



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, APRIL 18, 2023 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, April 18, 2023 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock, Page Dyer and Gerald Arnold; Town Manager David. W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Police Chief Jeremy Dixon; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Finance Officer Daniel McRainey; and Town Attorney Rick Green.

Mayor Holden presented the invocation and then called the meeting to order.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Town Manager Hewett requested that items 7 & 8 be flipped and Water Resources Development Grant Resolution 23-09 be added as 13a.

Motion by Mayor Pro Tem Smith to approve the agenda as amended; second by Commissioner Arnold.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve the minutes of our Special Meeting on March 13th, our Regular Meeting on March 14th and the Special Meeting on March 27th; second by Commissioner Murdock; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Brent Shaver asked if the Board would include details when talking about bathrooms.

DISCUSSION AND POSSIBLE ACTION ON AGREEMENT FOR STORMWATER MANAGEMENT AND CONSULTING SERVICES BETWEEN THE TOWN AND MCGILL ASSOCIATES

Public Works Director Clemmons said at the February meeting, the Board selected McGill Associates for stormwater management and consulting services. McGill Associates provided the Town with an

agreement in the amount of \$131,200. Public Works Director Clemmons confirmed it would be an island wide master plan. The three listed areas are the areas of major concern to be addressed first.

Motion by Mayor Pro Tem Smith that we approve the agreement with McGill for the stormwater management services; second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE AWARD OF CONTRACT FOR ROADWAY WORK (TIDE RIDGE DRIVE, POINTE WEST DRIVE AND RANGER STREET)

Public Works Director Clemmons explained Right Angle Engineering solicited bids for roadway work for Tide Ridge, Pointe West and Ranger. They received one bid from Highland Paving in the amount of \$126,000. They have done work for the Town in the past and Right Angle Engineering recommends awarding the contract.

Motion by Commissioner Murdock that we award the contract to Highland Paving; second by Commissioner Arnold; approved by unanimous vote.

POLICE REPORT – CHIEF DIXON

- The biggest thing in the numbers is the increase in parking violations and complaints. Reminded everyone paid parking started April 1st. None of the violations were paid parking.
- Provided information on the Girl Scout Bike Rodeo that was held at the Pavilion on March 19th.
- We are down an officer for the long term. We are in the process of hiring another. The paperwork has been sent to the state. Once we get it back, we will swear him in and get him through field training.
- Days at the Dock is April 29th and 30th.
- LSV – starting to see more on the road. They need to follow all motor vehicle laws.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Reviewed the numbers on the Inspections Report.
- A while back, they condemned 191 Ocean Boulevard. They issued the order and the permit has been issued to have it removed.

Mayor Pro Tem Smith asked about floating docks and their boundaries in the canals. Inspections Director Evans replied staff will engage with the Planning & Zoning Board (P&Z). They are going to set a pierhead line. Since it is in the public trust, it will need to go to CAMA for review after P&Z reviews it. After they get that approval, it will come to the Board for a decision.

DISCUSSION AND POSSIBLE ACTION ON SENDING A POTENTIAL STORMWATER MANAGEMENT PERCENTAGE INCREASE TO THE PLANNING & ZONING BOARD FOR REVIEW

Inspections Director Evans stated the Town has a 30% impervious coverage area on our sites. If the Board agrees, he will take it to P&Z to look at increasing it to 40%. They would still require 100% containment onsite.

Motion by Commissioner Murdock to allow it to go to P&Z; second by Mayor Pro Tem Smith; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON FACILITY CONDITION INSPECTION REPORT FOR TOWN-OWNED PROPERTIES AND FACILITIES

Inspections Director Evans explained that at a previous meeting, staff was asked to put together a list of public facilities and to establish a schedule for inspections. Staff developed the list that is before the Board. There may be a couple of walkways mislabeled. Mayor Pro Tem Smith asked if anything stood out that needs immediate attention after the review. Inspections Director Evans answered that staff monitors the walkways every year. There was a public facility that an engineer evaluated that we need to keep an eye on.

DISCUSSION AND POSSIBLE ACTION ON PARCOURSE FITNESS TRAIL AREA

Commissioner Murdock said he has concerns with some facilities, one of those is the parcourse. He noticed a year ago the tide was coming up and damaging the equipment. Some of the facilities have been removed due to the fact they have become unsafe. He sees people using it so he wanted to get the Board's opinion on moving forward. Assistant Town Manager Ferguson said five or six were removed. Inspections Director Evans explained the area is being delineated. The Davey Group went out and mapped it. We are waiting for the approval from the Corps and other agencies. We do have the map. It appears none of the parcourse is in the wetlands and we can put a retaining wall in. He can't say that is a fact until the approvals come in. It could be two months before that happens.

The Board discussed replacing the equipment. Town Manager Hewett said it is routine maintenance. Once the delineation is complete, staff can undertake the repair effort. It doesn't need to come back to the Board.

WATER RESOURCES DEVELOPMENT GRANT RESOLUTION 23-09

Assistant Town Manager Ferguson said the current situation in the inlet is dire. The Corps has revealed to us that it will likely take a weather event for their dredge to do work. The Town pursued a Shallow Draft Inlet Permit several years back so we do have an active permit that the agencies are reviewing. The Town has coordinated with Dare County and the Oregon Inlet Task Force about the use of The Miss Katie. They agreed to release the dredge for our purposes. The resolution before the Board is required by the state to apply for grant funding. It looks like the estimate for the total project is \$850,500. We would be applying for 75% of that and our part would be \$212,625. Brunswick County has indicated their willingness to participate in that local share. Mayor Holden said there has been a lot going on in the background to try to make this happen. This is the most realistic opportunity he sees in the near future. We have learned local, state and federal governments need to work together. He encouraged the Board to move forward. Mayor Pro Tem Smith agreed it is treacherous.

Motion by Mayor Pro Tem Smith that we approve Resolution 23-09, the Water Resources Development Grant; second by Commissioner Arnold; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON CAMA CONTRACT FOR THE PUBLIC BEACH AND COASTAL WATERFRONT ACCESS GRANT (HATTERAS RAMP AND ACCESS)

Assistant Town Manager Ferguson stated we applied for a grant through the Public Beach and Coastal Waterfront Access program for a Hatteras Ramp and public walkway at the pier. We were approved for the grant. The contract and associated budget amendment are before the Board. The total amount is \$66,985, with the Town's match being \$16,746.

Motion by Mayor Pro Tem Smith to approve the contract associated with the budget amendment, Ordinance 23-08, which amends Ordinance 22-14 (Ordinance 23-08, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 14)); second by Commissioner Arnold; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PURCHASING TRAILER BATHROOMS FOR USE ON TOWN-OWNED PROPERTIES

Commissioner Murdock went to the pier this weekend. A port a john is not designed to handle the capacity at that location. He said it is not fair for the Town to require the people to have to use that type of facility. He provided information about the trailer bathrooms at Sunset Beach. They are temporary facilities, but are hooked up to the Town's water and sewer. They have air conditioning and lights. A ramp would need to be built to make them ADA compliant. Commissioner Murdock thinks it would be something to at least use at the pier. It would be great to have one at the pier and one at the east end. You could use them for festivals if needed. When the permanent restrooms are installed at the pier, they could possibly be moved. Mayor Pro Tem Smith provided information on the research he has done. He said we do plan on putting permanent restrooms at the pier. He agreed there are two locations they can be used. It can be used at Block Q after being used at the Pier. Commissioner Arnold agreed the need is there.

Motion by Commissioner Murdock to direct staff to procure at least one mobile restroom trailer that can be hooked up to public water and sewer.

Commissioner Murdock provided cost information. Mayor Holden encouraged the Board to give Town Manager Hewett clarification on the money and where to spend it from. Town Manager Hewett said based on the quote we could be over \$100,000 in cost. The budgets that exists for the pier and parking, that money is sufficient to do some of the things. He thinks telling him to find a bathroom that would work at the pier would be sufficient. If it is a lot more, he can come back to the Board. It will take some maintenance during the summer, that can be addressed later.

The motion was seconded by Mayor Pro Tem Smith.

Mayor Pro Tem Smith said he would be in favor of having two, but something could be added in the future.

Town Clerk Finnell read the motion. Commissioner Murdock amended his motion to include he would put a cap on it at \$100,000 for the complete project. Mayor Pro Tem Smith agreed to the amended motion. The amended motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PLAN FOR 796 OCEAN BOULEVARD WEST

Commissioner Dyer stated regarding the plans for 796 Ocean Boulevard West, she would like to at least see it done in phases, where we start with restrooms facilities and then can maybe phase in other facilities later. She thinks it is the same situation with the bathrooms. There is not even a port a john there. She thinks the Town needs to go ahead with the project, at least in phases and get bathroom and shower facilities for that public access. Mayor Pro Tem Smith stated since we are working on the budget, he thinks we need to see what funds we will have available before we make any direct moves. He agreed something needs to be done. Assistant Town Manager Ferguson said the permits are pulled for the work previously approved and they plan on starting the work in a week.

DISCUSSION AND POSSIBLE ACTION ON ROOFTOP LEASE AGREEMENT BETWEEN THE TOWN AND DISH WIRELESS

Public Works Director Clemmons stated Dish Wireless would like to place equipment on the water tower. They offered \$1,500 a month. Other companies are paying about \$2,000, but this is for only three antennas. The other companies have five or six each. Finance Officer McRainey said the ones up there now pay between \$1,800 – \$2,300. Town Manager Hewett added that the entire revenue stream for the water tower is over \$100,000 a year.

Motion by Mayor Pro Tem Smith that we approve the lease agreement for only one year.

The Board would like staff to ask for \$2,000.

Mayor Pro Tem Smith amended his motion to ask for \$2,000; second by Commissioner Dyer; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PROCESS FOR FILLING VACANT COMMISSIONER POSITION

Commissioner Murdock asked what the Board would like to do about the vacant seat. He suggested putting it back out and interviewing anyone interested. Town Clerk Finnell reviewed the regulations for filling a seat. The Board discussed moving forward.

Motion by Commissioner Murdock to fill the seat as we did it the last time by letting the public submit ballots and we do interviewing and then we seat someone.

Commissioner Murdock reviewed his motion. No second was made.

DISCUSSION AND POSSIBLE ACTION ON JOINING THE NORTH CAROLINA COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM (NORTH CAROLINA CLASS)

Finance Officer McRainey explained the Town wishes to move a portion of funds from an underperforming money market account into the NC CLASS, which is a very safe AAA rated and liquid investment pool for local governments. The resolution (Resolution 23-08) and Joinder Agreement need

to be signed to move forward. He provided background on NC CLASS. We can get our funds the same day if needed.

Motion by Mayor Pro Tem Smith that we approve the NC Cooperative Liquids Assets Securities System to handle our funds; second by Commissioner Arnold; approved by unanimous vote.

DISCUSSION ON THE POSSIBILITY OF HAVING THE HB SEAL ON ALL TOWN-OWNED VEHICLES OTHER THAN UNMARKED POLICE CARS

Mayor Pro Tem Smith stated this item came from a request by a few property owners.

Motion by Mayor Pro Tem Smith to task the town manager to install the Town seal on all city operated equipment with the exception of the police vehicles that are unmarked; second by Commissioner Murdock.

Mayor Pro Tem Smith clarified motor vehicles. The motion was discussed. Commissioner Murdock suggested leaving out one Inspections vehicle.

The motion passed by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

Ryan Pascal said it is important property owners are recognized regarding changes to Sailfish Park. He doesn't think the park or concert would be places to hear the voices of property owners. He doesn't want to waste money on things that will be detrimental to lifestyles. He said it is not the right location, the traffic there is already bad.

Carol Money penny stated over the years, the Town has wanted to put facilities at Sailfish Park. She said when you put a project at the end of the street, there are things that go on that are not desirable. She said there is not good egress. Mrs. Money penny said there are concerns of drugs if bathrooms are put in. There are no sidewalks. She said there are huge issues being introduced putting projects in. She provided information on a petition started by property owners for Sailfish Park.

Rick McInturf talked about his experiences with the trailer bathrooms. He recommended units with ramps that are attached. He suggested looking at leasing them.

Marti Arrowood thanked Assistant Town Manager Ferguson, Town Clerk Finnell and staff for the egg hunt.

Tom Myers president of the HBPOA said he is speaking on behalf of the HBPOA. He said their members passed a resolution that they would help them. He knows the Town is conducting a survey. He detailed a couple of their concerns with the process. He said to give the property owners on Sailfish the consideration they deserve.

Chad Hock suggested sending a formal survey that goes out through the water bills and one that goes through the rental agencies.

Rick Paarfus would like to see the park stay natural. He said most of the park is in the Corps' right-of-way. He thinks the park is meeting the community's needs. He said the Town has a lot of projects going on. He is concerned about online surveys. Mr. Paarfus said we are getting a lot bigger boats in canals. He said his dock was permitted and he would hate to have the Town say he needs to move it. He asked if Oak Island is sharing with the inlet cost. Mayor Holden said we will wait and see. Mr. Paarfus said he thinks the bathrooms are a good idea.

Steve Money Penny hopes the Town leaves Sailfish Park as it is.

Sandra Fadel stated she enjoys Sailfish Park. Her concern is safety. She thinks the Town has a lot on its plate. She would appreciate it if the Town left Sailfish Park alone.

Brent Shafer thinks we have a nice park at Sailfish. He agreed the Town has a lot on its plate and Sailfish Park is not broken. He thinks spending money on the portable bathroom makes a lot more sense.

Deborah Fish talked about her experiences at Sailfish Park. She said increasing vehicle traffic is a mistake. They love what it does for the community and don't want to see it change. She asked the Board to reconsider the study.

TOWN MANAGER'S REPORT

- The budget workshop is this Thursday at 5:30 p.m.
- We are working with the county to see the details on where they have put forward that the county will be considering cutting off sewer services during hurricane events with a projected storm surge of greater than four feet. They haven't been put forth for action, but everyone should be aware that the county is setting forward an initiative that will affect how sewer service connection will be provided at their level.
- Bike Path – costs came in. They do have an acceptable bid. The bottom line is we will see our costs go up approximately \$100,000 on the bike path. Construction is programmed to start after Labor Day and be finished before Memorial Day.

MAYOR'S COMMENTS

- Asked that the public hearing signs be removed from Block Q.
- Probably can't attend the budget workshop on Thursday. Has other public responsibilities he needs to deal with.
- Had several calls opposed to Sailfish activity. Hasn't had anyone who has called to support it.
- No Wake Zones – Sheriff's Department put the buoys around the bridge. Already the wake problem is worse than before. Understanding is the Town can put no wake buoys in the already identified no wake zone. Asked staff to see what that involves and the projected cost. Someone is going to get hurt. Board agreed.
- Girl Scouts Bike Rodeo - wished everyone could have seen the smiles. It was an overwhelmingly positive event. Thanked Chief Dixon, the Sheriff's Department and the leaders.

- Recently he, Chief Dixon and Mayor Pro Tem Smith attended a hurricane conference. There is also another event coming up sponsored by the county. Reminded everyone that hurricane season will be here before long. Think about what you need to do to make your property prepared. We are aware of our responsibilities in regard to emergency situations and will again stay on top of it.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- The narcotics problem seems to be wherever people are hiding. As far as Sailfish Park, he has been going there for 60 years. It will hopefully always be a park. The only problem he has had is there are no bathrooms. Maybe the Sailfish community could come up with ideas that are not so intrusive. Talked to the Police Department and was told they don't get complaints in that area. Talked to Assistant Town Manager Ferguson, there is signage is being produced that will give a curfew for that location. At that point, it would be up to residents to call 911 with any problems.
- Hurricane conference was very enlightening. It was good to see the resources available. Chief Dixon found things our police staff could use in the case of an emergency. Hurricane season is coming, make sure you have your plans ready.
- Floating docks are an issue. Inspections Director Evans has gone out there and understands. Thinks with the proper verbiage we can make everyone happy.
- Days at the Dock is in a couple of weekends.
- It is nice to have this many people here. We want to do what's right for Holden Beach. Having people come and give comments is an important part of that.

Commissioner Murdock

- Glad to see everyone here. Listened to what everyone has to say. Had the privilege of living on Sailfish for a couple of years so knows exactly what people are talking about.
- Asked everyone to keep Officer Conley in their prayers.
- Beautification ladies will take over his place in a couple of weeks for their plant sale. Come out and support them.
- Spring is upon us and it is going to get crowded. Hopes everyone enjoys it. It is a great time of year.

Commissioner Dyer

- Thanked everyone for coming out tonight. It is good to hear remarks. Appreciate people coming to the meetings and saying what they want to say. Would like to see more homeowners.
- Thanked the staff.
- The Lockwood Folly Inlet is definitely an emergency situation. Was on the point this weekend and thinks there will be problems with the boat traffic. A lot of boats will get beached. People are flying in and out of there and not aware of what's going on. Commends the staff for getting on this.
- Thanked Assistant Town Manager Ferguson, Town Clerk Finnell and the volunteers for the Easter Egg Hunt. There was a lot going on. It was a great event for the Town.
- Looking forward to Days at the Dock starting the summer off.
- Thanked Chief Dixon for finding another officer. We found one and now are down one. Hopefully he will continue to get better.
- Have a safe summer.

Commissioner Arnold

- Thanked everyone for coming.
- Has a good appreciation for the conservation, in addition to the good reasons given for Sailfish.
- Thanks for coming.

Mayor Pro Tem Smith thanked the Merchants Association for supplying AEDs for all the vehicles. Commissioner Arnold said we were lucky to get the good reports from staff this evening about money, the Lockwood Folly Inlet and the possibilities we have. It looks like the stars may be coming together just right. Mayor Holden said if anyone is interested in AED training, the HB Chapel will be holding classes.

CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), CONSULT WITH THE ATTORNEY

Town Clerk Finnell read the reason for Closed Session.

Motion to go into Executive Session by Commissioner Murdock at 6:57 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 7:19 p.m.

Motion by Mayor Pro Tem Smith to add an item to the agenda, Discussion and Action on an ADA Mediation Agreement; second by Commissioner Murdock; approved by unanimous vote.

Mayor Holden said it will be agenda item 25a.

RECESS

Motion by Mayor Pro Tem Smith at 7:20 p.m. to recess until April 20th at 5:25 p.m.; second by Commissioner Arnold; approved by unanimous vote.

RECONVENE

The Board of Commissioners of the Town of Holden Beach reconvened the meeting on April 20, 2023 at 5:25 p.m. Present were Mayor Pro Tem Rick Smith; Commissioners Brian Murdock, Page Dyer and Gerald Arnold; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Police Chief Jeremy Dixon, Inspections Director Tim Evans; Public Works Director Chris Clemmons; Finance Officer Daniel McRainey; Fiscal Operations Supervisor Margaret Lancaster; and Town Attorney Rick Green. Mayor J. Alan Holden was unable to attend.

Mayor Pro Tem Smith reconvened the meeting at 5:26 p.m.

Mayor Pro Tem Smith read Resolution 23-10, Resolution Approving Key Bridge Foundation ADA Mediation Resolution Agreement.

Motion by Mayor Pro Tem Smith that we adopt Resolution 23-10; second by Commissioner Murdock; approved by unanimous vote.

ADJOURNMENT

Motion to adjourn at 5:30 p.m. by Mayor Pro Tem Smith; second by Commissioner Murdock; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk