. on the day of the next Board meeting.

Motion by Commissioner Fletcher to set up interviews at 6:45 p.m. on the day of the next Board meeting; second by Commissioner Freer; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION FROM CITIZEN ADVISORY COMMITTEE REPORT ON PARKING FOR IMPLEMENTATION PRIOR TO THE 2018 BEACH SEASON

Commissioner Butler thanked the Community Advisory Committee (CAC) for their work. He said parking is a challenge. He identified phases based on the committee's report. He said after Phase 1 it is a good idea to step back and see if it works before proceeding. He believes the action steps in Phase I are certainly doable and can be implemented before the summer season starts. He reviewed the list which includes develop a map that shows parking locations and amenities; and provide signage at the bottom of the bridge as to parking locations, to include signage at the locations. He suggested that the signage be distinguished by color or shape. Other items include better utilization of current parking through the use of parking space markings and dividers; and property owners have the option to preserve their property to have an item in the right-of-way to clearly indicate to the public that this area is not approved parking. He suggested that the height of the item should not exceed three feet because that could create the possibility of a safety hazard. Additionally, if any Town ordinances are impacted by the changes we should revise those accordingly. We should develop a communication plan regarding the parking revisions. Police enforcement and monitoring is required to support implementation of the changes to include visitor guidance. Changing parking violations to civil offenses, allowing the Town to keep the fines was also on the list. Funds collected would help offset additional seasonal staff to serve as parking compliance officers.

Commissioner Butler said those are the items in the initial Phase 1.

Commissioner Butler said after the summer season the Town should identify if these recommendations worked and identify additional recommendations. In 2019, if it is determined to be necessary, we can have the CAC investigate other potential land/ properties that can support additional visitor parking. He explained it would be good to implement Phase 1 before looking at potential properties. You could also look into the conversion of Town owned properties to help support the parking if needed. There are other things that the Town can do down the road like identifying the next phase with the support of a third party to investigate the possibility of increasing available parking in the Jordan Boulevard area. Sometimes when he goes by he sees people who bring their boats in have a hard time finding parking. Maybe we can investigate redesigning that area, including the boat part. Commissioner Butler said the other item on the list is after reviewing the effectiveness of the changes, if necessary, have no parking in the right-of-way. He said there is an inconvenience associated with doing that. There was a suggestion that if it was implemented that maybe if the owner had to park on their own property if they had a hurricane sticker, it could prevent them from getting a ticket.

Town Manager Hewett said off of the top of his head the maps would be an easy task. We will need to check with the DOT regarding signage at the bottom of bridge since it is a DOT road. He is not sure how many markers and dividers are being discussed, but we haven't budgeted for that in the Streets' budget. It would need to be looked at and sourced. He said in regards to allowing the Town to keep the fines for civil offenses that is an attorney question. He tells the Police Department all of the time, when you sell a Police Department vehicle, the funds go to the General Fund for re-appropriation throughout the Town and they don't get to keep the money. He said he would caution the Board because it could easily turn into there is a bounty on parking tickets.

Commissioner Freer said his observation is there are some low hanging fruits that the Board can direct to be done. He thinks some affect ordinances and some he has questions on. He asked if the Board should treat each one individually and figure out how to implement this. He talked about the signage needed. Mayor Holden asked who is going to review the current ordinances to see the problems with implementing the proposed changes. He said since the Town began from what he remembers, the Town's philosophy on parking on the streets is different from what this reflects. He said if he is reading correctly it encourages the neighborhood to be non-parking. Mayor Pro Tem Sullivan said he thinks what the committee believes is that if you follow the ordinance as it is written now, it doesn't require a change, except for the height. Anyone who wishes could put a planter or post and rope to keep people from parking adjacent to their house in the right-of-way. Chief Layne said there are several properties on the island that do have that circumstance. They have their property roped off so people can't park on them. Building Official Evans said unless it is deemed a nuisance, they can't make them remove it. Attorney Fox recommends that if the Board as a whole is comfortable with the items in the summary in the packet that they ask staff and the attorney to report back at the next meeting for a review of the items. Commissioner Butler said he does think there are some low hanging fruit. He said if you read the current regulation, item 4 encourages you to put that stuff there. He said when he rides throughout the island, he sees the little fences all over the place. Attorney Fox agrees that it is encouraged in the ordinance. She said the only question is if a fence is part of landscaping.

Motion by Mayor Pro Tem Sullivan that we submit to the Town and the Town Attorney the proposals that we have and they can come back to us with the feasibility of implementing them.

Commissioner Kwiatkowski asked for verification that he is looking for items 1 – 9 to be addressed individually. Mayor Pro Tem Sullivan answered yes. Town Manager Hewett said he is assuming the motion is for Town Staff and the Town Attorney. Mayor Pro Tem Sullivan confirmed yes. He also asked that when the cost of the cement bumpers are being researched, if the cost of just painting lines could be determined.

Commissioner Fletcher seconded the motion. The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION TO REMOVE “OR SIBLING” FROM 30.25 COMMISSIONS, BOARDS, AGENCIES AND AUTHORITIES

Commissioner Freer said there was an excellent suggestion during the comments, that wasn't the intent, but it was a great observation. He asked Attorney Fox if the scenario described about a vacancy on the Board of Commissioners during public comments would apply to the proposed change for Section 30.25. His understanding was that it would only apply to the various boards advising the Board of Commissioners. Attorney Fox said the Town would appoint a new commissioner pursuant to the state statute. The manner in which that was done would be a public process. The Board would determine how they would seek applications or if they would appoint someone. Attorney Fox said the wording is that people that are appointed or elected by the Board. She suggested adding language that excludes the appointment of a commissioner.

Motion by Commissioner Freer that we not only remove or sibling, but ask the attorney to develop language that excludes the appointment of a vacancy in the Board of Commissioners.

He clarified that he means the whole ordinance shall not apply to a vacancy on the Board of Commissioners. Commissioner Fletcher asked for verification that this wouldn't preclude the Board from electing a brother or sister of the member who is leaving. Attorney Fox said that commissioner wouldn't be on the Board anymore so it wouldn't be an issue. She provided an example of how the ordinance would be applied.

Town Clerk Finnell read the motion. Attorney Fox said she thinks it should be language saying that shall not apply to the Board's appointment on a vacancy on the Board of Commissioners. She said she will send the language to Town Clerk Finnell.

Commissioner Freer agreed that was fine as the motion; second by Commissioner Fletcher.

Town Clerk Finnell read the motion - Remove “or sibling” and ask the attorney to develop language that says this shall not apply to a vacancy on the Board of Commissioners.

The motion passed by unanimous vote.

Commissioner Kwiatkowski asked for a five minute recess at 8:26 p.m.

DISCUSSION AND POSSIBLE ACTION TO ESTABLISH THE INLET AND BEACH PROTECTION BOARD

Commissioner Freer said if you were in this morning's session the Board heard from our environmental attorney. It is a very complex situation as far as the inlet, beach nourishment and the terminal groin. He is of the opinion the Town needs to focus on that and have a specific board to do that. Commissioner Freer said he took the ordinance that created Planning & Zoning and modified that to address what he thinks needs to happen for the beach and inlet. Since then, he has spoken with Attorney Fox. She and our environmental attorney recommend that we don't do this version.

Motion by Commissioner Freer to create a five-member advisory board to give guidance to the Board of Commissioners on issues related to long-term planning and management of inlet dredging and shoreline protection issues and to direct the Attorney to draft an ordinance and work with the Town Clerk and the Town Staff to have the ordinance that the attorney will develop on the agenda for next month. He added also obviously we need to revise the Parks and Rec (which it is kind of interesting it is called Parks & Rec and not anything more

than that) Advisory Board Ordinance 13-02 (which was referenced in the comments) to remove that responsibility relating to beach vegetation, fencing and other methods of protecting the beach and property. The motion was seconded by Commissioner Fletcher.

Mayor Holden asked Town Clerk Finnell to read the motion. Town Clerk Finnell said motion to create a five-member advisory board to give guidance to the Board on issues related to long-term planning and management of inlet dredging and shoreline protection issues and to direct the Town Attorney to draft an ordinance and work with the Town Clerk to have the ordinance on the agenda next month. Also revise the Parks & Rec Advisory Board Ordinance 13-02 to eliminate their responsibility related to beach vegetation, fencing and other methods of protecting the beach and property. Commissioner Freer said he wanted to add Town Staff.

Commissioner Kwiatkowski asked if based on the proposed ordinance if there is a necessity to review what's in the Planning & Zoning section in terms of housekeeping. Commissioner Freer replied no, he is asking the Town Attorney to develop new language. Commissioner Sullivan asked that since the Board is changing what is on the agenda to a different item that the Board not vote on whether to establish the board, just to vote on having the attorney draft something that the Board can address at the next meeting, not voting on the establishment of the board at the same time.

Mayor Holden asked if Mayor Pro Tem Sullivan is making a substitute motion.

Motion by Mayor Pro Tem Sullivan that instead of voting on the establishment of the board and having the attorney draft something that would fulfill the obligations of the board (state the obligations of the board), that we merely vote on having the attorney draft the recommendations of the establishment of the board and its duties.

Commissioner Freer asked if the Board would be able to adopt the ordinance the attorney would propose at the next meeting. Attorney Fox replied certainly if it was a unanimous vote, you could adopt it. It is being discussed at this meeting; the first time the subject matter is introduced is the rule of thumb on the voting requirement for adoption.

Commissioners Freer and Fletcher agree with Mayor Pro Tem Sullivan's substitute motion.

Commissioner Freer said he just wanted to make sure it can be adopted at the next meeting. Town Clerk Finnell said it can be presented as an ordinance since we are receiving Board direction if the motion passes. Attorney Fox said it can be modified if the Board chooses at the next meeting.

Commissioner Kwiatkowski seconded Commissioner Sullivan's motion.

Mayor Holden recapped the motions.

Town Manager Hewett asked if it should also include modifying the Parks & Rec ordinance, so there will be two different actions coming forth.

Mayor Pro Tem Sullivan amended his motion (to include two ordinances), with the Commissioners agreeing with the amendment.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE FOR A SPECIAL MEETING TO HOLD AN EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

Commissioner Kwiatkowski said since there are three new Board members and part of the responsibility of the Board is to evaluate the performance of our town manager, she was wondering how they would go about understanding how the performance appraisal is done. She asked for some guidance from Attorney Fox and was advised a possible way to proceed is for the Board to have a closed meeting to go through how the performance appraisal process works, discuss it and come to an agreement on the how the Board will do the appraisal.

Motion by Commissioner Kwiatkowski to hold at a future date to be determined based on availability a closed session to consider items relating to personnel matters, specifically methods and procedures for evaluation of the town manager's performance; second by Commissioner Freer; approved by unanimous vote.

Commissioner Kwiatkowski hopes to get this done by February 9th. She asked Town Manager Hewett to get the Board's consolidated calendar to Attorney Fox.

TOWN MANAGER'S REPORT

- Still hasn't heard anything on the flood map status.
- Lockwood Folly Inlet Dredging - in regards to the Corps' effort with the Murden, the County has forwarded their \$168,000 to NC DEQ to be passed through the Memorandum of Agreement to the Corps. A letter requesting one half of the contribution, which is \$84,000, is forthcoming to the Town. Will be bringing that to the Board prior to releasing the funds to the County, even though the funds are in the budget. At this point in time the dredging is scheduled to be performed by the Murden, a hopper dredge. Understands it should happen the first week in February. Sand placement will be placed in the near shore of Holden Beach, somewhere west of Amazing Grace. Has been a piggyback investigation by the County to see if the potential for economies of scale exist between the Kure Beach and Ocean Isle Beach Shoreline Protection Project (when the big dredge comes by can we get them to clean out the inlet). That isn't looking like a practical exercise at this point and time. Looks like it will prove to be logistically impossible to get done. On the County's agenda for tonight Oak Island was requesting a letter of support for them to be added to the SDI-5 permit. Has expressed concerns to the County Chair, Vice-Chair, Manager and Assistant Manager that he was not aware of Oak Island communicating with the Town in order to get our input on being added to the permit. The item has been removed from the County's consideration tonight per the County Manager. Will make time for Oak Island and Holden Beach to communicate on that issue. Commissioner Butler said that it is scary they can do that without communicating.
- Water Line Testing – cold weather stymied us from getting the third section of pipe out of the ground. There was over 100 water line breaks. Probably will have a second wave of that. The pipe will be sent off for testing.
- Lift Station IV Upgrade – Mr. Green has been coordinating with Building Official Evans and Public Works Director Clemmons in getting some preliminary druthers out of the way. They installed a temporary SCADA system in Station IV so our operators can become familiar with what they would like to see and how to use it so the input can be included in the solution of the hard scope. The ORC likes it.
- BEMC is going to be starting a streetlight replacement project shortly after Easter. Will swap out all 200 + streetlights on the island. New lighting is LED lighting. Height will be the same height as the existing poles. If you want to see an example, they will look like the one on the corner of the church. Target is to be finished by Memorial Day. The light bill will increase by about \$500 a month. Will have a budget impact. Lights are turtle friendly. Ocean Isle Beach has had theirs in place for a while and have received nothing but positive feedback.

- FEMA Reimbursements - still waiting on the final inspection on Irene. \$100,000 is being held, waiting on someone to come down and inspect it. Continuing to process our Matthew reimbursements requests. We received notification of an additional \$42,000 that was approved this week.
- Audit Committee meeting will be January 24th. Committee will review the audit so the Board can receive the audit at the February meeting. Will also introduce the tasker for HB 436 at the meeting. We have been waiting for the Local Government Commission's approval on the audit. Audit was completed on time.
- All of our Concerts on the Coast have been booked through Labor Day.
- Valentine's Day is the Town's 49th birthday. Will be an ice cream social. Would like to work with the Parks and Recreation Director to make a big deal for the 50th anniversary next year.

MAYOR'S COMMENTS

- Asked about the times for the schedule approved at the Budget Meeting. Town Manager Hewett reviewed the times set, but said a time wasn't set time for March 30th. The Board agreed to 9:00 a.m.
- I respectfully reminded Commissioners not to seek out, solicit, represent in any way that they represent the Town's direction and desire without first having been given a directive by the Board to do the same. Offering employment is an example. The Town Board consists of five Commissioners and the Mayor. Circulation of information should include all members of the Board, all six members not just a majority vote group. I am concerned that the major decisions are being forced before all commissioners have been advised of all the facts pertaining to subjects being acted upon. Example: duplication of attorney services, duplication of board and committee assignments. Board members need time. Media contact has Town policy and guidelines. Misinformation can cause much harm. Negative, erroneous information hurts the island. The Vitex scare and media attention last year is a prime example. Meeting agenda – considerations of time and order of subjects should be better planned. The three minute rule for our speakers - the speakers have a right to ask for an extension and the majority can give that extension. Two years ago a new Board took their places and implemented rules and guidelines on how they wanted to operate. They changed many things and one of those things they wanted clearly, more defined was the three minute rule. My recollection is that three minutes was the limit anyone could talk, clear and simple. What has happened since that was implemented is that some speakers get to continue and nothing is ever said about the three minute rule and here tonight we had a strong arm enforcement of the three minutes, which is perfectly correct. However, one Commissioner cannot curtail a speaker. That speaker, unless you changed the rules, has the right to ask for an extension. The majority of the Commissioners can either give it or decline it. We have three new members that are learning the rules and regulations. Knows that the newly elected members met with the Town Attorney and have been to class. Commissioner Kwiatkowski said the governance class is in February. Mayor Holden said we are passing these very important rules and regulations. We ultimately now have three attorneys. Today in our meeting it was admitted that some people didn't know that we had two. We are moving too fast. This is just my observation. This term will make 20 years of serving on Town boards. Knows a little bit about it. Knows with the new rules and regulations adopted at the beginning of the term of the previous Board, everything he does was stripped away with the exception of banging the gavel. Doesn't get any involvement. Information is circulated and I get a proposed ordinance that's on the agenda with no information of any kind. Comes to the meeting, chairs the meeting and in five minutes sometimes we have passed new ordinances and I don't know what is going on. That's well and good if the Commissioners want to proceed that way. Can live with it because will do whatever you guys tell me because I have no power. That's fine if you don't want any input from me. I'm just pointing it out since you are starting a new two year term, if you want anything from me, will be more than happy to work with you. If you want to ostracize me that is well and good too. Have more than I can do elsewhere. Asking and offering to you if you want my input and help I will give it, if you don't just keep treating me the way you are. Whenever you are disseminating information amongst yourself and I am not saying everybody is, I am just saying it looks like

some know a whole lot before coming to the meeting. Maybe I am the only one who doesn't know or maybe there is another Commissioner or party that doesn't. There needs to be a Board of six, not a Board of five and not a group of three. Kept my mouth shut for over two years and said I wasn't going to do it that way two more years unless you want me to. Didn't want to talk to any of you Commissioners individually because I wanted to say it in front of everybody so it wouldn't be misinterpreted. We have five very talented, smart people on this Board. The people have chosen you to be here and I am more than happy to work with you, but with no contact, I would swear on a bible that in the last two years I had less than 12 phone calls from the Commissioners during the whole two years, but I have the pleasure of having an office on the corner that everyone stops by and gives me a piece of their mind. I have nowhere to hide. I am available 24/7. A lot of times I am getting blown out for things I don't even know about. But then when I come to the next meeting I find out what it is about. I am just asking you Commissioners since we are starting out anew, we are a new family, to please at least tell me what's going on if you don't want my input so I can help defend the Town because unless things have changed the Mayor is the one that is supposed to interact with the news media and the Town Manager. No one is supposed to go out and seek employment on behalf of the Town unless the Board has approved it. You will pick up some of those things when you go to school and the two of you that have been on the Board for two years know a lot of that and I just am asking you if you don't like some of the things on the book then change it, but if there are things on the book you agree with, let's live by what's on the books and run our meetings that way. I have thick skin and can take a cussing and gets cussed out all of the summer and most of the winter because what happens in the Town and in my business, I am very accessible. Would like to have a more open, more unified effort in trying to run this Town as good as we can. Knowing how smart all of you are and how well intended all of you are there is no reason why we can't do it. Thank you all for being here.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Sullivan

- Wanted to commend the people who came this morning and actually stayed the whole time. It was a long and tedious meeting and you deserve some recognition and credit for that.
- Was remiss in the comments last month. Didn't thank the rest of his colleagues for electing him Mayor Pro Tem. It would have been easy for them to go a different way. Appreciates that they did vote for him. Appreciates the people who show up here. It would make it easier for the Board to do their job if more people would come out and tell them what they expect them to do and what they would prefer for the Board to do, especially on the close items. Thanks for being here. Is not preaching to the choir, appreciates the choir.

Commissioner Kwiatkowski

- Thanked everyone for coming. Appreciates when people get up at the beginning and talk to the agenda items and gives their opinions. Hopes knowing that you can have more than three minutes will encourage more people to get up and say I am going to need longer because she knows sometimes people are put off by trying to discuss what needs to be discussed in three minutes so they say I just won't bother. Hopes everyone appreciates that there is longer. Will be reviewing our methods of operating next month after the three new members have the course in governance. That was decided in December. So there will be a lot of things that can be revisited such as that topic.

Commissioner Butler

- We had such frigid weather. Had the honor of witnessing a town in action. A neighbor across the street had a water pipe that broke. Went over there to see if could shut it off, but water was running down the side of his house. Called the front office and was told she would call and dispatch the maintenance group. Within 10 – 12 minutes, those guys were there. Front desk contacted maintenance. They shut the water off. They

were up to 30 pipes that broke that day, which increased tenfold. Thanked the maintenance crew and Town staff for their help. Also, the Police, the roads were icy and they were out there doing their tours. Also, the Tri-Beach Fire Department, those guys do a wonderful job. It was about seven degrees that night they were out there pouring on those houses.

- Thanks for attending.

Commissioner Fletcher

- Concur with the comments, especially about staff. All of the first responders are working in 10, 15 degree weather, pouring water. The front yard of those two houses looked like an ice skating rink. Public Works Director Clemmons with 100 water breaks, in addition to his job. Those guys are out there in the that kind of weather handling water breaks, they should be applauded. Staff across the Board does a great job, but they are really being called on right now. Appreciates their support.

Commissioner Freer

- Concur with the great work of staff. In the morning meeting there was a handout, he would encourage people to get it from Town Clerk Finnell. It has lots of information that everyone should have.

PUBLIC COMMENTS ON GENERAL ITEMS

Sheila Young said she should have spoken earlier, she didn't realize how involved the idea about adding another committee/ board that deals with shoreline would get. She said Mrs. Fleischhauer did an excellent job speaking. When the Town had the Shoreline Protection Committee before she was the chair. Mrs. Fleischhauer took the minutes to help out until she went back to work. Mrs. Young thanked the Board for not acting to establish a new beach protection board tonight. She suggested the Board look at original charge to the Shoreline Protection Committee, which was disbanded when the Parks & Recreation Advisory Board (PRAB) was established. She also suggested they look at the original charge for the PRAB. She asked them to not act quickly until you see the whole ramification. Ms. Young thinks it may have impact on Shoreline Protection and Recreation Manager Ferguson's job. She said we wouldn't want to take away some of the enthusiasm of the people who are now on the PRAB. She believes some joined because they were interested in shoreline items.

Woody Tyner said he would like to echo Mayor Holden's comments about the agenda. He referred to the hiring of an attorney item from last month's agenda and stated it would help the public to have some more details behind some of the stuff that is going on. Especially if the Board replaces major items on the agenda. He said it would help people support what the Board is doing if they could understand what is being done.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 9:17 p.m.; second by Commissioner Freer; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk