



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, JANUARY 15, 2019 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, January 15, 2019 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem John Fletcher; Commissioners Mike Sullivan, Pat Kwiatkowski, Joe Butler and Peter Freer; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Public Works Director Chris Clemmons; Planning Director Tim Evans; Detective Jeremy Dixon; 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 Freer to approve the agenda as presented; second by Commissioner Kwiatkowski; approved by unanimous vote.*

**APPROVAL OF MINUTES**

*Motion by Commissioner Kwiatkowski to approve the minutes of the Special Meeting of December 18, 2018 and the minutes of the Regular Meeting of December 18, 2018 as written; second by Commissioner Freer; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

No comments were made.

**RECEIPT OF THE INLET AND BEACH PROTECTION BOARD REPORT**

Commissioner Freer thanked the Inlet and Beach Protection Board for their work and the report. He said we are looking at a comprehensive long-term plan. He is of the opinion we need a short-term plan as well to understand how we will react to the FEMA reimbursement money. He said the Board can get into that at a later time.

## **POLICE REPORT – DETECTIVE JEREMY DIXON**

Detective Dixon said there were very low numbers on the report this month. There were two incidents. One was construction materials and the other was yard decorations. We have been very blessed this winter. Officers are doing a good job.

Mayor Pro Tem Fletcher said their prevention techniques must be working.

## **DISCUSSION AND POSSIBLE ACTION – CONSTRUCTION MANAGEMENT SERVICES OF THE VACUUM SEWER SYSTEM #4 UPGRADE STATUS REPORT – PUBLIC WORKS DIRECTOR CLEMMONS**

Public Works Director Clemmons said the contractor is continuing to make steady progress. They have the siding on the building and metal on the roof. They finished insulation inside the building. Sheetrock has been hung, but it is not done yet. There were a lot of loose ends that needed to be tied up for electrical; they have done that. He spent most of the day with the folks from AirVac. They are doing testing to make sure everything goes well with the switchover. The switchover will probably be sometime Thursday.

Commissioner Freer asked if there will be impact on the people in the area. Public Works Director Clemmons is hopeful it will go smoothly. They will do some test runs before they make the switch.

## **DISCUSSION AND POSSIBLE NOMINATION OF A BOARD OF COMMISSIONERS MEMBER TO SERVE AS AUDIT COMMITTEE CHAIR**

*Motion by Commissioner Freer to select the current chair, Mayor Pro Tem Fletcher, to continue in that capacity as chair of the Audit Committee; second by Commissioner Kwiatkowski; approved by unanimous vote.*

## **DISCUSSION AND POSSIBLE NOMINATION OF MEMBERS TO SERVE ON THE AUDIT COMMITTEE**

Mayor Holden said we have four candidates and four spots available (Mark Fleischhauer, Tom Myers, Woody Tyner and Anthony Chavonne).

*Motion by Commissioner Freer to appoint the four candidates; second by Commissioner Butler; approved by unanimous vote.*

Mayor Pro Tem Fletcher explained the Town now has an Audit Committee that is one of the most highly qualified in the country. We have four CPAs and a treasury expert. He welcomed the members to the committee.

## **DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 19-01, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES CHAPTER 151: BUILDING AND HOUSING REGULATIONS (IMPACT FEES)**

Planning Director Evans said the Town removed fees a couple of months back based on Session Law 2018-34, which was triggered by a case that ruled towns couldn't collect impact fees; fees had to be tied directly to something. We have a section in our Ordinance Book that refers to collecting fees. This is an acknowledgement of the removal of the section so we can comply with the session law.

*Motion by Commissioner Kwiatkowski to remove the Town of Holden Beach Ordinance 19-01 as presented in the package; second by Mayor Pro Tem Fletcher; approved by unanimous vote.*

#### **PLANNING & ZONING BOARD (P&Z) REPORT ON REQUESTED ORDINANCE CHANGE FOR CARGO LIFTS**

Vicki Myers, P&Z Chair, explained that after research and discussion P&Z would like to recommend that no changes be made to the existing ordinance.

#### **DISCUSSION AND POSSIBLE APPROVAL OF PROCLAMATION RECOGNIZING THE TOWN OF HOLDEN BEACH'S 50<sup>TH</sup> ANNIVERSARY OF INCORPORATION**

Assistant Town Manager Ferguson said the Parks & Recreation Advisory Board (PRAB) and staff have been working on events for the 50<sup>th</sup> anniversary, which is February 14<sup>th</sup>. The PRAB wanted to look at a proclamation to commemorate the upcoming activities. She reviewed the proclamation.

*Motion by Mayor Pro Tem Fletcher to approve the proclamation; second by Commissioner Butler; approved by unanimous vote.*

#### **DISCUSSION AND POSSIBLE ACTION TO ACCEPT BUDGET SCHEDULE**

Commissioner Freer said he is introducing a budget schedule for the 2019/ 2020 budget. He reviewed it with Town Manager Hewett already. The calendars are not specific. It is more of a timeframe of the items they would like to see happen. He would like to ask that Town Manager Hewett work with Town Clerk Finnell to schedule the Board accordingly. Town Manager Hewett said it is his understanding that this is a spitball attempt. They would need to get the Board's calendars to lay against the items and see how the items can be worked into the availability. Commissioner Kwiatkowski stated she thinks shooting for the beginning of April for a draft budget message might be a little early. She suggested that the middle of April may be a little better and then everything will push back a little bit. Commissioner Freer agreed and said he is trying to avoid a rush at the end. Town Manager Hewett said he thinks there is a misconception that the budget message is what gets adopted. The message is really a draft ordinance. He said let's just do the budget message and recognize that it is just a draft proposed ordinance and then the Board goes to work on it. Commissioner Freer said the Board wants to have some input on the message. He said the Board can do revenues and expenses separate but then they need to be put them together, however it is more efficient. Town Manager Hewett stated at the revenue workshop where the Board was discussing ways to come up with new revenues somehow it sidetracked to doing something akin for expenses. He said he should have spoken up at the workshop. He has been talking to Mayor Pro Tem Fletcher on expenses and sending files back and forth, but it dawned on him that is in the manager's wheelhouse as far as expenses and making projections in terms of capital. He would suggest to the Board to bring that back into center. If there is a desire of the Board to do a three year projection, let's do it as part of the normal budget process. Commissioner Kwiatkowski and Freer said they are okay with that.

#### **FOLLOW-UP AND REVIEW OF POYNER SPRUILL FINAL CONTRACT/ AGREEMENT**

Commissioner Butler explained he wanted everyone to have the revisions in front of them. He added the Board had discussion on the retainer fee and it is the \$6,975 monthly retainer.

## **REVIEW OF THE FINAL ENGINEERING REPORT TO BE SUBMITTED TO FEMA PERTAINING TO HURRICANE FLORENCE STORM DAMAGES TOTALING \$7.7 MILLION**

Commissioner Butler stated this is the ATM engineering report on Holden Beach Hurricane Florence coastal damage assessment. He said this is great stuff and encouraged everyone to go through the document. It mentions the losses and damages. It provides a number of key facts that outlines our losses from Hurricane Florence. He asked Town Manager Hewett to review the highlights of the report. Town Manager Hewett said on an annual basis we do 53 transects that are about 1,000 feet long that allows us to monitor where our sand comes and goes on an annual basis. When we have a storm event we go out there as soon as practical and replicate the surveys to see the before and after conditions. That allows us to calculate the losses for storm events. Since we have an engineered beach according to FEMA, with a design template and nourishment program we qualify for reimbursements. This report quantifies the losses due to Hurricane Florence. Once the report is reviewed by FEMA there will be a project worksheet done on it and hopefully an approved project will come back our way to be determined by the Board on how we want to proceed with making fixes to the beach.

Commissioner Freer inquired if this is only addressing central reach since that is our engineered beach. Town Manager Hewett responded that the actual report goes from inlet to inlet. The central reach is teased out of that and is the portion that would qualify as the engineered beach for FEMA reimbursements. Commissioner Butler said what he looks for in the future is trying to divide the island. He would like to show the east end, central reach and the west end of the island. He will recommend the Town have a simplistic view of pre-storm and post-storm. He encourages the Town to do that.

## **DISCUSSION AND POSSIBLE ACTION TO BEGIN A PROCESS FOR REMOVAL OF EXISTING WASTE BIN CORRALS THAT WERE BUILT FORWARD OF HOUSES**

Commissioner Kwiatkowski stated as everyone knows the Town will be instituting a rollback process in the season. The waste bin corrals were built with the idea that people would leave their bins there and Waste Industries would pick them up, dump them and put them back. Waste Industries doesn't do that anymore so the corrals don't serve a purpose. The ordinance now says the waste bins need to be under or alongside a house so corrals won't be used in the future if they have been built forward of the house. She would like the Town to communicate encouraging owners to take the opportunity to remove the corrals so there is no confusion about where trash cans should be. When rollback starts it will be back to the house. She is concerned if we leave corrals out at rental properties, renters may decide that is where trash cans go and that will be a violation of the ordinance. There are a couple that have been built in the right-of-way and she would like to encourage those people to remove them more quickly. Commissioner Kwiatkowski said instead of trying to have a program regarding corral removal she would like the Town to communicate encouraging people to take the opportunity this spring to remove their corrals. She would like to see where we can get by encouraging people rather than mandating it. Mayor Pro Tem Fletcher said one of the things he became aware of this morning is that if you require bins to be against the house there are a number of cases of red ants that go into the house from there. A doctor told him this morning about a number of cases that kids have died. A two star general told him he had a grandson that woke up screaming. His bed was full of red ants. If a homeowner wants to build near the house instead of up against or under the house he doesn't think the Town can mandate that. Commissioner Freer said he thinks that is what Commissioner Kwiatkowski is saying, it's not mandatory. Commissioner Kwiatkowski

explained the new ordinance is to try to get the cans back to the house line as much as possible. That is what rollback will be. Commissioner Freer said he is fine with encouraging people. Mayor Pro Tem Fletcher agreed. Commissioner Kwiatkowski said if the Board finds a lot of corrals by the road, the Board can explore steps to get them to take them down. Town Manager Hewett said it sounds like the Board is looking for a public service announcement or social media statement that would communicate or suggest that. Commissioner Kwiatkowski volunteered to write a draft. Commissioner Butler thinks the Board should also have an opportunity to look at it. Commissioner Kwiatkowski said it wouldn't go out until mid-March, but if he wants to review it, it can be brought to the February meeting.

## **DISCUSSION AND POSSIBLE ACTION ON DEFINING THE WASTE ORDINANCE ENFORCEMENT POLICY**

Commissioner Kwiatkowski proposed that two commissioners work with staff that Town Manager Hewett designates to work on enforcement so they can try to put together what they think is an appropriate education and enforcement policy to bring to the next meeting. She is happy to be one of the commissioners. Mayor Pro Tem Fletcher said he would be happy to work on it. Town Manager Hewett doesn't have a problem with staff interfacing with commissioners for a work session. He is of the opinion it will cost something. When it gets to that point he would like to be involved as the budget officer. It will be Planning Director Evans and Zoning Official Wooten and we will need police officer prospective. Mayor Pro Tem Fletcher and Commissioner Kwiatkowski will pass their availability to Town Clerk Finnell.

Commissioner Butler said he is still concerned about the 80 plus percent that are part-time residents. The Board continues to receive emails and the HBPOA has received communications as well. He said it is easy for the Town to say the owners will contract directly with a provider. He said the Town needs to identify a process that will help these homeowners with rollout support and a process that will enable them to comply without the potential of being put in a position of receiving civil fines. He said until the Board can resolve the issue and identify a process for these homeowners he is recommending we delay the penalty enforcement date of May 1<sup>st</sup>. Mayor Pro Tem Fletcher said he has had more calls on this issue than any other issue during the three years he has been a commissioner. It is a major change. He stated we have some great owners, but they are all over the world. He would be very supportive if the Board doesn't issue any penalties for the first year the program is run. Commissioner Sullivan asked Commissioner Butler about the requirements in Winding River. Commissioner Butler explained that everyone signs covenants when they buy their property. He explained the covenants and the process. Commissioner Sullivan asked why the Board wouldn't expect other people to adhere to rules if it is okay to fine people in Winding River and they have to live by rules. Commissioner Butler said they sign an agreement when they buy their property. Commissioner Sullivan agreed, but said that doesn't change the difficulty of adhering to the policy. Mayor Pro Tem Fletcher said when they buy the house they know the rules. We have some people that have fifty years here and this is a new rule. Commissioner Kwiatkowski suggested having the meeting to talk about enforcement and then see if something should be done to delay in February. Commissioner Freer said he put the next agenda item on the agenda because he sees it that the Board addressed half of the problem. He thinks the Board needs to address rollout sooner rather than later. He would like to address that to solve the entire issue. He supports waiting until both options are available before implementing the fines. Mayor Pro Tem Fletcher said he also sees this as a single package. If the package is finished then the Board can be more solid on deciding where to go.

Commissioner Kwiatkowski said the Board can close out item 19 agreeing that she and Mayor Pro Tem Fletcher will work with the staff to try to come up with something for a possible education and

enforcement program. She suggested tabling any other discussion on changing the date of enforcement until February. Commissioner Butler said he is okay with waiting. He just wants the Board to remember the silent voices of people who don't have the ability to be here. It is a large percentage of homeowners.

#### **DISCUSSION AND POSSIBLE ACTION TO INCLUDE FEE BASED ROLLOUT OF WASTE AND RECYCLE CONTAINERS IN ORDINANCE 18-16, CHAPTER 50: SOLID WASTE**

Commissioner Freer stated he thinks the Board should wait for the penalties until we have an opportunity to offer the service. It can be fee based so you don't have to accept the service if you don't need it. He said the Board can work on the details of that. Commissioner Kwiatkowski said there are additional complications, but the Board needs to understand what percentage of property owners would want rollout. Without a scope of properties she does not know how they would find providers because they would need to know the level of work. She asked if the HBPOA could help with a quick mail out. Town Manager Hewett would question having a third party provide a Town function. Commissioner Kwiatkowski said the Town could send it out with the water bill. She said we need to get a decent estimate. Town Manager Hewett said he believes rollback is fairly defined as to what that is. He is not convinced that rollout has much definition to it. There is a general feel for it, but there is a level of detail that is missing in that. Commissioners Butler and Freer agree. Commissioner Freer said the Board needs to discuss those details. Commissioner Kwiatkowski said someone needs to take the lead and push this. Commissioner Freer volunteered to take the lead on this and will arrange a special meeting. Town Manager Hewett said per the Board's direction the advertisement for rollback is out. Staff intends to bring that to the Board for discussion at the February meeting.

#### **DISCUSSION AND POSSIBLE MONITORING OF PETS DURING OFFSEASON/ HOLIDAYS OR OTHER ACTIONS THAT MAY REDUCE ORDINANCE VIOLATIONS**

Commissioner Kwiatkowski stated she had a number of people talk to her about the number of free ranging dogs on the beach and the amount of dog waste people left on the beach. A lot of it has to do with the offseason. Holiday weekends exasperated the situation. She asked what the Town can try to do in the offseason because it is a more noticeable issue in the offseason. Commissioner Kwiatkowski looked at Brunswick Islands' website to try and get ideas of what other beaches are doing. A number of other beaches do allow dogs to be off the leash. She would like public input on this. She inquired if there is a possibility of giving dog lovers a limited number of hours of a day in the offseason where they can have pets off the leash, but under control and have certain hours that pets aren't allowed. She added or should the Town just leave it as it is, even though we know we have a significant percentage of people not following the ordinance. Mayor Pro Tem Fletcher stated he goes on the beach every day with two dogs and sees an awful lot of people that enjoy the beach with their dogs off of the leash. They put the dogs on a leash when people get close. He said a lot of people get enjoyment from that and if we told people they couldn't go on the beach it would damage the marketability for the Town.

Commissioner Freer said he doesn't have a dog and he knows lots of people aren't dog people. He said we have the rangers and need to manage that a little better rather than changing the ordinance to accommodate people who don't adhere to it. He said the reason we have the rangers is to supplement the Police Department. He would ask the Police Department to patrol the beach more in the offseason. Detective Dixon explained they do not spend a lot of time on the beach this time of the year. He suggested if people see something they should call. Commissioner Freer encouraged them to patrol. He is not in

favor of relaxing the ordinance. He is in favor of getting the message out to follow the rules because he thinks it is an infringement on a lot of people's freedom on the beach that do not want to encounter a dog. Commissioner Kwiatkowski asked if there could be some additional patrolling of the beach on holiday weekends. Detective Dixon understands and wants to try to accommodate that, but asked that the Board remember the Police Department only has one officer scheduled at a time. They can make passes, but the more time they spend on the beach it is less time for the side with the houses.

Commissioner Kwiatkowski asked if there are other alternatives. Town Manager Hewett replied none that are free. He said even though we had a dog park, it has not alleviated this issue. To what degree it mediated it he doesn't know, but it does give the ranger a credible alternative when someone is on the beach with their dog. The dog park is out of commission. It may be for longer than Memorial Day depending how long it takes until the material dries out. Commissioner Freer said he thinks they just got a commitment that the Police Department will try to patrol offseason on the beach. Detective Dixon said they will definitely try to step up their efforts, but they won't be able to be out there all of the time. Commissioner Kwiatkowski said that random is better. Commissioner Butler suggested stopping at beach access points and maybe it will send a message. Commissioner Kwiatkowski said there will be no change to the ordinance and we will try to have random enforcement that will encourage following the ordinance.

#### **DISCUSSION AND POSSIBLE AGREEMENT ON METHODOLOGY TO BE USED FOR BOC OBJECTIVES SETTING MEETING**

Commissioner Kwiatkowski said the objectives setting meeting is set for tomorrow. She suggested that everyone comes with their list of objectives tomorrow and everyone could agree on the categories at this meeting. Then you put the objectives on sticky notes, put them in a category, group the sticky notes and put the list together. You would then give them point rankings.

Commissioner Kwiatkowski suggested four categories (Policies/ Procedures/ Resolutions, Ordinance Related, Financial/ Budget, Long-term Plans) and suggested a fifth one could be Advocacy. She agreed to lead the meeting and do the tallying.

#### **DISCUSSION AND POSSIBLE SCHEDULING OF DATE FOR INTERVIEWS FOR VACANCY ON THE PARKS & RECREATION ADVISORY BOARD**

Town Clerk Finnell said a Parks & Recreation Advisory Board member resigned so the Board will need to interview to fill the vacancy. The Board agreed to hold the interviews at 6:45 p.m. on the day of the next Board meeting.

#### **TOWN MANAGER'S REPORT**

- Internal Control Review – the program manager has communicated they are about ready to issue the final. They are shooting for the 15<sup>th</sup>. Today is the 15<sup>th</sup> and he hasn't seen it.
- Annual Audit – as of last week they were wrapping up the audit files and starting the financial report process. Indication is they should finish the audit in a couple of weeks. They will be in touch to review the draft. The hurricanes have knocked everybody out of whack and the Local Government Commission recognizes that everyone is out of sync.

- Still working three hurricanes in different phases. Crime Control and Public Safety finalized the report to FEMA, about \$335,000 for Matthew. For Florence we have completed the additional surveys FEMA required. The engineering report is not finalized yet. There is no federal declaration for Michael yet. The governor has requested it, but we are into the federal government shutdown. Is not sure how that will impact any of the FEMA items.
- Rollback statement of work was advertised last week. January 31<sup>st</sup> is a mandatory pre-bid conference, with bids due on February 12<sup>th</sup>. Intends to bring the decision package for the Board's consideration at the regular February meeting.
- There are new proposed rules for inlet hazard areas. This was briefed at the Coastal Resources Meeting in December. In looking at the material, the potential for impact for Holden Beach triples the acreage included in the inlet hazard areas, both ends cumulatively. It quintuples the number of parcels affected. On the west end it extends the inlet hazard area 1.7 miles to the east and on the east end it comes back westward four tenths of a mile. The potential for impacts is there. That proposal is a function of the Coastal Resources Commission Science Panel report that will be finalized and presented to the Coastal Resources Commission in February. If you have a real estate interest you need to get your ears up for what may be coming. Six of the 13 members of the Coastal Resources Commission terms expire June 30<sup>th</sup>, including two of our local reps. Commissioner Freer asked where you can look up the current impact of being in an inlet hazard area. Town Manager Hewett said it is an overlay of regulations. He would defer to Planning Director Evans to answer that. Commissioner Freer said at this time it is a third of the size. It would be nice to know what is being expanded. Town Manager Hewett replied that staff intends to be present at the February meeting. Commissioner Freer asked if there is a link to an overview. Town Manager Hewett said it is on the Coastal Resources Commission's website, under Minutes and Agenda for the December meeting.
- Canal dredging is moving right along. Proceeding with no significant issues. There are some minor issues, but no mechanical breakdowns and the levy is holding up fine.
- Upcoming Events – Run HB is this Saturday. Look for traffic issues. There will be 1,750 registered runners. Expect traffic and bridge issues. The 50<sup>th</sup> anniversary is coming up. There will be a cake and ice cream social to initiate the creation of the time capsule on February 14<sup>th</sup>. On February 16<sup>th</sup> there is a dinner social with a presentation on Town history. Weather permitting there will be a bonfire. Clerks' Academy will be held here for the second time in three years on the 5<sup>th</sup> of April. We are acting as the host site for the North Carolina Municipal Clerks Association. We will be hosting the Battle at the Beach Pickleball Tournament May 3<sup>rd</sup> – 5<sup>th</sup>.

## **MAYOR'S COMMENTS**

- Scares him when we talk about changing inlet hazard areas. It impacts insurance, setbacks, right to build as people in the audience were mentioning. If some of the houses that are in place today were to get burned or washed away, if they pass the changes the way they have in recent years, those homes may possibly not be able to be put back. Depends on what they pass. Not knowing what they are going to pass, he is scared to death. With a stroke of a pen they can make your lot worth nothing. Encouraged everyone to talk to their friends that own property and stay on top of this. If you would like to protect your property, pay attention, be involved and let your voices be heard. There are organized groups that are pushing to let nature take its course on the island. If you would like to protect your property and be involved, pay attention. Doesn't want to come down on one side or the

other. If you have an interest in beach property pay attention. If you are a diehard environmentalist you should pay attention too because it will come to a battle.

- Agrees with Mayor Pro Tem Fletcher, received lots of emails and phone calls the last 45 days. Provided examples. The list goes on and on. It's a no win situation, never will get everyone happy. Trying to remember how many times we have been through this, how many times we have plowed this field. We are going to wear the dirt out. It's the same arguments, just different people and different times. Sure the Board will work hard on it.
- Had more complaints about dogs running on the beach.

## **BOARD OF COMMISSIONERS' COMMENTS**

Mayor Pro Tem Fletcher

- Thanked everyone for coming tonight. Hopes people appreciate the challenges the Board faces. They are not all simple. In no way can the Board do things that will please everybody. We have permanent residents, people who rent their houses out, people who come here on vacation. We have a lot of people to please. A lot of them are not here to represent themselves. Finding people to work on your houses when you are here is difficult, if you are away it is really difficult. Knows the Board will do the best they can and work hard at it. Hopes they please a lot of people and hopes they make the best decisions.

Commissioner Sullivan

- Glad to see a number of people show up tonight. Should get more people to come so they can get involved and give the Board their input so they can make smarter and wiser decisions that will benefit the most people.

Commissioner Kwiatkowski

- Glad everyone came.
- Thinks the one thing we all agree on is we don't want to see more and more trash at the end of road, sitting for days. Trying to do the best the Board can to find the solution for the most people possible. It is impossible to get 100%, but hopefully we can get 90%. Won't do anything that will unfairly burden anyone if they can help it.

Commissioner Butler

- Happy New Year to you and your families. Thanks for coming out. Looks forward to future meetings.

Commissioner Freer

- Thanks to everybody for coming. Looks forward to working with everyone to come to a positive resolution on the trash and the dogs.

## **PUBLIC COMMENTS ON GENERAL ITEMS**

Mel Amos stated her garbage can corral has been in the same position for 60 years. It is a burden to even think about having to hire someone to remove these. She thinks the ones that are there should be grandfathered in. She thinks it is harder to take the cans all the way back to the house instead of to the corral.

Lewis Mitchell stated he knows we have been talking about dogs and trash for 40 years. They go on the beach three or four times a week. He does frequently sees people with dogs off of a leash. He has never had a problem with it. He said that this time of the year he doesn't think dogs off of the leash are a problem.

Betty Dewees said she understands why you want trash cans pulled back and you don't want people to see trash. She asked why it is a big deal on the side streets. She has neighbors who leave theirs out. She said if it isn't broke, don't fix it. Ms. Dewees said the Town has talked about trash every which way. Commissioner Kwiatkowski said it not just the aesthetics and hygiene along Ocean Boulevard, we have visitors that are on any street. If there are cans and there is a storm they are just as likely to get blown over if you are on a side street as if you are on Ocean Boulevard. She said bicyclists go everywhere. She walks and bikes and they have lots of visitors. Renters were commenting saying this isn't nice, it smells. Commissioner Kwiatkowski said it makes sense to do it everywhere. That is one of the reasons for island wide rollback. She said the Board will try their best to find a solution for rollout. Mrs. Dewees said it is not just the permanent residents with their dogs, it is people from all over the place and they won't get Town notices. She said the Board won't win with this trash thing.

**EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6) TO CONSIDER THE PERFORMANCE OF AN EMPLOYEE AND NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3) TO CONSULT WITH TOWN ATTORNEY**

Town Clerk Finnell read the reasons for Executive Session.

*Motion by Commissioner Kwiatkowski to go into Executive Session at 8:35 p.m.; second by Commissioner Freer; approved by unanimous vote.*

**OPEN SESSION**

*Motion by Mayor Pro Tem Fletcher to go back into Open Session at 9:48 p.m.; second by Commissioner Freer; approved by unanimous vote.*

*Motion by Commissioner Freer to accept Resolution 19-01, Resolution of the Town of Holden Beach Authorizing Filing of Condemnation Actions to Acquire Perpetual Easements for the Town's Eastern Reach Shore Protection Project; second by Mayor Pro Tem Fletcher; approved by unanimous vote.*

**ADJOURNMENT**

*Motion by Mayor Pro Tem Fletcher to adjourn at 9:49 p.m.; second by Commissioner Butler; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk