



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, DECEMBER 17, 2019 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, December 17, 2019 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Commissioners Mike Sullivan, Pat Kwiatkowski, Joe Butler and Peter Freer; Commissioner-Elects Gerald Brown and Woody Tyner; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Public Works Director Chris Clemmons; and Police Chief Jeremy Dixon. Mayor Pro Tem John Fletcher and Commissioner-Elect Brian Murdock were unable to attend the meeting.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Commissioner Kwiatkowski to approve the agenda as presented; second by Commissioner Butler.

Motion by Commissioner Sullivan to amend item 17, Discussion and Possible Scheduling of a Special Meeting to Interview Applicants for Vacancy on the Planning & Zoning to include vacancies on the Audit Committee as well.

Mayor Holden repeated the motion.

Commissioner Kwiatkowski seconded the motion. The motion to approve the amended agenda passed by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Sullivan to approve the minutes of November 19, 2019; second by Commissioner Butler; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made.

OLD BUSINESS: DISCUSSION AND POSSIBLE ACTION ON CONTRACT AMENDMENT TO THE SOLID WASTE AND RECYCABLES COLLECTION, TRANSPORTATION AND DISPOSAL AGREEMENT BETWEEN THE TOWN AND WASTE INDUSTRIES

Public Works Director Clemmons explained Waste Industries provided the Town with a proposed amendment for their agreement with the Town. The current term is through December 31st. The amendment would extend the initial term by two years. Per the amendment there will be a \$0.50 per month per cart increase. Waste Industries has explained the increase is due to their cost of doing business over the last year. Waste Industries is also raising their fixed rate service fee from 2% to 3% per year. The cost for the service in the months with the second pickup will increase \$1,818. Public Works Director Clemmons said the current budget supports the increase for the remainder of the fiscal year. Adjustments will need to be made in next year's budget to accommodate the increase. He said Allen Thienpont from Waste Industries is here to answer questions.

Commissioner Butler asked if the contract includes the same days of pickup. Public Works Director Clemmons replied he understands it is the same days. Mr. Thienpont added there is no language in the contract that specifies the days, but they moved the days to accommodate the Town's preference.

Motion by Commissioner Freer that the Board accept the contract; second by Commissioner Butler; approved by unanimous vote.

PRESENTATION OF PLAQUE TO OUTGOING BOARD OF COMMISSIONERS BY TOWN MANAGER HEWETT

Town Manager Hewett presented a plaque to the outgoing Board.

PRESENTATION OF PLAQUES TO INDIVIDUAL MEMBERS OF THE OUTGOING BOARD OF COMMISSIONERS

Town Clerk Finnell announced Mayor Pro Tem Fletcher was unable to attend the meeting. Mayor Holden presented plaques to Commissioner Butler and Commissioner Freer.

BOARD OF COMMISSIONERS' COMMENTS

Commissioner Freer

- Thanked everybody. It has been an honor. He wished everyone the best of luck.

Commissioner Kwiatkowski

- Thanked Commissioners Butler and Freer for their hard work and participation. Thanked Commissioner Freer for the advice on procedure and how to operate with all of the rules and procedures.

Commissioner Sullivan

- Thanked Commissioner Butler, Commissioner Freer and Mayor Pro Tem Fletcher. Appreciates the time and effort put in. Wished them well and hopes they continue to be involved in the Town despite the fact they are no longer on the Board.

Commissioner Butler

- Would like to discuss a real win for Holden Beach. Sand and beach nourishment projects are probably his number one priority. We currently have a major project on the east end for beach nourishment. Thanked Town Manager Hewett, Assistant Town Manager Ferguson, fellow commissioners and the Inlet Beach and Protection Board for their hard work to get to the point we are currently at. As many know we lost 88,000 cubic yards of sand the previous year. The amount of sand will be about 200,000 cubic yards because this includes the inlet crossing, as well as the bend widener. Appreciates all of the effort the Board and everyone has put in to make this happen.
- Thanked other key staff members that supported other key projects, such as the lift stations and parking.
- Wished everyone a safe Christmas holiday. Wished the new Board well.

Mayor Holden

- Thanked all of the commissioners for their hard work, time and dedication. Thanked the citizens, visitors and property owners for working together to make a place we are all proud of.

JUDGE FRED GORE WILL PRESENT THE OATH OF OFFICE TO THE INCOMING BOARD OF COMMISSIONERS

Judge Gore presented the Oath of Office to Mayor Holden and Commissioners Gerald Brown, Woody Tyner, Mike Sullivan and Pat Kwiatkowski. Brian Murdock will take his Oath of Office at an alternate time.

ELECTION OF MAYOR PRO TEMPORARE

Motion by Commissioner Sullivan that Gerald Brown be the mayor pro tem.

Commissioner Sullivan said Commissioner Brown received the most votes in the last election. Traditionally that has been how they have done business in Holden Beach.

The motion was seconded by Commissioner Tyner and approved by unanimous vote.

ELECTION OF EXECUTIVE SECRETARY

Motion by Commissioner Tyner that Commissioner Kwiatkowski become executive secretary of the Board; second by Mayor Pro Tem Brown; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF 2020 BOARD OF COMMISSIONERS' MEETING SCHEDULE

Town Clerk Finnell explained that the proposed schedule reflects the third Tuesday of each month, except for February which reflects the second Tuesday of the month due to scheduling conflicts.

Motion by Commissioner Kwiatkowski to accept the schedule that the town clerk has proposed, the third Tuesday of the month, with the exception of February where it is the second; second by Commissioner Sullivan; approved by unanimous vote.

DISCUSSION AND POSSIBLE DIRECTION ON RULES OF PROCEDURE FOR THE BOARD OF COMMISSIONERS

Town Clerk Finnell explained the Board is required to adopt Rules of Procedure. She provided the basic version from the School of Government and the current version the Town is using in the packets. She suggested that the Board review those and vote at the next meeting. Commissioner Kwiatkowski said she is happy to try and make the Rules of Procedure more simplified, but add the few things they were really emphasizing. She offered to do that and bring it to the next meeting for the Board's review. Town Clerk Finnell said those rules could be added to the meeting packet.

Mayor Holden said we have three new commissioners and they will attend school that shows you how to conduct business. He said if you pass rules, be certain you understand them because business will be conducted under the rules that the Board passes. Mayor Holden said he doesn't know anyone in the room that knows each and every situation that comes up. It is a very big ordeal to adopt rules and regulations. Thanks to Commissioner Kwiatkowski the Board will get through it.

Mayor Holden announced the consensus of the Board is to continue to follow the same procedural rules and modify it as they go forward.

POLICE REPORT – CHIEF JEREMY DIXON

- On December 16th, in the area of Conch Street and Dunescape we had three cars broken into. If you see anything that looks suspicious call the Police. The cars were unlocked. Lock your cars and houses. Doing what they can to get ahead of it.
- It is Christmas time, people are drinking and driving. Don't be surprised if you see roadblocks. Be careful on the roadways.
- Gets alerts from the FBI. There is a new email scam. It is a virtual kidnapping scam. They are targeting elderly people. They are saying grandkids have been kidnapped, girls are screaming in the background and people are rushing thousands of dollars to the scammers. It has not been here, but cautioned people to keep that in the back of their mind. If someone calls, call the Police.

DISCUSSION AND POSSIBLE SCHEDULING OF A SPECIAL MEETING TO INTERVIEW APPLICANTS FOR VACANCIES ON THE PLANNING AND ZONING BOARD AND ON THE AUDIT COMMITTEE

The consensus of the Board is to hold the interviews on the day of the next Board meeting at 6:45 p.m. Town Clerk Finnell will put out a blast advising people we are seeking candidates.

DISCUSSION ON ESTABLISHING A DATE CERTAIN FOR A SPECIAL MEETING TO INCLUDE THE MEMBERS OF THE LAND USE PLANNING COMMITTEE TO DISCUSS THE PENDING LAND USE PLAN

Commissioner Sullivan explained the Town went through a process that lasted about a year to formulate a new Land Use Plan (LUP). The plan is comprehensive and will have an effect on how people

are able to use their property. It is up to the Board to approve or amend it. He explained the process and that he would like to give the LUP committee another opportunity to discuss the plan with the Board. He would like to have the Board and Inspections Director Evans look at their calendars and then invite the committee members to attend the meeting so they can discuss the plan to see if there are things that need to be changed. He would like to do that now because the plan has been submitted to the state for their review. It has been there for about 60 days. He would rather do this sooner, rather than later. Commissioner Kwiatkowski added it makes sense to get together sooner rather than later because things would be fresher in people's minds.

Commissioner Sullivan suggested the Board give their calendars to Town Clerk Finnell so the meeting can be scheduled after the new year, but before the next meeting. The Board agreed.

DISCUSSION AND POSSIBLE DIRECTION ON PROPOSED DIRECTIVE REGARDING BOARD OF COMMISSIONERS' REQUESTS TO ADVISORY BOARDS AND COMMITTEES AND DISCUSSION AND POSSIBLE DIRECTION ON A MORE FORMAL PROCEDURE FOR THE BOARD OF COMMISSIONERS' REQUESTS TO THE TOWN MANAGER OR TOWN ATTORNEY

Commissioner Kwiatkowski said this is the second reading of these. She put these out for commissioners, as well as the public to comment on them. She hasn't received any comments. She will put them on the next agenda for discussion and possible action to approve the directives. She will make a couple of modifications to the directive to advisory boards and committees that were suggested at the last meeting. Hopefully if someone has anything to say they will say that at the next meeting, otherwise she hopes there is a vote on them and that they are approved.

Town Manager Hewett asked if they could remove the word request and use a more formal word like directive in item 20. He said the Board doesn't ask him what to do, they tell him. Commissioner Kwiatkowski said it could be changed to direction or directive.

DISCUSSION AND POSSIBLE ACTION ON PROPOSED TOWN OF HOLDEN BEACH RESOLUTION 19-07, RESOLUTION REGARDING NCDEQ ISSUANCE OF NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS TO CPI

Commissioner Kwiatkowski stated there was a public meeting before Thanksgiving around the North Carolina Department of Environmental Quality (NCDEQ) issuing a national pollutant discharge elimination permit to CPI where there are going to be a couple additions to the effluent that is new to the permit. She went to the meeting to understand what the situation is in terms of how the evaluation of acceptable effluent and risk would be made. Commissioner Kwiatkowski said she is not saying a decision to allow it is bad, however she did not get sufficient information from the meeting on what is going to change in the effluent makeup and the potential risk to the marine environment. This is open for comment until December 23rd. The Town is not right where the effluent comes out, but we are downstream. She felt it would be prudent to note this could impact us. Commissioner Kwiatkowski explained this is a request to NCDEQ for more information, more clarity, more transparency and another chance for there to be public meeting and comment once that is offered.

Commissioner Kwiatkowski said Commissioner Sullivan suggested one minor change; in the first Now Therefore be it Resolved by the Board of Commissioners of the Town of Holden Beach that in the best interest of environmental and safety of the public in general (instead of just public safety) the

Town of Holden Beach and other Brunswick County beach communities (and then continue with the original version). She felt that was a good change.

Motion by Commissioner Kwiatkowski that the Board approves this proposed resolution with that one agreed change and directs the town clerk to submit the resolution with an appropriate cover letter from the Town to the DEQ as the Town of Holden Beach comment to this proposed permit before the December 23rd cutoff date for comments; second by Mayor Pro Tem Brown.

Town Manager Hewett added that Oak Island is considering something similar tonight.

The motion passed by unanimous vote.

TOWN MANAGER'S REPORT

- Received pretty good news from Congressman Rouzer's Office. They informed us that FEMA has announced that the Florence money has been awarded to the state of North Carolina in the amount of just under \$12 million. That coupled with the North Carolina share comes to a total of \$15.8 million for beach renourishment associated with Hurricane Florence. Announced earlier was the award of \$6.4 million, that is a total of \$8.5 million for Michael. Collectively pushing \$24.4 million in FEMA damages through the Category G Storm Damage Renourishment funds. At the present time we are working with Dorian. That project is scoped at about \$4.5 million. Collectively we are pushing \$30 million on three major hurricanes while simultaneously doing the mop-up work from Irene and Matthew. We still have about \$300,000 that we are working to acquire.
- The Lockwood Folly Bend Widener Navigation Project is underway on the east end. Goodloe Marine is the contractor. Shore pipe is in place on the dry sand beach from the northeast tip of the island to just west of Amazing Grace. They are going to be pumping about 7,000 yards a day. It is a small dredge. We can expect those operations to be going on through early/mid-January. Nighttime operations are probable. Bear with them. The total amount of sand that is to be removed from the inlet and waterway crossing is about 200,000 cubic yards. Placement on the beach will be somewhat less than that. There is water in the sand. The engineered template will be very similar to what has always been placed there; it just depends on the yield.
- Central Reach Project Sand Source is on schedule. Proceeding with that. Will get FEMA money, but need to get a permit to do something with it. Both of those activities are occurring simultaneously.
- Budget amendment 19-18 was approved last month. As a consequence of it being a fast-moving thing, administratively there was an error. Per the document it was placed into the Lockwood Folly Dredging line. The Board approved \$4,600 for the Town's share in the Lockwood Folly Dredging line. They also approved \$25,400 for Professional Services for the sand search offshore. He remedied that administratively, but he is obligated to tell the Board. It is in accordance with the Board's wishes.
- Audit for year ending June 30, 2019 has been received and approved by the Local Government Commission. Can pay Rives now.
- BEMC is announcing the first rate hike in over ten years. The average residential account will go up to the tune of \$8.63 per month. Our concern is that our sewer lift stations are huge consumers of electricity. We did not budget for an increase in our utility bill. Will know more about that when we dig more into it. That is a tight utility budget because it is consistent. The rate increase will go into effect April 1st. Will look real hard at that. It is a concern.

- The Brunswick Sewer Treatment Plant in Supply had some issues with the plant. One of the oxidation ditches had a failure of two components. The technology that is in place is older technology. The decision was made to try to implement the technology that is at the Northeast plant in Leland. Proposed funding for that estimate was supposed to come from the existing repair/replacement fund and from the annual lease payment that the Town of Southport is providing in the interim until they get their plant up and running. The estimate was just over \$1 million. When it came in from bid, it was over \$3 million. The decision was made to repair the existing rotors using the old technology and wait for a better bid climate. They only had two bids for that major project at the regional plant so they had to go back out and re-bid it.
- Lift Station 3 Update – had four prospective bidders show up to the mandatory pre-bid conference on December 10th. We are set to receive bids on December 19th. Doesn't know what to expect from that. Is concerned based on the county's experience. Will have the information for the Board in January.
- Accessway at 289 is a partial grant funded accessway. It is under construction.
- Community luncheon is scheduled for Friday, December 20th at noon.

MAYOR'S COMMENTS

- All this money that is granted to the Town would not happen if it were not pursued by Town Manager Hewett, his staff and the volunteers who serve in many different capacities. If they were to sit on their hands and watch it go by, it would go to someone else. It takes a lot of effort to have that money come to Holden Beach. Thinks everyone in this room appreciates that. The room applauded.
- Tree Lighting Event – Santa, Mrs. Claus and all of the staff did a wonderful job. Kids of all ages seemed to have a great time. Had as many dogs as he can remember come and they had a great time. Overall the event was great. Had numerous comments and calls about the decorations and how pretty the Town looks. Thanked everyone who had a role in that.
- Had a meeting at the county complex today in regard to the inlet hazard area. Sent a blast out yesterday. Encouraged everyone that if they haven't signed up for the blast to do so. Sent it for everyone to participate and be aware of potential changes in the inlet hazard area. The ramifications are numerous. Property values may be driven down by new rules and regulations. If tax values go down in one part of the town, what happens to the rest of the town. You get to reach a little deeper in your pocket to make up the difference. When these new regulations are proposed, input from the public needs to be aggressive. Understand what is going on. Just because what is on the books now is proposed doesn't mean it will be passed. Be involved and get on top of this. The inlet hazard on the west end of the beach has been extended eastward to Sailfish Drive. On the east end it would run from the inlet to Blockade Runner. Pay attention. It impacts everyone, whether you are in the area or not.
- Thanked everyone for the support for him as mayor. Is sure the commissioners that were elected thank you for your trust and confidence. Encouraged everyone to come to the regular and special meetings to help them understand what you want done. Thanked the public for allowing them to sit in these chairs. Hopefully will do a wonderful job and make you proud.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Brown

- It's really good to see a full house. Politics will not work for you unless you get involved. If you can't come, call your neighbor. We are here to serve you. We don't have our own personal agendas. Hope is that we become a real quiet Board, things settle down and we get on with the business because it is really big bucks we are talking about with FEMA. We want to get all that we can.
- Thanked staff for the great job they are doing. Has been told they have a good handle on things. Advised them if for some reason they need additional help don't hesitate to bring it to the Board.
- Wants everyone to have a really great holiday and be safe. At the first of the year, let's get down to doing good business at the Town.

Commissioner Sullivan

- Went to a meeting today about inlet hazard areas. There were not many people there, but the Town was well represented. Mayor Holden, Town Manager Hewett, Commissioner Tyner, Commissioner Kwiatkowski, Planning Director Evans and Assistant Town Manager Ferguson were there. Tom Myers was there representing the Property Owners Association. Vicki Myers was also there. We are going to have a meeting here on the 16th; people will be here from the commission. Holden Beach will have the most properties affected of any island in North Carolina, by a large number. Roughly 300 homes would be affected if the plan as written now is implemented. Just because your home won't be in the area, doesn't mean you won't be impacted by the new rules. It would behoove everyone who has the opportunity to send in their comments. They would like basis for the opposition. We should all participate by either making comments or coming to the meeting and asking questions to make the people realize they have not done this correctly. They need to amend the plan so it is more scientifically supported.
- Wished everyone a merry Christmas and happy New Year.
- Thanked people for the confidence in voting for him again.

Commissioner Kwiatkowski

- Thanked all of the volunteers we have had on various boards and committees for their hard work this year. Enjoyed working with the staff the past couple of years. Looks forward to working with staff over the next couple of years as well, in addition to the town manager and mayor. Feels has learned a lot from them and hopefully the next two years she can give back.
- Really appreciates seeing the bigger crowds. Hopes it continues into the next year. Really does want to hear more from our public particularly when they start talking about amending ordinances, adding services or if they need to make difficult budget decisions on amending services. When you are here to give the Board opinions as they are going through thinking about it, instead of after they come to a decision it helps them become more efficient.
- Looks forward to next year. Happy holidays to everybody.

Commissioner Tyner

- Thanks everyone for being here. Sees a lot of friends and appreciates them coming to support the Board. Thinks we have a really great Board. Looking forward to working with them; has known them all for a long time. Thinks the Town has a great staff and is looking forward to working closer with the staff. The Board is here to represent you. Needs everyone's feedback and participation. One of the things he campaigned on is he wants to find more ways for the public to be able to

provide comments and input before the Board makes decisions. They can't do it if people don't provide input. Please participate in the important process of running the Town.

- Thanked his wife. She has been a great support in his journey of running for political office. Hopefully people will meet his dad, sister and brother-in-law, who are here.
- Wished everyone a Merry Christmas and happy New Year.

PUBLIC COMMENTS ON GENERAL ITEMS

Linda Blanchard inquired why the snowflakes don't go the length of the whole beach. Town Manager Hewett said they are about \$400/\$500 apiece. There used to be donations that were taken up when someone wanted one. We try to program the replacement stock. If there is a desire to have a formal policy that would extend those, the Board would need to decide on that. He explained we don't have money budgeted to buy more. Ms. Blanchard said they pay their taxes too. Mayor Pro Tem Brown suggested Ms. Blanchard keep coming to the meetings and remind the Board. He agreed they look good. Ms. Blanchard talked about the sidewalks on that end of the beach. She said you can barely walk two people on that end. She also said the grass is not cut enough. She stated she is for beautifying the area.

Dolly Mitchell said she understands the Holden Beach Property Owners Association used to occasionally buy the snowflakes for the Town. They are currently sitting on about \$40,000. She suggested that might be a source of lights.

ADJOURNMENT

Motion to adjourn by Mayor Pro Tem Brown at 8:16 p.m.; second by Commissioner Tyner; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk