



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
FRIDAY, OCTOBER 5, 2018 – 10:00 A.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Friday, October 5, 2018 at 10:00 a.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Mike Sullivan; Commissioners Pat Kwiatkowski, Joe Butler, John Fletcher and Peter Freer; Town Manager David W. Hewett; Town Clerk Heather Finnell; and Assistant Town Manager Christy Ferguson.

Mayor Holden called the meeting to order.

DISCUSSION AND POSSIBLE AWARD OF CONTRACT FOR THE CANAL DREDGING PROJECT

Assistant Town Manager Ferguson said on Wednesday we had the second bid opening for this winter's Canal Dredging Project. The first bid opening was held on September 6th. At that time we only received one bid so it had to go back out for bid. This time two bids were received, Marcol at \$1.2 million and King at \$840,000. Right Angle Engineering has certified King's bid and is recommending award to King Dredging. The contractor would like to start mobilization next week and be onsite Friday, however we are still waiting for CAMA to sign off on our site. They have had the information for three months. Any timetable may change based on that. The canal dredging working group did meet after the bid opening and they were eager to have King do the work because they did it last time.

Commissioner Fletcher stated the bids are so different; it threw a red flag up for him. It turns out that King Dredging, the lower one, did it last time. He has tools in his possession that the other person would need to source. It is a much more reliable bid than he thought when he read it last night. Assistant Town Manager Ferguson confirmed that King Dredging was the sole bid the last time. She added that from what it sounded like at the pre-bid conference, Marcol was going to use subcontractors and King was going to do his own work.

Motion by Mayor Pro Tem Sullivan to accept the bid; second by Commissioner Kwiatkowski.

Town Manager Hewett asked if the motion could take the form of the recommended motion.

Mayor Pro Tem Sullivan and Commissioner Kwiatkowski agreed that the motion take the form of the recommended motion (Award the contract to King Dredging. The recommendation of award by the Board represents a preliminary determination and no legally binding acceptance of the bid or offer occurs until the Town has executed a written agreement. The contract award is subject to King Dredging providing all bonds, insurance and other required documents and executing a contract in a form agreeable to the Town.). The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 18-10, RESOLUTION ESTABLISHING THE TOWN OF HOLDEN BEACH'S POSITION ON LOCKWOOD FOLLY INLET MAINTENANCE AND ASSOCIATED LEAST COST METHOD OF DISPOSAL PLACEMENT

Assistant Town Manager Ferguson said that the Inlet and Beach Protection Board (IBPB) worked on this resolution as consideration as an official position statement for the Town regarding the Lockwood Folly maintenance and associated least cost method of disposal placement. Since that time, Commissioner Kwiatkowski asked to distribute an alternative resolution. Commissioner Kwiatkowski stated that what the IBPB did was very good. She explained how and why she amended it. She thinks the Board needs to have a discussion on where the resolution may go. She said on page 14 it should read state of the art modeling data. Commissioner Kwiatkowski said the only thing she removed is at one point it talked about every place the sand use to come from and she took out Wilmington because she didn't think it was relative to what the Town is talking about. That is on the bottom of page 12. Commissioner Butler stated the original resolution that the Board had an opportunity to comment on is a critical, well-done, time sensitive document that was prepared by the Town and the IBPB and it captures all of the critical, crucial statements that once approved will be shared with all of the required parties that state the position of the Town. Commissioner Butler thinks it is past time the Town get this out in front of folks. He asked who the resolution goes to. Town Manager Hewett said he believes it was discussed that it should go to the county commissioners, the Division of Water Quality, the Division of Water Resources, our state representatives, state senator and at the federal level our congressman and senator. Commissioner Butler asked if Steve Stone will get a copy. Town Manager Hewett replied he assumed the chairman of the county commissioners would end up putting it on Mr. Stone's desk. Town Manager Hewett confirmed it would also be sent to the Corps.

Commissioner Butler said this document and the easements Attorney Fox is working on are another critical part. He said another thing Town Manager Hewett shared is that there is a temporary hold on all of the dredging projects throughout the state. Now is the time to fire the cannon. Commissioner Freer stated a lot of work went into this from the IBPB and he is reluctant to wordsmith it. He asked if the chair of the IBPB had a comment. Mayor Pro Tem Sullivan suggested the Board wait until all of the Board's comments are complete first. He said his belief is the committees the Board appoints are here to give the Board advice. It is up to the Board to decide if they will follow it. It has been the practice of the Board to have a lot of input on what was decided by the Board. In addition to that, he has stated on a number of occasions that he doesn't think it is appropriate for the Board to comment when a committee meets because it influences them. He really appreciates all of the work that went into it. If any changes are made they are just to try to clarify and make it more powerful. Whichever way the Board goes there will be no delay. They will vote on it today. Mayor Pro Tem Sullivan is in favor of the revised edition. He thinks it clarifies the issues. He said there is a typo on page 13; it says erm instead of term. The whereas on the bottom reads Whereas natural nearshore transport of sand via littoral drift occurs from east to west in Long Bay, making sand placement on the West End of Oak Island of time-limited benefit while potentially impacting the LWF Inlet. He suggested that it be changed from potentially impacting to increasing negative impact on. He feels it makes it more clear.

Commissioner Fletcher said his issue is the Board has a proposal from a committee that he thinks is a good proposal. He could wordsmith it, but he doesn't think it is necessary. He thinks the document does what the Board intended it to do. He is in favor of approving it as it is. He agrees this is time sensitive. Commissioner Kwiatkowski stated she would like to remind everybody that the IBPB is an advisory board. The Board doesn't have to delay approving an amended version. The Board can approve it with changes today. Now that she has heard we are acknowledging it is local, state and

federal, she feels it needs more bolstering for the federal level to have more clarity for people who are not intensely aware of what is happening. She said the people sitting here who have the most experience with delivering documents to different audiences are Town Manager Hewett and Assistant Town Manager Ferguson so if they don't think the changes do anything that is fine, but she would like to hear from them. Town Manager Hewett stated either one will work. He thinks the second version refines it a bit and reorganizes it with minor wordsmithing. The Town wants to make sure we keep our eyes on the prize. This is a policy document. The revision set forth by Commissioner Kwiatkowski does seem to reorganize and logically flow better. Assistant Town Manager Ferguson said she works closely with the IBPB and values what they say, but they are a subcommittee. Anytime a committee brings something to the Board they are able to make changes. She said as long as the Board gets the document out to get the Town where we need to be and to make a stance, she thinks either will work.

Mayor Holden stated he has some concerns that don't deal with the verbiage in the document. This will be public record. One of his main concerns is that some of the documentation may be literally correct as it is written, but asked what it does to investors and insurance companies when we are painting the Town with a wide brush of high risk. He asked if there is anyone in the room that thinks Holden Beach is eroding faster than the east end of Ocean Isle right now. He asked why paint ourselves into a corner as potentially being labeled as the most risky place in Long Bay. He said this is good, hard work, but it is not the way it works in the real world. In the real world getting things done happens behind the scenes. Most of this information is already in the hands of the Corps. He asked who we are trying to influence with this and what the goal is. He is not saying not to do it. He said it doesn't address past issues. He explained it is the big picture, not just the recent picture. He knows we are all trying to accomplish the same thing. Mayor Holden is not sure if the negative stuff will help us accomplish anything when the ones who make the decisions already have it. He asked if we are 100% certain that all of the data is 100% correct.

Vicki Myers, Chair of the IBPB, said as far as accuracy she would need to trust what Fran Way provided. She said staff originally drafted this. They brought it to the IBPB's first agenda meeting on August 16th. They felt this was something the staff needed when they journeyed out on their business. If the staff feels they need the document, she wants them to have it. She went through the original and then Commissioner Kwiatkowski's. There are a lot of changes. The IBPB started this August 16th at the agenda meeting. They then had their first meeting where they spent quite a bit of time working through it. The final version was on the agenda for the Board meeting that was canceled due to Florence. Mrs. Myers said they had another agenda meeting where they agreed to bring it back so the IBPB could see the final version with the minor amendments. They met and had a few minor changes. They agreed those changes would be slip sheeted. Assistant Town Manager Ferguson said the changes were included. Mrs. Myers said last night they received Commissioner Kwiatkowski's version. She stated her version seems to be a reordering, a rewording. Mrs. Myers said there were a couple of things Commissioner Kwiatkowski changed and left out that she would have left in. She would leave tourism in there. The IBPB is an advisory board, it is up to the Board. She is speaking for herself, not the board.

Commissioner Kwiatkowski said in listening to Mayor Holden, she thinks his point is do we want to be emphasizing the opinion that the east end of Holden Beach is the most erodible place in Long Bay. She asked if it brings something special to a resolution to state that. Commissioner Freer stated he can appreciate Mayor Holden's comments, but we are in a competition for sand. He said the Board could maybe dial that back a little, but we definitely must show the need. Commissioner Butler said when he read the paper he was confused; an individual commented that Holden Beach may not need the sand. That is not the case, we need the sand. Commissioner Fletcher stated he thinks the key to

the resolution is in the last section, which is our position. He thinks it is pretty clear that it is critical we be the recipient of the sand. The other thing is ATM's position that placement anywhere other than Holden Beach could cause adverse impacts to our east end. He doesn't see the need to change the original document. Commissioner Freer stated he can live with either. Commissioner Kwiatkowski said if you are going to talk about Long Bay, you need to say somewhere up top what Long Bay is. If this goes to a federal level people will not be intimately aware of where Holden Beach is. When you mention things further in a document, make sure they have been defined earlier. She did try to keep it more focused on science and sand and the environmental impact, rather than the tourism. Commissioner Butler thinks having the word tourism in there is necessary. Commissioner Kwiatkowski has no objection to putting it back. Commissioner Freer said it is in there. He said maybe the Board could dial it back a little on the statement that we are the worst. Commissioner Kwiatkowski stated we can change the statement and still make the point that we are in need.

Mayor Holden stated when he agreed to this date he thought it was going to be a one item meeting, he has another meeting. Commissioner Kwiatkowski asked if he would have more time on the October 11th meeting day. Mayor Holden said that was fine and he left at 10:43 a.m. The Board talked about passing the resolution today and discussed changing the wording about Long Bay to the east end has the largest historical erosion rate on the island.

Commissioner Kwiatkowski listed the following changes to the amended version:

- Third whereas change to Holden Beach's East End has the largest historical erosion rates on the island, with twenty-seven (27) oceanfront homes having been lost since 1993 due to erosion (eliminating Brunswick County, along Long Bay).
- The next whereas: the dates are not necessary.
- On page 13, the 3rd whereas, fix typo of erm to term.
- Under Let it Further be Known, the second whereas incorporate Mayor Pro Tem Sullivan's suggested of changing potentially impacting to increasing the negative impact on.
- On page 14, the 4th whereas state of the art modeling instead of modern modeling.
- On page 14, the 3rd whereas add negative impact on tourism.

The Board talked about what version to adopt. Mayor Pro Tem Sullivan said the Board needs to decide if they want to vote today. They are going to consider hiring a firm to represent our interests. It might be wise to hear what the firm has to say concerning the document. Since no meeting has been called it is very unlikely anything will be done within the next six days. It would give the Board the opportunity to look at both documents to determine which one the Board thinks is best.

Motion by Commissioner Butler that the Board accept Commissioner Kwiatkowski's updated version of the document to include the revisions we talked about and approve it today; second by Commissioner Fletcher.

Commissioner Freer said he sees no benefit of waiting. Commissioner Kwiatkowski would like to have had Mayor Holden's one more time over it. She can go ahead with accepting. It will be ready, but thinks it is unlikely it will be sent before the 11th. Commissioner Freer said he hopes that is not the case; this should be sent out immediately. The Board talked about how it will be distributed.

Commissioner Butler modified his motion to approve it and for the Town to send it to the list of people earlier mentioned. (Town Manager Hewett – county commissioners, North Carolina Division of Water

Quality, North Carolina Division of Water Resources, Representative Iler, Senator Rabon, North Carolina Congressional Representatives Rouzer, US Senator and the Corps. Town Manager Hewett said he would qualify that to allow staff discretion in addition to those and make sure it is administratively understood that it is staff's job to distribute it as widely as possible in addition to the more obvious ones.)

Commissioner Kwiatkowski said people who are local are very aware of and have the data. When it gets further there is not the same database available to the people who receive the resolution. Her opinion is it makes a difference if you attach supporting data for people who get a resolution who are further from the immediate area. Sending it with the right information as promptly as possible is necessary to achieve the purpose. She would rely on staff's discretion to do it the most appropriate way with the most persuasive data or summary report. Commissioner Butler said the revised document is self-explanatory as far as he is concerned.

Commissioner Freer said nationally, statewide we should strike while the iron is hot. Commissioner Kwiatkowski stated she believes the Florence impact is important, but that it is not about inlet dredging, it is about beach damage. She thinks it is fine if the Board wants to approve this and use it locally, but she does think it will be worthwhile to wait until the 11th. When we go further she would prefer to have staff evaluate if we should have an addendum.

Town Clerk Finnell read the motion: to accept Commissioner Kwiatkowski's updated version to include the revisions we talked about and to approve it today. Commissioner Butler modified his motion to approve it and for the Town to send it to the people mentioned earlier.

Commissioner Butler agreed to modify his motion to accept Town Manager Hewett's comments. Commissioner Fletcher agreed.

The motion passed with a 4 – 1 vote with Commissioners Kwiatkowski, Butler, Fletcher and Freer voting for the motion and Mayor Pro Tem Sullivan voting in the negative.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 11:07 a.m.; second by Commissioner Freer; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk