



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, MAY 8, 2018 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, May 8, 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; Public Works Director Chris Clemmons; Building Official Tim Evans; and Shoreline Protection and Recreation Manager Christy Ferguson.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

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

APPROVAL OF MINUTES

Motion by Commissioner Kwiatkowski to consider the minutes individually or discuss if there is an issue; second by Commissioner Fletcher; approved by unanimous vote.

Motion by Commissioner Fletcher to approve the minutes of the Special Meeting of April 6, 2018 as presented; second by Commissioner Freer; approved by unanimous vote.

Motion by Commissioner Fletcher to approve the minutes of the Regular Meeting of April 6, 2018; second by Commissioner Butler; approved by unanimous vote.

Motion by Commissioner Fletcher to approve the minutes of the Special Meeting of April 13, 2018; second by Commissioner Butler.

Commissioner Kwiatkowski said in the expenses workshop, lines 4 and 5 says there is a proposed 3% salary increase, merit or COLA, it's up to the Board. She asked the question this week and Town Manager Hewett said he thought it was designated as merit and that is not what this is

reflecting. She said she isn't challenging what was said, but if that hasn't been determined, the Board will need to determine it. Town Manager Hewett said he will present it as a merit increase, but the Board will need to decide how they will proceed. Town Clerk Finnell said the minutes should reflect what was said at the meeting and then the next minutes will reflect Town Manager Hewett saying he will propose a merit increase.

The motion passed by unanimous vote.

Motion by Commissioner Fletcher to approve the Minutes of the Regular Meeting of April 17, 2018 as presented; second by Commissioner Butler; approved by unanimous vote.

PUBLIC COMMENTS

Town Clerk Finnell read a letter from Becky Willis (hereby incorporated into the minutes) in support of Item 12, Discussion and Possible Reclassification of Shoreline Protection and Recreation Manager Position to Assistant Town Manager Position.

Dolly Mitchell said she and husband, Lewis would like to offer their support for Town Manager Hewett's proposal to have Christy Ferguson designated as Assistant Town Manager. They have seen the recreation program on the beach thrive and grow under her direction. She stated her shoreline protection contacts and knowledge of shoreline issues make her a more valuable asset. She thinks the amount she has received in grants is significant. Mrs. Mitchell said she hopes the move will entice her to remain and continue to work for the Town.

DISCUSSION AND POSSIBLE ACTION – CONSTRUCTION MANAGEMENT SERVICES OF THE VACUUM SEWER SYSTEM #4 UPGRADE STATUS REPORT

Public Works Director Clemmons stated they had a pre-bid meeting on April 24th. Today we had a slight setback, only two people submitted bids. We need to advertise for bids again. We should receive more bids on May 17th. If we can award a bid then, it will still keep us on schedule. We paid another invoice to Leo Green since the last meeting. Commissioner Butler asked about the bid process and what would happen if we only receive two bids again. Town Manager Hewett replied that on the second go round you don't need to have three bids provided they are responsive, qualified and within the money budgeted. Since there were not three bids this time, we didn't open any bids. Public Works Director Clemmons said he was really surprised that only two bids were submitted after the turnout for the pre-bid conference. He said construction is up so that may not work in our favor. We will still need to have a meeting to award the contract. So far we are still on budget.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE TO AWARD CONTRACT FOR VACUUM SEWER SYSTEM #4 UPGRADE/ DISCUSSION AND POSSIBLE SCHEDULING OF A DATE TO HOLD A PUBLIC HEARING REGARDING THE ADOPTION OF A SYSTEM DEVELOPMENT FEE ANALYSIS

The Board agreed to schedule both meetings at 1:00 p.m. on May 23, 2018. Mayor Holden said he may not be available. He has a League of Municipalities meeting in Raleigh. The Board agreed Mayor Holden should attend the meeting in Raleigh.

POLICE REPORT – CHIEF WALLY LAYNE

- Since our flurry prior to the last meeting of several break-ins we have been able to apprehend the gentleman who was causing them here, Ocean Isle Beach, Sunset Beach and the county.
- Survived the Days at the Docks. Understands it was quite successful. The island was fairly packed out. It's a preview of what's to come in a couple of weeks. Trying to get prepared for Memorial Day weekend and the 100 days of summer.
- Still waiting for the state to approve the paperwork for the officer we are trying to hire for the season. Understands may be 10-15 days out from accomplishing that.
- Parking ordinances are being enforced. Parking is not allowed on sidewalks or Ocean Boulevard. During festival weekend, a box truck was attempting to deliver a refrigerator on Ocean Boulevard. They were parked illegally, but there was nowhere else for the truck to be. Unfortunately an elderly gentleman was traveling west and failed to see the truck with its flashers on and ran into it. He was not injured, even though he was transported. He indicated to EMS that he had blacked out. They are enforcing ordinances. Their sign has been placed at the end of the bridge warning people to not park on Ocean Boulevard and the sidewalk. They do the best they can with the resources they have during the festivals and major holidays. He talked about the process. Mayor Pro Tem Sullivan asked how many summons were issued on Ocean Boulevard since the incident happened. Chief Layne said he knows at least two were, one was the truck that was illegally parked and one was a contractor. Commissioner Butler said we are not the only island in the county and he is sure the others have the same problem. He thinks we need to determine how to move forward with this. If a child runs out and can't be seen, we are going to have a problem. He said it needs to be revisited. Chief Layne said if someone is parked in the road, they try to locate the owner, if they can't they tow the vehicle. He knows the perception is that they don't enforce parking, but that isn't reality.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE TO HOLD A PUBLIC HEARING FOR FLOODPLAIN ORDINANCE AND ACCOMPANYING MAPS

The Board agreed to hold the Public Hearing on June 19th at 7:00 p.m.

DISCUSSION AND POSSIBLE RECLASSIFICATION OF SHORELINE PROTECTION AND RECREATION MANAGER POSITION TO ASSISTANT TOWN MANAGER POSITION

Town Manager Hewett read the memo in the Board's packets (hereby incorporated into the minutes). He said the position is envisioned to be the primary assistant to the manager for programs and projects management for all beach, inlet, canal and waterway projects. Also, performing highly responsible programming, technical and administrative work with regard to the development and direction of recreational programs. In addition, serve as the staff liaison to the Inlet and Beach Protection Board and the Parks & Recreation Advisory Board (PRAB). The position will also be the functional oversight manager of the BPART Fund. He requested the Board approve the reclassification in accordance with the memo.

Motion by Commissioner Kwiatkowski to approve the reclassification in accordance with the memo; second by Mayor Pro Tem Sullivan.

Commissioner Freer said he fully supports the position and Shoreline Protection and Recreation Manager Ferguson doing it. There are some details in the three pages he would like to review. He said this is a personnel matter and asked if it should be done in closed session. Town Manager Hewett explained this a spaces, not faces issue as far as the reclassification of the slot. The assignment of the individual to it is a personnel matter, but that is handled administratively. Commissioner Freer said we are talking about both a person and a position. Mayor Holden stated the attorney is not here, but said it is a position matter, not a person matter so therefore it needs to be discussed in the public. He said if you want to go beyond the position and later talk about a personnel matter you can go into executive session. Mayor Holden said you could break the motion down. Commissioner Fletcher asked if the Town would be hiring another person for Parks & Recreation or if this is just redefining the current job. Town Manager Hewett answered it is just redefining the current job. Mayor Holden said the position he took is the Board would be talking about the position, but the Board may need to rethink it. Commissioner Freer said he would like to talk about it in closed session because the Board is talking about a specific employee. Town Clerk Finnell read the general statute regarding executive sessions for personnel matters. Town Clerk Finnell explained that Town Manager Hewett does the hiring/ firing of employees, the Board would be amending the Personnel Policy by adding the job description. She stated that is her opinion, but she is not the attorney.

Commissioner Kwiatkowski said the motion was to approve the position reclassification as described by the Town Manager in the document Town of Holden Beach Assistant Town Manager. Mayor Holden said the motion is about the position, not the person.

Commissioner Butler said he respects the recommendation for the individual for the reclassification. He has a little problem with the salary range and implementing it immediately. He asked why it can't wait until July 1st, when we have the new budget. Commissioner Fletcher asked where the salary range came from. Town Manager Hewett replied that it is a compilation of a number of parks and recreation and assistant town manager positions across North Carolina

for a target population of about 6,000 people. Town Manager Hewett said you can wait until July 1st, but it has been his experience that if you are going to take an action that has a personnel implication, you should go ahead and do it in order to make it effective as quickly as possible. He said the residual for the remainder of the year isn't much and the full amount would be budgeted next year. Commissioner Butler said this would set a precedent. Town Manager Hewett said he was thinking that with the workload of the new Inlet and Beach Board, that there would be a desire to stand that board up. There will be work that goes along with it and the requirements for staff support for it will increase before the end of the fiscal year.

Commissioner Freer stated it is the same job, but it really is not. Hopefully we will shift a lot more of the time being dedicated to shoreline protection in the new position. He asked the current and future percentage of that role. Mayor Pro Tem Sullivan said the Board may want to now consider going into closed session and asked Town Clerk Finnell to read the general statute again. Commissioner Freer said his question is just on the percentage of the role, regardless of who is in the position. He said it is a central point of the discussion and that is why we are doing this so there is a bigger emphasis on the beach and inlet activity. Town Manager Hewett said he could say 50/50, but a lot of it will be determined by the roles and responsibilities and how much focus the Beach and Inlet Board will be putting out. He assumed that it was going to be a high priority issue, dealing with levels of responsibility far beyond just here at Holden Beach. You could say it is 50% now. Commissioner Freer inquired why it is being changed then. Mayor Pro Tem Sullivan stated since he has been here, he sees all of the things Shoreline Protection and Recreation Manager Ferguson does. He asked to find out how much revenue she brought to the Town by getting grants. To put it into a nutshell, it was over \$8 million and talked about what that consists of. He thinks that shows that even though there wasn't a separate board, a lot of Shoreline Protection and Recreation Manager Ferguson's time was dedicated to it. She has a vast knowledge and earned that money for what she has done and what she will continue to do in the future. Commissioner Freer said he was not talking about qualifications because that shouldn't be discussed in public. Town Manager Hewett stated the canal dredging program is getting ready to take off. It is going to morph into a larger program and require a lot more involvement with state and federal agencies to keep doing that. Commissioner Freer said he sees more work on the inlet also focusing on the east end. He thinks the focus on the future job will be less recreation and more beach, inlet and canal. Town Manager Hewett said we will still need to do it all. In the job description, it talks to the management of various volunteers and interns.

Commissioner Fletcher stated if he was picking an assistant town manager for a town he was running, Shoreline Protection and Recreation Manager Ferguson is the one he would pick. Commissioner Freer agrees, but he wants to make sure the role has the emphasis it should. He is comfortable with the person who is proposed to do it. Commissioner Butler explained it demonstrates a wonderful concept, a career path. Shoreline Protection and Recreation Manager Ferguson is a perfect example of the way she puts her right foot forward. He is still stuck on the fact that they could wait until July 1st. Commissioner Kwiatkowski stated when they approved a position at her company it was effective the next pay period so she doesn't find it unusual to make something effective immediately.

Commissioner Kwiatkowski asked to close discussion and have the chair call for the vote.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACCEPTANCE OF DONATION OF TURTLE SCULPTURE

Mayor Pro Tem Sullivan stated he doesn't see why the Board wouldn't accept this and find an appropriate place on the island where people could see it. He thought the Board could ask the PRAB to come up with a place to put it. Mayor Holden asked if that was a motion, Mayor Pro Tem Sullivan replied yes. The motion was seconded by Commissioner Fletcher.

Commissioner Freer suggested that PRAB give some options and have the family decide one of the options so they can do whatever the Board chooses.

Mayor Holden stated he encouraged the Board to decide on the motion to accept or not accept. Motion by Commissioner Fletcher to accept. Mayor Holden said we have the motion and the second.

Mayor Holden asked if there was another motion to turn it over to someone else. No motion was made.

DISCUSSION AND POSSIBLE ACCEPTANCE OF EASEMENT FROM MARGARET DEVANY/ ABLES

Town Manager Hewett said he has been working with the Ables to acquire a permanent access and utilities easement across the property near the end of Heron Landing Wynd. Acquiring the easement will facilitate the maintenance of the Town's property, i.e. the dredge spoil area and enable the installation of utilities there. The easement will limit the comings and goings of pedestrian traffic only, in addition to those government vehicles required for maintenance. Building Official Evans reviewed the maps he provided the Board and provided the history on obtaining the easement. He said this is a free easement, they are basically donating it and it doesn't do anything but benefit the Town.

Motion by Commissioner Fletcher to accept the donation; second by Commissioner Kwiatkowski.

Town Manager Hewett asked them to consider authorizing administrative execution of the document.

Commissioners Fletcher and Kwiatkowski agree with the amendment; the amendment passed by unanimous vote.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE TO HOLD INTERVIEWS FOR THE INLET AND BEACH PROTECTION BOARD

The Board agreed to hold the interviews on June 19, 2018 at 6:45 p.m.

TOWN MANAGER'S REPORT

- The last notice on tax bills went out this week. Will identify the delinquents. If the fees haven't been paid, you will be advertised in the paper and posted on the board in the lobby.
- BEMC has finished the streetlights replacement project. Heard zero complaints on the project. Commissioner Freer said he received one complaint. It was a question on if a shield could be put up. Building Official Evans stated they are already shielded, if you put something up it will still shine the same way.
- Paving work on Marlin and Boyd Streets - site visit set for tomorrow. Anticipates starting next week. They should be finished up in a couple of weeks.
- Pointe West Stormwater - work should start in the middle of next week and take about a week.
- DOT Parking and Street Sign Requirements – working on the map format DOT is requesting. Will execute the encroachment agreement after they are satisfied with the format. The “Around Me” portion on the Town app is hot as of today.
- Pickleball tournament over the weekend had over 60 participants. Included a Holden Beach team.
- There will be a soft start on the splash pad sometime to be determined the week prior to Memorial Day. Official opening will be Memorial Day weekend.

MAYOR'S COMMENT

- There was a special called meeting. Had an obligation out of state, a real estate closing that was scheduled and he couldn't change it. That was the reason he missed the meeting. He couldn't accommodate the meeting since it was called at the last minute.
- Thinks the island is probably the busiest he has ever seen it with repairs, construction and maintenance. Thinks there are about 30 houses under construction. It is a great thing to see. Comments being made are about how good the Town looks. There was also discussion about how bad the shrimp boat looked. Overall, activity here is great. Heard more positives than negatives the last few months. It is a good time for Holden Beach.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Sullivan

- Thanked everyone for coming.

Commissioner Kwiatkowski

- Thanked everyone for coming. Looks forward to seeing everyone at the various June meetings, in addition to the Board of Commissioners' meeting in June.

Commissioner Butler

- Thanked everyone for attending.
- Congratulations to Shoreline Protection and Recreation Manager Ferguson.

Commissioner Fletcher

- Promoted people in his time, but never happier than seeing Shoreline Protection and Recreation Manager Ferguson get promoted to Assistant Town Manager. It was well earned.

Commissioner Freer

- Congratulations to Shoreline Protection and Recreation Manager Ferguson. He is a big fan.

PUBLIC COMMENTS ON AGENDA ITEMS

Beverly Compton said she doesn't like the new lights. She likes the look of them in the daytime, but when she is coming from her home it goes from bright light to dark. She said it is like a flashlight in her eyes during her ride.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 8:13 p.m.; second by Commissioner Butler; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk