



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, AUGUST 18, 2020 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach met in a Regular Meeting on Tuesday, August 18, 2020 at 7:00 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; Assistant Town Manager Christy Ferguson; Public Works Director Clemmons; Inspections Director Tim Evans; and Police Chief Jeremy Dixon. The meeting was streamed on the Town's Facebook page and an opportunity for comments was provided prior to the meeting due to the restrictions in place for COVID-19.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Public Works Director Clemmons explained he would like to add an amendment for the debris removal contract. Town Manager Hewett requested it be added as item 7a. Commissioner Kwiatkowski proposed that the Board add a discussion on moving the start time of the Board meetings to earlier in the evening for the duration of this emergency situation when the public can't come anyway. She suggested adding it as item 14a.

Motion by Commissioner Kwiatkowski that we approve the agenda with the two amendments that were discussed; second by Commissioner Tyner. The Board all agreed.

APPROVAL OF MINUTES

Motion by Commissioner Sullivan to approve the minutes of the Regular Meeting of July 21, 2020; second by Commissioner Kwiatkowski; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA/GENERAL ITEMS

No comments were submitted.

ENGINEER'S REPORT ON POTENTIAL PAVING COSTS FOR SEA GULL STREET, DEAL STREET AND CANAL DRIVE - SHANE LIPPARD, RIGHT ANGLE ENGINEERING

Mr. Lippard explained Section A is the highlight of the report. The main takeaways are you have existing roads that have been out there. Sea Gull and Canal Drive have been there for ages, subdivisions dating back to the fifties. Deal Street was subdivided early, but it wasn't really developed until the nineties. That one is a little different because they had acquired a stormwater permit at that time. Mr. Lippard provided information on permitting. The full cost estimates are in the appendix. Estimates are in the summary. Sea Gull was estimated at approximately \$145,000, Deal at \$65,200 and Canal at \$80,962.

Mr. Lippard confirmed the extra 2" inches of base on Deal Street over Canal is because there is an established base on Canal. Mayor Holden commented that the report says 800 feet for Canal, but he thinks it is more like 700 feet in length. Mr. Lippard explained this is measuring off of GIS. It may have been 800 feet right-of-way to right-of-way. That is a safe number and it may come down when we get into surveying. He said some of the base course measurements might be a little different when compaction testing is done. Mayor Pro Tem Brown asked if what is being proposed is to state specs. Mr. Lippard confirmed it will still be a Town road after it is paved.

Commissioner Sullivan asked how the Town would finance this and if the people on these streets would need to contribute. Town Manager Hewett responded that past precedence is by petition, where the property owners petition the Town to pave the road and then it is done through a special assessment. Commissioner Sullivan inquired about the time and expense spent to maintain the three streets. Public Works Director Clemmons answered those streets alone eat up the budget and that probably isn't up to the standards people would like to see. It is roughly \$10,000 – \$15,000 to maintain.

Mayor Holden stated only the southside of Canal is developable. Paving of Canal was discussed. Town Manager Hewett said the Town would go by active tax parcels as far as who the owners are. They have to petition first. The road frontage of people to agree has to meet the criteria of being at least 51%. Past precedent has been 50% of the cost to the Town and 50% to the property owners. Mayor Holden said he thinks when water and sewer was done, the undevelopable properties were exempt from paying. Town Manager Hewett said we would need to get the attorney's opinion on if the properties could be assessed. His understanding of the laws is they would still need to be part of the petition process.

Commissioner Murdock asked if they looked at improving the streets using a more stable gravel base, instead of asphalt. Mr. Lippard replied that if you go into the cost estimate, you can subtract the asphalt cost. Town Manager Hewett added that he doesn't think it should be the Town's policy to do anything besides paving the streets. Public Works Director Clemmons agreed.

Town Manager Hewett explained previously it has been his experience that these things come about from a grassroots movement. He thinks it would have more value if the Town initiated and prepared an actual petition for the property owners on the streets.

Motion by Commissioner Kwiatkowski that the Town take the lead in advocating for the petitions to be returned and to prepare the document that gets sent to our property owners to take the steps that need to be taken so it is a timely send out and return.

Commissioner Kwiatkowski reworded her motion to state that the Town take the lead on putting out the documentation to encourage the response to the petition; second by Commissioner Tyner.

Commissioner Murdock asked if how many years the assessment could be divided over could be included in the letter. Commissioner Tyner asked how many years are allowed. Town Manager Hewett answered that particular question needs to be answered later in the process when the Board decides how it can be financed. First you need to see if there is interest in people being assessed. In the past it wasn't financed, it was a lump sum.

The motion passed by unanimous vote.

AMENDMENT TO THE DEBRIS REMOVAL CONTRACT

Public Works Director Clemmons explained the Town previously entered into a Multi-Jurisdictional Disaster Debris Management contract with Southern Disaster Recovery in 2019. It now appears that local landfills are nearing capacity as shown by the Brunswick County Landfill Disposal Efficiency Report. The contractor may be required to haul debris for longer distances than covered by the terms of the original contract.

Commissioner Sullivan asked if there is a provision in the original contract that if there are circumstances out of the control of the vendor, we would need to pay more money. Public Works Director Clemmons replied not that he is aware of. The county solicited the contract. Oak Island and Ocean Isle are also in the same situation. Town Manager Hewett stated the good thing is we don't have a lot to haul for this storm. Public Works Director Clemmons said he was going to reach out to the contractor once all of the debris is at Turkey Trap to see if it is a possibility to use the county landfill, but he would like to get this straight for the future. After discussion, Commissioner Sullivan suggested having the attorney look at the current contract to see if there is an avenue for the contractor to change the price and have the attorney tell us if we have to agree to the change in the fees.

After further discussion, the Board agreed to send the original contract to the attorney to see if there any provisions that would allow for the amendment based on anticipated occurrences. The Board will hold a special meeting to discuss the attorney's recommendations. Commissioner Sullivan will send a tasker for the attorney to Town Manager Hewett.

UPDATE ON RECOVERY OPERATIONS

Mayor Holden said his understanding is that all Town streets are clear and open as normal. We don't have any ponding on any streets at the current time. The debris contract obligations are ongoing. He noticed they are using his property by the water tank. He complimented owners for their quick reaction and their own cleanup. He had reported that they thought they had approximately 40 cans missing from the rental units his company manages. Some have been found. If you have missing cans, call Waste Industries direct. Mayor Holden stated we have had numerous docks and seawalls being repaired and replaced. Most dock contractors are four weeks or more out on their work schedule. Rentals for the rest of summer, late fall are looking strong. He believes we will see an extension in our rental season this year because of COVID. We have a lot of renters that are unhappy, thinking we evacuated too quickly. We also have a lot of people calling to thank the Town for doing it. With the help of staff and elected officials, we will all do the best

we can working together. He is still receiving a lot of phone calls regarding the desire to get decals. Mayor Holden said people can call Town Hall to get decals. The big thing now is preparing for the next storm. Have your storm plan and make preparations. Free Dump Week ends Saturday. Thanked the Fire Department and rescue squad.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 20-04, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 157 – ZONING CODE

Inspections Director Evans said this is in reference to maximum home size. He suggested that everywhere we have square footage we should add *of gross floor area*. We have a definition under Land Usage that talks about gross floor area, which is the equivalent of outside wall to outside wall. That definition also encompasses the eaves. He said before they go further, he thinks the Board needs to be reminded that when CAMA approves the inlet hazard area, they are also in the process of clarifying the inlet hazard rules. The rule used to be interpreted as if you are in an area outside of the setback requirements, then you didn't have to meet the 5,000 square feet threshold. They are clarifying it now to say if you are in the inlet hazard area, then you will be limited to 5,000 square feet. He talked about how that would impact the Town. Commissioner Kwiatkowski proposed the Town move forward with the ordinance and if we need to change it, we change it. Inspections Director Evans said even if you pass it, it doesn't matter. You will have an ordinance that will be larger than they can build. Commissioner Sullivan asked if the Town could put limited language in there that talks about these being the zoning rules, as long as it complies with CAMA regulations. Inspections Director Evans explained he doesn't think we need to, by law the tougher regulations would take over. He said language could be added if the Board wants.

Motion by Commissioner Kwiatkowski that Inspections Director Evans bring a final version with the changes that were discussed to the September meeting and that we schedule a public hearing before the September BOCM so we can move forward on adopting this ordinance; second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 20-11, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, TITLE XV LAND USAGE

Inspections Director Evans explained this was housekeeping. We just had the public hearing. He reviewed the changes and answered questions from the Board. The Board cannot adopt the ordinance until 24 hours from the time of the public hearing.

Motion by Commissioner Kwiatkowski that the document be prepared for presentation at an upcoming special meeting where we can adopt the ordinance; second by Commissioner Tyner; approved by unanimous vote.

DISCUSSION AND POSSIBLE SELECTION OF A FIRM TO PERFORM A SYSTEM DEVELOPMENT FEE STUDY

Town Manager Hewett said we advertised in the paper and solicited proposals from firms to update the Water & Sewer System Development Analysis. We received two responses, The Wooten Company, an engineering firm and Raftelis, financial professionals. The company selected would be subject to a contract that would be brought back to the Board. Mayor Holden commented that he thought it was interesting to look at the list of clients and see the ones with common ground with us.

Motion by Commissioner Kwiatkowski to direct the town manager to proceed with Raftelis as the vendor or firm of interest for our Water Sewer System Development Fee Analysis, which she assumes includes requesting a proposed contract; second by Commissioner Sullivan; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-06, RESOLUTION REGARDING THE GFWC OF HOLDEN BEACH'S RECOGNITION OF THE 100TH ANNIVERSARY OF THE PASSAGE OF THE 19TH AMENDMENT PROVIDING WOMEN THE RIGHT TO VOTE

Town Manager Hewett said today 100 years ago, the 19th amendment was passed giving women the right to vote. He read the resolution in support of the 19th amendment.

Motion by Commissioner Kwiatkowski to adopt Resolution 20-06; second by Commissioner Tyner and approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 20-07, RESOLUTION APPROVING BB&T SIGNATURE CARD

Town Manager Hewett explained the Town needs to update the BB&T banking signatories. Traditionally it has been two elected officials and two staff members. The resolution proposes Budget & Fiscal Analyst McRainey, the mayor and mayor pro tem.

Motion to approve Resolution 20-07 by Commissioner Tyner; second by Commissioner Murdock; approved by unanimous vote.

CLARIFICATION OF STORM DEBRIS PICKUP FOR GATED NEIGHBORHOODS

Commissioner Kwiatkowski said at the last meeting there was discussion about restrictions for picking up debris for gated communities. She appreciates the Board did make the determination that debris would be picked up in gated communities, but she would appreciate a brief discussion of where these restrictions come from so people in gated communities understand debris pickup rules. Public Works Director Clemmons explained it is a FEMA requirement. If it is not something to put the general public safety at risk, you can't get reimbursement funding. You can go in and pay. Town Manager Hewett said as Public Works Director Clemmons qualified, it is not that you cannot provide the service, it is that you can't get reimbursed. Public Works Director Clemmons confirmed if you get the debris outside of the gated community, they will pick it up.

DISCUSSION ON MOVING THE START TIME OF THE BOARD MEETINGS TO EARLIER IN THE EVENING FOR THE DURATION OF THIS EMERGENCY SITUATION

Commissioner Kwiatkowski said more than one person mentioned having meetings earlier. She asked if it is possible to start meetings at 5:00 p.m. during the time period when we can't have the public come anyways.

Commissioner Sullivan said contingent upon it being acceptable by staff, he would make a motion to move future meetings to 5:00 p.m.; second by Commissioner Murdock; approved by unanimous vote.

TOWN MANAGER'S REPORT

- We are spraying for mosquitoes. We need the feedback so Public Works Director Clemmons can specifically target them. Heard more input about mosquitoes this year than any other time.
- Hurricane Isaias Initial Analysis – Fran Way reports to us that the central reach area lost approximately 50,000 cubic yards, with the entire upper beach losing about 100,000 cubic yards. Will have a more final calculation.
- Hurricane Debris - looks like had about 1,600 cubic yards removed, with about 400 left. Looking at the cutoff being next Tuesday, August 25th. Provided the Board with an example of the reports that Public Works Director Clemmons receives daily. Loose debris on the strand has been picked up. Removal of damaged sand fence and post and rope has begun.
- Occupancy Tax Receipts – Included a look at current August receipts versus last year's as attachment 2. We are in pretty good shape. In the Budget to Actual (handout 3) we are already 11% over what was budgeted for the year. That budget was half of what was budgeted in the past. Still good with revenues. Commissioner Sullivan said to put it in a nutshell, we are ahead of the projected numbers put in the budget and August this year won't be much different than historical Augusts.
- Wrapped up the fieldwork with the audit on July 29th. It appears initially that there are no findings. Subject to review by their quality control. We remain on schedule.
- Central Reach Project – sand search is complete. Archaeological surveys show no wrecks. This source is more centrally located. Anticipates the permit will be submitted by the end of the month.
- Federal Project – submitted the study's letter of intent, using the existing authorization. Found out we could be eligible to be included in the work plan as early as next spring. Depending how that plays out, will wait until that process works through before we submit the 7001 application. Should know in the January/February timeframe if we made it into the Corps' work plan.
- Congressman Rouzer visited Holden Beach last week to tour storm damages. Was not able to gain insight on when/if a federal declaration will be made for Brunswick County. Subsequent to his visit, we were visited by Mike Sprayberry's special project manager from the NC Department of Public Safety who shared with us FEMA unofficially is not going to recognize strand damages in determining the amount for federal disaster declarations. This is a different ballgame than what we have played in the past. For one of our storms, the sand loss at Holden Beach alone qualified North Carolina. Commissioner Sullivan asked if we would be entitled for reimbursement once the declaration is triggered. Town Manager Hewett said after the declaration, we need to get a project approved.
- Coastal Engineering Services RFQ – we solicited inputs from a number of firms. Only received one response. Will review contracting rules to make sure that is okay before bringing something back for the Board.
- Concerts have been canceled for the season.

MAYOR'S COMMENTS

- Asked about the Festival by the Sea. Assistant Town Manager Ferguson explained the Merchants Association makes that decision independently. They have not communicated anything to her at this time.
- Thanks to all of the property owners, citizens and visitors for working together to get through this emergency, especially the Police Department and Town employees putting in extra hours. Hopes we don't have to deal with that anymore this year. The state of the island is pretty good considering if

you look at our neighbors. Thanks to all of our property owners for supporting our sand projects. The \$15 million investment continues to show us that beach sand and nourishment programs are the right direction to go in. Thanked the Good Lord for letting us be here in this good of condition.

BOARD OF COMMISSIONERS COMMENTS

Mayor Pro Tem Brown

- Thanked the staff, everyone here for doing a good job, getting us up and running as quick as they did. Appreciates that. It doesn't go unseen.
- Thanked Mayor Holden. Takes a lot of abuse during these things. The last thing a man with a rental company wants to do is tell people they can't come. Took a lot of criticism on that. Thanked him for the job he does. There is a lot that he does that most people don't see. Appreciates it.
- Stay safe, keep up the social distancing and wear your mask. Hope good luck stays with us.

Commissioner Tyner

- Thanked staff. It doesn't go unrecognized, all of the hard work put in. Staff has put in a lot of time. Tell your families how much we appreciate it and we appreciate them. Families have probably suffered the last week or two because staff has put in a lot of hours. Let them know we appreciate their contributions too.

Commissioner Murdock

- Thanked staff and all Town employees for their hard work for getting us back online, as well as residents and homeowners. They did their part as well. The island is in pretty good shape and is back in business.
- Just as in dealing with COVID, there is no road map for the right thing to do in a storm situation. This storm ended up a lot worse than predicted. Mayor Holden made the perfect call. Wants everyone to realize it is a hard decision and it is unpredictable until it gets here. Bear with us on these tough decisions we have to make.

Commissioner Sullivan

- Proud of the work that the Town did and the response that the Town had to this storm. We were very fortunate. Sometimes fortune is the result of hard work. The Town has put in hard work preparing the beach, also the cleanup that was done afterwards. Pointed out if you look at the daily message from the county about COVID, it asked that individuals within the county submit their estimated losses from the hurricane to the county so the county could apply for FEMA benefits. Sent a note to the Town asking to send the information out. Their response showed that the people who work for the Town know what they are doing. We are fortunate to have people who know what they are doing. This is very similar to the inlet hazard area where we have people who looked at that, understood it from the very bottom to the very top, analyzed it and critiqued it point by point. They are doing the same thing as a result of the storm. Because of that we will be better off. Appreciates everything they do.

Commissioner Kwiatkowski

- Can't say enough about the staff effort. In addition, the fact that we had such a productive meeting with so many things that were tasked shows that despite everything that gets thrown at them, they still somehow manage to stay to business.

- Asked citizens to make sure they fill out the census. Received something from the NC League of Municipalities today that pointed out that North Carolina is severely undercounted and stands to lose \$75 billion if people don't respond. If she calculated right, we are talking about getting \$1 million a year if we are counted correctly. It is extremely important for our residents to get the Census information in and encourage everyone in the county to do it as well.

EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6), TO DISCUSS QUALIFICATIONS, COMPETENCE, PERFORMANCE OF A PUBLIC OFFICER OR EMPLOYEE

Town Clerk Finnell read the reason for Executive Session.

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

OPEN SESSION

The Board went back into Open Session at 8:50 p.m. No action was taken.

ADJOURNMENT

Motion to adjourn by Commissioner Tyner at 8:50 p.m.; second by Commissioner Kwiatkowski; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk