



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, OCTOBER 17, 2023 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, October 17, 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; Finance Officer Daniel McRainey; and Town Attorney Rick Green.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Smith that we remove items 13 & 14 from the agenda and approve the amended agenda; second by Commissioner Arnold; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve the minutes from the August 15th (2023) meeting; second by Commissioner Arnold; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Rick Paarfus suggested scrubbing the budget to see if there is some money in the current budget that could be applied to the \$260,000 for ADA related items. He provided a few suggestions to look at. He said the goal is to minimize dipping into fund balance. He asked for information on the restrooms.

Maria Surprise said in her experience with budgets it is usually difficult to get money approved after the annual budget has been set. She suggested looking at the current budget to see if other items could be reduced or deferred. She has concerns about fiscal responsibility.

Tom Myers provided feedback on spending the \$261,753 from the BPART Fund. He said he was disappointed the Town didn't plan for the expense in April. He is also disappointed the Town is deciding to dip into savings rather than reducing or deferring other expenses.

Jim Bauer said his items were already covered.

ANNUAL BEACH MONITORING REPORT – FRAN WAY, ATM

Mr. Way reviewed his slideshow. ATM has been working with the Town on the beach management plan for about 20 years. The program has been great. There has been a cumulative benefit of the 2017 and 2022 nourishments. Annual monitoring analysis includes volume change and shoreline change. It has occurred annually since 2001. It helps with nourishment planning and FEMA eligibility. This monitoring goes from summer to summer. This monitoring covers what Ian did last year. Ian wasn't a huge storm but it came at king tide and there was about four feet of storm surge above that. The Town did have some issues, but the beach has held up.

Mr. Way said the beach looks great. The dune system looks really good. The sea oats are flowering and seeding. There are mature ones in the back. They are establishing well. The program has been great. It is very successful. The placement of sand fencing needs to be coordinated with CAMA's staff.

Mr. Way explained they do volume analysis three different ways. He reviewed the slide on the cumulative effect of the 2017 and 2022 nourishments. This year we had beach fill equilibration, which is basically the natural redistribution of sand, with it still staying in the system. He provided information on beach fill equilibration and the mean high water shoreline change. The shoreline is much wider and healthier than it was 20 years ago. He provided information on the Lockwood Folly Inlet Ebb Shoal Emergency Dredging Project.

Ongoing beach management activities include the Corps' 50-Year Study, FEMA coordination, Lockwood Folly Inlet crossing and bend widener, Lockwood Folly Outer Channel dredging and navigation, west end analysis and offshore borrow area analysis.

Mayor Pro Tem Smith asked if the Ocean Isle terminal groin is affecting the Town's west end. Mr. Way said they owe us a monitoring report. They are also looking at the use of the borrow area in Shallotte to make sure it doesn't impact the west end. Once he receives the report, he will get his analysis to staff.

POLICE REPORT – CHIEF DIXON

- Playing catchup, trying to finish in-service training.
- Had Run HB last week. Traffic was a nightmare. Appreciates everyone's patience.
- The Festival by the Sea is next weekend. There may be some traffic issues. Be patient. There will a lot of vendors. Thinks it will be a good turnout. Looking forward to it.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Went over numbers.

DISCUSSION AND POSSIBLE ACTION ON ADA RELATED ITEMS

Inspections Director Evans said we have been making progress on the Key Bridge Foundation agreement. He reviewed the site plan for Avenue E. It includes a walkway, which will be ADA compliant and an egress/ingress for emergency vehicles. We got the permit approved with pervious concrete everywhere up to the 60' vegetation line. That gives us the ability to meet the requirements under the agreement. Golf cart parking was marked, but it was revised. We have enough room for those to be turned into ADA compliant parking spaces. We have one bathroom shown there that meets the configuration of a single bathroom design that we have, but we have the capability to put two there if we choose. Inspections Director Evans would recommend two. He explained people will access the bathroom from the ramp. These same bathrooms will be put at 114 Ocean Boulevard East. We are still in the process of finishing that. In the future we will apply for an amendment to have the matting go out a little bit further.

Inspections Director Evans reviewed the site plan for 801 Ocean Boulevard West. The yellow part on the plan will be pervious concrete and the other part will be a Hatteras ramp.

Assistant Town Manager Ferguson provided an overview of the bathroom plans. There are two schematics presented, a smaller and a larger one. They will have breakaway walls. Inspections Director Evans answered questions from the audience. A few members of the audience who live in Dunescape expressed their concerns with the proposed bathrooms. Outdoor showers were discussed. Mayor Holden explained the Town does not want to block anyone's views. We are trying to resolve the ADA matters and still be in compliance with all the other regulations we need to deal with. He said everything will be taken into consideration and the Town will do the best we can. Town Manager Hewett said this is a conceptual design. He would ask the Board to approve it as a conceptual plan and delegate it to the staff to work with the architect to amend it to something that is satisfactory. Commissioner Murdock said he doesn't want to offend anybody but a bathroom is going to be located there. He thinks this is a better option than porta johns. Dunescape property owners would like to see the minimal pitch possible for the roof. The design was discussed. Inspections Director Evans explained why roof height and architectural features are very important.

Motion by Mayor Pro Tem Smith that we accept these designs conditionally that we send it to the staff to make any adjustments we can make to the roof height and still maintain structural integrity; second by Commissioner Murdock. Assistant Town Manager Ferguson asked for clarification if the motion was for the site plans and bathrooms for both sites. Mayor Pro Tem Smith agreed conceptually. The motion passed by unanimous vote.

Assistant Town Manager Ferguson said the budget amendment is for \$261,753. Of that amount \$198,970 is a combo amount dedicated to the new construction the Board just conceptually approved at 801 and Avenue E. The numbers would not be broken out because it would undermine the procurement process. The remaining amount is for Key Bridge specific items that have already been accomplished this budget year. She explained why the costs can't be taken from line items suggested earlier in the meeting.

Mayor Pro Tem Smith said this is something the Town agreed to during mediation to meet ADA compliance. He realizes how important compliance is. There are very strict rules that must be followed.

We have a timeline to complete the mediation items. He explained why he doesn't think this is money being spent frivolously.

Motion by Mayor Pro Tem Smith to approve Ordinance 23-13, Amending Ordinance 23-11, approving the funds to complete the ADA required improvements; second by Commissioner Arnold.

Commissioner Murdock said a budget is a list of numbers, placeholders sometimes. This was not included in the budget. We didn't have a good handle on what it would entail during the budget. It took time to figure out the specifics. There are current placeholders that will not be used that can in turn retroactively pay for this. The ADA agreement is not an option. An agreement was made that we need to move forward with. Commissioner Arnold said he probably has more experience with this than anyone in the state. Nobody is ever prepared for it. He thinks they did a remarkable job in reaching the agreement. He is impressed with the outcome. He said we are a nation of laws. We follow those laws, those we like and those we don't like. This is something we have to do. He thanked everyone who had a hand in working it out. Commissioner Dyer stated this is a time issue. Staff have worked tirelessly on this. She said we are talking about laws. People who are handicapped should be allowed access to the beach. This is something we need to do so everyone has access to the beach. Commissioner Arnold provided information on a past experience. He said not only are we bound by law, but by decency.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE AMENDMENT TO THE CONTRACT BETWEEN THE TOWN AND SOUTHERN DISASTER RECOVERY

Town Clerk Finnell explained the Town is part of a multijurisdictional disaster debris management contract with Southern Disaster Recovery. The county has informed us that the contract does not include the removal of eligible hazardous trees of less than six inches in diameter. The proposed amendment would add that at \$50 per tree removed.

Motion by Commissioner Murdock motion to approve; second by Mayor Pro Tem Smith.

Mayor Pro Tem Smith explained this is a way to pre-plan to make sure all the debris is out of people's way and the streets.

The motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION ON REGULATIONS FOR REMOVING SAND FROM THE BEACH

Mayor Holden said since the Town has been a town it has always been a concern for property owners to see trucks and trailers loaded with sand from sites on the island and going across the bridge to places unknown. For many years, many people thought we had an ordinance in place clearing stating it was a violation to haul sand off the island because sand is so precious. He is being asked why the Town allows the removal of sand from the island to take place. Mayor Holden would like staff to look into any options the Town may have in considering some kind of control over this kind of activity.

The Board agreed to direct the staff to look into establishing regulations to keep sand on the island.

DISCUSSION AND POSSIBLE ACTION ON PROPOSED REVISION TO THE PERSONNEL POLICY

Town Clerk Finnell provided background on the proposed revision. Staff recommended that any balance of vacation leave exceeding 30 days be transferred to sick leave at the end of each year. The proposed revision was discussed.

Motion by Commissioner Dyer to adopt the attached proposed amendment to the Town's Personnel Policy Section 8; second by Commissioner Murdock; approved by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

Maria Surprise recommended studying the pros and cons and to using data before making any decisions on the parking program. She suggested seeking taxpayers' opinions.

Ron Bristol asked for a status on the bike lanes. Mayor Holden said he or Town Manager Hewett will address that in their report.

TOWN MANAGER'S REPORT

- We held the bid opening today for the potential pier repair project. We did not receive any bids today. The architect will readvertise it this weekend. Particulars and date/time certain have not been determined.
- Block Q Parking Improvements – Phase I bid solicitation has been tendered. Pre-construction meeting is scheduled for October 23rd. The bid opening is scheduled for November 2nd. Phase II, which involves the CAMA Public Access Bathroom Grant, was submitted to the Division of Coastal Management.
- Sewer System Lift Station Improvements – we don't have any news on the EPA workplan that was submitted. Tomorrow will be the end of their 60-day review period. Unknown at this time is what impact the looming November 17th federal impasse will have on EPA's ability to administer the grant. We have not received any guidance from the State Water Resources agencies concerning the \$2 million appropriation for Holden Beach that was in the state budget that just passed.
- Ocean Boulevard Resurfacing and Bike Lane Project – Highland Paving met with Town staff last week. Surveying has been accomplished. Stormwater work, beginning in November, is going to hopscotch around. After the stormwater solutions are made, the paving prep work will start. It will involve removal of the shoulders. We are thinking that will be in the December timeframe. It will be at least three feet on the north side of the road and seven feet on the south side of the road. If you have any rock or material that you do not want hauled off, you are responsible for keeping it on your property. Generic stone will be the replacement material. Mailboxes will be tended to. If it falls apart you will get a generic replacement. Forecasting that paving will start in the March/April timeframe. They will begin on the west end. Work should be completed by Memorial Day.
- Canal Dredging – setting up for a winter dredging of selected areas in Harbor Acres. Our project engineer is currently developing designs, specs and a cost estimate. We believe we will be coming to the Board next month with a NCDWR grant application.

- Lockwood Folly Inlet Crossing and Bend Widener Dredging – the Corps has let the contract for the winter event. It will place about 140,000 cubic yards on the east end.

MAYOR'S COMMENTS

- Hurricane Season – we have passed October 15th. Always say if there is not one on the way, we made it another year.
- Meet the Candidate's Night is Friday at 6:00 p.m.
- Had people ask questions on the Greensboro Street access to the ocean that Mr. Bass allowed the Town to use. The agreement has been extended even though the owners changed.
- Was at a meeting on Monday with the DOT. HB Causeway improvements are moving forward in the planning stages. There is still a long way to go.
- Voting is November 7th. Listen to your candidates and make a decision you think is best for Holden Beach.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked everyone for coming this evening and listening online. It is always nice to see a good group of people here.
- Really wish there was a way we could have an open forum with our citizens more often. Everyone's email addresses are online. Thinks there is a lot of misinformation/recycled information. It would be nice for the citizens to know what the facts really are. As we get into the season, you need to realize how proud he is of the commissioners up here with him. Thinks they have done some really great things. We lost one that passed away and one that moved away. The core has done their best to move Holden Beach forward. We want to continue to be a tourist attraction in North Carolina. To do that, we have to accommodate the people who own the beach. We still need to look out for the property owners first. His mentor stressed the importance of that.
- Nice to see HB calm down after a busy summer. Looking forward to the cooler weather.
- Hopes everyone will get out and vote. Hopes the meeting on Friday is informative.

Commissioner Murdock

- Thanked everyone for coming. Thanked everyone for the support. Commended staff for their effort. He sees people going above and beyond their duties, working really hard to keep the Town alive.
- Apologized for missing the last couple of meetings. When you go through something like he has been through, you realize every little issue isn't as important as you thought. His mom always says every morning to make it a good day. When you get up tomorrow, make it a good day, the best you can. Everyone has opinions, most are different. Sometimes what sounds like the best solution is not an option. There are rules and things you cannot do. Issues come up. Budgets can be changed. Life can be changed at any minute. At the end of the day, he thinks we have the same goal, to take care of the town we live in. Has been here a long time. Has seen more positives in this town than ever. Don't go home thinking we are throwing your money away. If there is a place that can be cut, we will find it. We will make it work.
- Appreciates everyone coming out. Get out and vote and vote with your heart.

Commissioner Dyer

- Reiterated how important it is for all property owners to get out and vote. It seems like in the past it was only a small percentage of people that voted. You need to take a stand for the love of this island and get out and vote.
- Sounds like we will have a lot of vendors at the festival. Everybody stay safe. Be kind to each other when the traffic is bad. Come out and have a good time.
- Had Assistant Town Manager Ferguson provide information on Barktober fest.

Commissioner Arnold

- Was listening to Commissioner Murdock. What we all know is the most important things are not things, they are people. He remembers what one of his mentors told him in the 1950s. He said if you can't assume that the other fella is just as honorable and just as honest as you are, we are in deep trouble. Learned a long time ago that fame is a vapor, popularity an accident, riches take wings, those who cheer you today will curse you tomorrow; only one thing endures and that is character. If you are thinking about this office or another office, you better be prepared to consider the probabilities. Even if you consider the probabilities, it doesn't mean the outcome is going to be what you want it to be. When he thinks about the lift stations. That is something we can't keep kicking down the road. With every passing storm, we are not afraid of winds and hurricanes, it is the flooding. Talked about a past experience with the below the sea level bunker. 700 houses are directly dependent on that lift station. It is an economic disaster. Thinks every Board since 2015 has gone on record about doing something with the lift station. Thinks about what happens to not just those 700 houses, but the property values. People who have mortgages and use rentals to help pay for those mortgages, without thinking if I don't have sewer, I don't have a house. It is something we can't afford to keep kicking the can down the road. It is always the common good that has to be looked at. We are all in the same boat. If my end gets a hole in it, it will put you in jeopardy too.

ADJOURNMENT

Motion to adjourn by Commissioner Murdock at 6:58 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk