



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
FRIDAY, JANUARY 17, 2020 – 1:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Friday, January 17, 2020 at 1:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Gerald Brown; Commissioners Woody Tyner, Brian Murdock, Mike Sullivan and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Inspections Director Tim Evans; Assistant Town Manager Christy Ferguson; Land Use Plan Members Dwight Willis, Mark Fleischhauer, Tracey Thomas, Vicki Myers, Anne Arnold, Pete Pallas and Kathryn Gaines.

PUBLIC COMMENTS

No comments were made.

DISCUSSION OF DRAFT LAND USE PLAN (LUP)

Commissioner Sullivan said he appreciates all of the hard work that the members of the committee put into this. At the end of the day the people responsible for accepting this, sending it forward and making plans for the future is the Board. He is sure there will be some suggestions for changes and he thought it would be beneficial for the people who put in the time and effort to give the Board the benefit of the rationale and discussion they had. Inspections Director Evans explained the LUP Committee worked very hard and followed the guidelines set forth in the 7b requirements. He provided background information on the process. He said the Board does have final approval and can amend it. He stated while you can amend this, you need to be very careful not to change the 7b requirements. Commissioner Kwiatkowski said the Board understood they have the final say and explained they thought it was wiser to work through questions and potential changes while it was still fresh in everyone's mind.

Commissioner Sullivan said for Policy 3.2.A (Page 3-18) he thinks it should read the policy should *consider* the rights of private property owners. He explained why. Commissioner Kwiatkowski said in the same policy it talks about discouraging the development of property that can be reasonably foreseen as potentially hazardous. She said the point should be you are looking at avoiding high risk; we can't avoid hazard, we live on a barrier island.

Commissioner Sullivan stated that the overarching concept of the plan was to try to not be too specific and to be more general in scope. Throughout the document there are many instances where the general language is used, but there are some instances where specific language is used. In some of

those instances, he suggested a change. He suggested in Policy 3.2.H (Page 3-19) that the Board insert the Town supports the acquisition where practicable of property that is suitable for development. He said that goes along with the less specific aspirations. Commissioner Sullivan has a couple of those suggested changes throughout the document.

Commissioner Sullivan said if you look at the definitions that were supplied as an appendix and go to Section 4, the document uses maximize several times. At the time the parking was done, it was determined we provided adequate parking. Not only do we provide parking, but we were more liberal and accepting than the other islands, towns and beach communities. He explained he thinks the goal the Town has is to be open and accepting, but he is not sure he wants to say maximize it. He suggested that maximize be changed to maintain or something equivalent. He clarified he was referring to Goals and Objectives 4.2, 4.2.A.1 and 4.2.B. In 4.2.B he has *maintaining*, rather than expanding. In 4.2.A. he added where practicable as he discussed earlier. Member Pallas said his understanding of the LUP is it is not a binding document. He provided a couple of examples of why he thinks the Town needs to look into the future. Commissioner Sullivan read the definition of maintain and described why he thinks it would be better than maximize.

Commissioner Kwiatkowski said in Chapter 4 Analysis of Community Facilities (Pages 4-1 – 4-2), whether people believe we need another water tower or not is not the point of this. She thinks there needs to be more discussion around the need to deliver adequate water at times of maximum demand. That demand would include a fire, on top of peak use. She said at the bottom of Page 4-2 it reads currently there are no major plans for upgrades or capital improvements related to the water system. In the Capital Improvement Plan (CIP) last year there was a water tower in the plan, so that statement is wrong. She thinks there needs to be more in the plan about the need that the Town does have adequate water during peak use and on top of that if there is a fire. Commissioner Kwiatkowski said it is not a decision if the Town does or does not need a water tower, but it needs to be discussed. If you go to the county documents about their obligation to deliver water to Holden Beach it says they need to supply the average amount of water, but it is the municipality's responsibility to make sure they can handle peak use. She thinks this section needs to reflect some of that.

Commissioner Kwiatkowski read Objective 4.1.B (Page 4-13) and suggested adding *and visitors for both the normal and peak demands* to the end of the sentence. She said she would be happy to type up her notes. Member Thomas said the plan has a graph and talks about peak. She understands there was a water tower in the CIP, but there was no data showing the Town needs another water tower at this point. The Board and committee further discussed information on the water supply and the water tower report. Commissioner Sullivan suggested that if Commissioner Kwiatkowski has language the Board can review it.

Mayor Holden asked the LUP members to introduce themselves.

Mayor Holden said on Page 4-1 he would like to see something inserted to reflect the number of residents, not just residential connections under Water Supply System. He would like it more clearly defined on that page because the way it is written is misleading to the public. He said when the island is built out there will be about 3,500 houses. In looking at the 3,050 number listed it makes you think

there will only be 500 more houses. Member Thomas suggested adding *including irrigation connections*. Adjusting the wording was discussed.

Mayor Holden said they were talking about water supply earlier and that some might have been here when the Town was sued when a house burned because we didn't have water coming out of the fire hydrant to put it out. He said if a house were to burn at the west end of the beach and the lawsuit proved the supply of water did not meet the required amount, the Town would have just bought a house.

Commissioner Tyner said on Page 4-2 he agrees with the sentence because to him the Board has not approved an upgrade to the facilities. He knows the second water tower is in the CIP, but it has not been approved by the Board. Commissioner Kwiatkowski stated she would rather nothing appear than to say it that way. When the Board accepts the budget, the 10-year plan is part of what they approve. After discussion, Commissioner Tyner agreed with taking the sentence out. Member Fleischhauer talked about general capital plans.

Commissioner Kwiatkowski said on Page 3-17, Policy 3.1.L she thinks the policy is well understood. The recommendation to her is rather nebulous. She asked if this is not something better left out that could be handled within the department and if something specific is needed it would come to the Board. She thinks it is more specific than it needs to be. Inspections Director Evans explained there is a map of areas where stormwater needs to be addressed in the plan. He would assume that we want to have some sort of recommendation in the plan that action of some kind would be taken for the issue. He said you could leave out Public Works Department under recommended action and then the manager would be able to decide who addresses it.

Commissioner Kwiatkowski said on Page 3-18, Policy 3.1.V she thinks living shorelines needs a little more description. We are talking about 10 years and phraseology changes. She would like verbiage to be added to make clear what living shorelines are.

On Page 3-19, Policy 3.2.G, Commissioner Kwiatkowski thinks it should be phrased around making sure we are always considering old and new. She questioned if it should read shall or should. She would broaden the topic and be less descriptive about hardened structures. She suggested *continually evaluating existing methodologies for shoreline stabilization with focus on technologies that increase resiliency with minimal risk of upstream or downstream negative impact*. If the sentence on hardened structures is left that is fine, but she said it needs to be specific to hardened structures for the Town of Holden Beach. After discussion, Commissioner Kwiatkowski said she is happy to write up her suggestions. Mayor Holden talked about how the funding for the inlet could be changed in the future because some government officials are not happy about what is happening in the inlet. The money gets thrown out by the county and the state and there is not much progress being made. He said since 1978 when he built his office there is about 150 feet of oceanfront property that is gone. He stated the Town needs to have alternatives on the table. Inspections Director Evans mentioned a conversation he had with a county elected official who talked about how hard it is to justify to his constituents why they put money into the inlet when they don't think we are doing our part here. He added they have different views than the Town on what works and what doesn't. Member Myers said she thinks everyone needs to make clear that we dredge the inlet for navigability.

On Page 3-20, Policy 3.2.P Commissioner Kwiatkowski suggested changing it to the Town strongly supports the long-term commitment made by the Corps to ensure the Lockwood Folly Inlet remains navigable and the Town strongly supports the Corps' least cost policy of dredge sand placement. She said we wouldn't necessarily be saying that we are thrilled with how things are going, but we are saying the commitment that they give is what we are supporting and expecting. Mayor Holden said the Corps is mandated to maintain the inlet. Town Manager Hewett said the authorized depth is 12 plus 2. He said over time it has gotten shallower. Commissioner Kwiatkowski stated it could be we strongly support the long-term commitment as mandated to the Corps. She said it would say the Town strongly supports what they are supposed to be doing. She clarified the end of the sentence would be *and the Town strongly supports the Corps' least cost policy of dredged sand placement, with beneficial placement of dredged spoils on Holden Beach*. Commissioner Sullivan said as long as she puts the Town would get it.

On Page 3-21, Commissioner Kwiatkowski asked about Policy 3.2.T. She doesn't know how much control the Town has over ensuring evacuation shelters are well-publicized, accessible and meet national standards because we take what the county gives. She added the Town could ensure it is well-publicized to the citizens, but she doesn't want it to go beyond where the Town has control. Mayor Holden stated the word shall scares him because we don't have the ability. There are no facilities on the island, so it makes us subject to the county providing facilities. Member Gaines suggested substituting the word *advocate* instead of ensure. Mayor Holden agreed that was a great idea.

Commissioner Kwiatkowski said on Page 14-13, Policy 4.1.B she thinks it should say the Town shall ensure efficient, uninterrupted operation of water facilities for Town residents and visitors for both normal and peak demands.

Commissioner Kwiatkowski said for Recommended Action 4.1.C.1 (Page 4-13) she thinks it is an overstep and it doesn't need to be in the plan. Member Myers thinks this came from a while back when there was problems with the water quality. She said when areas off the island were using their septic systems, the Town was getting bacteria in the water, which effects our water quality when they do the testing. Mayor Holden agreed that was correct and provided information. He is in favor of helping people clean up our environment. Commissioner Kwiatkowski stated she is fine with leaving it.

Commissioner Kwiatkowski said for Policy 4.1.G.1 (Page 4.14) she understands since golf carts are considered motor vehicles there are laws that they need to follow. She asked if this is saying the Town should do something beyond the law. Member Pallas explained the policies and regulations were about parking. Member Myers added it was also traffic congestion, safety and that it was not legal west of the pier in the winter. Commissioner Tyner said they are legal and need to follow the laws. This was more around the traffic congestion. He said it would be nice if there were 20 cars lined up behind them people would move over. Commissioner Kwiatkowski said that would be education. She doesn't think exploring policies and regulations will help with that. Member Willis said you could change the recommendation to just include parking situations. Member Thomas said she thinks they wanted to keep it more generic. Member Pallas agreed he didn't think they would want to limit themselves to just parking. Member Gaines said she thought it was more geared towards the enforcement of the laws. Commissioner Sullivan suggested using the word *operation* instead of use.

Commissioner Kwiatkowski said on Page 4-15, 4.2.E.1 she thinks a word needs to be added for clarification on what is being monitored for public parking. Member Arnold thinks the current verbiage covers everything. Member Thomas said the way it is keeps it generic. Member Pallas thinks adding additional wording makes it specific, the current wording is broad. Commissioner Kwiatkowski accepts the explanation.

Commissioner Kwiatkowski asked if the word shall belongs in Policy 4.2.N (Page 16). Town Manager Hewett gave an example of boating safety class information being sent by the Town. Mayor Holden suggested using the word continue. Commissioner Tyner said there are a number of places that say shall, other places that say will. This is not a legal document, but using the word shall concerns him on this. Commissioner Sullivan read the definition of shall from the document. He suggested the Board could make it the Town encourages public awareness of safe boating. Mayor Holden agreed it sounds good. Member Myers said this section was boiler plate.

Commissioner Kwiatkowski asked if the Town works with developers on aesthetics and architectural characteristics now (Page 5-9, 5.1.C). Inspections Director Evans said we did when the Town worked on height. He thinks ensure is the right word because they need to make sure to do the job right.

Commissioner Kwiatkowski said that under 5.1.J.1 Recommended Action (Page 5-10) she wouldn't do an e.g. with a specific. Commissioner Kwiatkowski would like to that take out.

Commissioner Kwiatkowski asked if 5.1.P.1 Recommended Action (Page 5-11) is still appropriate. After discussion Commissioner Tyner suggested softening it by saying *explore options to influence the land use and development*. He agreed to write that down and capture his suggestion.

Commissioner Kwiatkowski inquired about the dates in the table on Page 6-3. Member Myers explained they had the same questions and the dates are required. Inspections Director Evans stated this is part of the 7b requirements. Wes put that in there so we meet the requirements. He recommended that the Board not mess with the table. Member Myers stated Wes said the Town is not held to the dates.

Inspections Director Evans explained the current process and the next steps.

Commissioner Kwiatkowski asked if the Town is mandated to prepare an implementation status report for the Division of Coastal Management (DCM) every two years. Inspections Director Evans explained the monitoring is on the Town. There is not a timeline now for a redo. It used to be every five years. Commissioner Kwiatkowski said under Policy 5.1.R (Page 5-11) it says the Town should prepare an implementation status report for DCM every two years. Inspections Director Evans said from what he understands they are going to ask the Town if they will update it, keep it or do a new plan.

Commissioner Tyner read Page 4-13, Policy 4.1.A. He inquired if it means the developer would need to pay if the Town needs to buy more sewage capacity. Mayor Holden replied that is the way it has been done. Town Manager Hewett agreed that traditionally that is the way it has been. It is geared at a new subdivision. Mayor Holden explained the Town contracted with the county for enough volume to take care of the projected growth of the Town, then the developer gets it functional.

Commissioner Kwiatkowski stated she would write up the things people said so the Board can review it. She suggested the others could email their suggestions to her.

Town Manager Hewett asked if there is any mention about support for maintenance of the intracoastal waterway. He explained why it should be added and inquired if we could insert some verbiage for support of the intracoastal waterway. Commissioner Kwiatkowski said if he has somewhere specific, he could write it and send it to her to include. Town Manager Hewett said it probably would be appropriate to stick it somewhere by the disposal site mention. Commissioner Sullivan suggested adding it to Policy 3.2.P (Page 3-20). He suggested after Lockwood Folly Inlet add the words *and Intracoastal Waterway*. What is mandated by the Corps was discussed.

Inspections Director Evans said he will see if he can get the document so it could be edited. He suggested that the changes be made on the document. Commissioner Kwiatkowski will try to do this by March. Inspections Director Evans suggested waiting until the review is complete in case they have some changes. Commissioner Kwiatkowski would like to have the document ready to reflect the changes so the Board can review it.

ADJOURNMENT

Motion by Commissioner Kwiatkowski to adjourn at 2:52 p.m.; second by Commissioner Tyner; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk