



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
WEDNESDAY, MARCH 21, 2018 – 11:00 A.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Wednesday, March 21, 2018 at 11:00 a.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Mike Sullivan; Commissioners Pat Kwiatkowski, Joe Butler and John Fletcher; Town Manager David W. Hewett; Town Clerk Heather Finnell; and Town Attorney Noel Fox. Commissioner Peter Freer was out of town.

DIRECT ATTORNEY CLARK WRIGHT TO SUBMIT A REQUEST FOR A 30-DAY EXTENSION TO THE COMMENT PERIOD RELATED TO THE TERMINAL GROIN FINAL ENVIRONMENTAL IMPACT STUDY (FEIS)

Mayor Pro Tem Sullivan said the Board is here to vote on if the Town should ask for an extension of the comment period beyond the 30 days statutory permitted once the FEIS is released. He feels the more time to comment, the better. It allows the public time to learn as much as possible and give their input. It gives the Board a chance to give due consideration to the report and any other information they receive.

Motion by Mayor Pro Tem Sullivan to ask the environmental attorney, Clark Wright, to petition the Army Corps of Engineers to extend the comment period from 30 days to 60 days; second by Commissioner Fletcher.

Commissioner Kwiatkowski said she thinks it is important, it is a very detailed oriented FEIS. She thinks the Board needs to have multiple scheduled meetings in order to inform everyone, answer questions and receive public comment. A 30-day extension gives the Board three previously scheduled meetings in order to thoroughly vet and get comments. She thinks it is important to communicate the reasoning to the Corps.

The motion passed by unanimous vote.

DIRECT ALL TOWN OFFICIALS AND STAFF TO SUSPEND ALL EFFORTS TOWARDS GAINING THE FEDERAL AND CAMA PERMITS RELATED TO THE TERMINAL GROIN PROJECT UNTIL AFTER A BOARD DECISION IS MADE, NO SOONER THAN APRIL 6TH

Mayor Pro Tem Sullivan said in order to benefit from the request the Board is making to the Corps, we need to keep where we are now as the status quo until the Board is able to receive input.

Motion by Mayor Pro Tem Sullivan that no employee, agent, contractor, subcontractor or person representing the Town of Holden Beach shall take any action advancing or terminating the current application process related to the terminal groin, second by Commissioner Fletcher.

Commissioner Butler said Clark Wright is doing a lot of work. He wants to make sure the work he is doing continues so on April 6th the Board will have more information. Attorney Fox said for clarification the Board might want to exclude Clark Wright. The Board talked about wording to exclude Clark Wright.

Town Manager Hewett asked for clarification for administrative purposes. He said the CAMA permit resolution directs the town manager to make the application on that. He said it has always been his understanding that there are three tiers from the Board to the executive agent - ordinance, resolution and policy. It seems what we are doing here is a hierarchy below the directive in the resolution to apply for the permit. Town Manager Hewett said the other thing is directly relating to our contract with Dial Cordy. He is of the belief that a lot of work has probably been done on the draft CAMA application in order to fulfill their contractual obligations. He asked if he should pay that bill if the Town receives one. Mayor Pro Tem Sullivan said at the last meeting when the Board was given the budget on the project, he asked whether there were any further expenses occurring going forward during the application process and he was told no. He said either that wasn't accurate or this concern wasn't a concern then or if it was it wasn't relayed to the Board. He said if he had more time to think this out, they would have added into this it only would stop people from making the actual application.

Town Manager Hewett stated many things done in relation to beach management are interwoven efforts, specifically relating to the annual beach monitoring survey. There are seven transects relating to the project that are in the survey that we need to start now. He inquired if the Board construed the inclusion of the transects as support towards the groin effort. Commissioner Butler asked if the Corps uses that information. He said this is something the Town has been doing. Mayor Pro Tem Sullivan said the transects wouldn't be part of the application process. He said it is something the Town does administratively, but it isn't something specifically tailored and used by Dial Cordy to file papers in support of the final application. He said the only new thing the Corps will analyze when deciding whether to go forward with the project or not is the comments. He said if it isn't going to be part of moving the process along, it doesn't matter. Mayor Pro Tem Sullivan said they are talking about only things that will move the process forward or stop the process. If it's not one of those, you don't need to worry about it. Town Manager Hewett asked about the public meetings. He assumes the Town would want to have as many technical experts, our contractors, also involved. He said in that context it would move it forward. Mayor Pro Tem Sullivan stated getting people in here will be informational, it is getting background. It is not going before the federal or state agency asking to do something. Commissioner Kwiatkowski stated efforts that are going to be necessary to educate the public, get their comments and put our positions together need to continue. Town Manager Hewett said the motion says all efforts towards gaining the permit and the Board is qualifying different types of efforts and that it is difficult to discern at the staff level. He said what he is thinking is the Board would want the consultant engineer and Dial Cordy to talk at one of the meetings. Mayor Pro Tem Sullivan replied absolutely. Town Manager Hewett asked how he should handle media inquiries, including any dialogue that the Corps or CAMA may have. Mayor Pro Tem Sullivan replied he thinks he would say the process is proceeding and the Board will have a vote on how to proceed. Attorney Fox said she thinks the motion speaks for itself. She thinks part of the follow up would be to communicate that to Dial Cordy and Clark Wright.

Motion by Mayor Pro Tem Sullivan that no employee, agent, contractor, subcontractor or person representing the Town of Holden Beach before any federal or state agency shall take any action advancing or terminating the current application process related to the terminal groin until a vote is conducted by the Board of Commissioners.

Town Manager Hewett said he still comes back to the contractor aspect of it, Dial Cordy. He said the work they have done between the last meeting and now is valid work under the contract. He asked if the Board is going to break that contract. Attorney Fox said what the Board is discussing is that until the Board takes action the representatives in the motion, which includes Dial Cordy, need to pause. If the Board adopts this motion today, the pause button would be for today forward. If Dial Cordy billed the Town pursuant to a valid contract prior to, it would not be something included in the motion, it would be retroactive. Commissioner Fletcher said any cost already incurred would be paid. Commissioner Kwiatkowski added it is saying let's have a timeout while all of this is digested and public comment is received. When everyone is on the same page and the Board has heard everyone there will be a vote taken. She said if we get a 30-day extension, we will have three scheduled meetings to go through this and do it properly. The Board talked about the contract. Mayor Holden said he is having a hard time understanding the

staff aspect. He asked if calls, meetings, interaction, etc. should continue as before. Mayor Pro Tem Sullivan said it continues, the staff isn't representing the Town in front of the agencies. Mayor Holden said there are expenses, if we are having a timeout, but the staff is still working, he has a problem understanding that. Commissioner Kwiatkowski said if someone calls, you are not seeking to do work, you are answering questions. She said the Board is basically saying not to use time and money to do further processes towards obtaining or stopping, excluding the fact that that we need to prepare ourselves for comments to the document, if appropriate. To her any efforts are going to be geared towards a comment document, if necessary. She said it is status quo, the one thing we should be focused on is do we have comments towards the FEIS. Mayor Holden stated if he was the manager he would want to tell his staff one of two things, continue to work as normal or stop. He said he hasn't been involved with the items on the agenda, he is just trying to envision the confusion that may be created. Mayor Pro Tem Sullivan said Town Manager Hewett asked his questions and the Board explained it was the people appearing before the commission, not the people at Town Hall they are talking about. He said they do not want the application process to move forward.

Irvin Woods asked the Board to allow the people in the audience to speak. Mayor Holden explained the commissioners have the floor and there is nothing on the agenda allowing people to speak.

Mayor Pro Tem Sullivan, with Commissioner Fletcher in agreement, withdraw the present motion.

Motion by Mayor Pro Tem Sullivan that no employee, agent, contractor, subcontractor or person representing the Town of Holden Beach before any federal or state agency shall take no action, file any motion which advances or terminates the current application process related to the terminal groin prior to a vote of the Board of Commissioners of the Town of Holden Beach; second by Commissioner Fletcher.

Mayor Pro Tem Sullivan said they need to add excluding the work conducted by Clark Wright; Commissioner Fletcher agreed with the amendment. The motion passed by unanimous vote.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 11:30 a.m.; second by Commissioner Butler; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk