



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
FRIDAY, OCTOBER 11, 2019 – 10:30 A.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Friday, October 11, 2019 at 10:00 a.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; and Town Clerk Heather Finnell.

Mayor Holden called the meeting to order.

**PUBLIC COMMENT**

No public comment was made.

**DISCUSSION AND POSSIBLE SELECTION OF TOWN ATTORNEY**

The Board discussed the candidates and how they came to their individual selections. Mayor Pro Tem Fletcher and Commissioners Butler and Freer recommended choosing Grady Richardson. Commissioners Sullivan and Kwiatkowski would select Matt Nichols.

Commissioner Kwiatkowski asked if the Town needs the level of service provided by Mr. Richardson for day-to-day activities. She is not saying they are not qualified, she asked if they are more than we need on a high powered basis. She suggested you could bring in someone high powered if you need them. She said there is something to be said about being someone's only town. She added everyone could be the attorney. Mayor Holden said if you want high powered representation, Poyner Spruill from Raleigh is available. He recommended the Board see who can get the most done for the Town, without a whole lot of charges. He encouraged the Board to select someone who has a tie to Holden Beach. He agreed they could all serve as the attorney.

Mayor Holden said he was hoping the Board could wait until the new Board took office before making a choice. Commissioner Sullivan agreed Matt Nichols can handle the day-to-day, competently. If we reach a point that we need to retain more expertise, we can do it for that specific purpose which was done in the past. Ha also agreed that in the best of worlds, the Board could put this off until December, but Attorney Fox has been punting on issues that are pending. He thinks in a way the Board is forced to make the vote. He would have preferred to have this discussion at a regular meeting. Commissioner Kwiatkowski stated when we originally started doing this she had also hoped that Attorney Fox would stay. She wondered if there is a way to get through two months and leave the hiring of a new firm to the new Board in December or January. She is ready to vote, but she does have to ask if it is possible

to get through two months without having an attorney at the meeting. She asked if there is a way to have someone temporary. Mayor Holden said he thought Attorney Fox was still serving. Town Clerk Finnell stated Attorney Fox had originally offered to stay on for the next few months, but now she is not sure of her availability the next few months. She is sure she would still be able to answer any legal questions the Town has. Town Manager Hewett said it is not a requirement to have an attorney, there are vacancies.

Commissioner Kwiatkowski asked if it would be better to leave this to the newly composed Board when it is voted in. Mayor Pro Tem Fletcher said he would prefer to vote as they planned to do. He stated if there is a new Board they would be at liberty to do what it wants, but this Board would be solid with an attorney between now and then. Commissioner Kwiatkowski said it would probably only be the November meeting. Commissioner Sullivan asked if they need a contract before they could be retained. Town Manager Hewett responded the Board would need to ink a letter of engagement with them. He asked how the Board would like that to be handled if the Board makes a selection. Commissioner Sullivan said the Board doesn't know if the firm will be available on Tuesday. When he came in here today, he was ready to vote on. He said now that they talked about it, he thinks the community would be better served if the Board waited until after the election to make the selection. This Board would only get the benefit of having a person sit at the November meeting. Mayor Holden inquired how much someone will know by Tuesday's meeting.

*Motion by Commissioner Sullivan that the Board table this issue until after the election; second by Commissioner Kwiatkowski.*

*Commissioner Sullivan revised his motion to table it until the first meeting after the investiture of the new Board; second by Commissioner Kwiatkowski.*

Commissioner Freer said the Board went through the process for a couple of months now, knowing the timetable. He added it is a possibility that the new attorney can make the meeting. There are two agenda items that are waiting to be addressed. He said the decision should have been made months ago then, rather than going through the process. Mayor Holden said if this Board gets re-elected the Board could take it off the table and vote immediately. Commissioner Sullivan agreed the Board has been talking about it, but sometimes that is what helps them make a good decision. He thought the Board was doing the right thing, but at the end of the day he thinks it would be more beneficial to put it off.

*The motion did not pass, with Commissioners Sullivan and Kwiatkowski voting for the motion and Mayor Pro Tem Fletcher and Commissioners Butler and Freer voting in the negative.*

The Board voted orally. Mayor Pro Tem Fletcher and Commissioners Butler and Freer voted for Grady Richardson and Commissioners Sullivan and Kwiatkowski voted for Matt Nichols.

*Mayor Holden announced Grady Richardson was selected.*

Town Manager Hewett asked how the Board would like to move forward with the administrative work in hiring the attorney. It is still subject to a letter of engagement being executed. He reviewed the options. Commissioner Freer asked that it be done at the next meeting. Town Manager Hewett said he

assumes that the Board would like him or the clerk to contact the Richardson Law Firm and ask for a letter of engagement to be reviewed on Tuesday night. The Board agreed.

Mayor Holden stated he told the clerk he would be unable to attend this meeting. He was supposed to be in Asheville for another meeting this morning and in Raleigh for one this afternoon, but because of the importance of this meeting he chose to be here. He said hopefully in the future, the Board will give consideration in matters such as this that everyone will be able to attend.

## **ADJOURNMENT**

*Motion by Mayor Pro Tem Fletcher to adjourn at 11:06 a.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