



Town of Holden Beach
Board of Commissioners
Public Hearing/Regular Meeting

Tuesday, JANUARY 19, 2021
5:00 PM

Holden Beach Town Hall
Public Assembly



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS' PUBLIC HEARING/REGULAR MEETING
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY
TUESDAY, JANUARY 19, 2021 - 5:00 P.M.**

PUBLIC HEARING: Ordinance 21-01 (formerly Ordinance 20-17), An Ordinance Amending the Holden Beach Code of Ordinances, Section 94.03: Frontal Dune Policy and Regulations

REGULAR MEETING:

1. Invocation
2. Call to Order/ Welcome
3. Pledge of Allegiance
4. Agenda Approval
5. Approval of Minutes
 - a. Minutes of the Public Hearing/Regular Meeting of December 15, 2020
(Pages 1 – 8)
6. Public Comments on Agenda/General Items
7. UNCW Presentations – Assistant Town Manager Ferguson (Page 9)
 - a. Inlet Induced Shoreline Changes and Dune Vegetation Characteristics - Dr. Sheri Shiflett
 - b. Baseline Monitoring - Dr. Joni Backstrom
8. Police Report – Chief Dixon (Page 10)
9. Discussion and Possible Action on Ordinance 21-01 (Formerly Ordinance 20-17), An Ordinance Amending the Holden Beach Code of Ordinances, Section 94.03: Frontal Dune Policy and Regulations (cannot be adopted until 24 hours from time of the public hearing) – Inspections Director Evans
(Pages 11 – 15)

10. Discussion and Possible Scheduling of a Date to Hold a Public Hearing on Ordinance 21-02 (Formerly Ordinance 20-18), An Ordinance Amending the Holden Beach Code of Ordinances, Section 157.006: Definitions (Height Measuring Point) – Inspections Director Evans
(Pages 16 – 18)
 - a. Consideration of Consistency Statement
11. Discussion and Possible Action on Land Use Plan – Inspections Director Evans (Page 19)
12. Discussion and Possible Action on Parks & Recreation Master Plan Responses – Assistant Town Manager Ferguson
(Pages 20 – 25, Separate Packet)
13. Discussion and Possible Action on Legal Services Proposals – Town Clerk Finnell
(Page 26, Separate Package)
14. Discussion and Election of Chairman to the Audit Committee – Town Clerk Finnell
(Pages 27 – 29)
15. Discussion and Selection of Audit Committee Members – Town Clerk Finnell
(Pages 27 – 29)
16. Discussion and Possible Action on Revisiting the Holden Beach Code of Ordinances, Chapter 50: Solid Waste – Commissioners Sullivan and Kwiatkowski
(Pages 30 – 51)
17. Update on Parking Committee Meeting of January 8, 2021 – Commissioner Tyner
(Pages 52 – 53)
18. Town Manager's Report
(Pages 54 – 58)
19. Mayor's Comments
20. Board of Commissioners' Comments
21. Executive Session Pursuant to North Carolina General Statute 143-318.11(a)(3), To Consult with the Town Attorney
22. Adjournment

*** Due to the Town of Holden Beach's State of Emergency Restrictions and Governor Cooper's Safer at Home Order, in person public attendance is prohibited. The meeting will be livestreamed on the Town's Facebook page. Visit <https://www.facebook.com/holdenbeachtownhall/> to watch the livestream. Public comments can be submitted to heather@hbtownhall.com or deposited in the Town's drop box at Town Hall prior to 3:00 p.m. on January 19, 2021. Comments for the public hearing will be accepted until January 20, 2021 at 5:00 p.m. If you would like the comments to be heard at the public hearing, they must be submitted by January 19, 2021 at 3:00 p.m.**



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
PUBLIC HEARING/REGULAR MEETING
TUESDAY, DECEMBER 15, 2020 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Public Hearing/Regular Meeting on Tuesday, December 15, 2020 at 5:00 p.m. 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; Police Chief Jeremy Dixon; Assistant Town Manager Christy Ferguson; and Inspections Director Tim Evans. The meeting was streamed on the Town's Facebook page and an opportunity for public comments was provided prior to the meeting due to the restrictions in place for COVID-19.

PUBLIC HEARING – TOWN OF HOLDEN BEACH LAND USE PLAN

Wes MacLeod from the Cape Fear Council of Governments provided background on the process. Inspections Director Evans added there was a committee of individuals and staff that worked very hard on this. He thanked Mr. MacLeod for his assistance in the process. Assistant Town Manager Ferguson read comments from Vicki Myers (hereby incorporated into the minutes).

Motion to call the public hearing to an end by Commissioner Tyner at 5:07 p.m.; second by Commissioner Murdock; approved by unanimous vote.

REGULAR MEETING

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Brown to approve the agenda; second by Commissioner Murdock; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Tyner to approve the minutes as presented (Regular Meeting of November 17, 2020); second by Mayor Pro Tem Brown; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA/GENERAL ITEMS

Assistant Town Manager Ferguson read the comments from Dennis Hetzel (hereby incorporated into the minutes).

DISCUSSION AND POSSIBLE ACTION ON LAND USE PLAN

Mr. MacLeod explained the plan has been worked on for four years. It has been recommended by the Land Use Plan Committee and the Planning & Zoning Board. There has been discussion with this board as well. There has been a public hearing that was advertised and held this evening. If the Board wishes to proceed, the next action would be to formally adopt the plan. It would then be sent to the Division of Coastal Management to be certified. At that time, it will become the Town's official CAMA Land Use Plan and the Town's Comprehensive Plan. Inspections Director Evans agreed everything is in order for the Board's consideration.

The Board would like to consider the adoption of the plan in January.

POLICE REPORT – CHIEF DIXON

Chief Dixon encouraged everyone to not drink and drive, wear their seatbelts and to not be in a hurry. There is a lot of traffic on the roadways and we don't want to see a fatality. Statistically the United States averages 119 fatalities a day over the holidays. He wished everyone a merry Christmas.

Mayor Holden offered his congratulations on Chief Dixon's achievements. He said the Board is proud of Chief Dixon and his department.

DISCUSSION AND POSSIBLE APPROVAL OF 2021 BOARD OF COMMISSIONERS' MEETING SCHEDULE

Town Clerk Finnell explained the proposed schedule reflects the third Tuesday of each month at 5:00 p.m.

Motion by Commissioner Kwiatkowski to accept the schedule as presented; second by Commissioner Tyner.

Town Clerk Finnell explained if the Board decides to go back to 7:00 p.m., the schedule will just need to be amended.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON MAYOR PRO TEM POSITION

Motion by Commissioner Sullivan to have Commissioner Brown remain as the mayor pro tem; second by Commissioner Tyner; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 20-16, AN ORDINANCE AMENDING ORDINANCE 20-10, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2020 – 2021 (AMENDMENT NO. 5)

Town Manager Hewett explained the proposed amendment provides for a midyear adjustment to the BPART Fund based on the performance of the accommodations tax to-date and the successful procurement of a Division of Water Resources' grant. The proposed amendment replaces previously appropriated fund balance in the amount of \$671,400 in our current year operations budget with occupancy tax collections and revenues from the NC Division of Water Resources Coastal Storm Damage Mitigation grant while providing for the required transfer of occupancy taxes to Brunswick County, in the amount of \$196,880, in addition to appropriating funds for a year's worth of federal advocacy in the amount of \$119,700, anticipated Parks and Recreation Master Plan update expenses of \$12,288 and offshore sand search funding in the amount of \$305,000.

Commissioner Tyner asked if the amount for the sand search funding is an estimate. Town Manager Hewett replied that it is the estimated cost. Those services are part of our engineering agreement with ATM.

Motion by Commissioner Tyner to accept the budget amendment as proposed; second by Mayor Pro Tem Brown; approved by unanimous vote.

CONSIDERATION AND POSSIBLE ACTION TO APPROVE NC DIVISION OF WATER RESOURCES COASTAL STORM MITIGATION \$106,000 GRANT

Assistant Town Manager Ferguson said last year the Town submitted a grant application to the Division of Water Resources to request \$106,000 to assist us with a dune building project. We received the funding. In order to take care of the paperwork that the state requires, the Board would need to approve Resolution 20-14 and the Conflict-of-Interest Policy. Once they receive these items, they will send us a contract.

Motion by Commissioner Kwiatkowski that we adopt Resolution 20-14, the required Conflict-of-Interest Policy and authorize the town manager to execute the administrative tasks; second by Commissioner Tyner; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ENGAGEMENT LETTER BETWEEN THE TOWN AND WARD AND SMITH, P.A.

Assistant Town Manager Ferguson explained Mr. McIntyre who was previously working with Poyner Spruill is now engaged with Ward and Smith. In order to continue the services, the Board would need to approve the attached engagement letter. The budget amendment Town Manager Hewett mentioned covered the financing.

Motion by Commissioner Kwiatkowski to proceed to engage Ward and Smith for governmental matters for the upcoming year; second by Mayor Pro Tem Brown; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 20-17, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, SECTION 94.03: FRONTAL DUNE POLICY AND REGULATIONS

Inspections Director Evans explained this is a text amendment to Section 94.03. His memo talks about items that would benefit from this section. He showed a diagram with the CAMA designated frontal dune and the Town's designated frontal dune. In 2006 the section of the ordinance that pertains to what you can do beyond the frontal dune says any structure more than four foot wide had to go away. When the frontal dune is backed all the way back to the houses, there is not enough room for accessory structures. It forces pools to be under the houses or in front of them. This exception would only apply when the Town's frontal dune and CAMA's frontal dune are not the same. He said they would like to add an exception that would allow you to go 50 feet beyond the seaward toe of the Town's frontal dune and have a swimming pool. The exception will also keep staff from having to debate where the line is at.

Inspections Director Evans explained he would like the word exception to be removed from the sentence that says: Exception: Town owned CAMA accessways may utilize a 6-foot walkway. He reviewed his proposed language.

Mayor Holden asked how it will be measured. Inspections Director Evans said it would be from the toe of the dune on the ocean side, you will have 50 feet from there. Mayor Holden asked about the covenants in Holden Beach West. Commissioner Kwiatkowski replied she doesn't think this would cause trouble. If anything, it would be a clarification and would be useful. Commissioner Sullivan asked for clarification on Inspection Director Evans' proposal on the current exception. Inspections Director Evans responded he just wants to take the word exception out. This item does not need to go to the Planning & Zoning Board for review.

Motion by Commissioner Tyner that we set a public hearing for the proposed changes to Ordinance 20-17, time and date to be established at next month's meeting at 5:00 p.m.; second by Mayor Pro Tem Brown; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 20-18, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, SECTION 157.006: DEFINITIONS (HEIGHT MEASURING POINT)

Inspections Director Evans explained the intention was to add an exemption, but the Board can't act on this until we have a consistency statement from the Planning & Zoning Board (P&Z). It can be discussed; it just can't be voted on. Town Manager Hewett said that this issue has risen on a repeated basis as a matter of importance. It needs to be addressed by P&Z. Administratively speaking, it will take a couple of different parties working together to have this staffed appropriately and brought back to the Board. His recommendation is to send it to P&Z for their review/consistency statement. It would also require the mayor, acting as the emergency management director, to amend the state of emergency proclamation to allow P&Z to meet for this particular purpose.

Mayor Holden said with the items recommended, the Board will proceed towards action with a March date. In the meantime, we are addressing it and in the process of correcting it. Inspections Director Evans agreed. Mayor Holden asked Town Clerk Finnell to wordsmith the amendment unless someone had an objection.

Commissioner Sullivan asked why the last ordinance that the Board discussed does not need the same discussion and a consistency statement. He said the statute says any zoning matter needs to have a consistency statement pertaining to the Land Use Plan. He suggested that if we are going to have a special meeting, P&Z also look at the first ordinance and make a consistency statement on both ordinances. Commissioner Sullivan read from the general statutes about adopting zoning changes. Inspections Director Evans said part of the ordinances is zoning and the other part is regulatory, there is a separation. He did not ask Attorney Fox about the first ordinance. Commissioner Sullivan suggested forwarding both to P&Z pending an advisory opinion from Attorney Fox. If she says it is not necessary, we withdraw one and they don't look at it. If she says they are both necessary, we will have both. Inspections Director Evans said he will run it by Attorney Fox.

Mayor Holden asked if the Board is all in agreement for moving ahead to try to correct this. Inspections Director Evans suggested that if the Board is going to send it to P&Z, they put a time limit on it. Commissioner Sullivan said they have 30 days. The statute allows you to move forward if you don't get a statement within 30 days. Mayor Holden reminded the Board that P&Z is there to recommend and the Board makes the decisions.

The consensus is to send both forward with the 30-day limitation. Mayor Holden will amend the emergency proclamation.

TOWN MANAGER'S REPORT

- Have received information from the Corps outlining what they foresee as the plan for the Lockwood Folly Inlet maintenance efforts for the upcoming year. The plan outlines the cost and times to perform the maintenance to full project depth, taken down to eight feet, \$660,000, proposed at five events a year for a total of approximately \$1 million. In using the MOA burden share ratios that we have previously used, it breaks down to an annual cost to Holden Beach of about \$60,000. That is just for the sidescaster. There are lots of moving parts. We don't have the other stakeholders' funding commitments. The Merritt is scheduled to begin December 27th for 21 days. The Corps has the money in hand to perform that work.
- Hurricane Isaias – we have completed our work in the federal portal system for all of the categories that we believe we will qualify for reimbursement. Those submittals are under review by the federal program manager.
- Internal Control Report – Referred to the Gantt chart he provided (hereby incorporated into the minutes). Now that we have the annual audit back and it was approved by the LGC, he is circling back to a few items on the RSM report. We've implemented changes or addressed the risk to four of these items. We have documented and amended our journal entry policy, the way we conduct our vendor payment mailings, the way we review our payroll earnings register and the way we perform direct deposits for our employees.
- Streets Petition Status – Affirmative responses to date: Seagull (20), Deal (5) and Canal (2). The yeses have not been certified by the clerk. We sent two letters and an email blast. We had some telecons with the property owners, but they haven't been finished yet. Intent is to complete those and come back to the Board in January with the status. It seems like it would be a shame if we did not take advantage of low fuel prices and the fact that DOT is not paying anything. With the development that we are seeing on those streets, we do not believe it will be a realistic service level expectation to maintain the road.

- Sewer Lift Station 3 – Wrapping up punch list items. Final inspection is scheduled.
- System Development Fees Study Analysis – Per discussion with the project manager this week the hard part is over. They have the preliminary fees. They are under inhouse review by Raftelis. Anticipate follow on discussion with the Town on January 4th. On schedule to bring it to the Board in January.
- Arts & Humanities Award – Race for the Arts Mural Project in Bridgeview Park has been selected for an award by the NC Recreation and Parks Association.
- Parks & Recreation Master Plan Update – Assistant Town Manager Ferguson has been doing the initial review on the six submissions. Anticipate a recommendation for a contractor will be made at the January meeting.
- New Thai Chi class started outdoors last week.
- We reopened the Canal Subdivision Grant from the NC Division of Water Resources. After review, we thought there might be an opportunity to recoup an additional \$12,000. We submitted it and were approved. There has been continuing maintenance of the Scotch Bonnet site. It has become dry enough to plant so we filled it with rye grass.
- Chief Dixon – Graduated from the NC Criminal Justice Leadership Academy last week. In addition, he received and is the first of only four law enforcement personnel in NC to have obtained the Criminal Justice Leadership Certificate.
- Holiday Schedule Reminder – Town Hall will be closed December 24th, 25th and 28th, in addition to New Year's Day.

MAYOR'S COMMENTS

- Thanked staff for doing a great job with working with Santa and the Grinch, with all of the nice decorations the maintenance department was successful putting up. Had several comments on the lights. Regret the limitations that we are all working under. Lives are becoming more difficult daily to work within the confines of all of the recommendations being handed down. Is sure by now everyone has known someone who has passed away. It is a real situation. We all need to be mindful of taking care of ourselves and our families. Praying for everyone who is suffering in many ways. The Town has come through 2020 exceptionally well. His rental company's rentals exceeded expectations. Understands others have done very well also. Construction activities continue to be wide open. Sales activity have been a landmark year. Overall, for the Town it has been a good year. We had a few bumps in the road, but overall we have been blessed.
- Chapel has a special Christmas event on Christmas Eve at 7:00 p.m. Seating is limited, but the public is welcome. Remember the reason for the season.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Brown

- Before the meeting, a gentleman asked about the money appropriated for the consulting group. Town Manager Hewett explained that is what the Board approved the engagement for tonight. The budget amendment appropriated the funds to do that. We are still working with Mr. McIntyre; he is just with another company.
- Had several people approach him throughout the year. Ocean Boulevard needs asphalt. Not sure if we can have a meeting set up with DOT. Seems to him it is a pretty valuable strip of highway. He would like the Town to start doing a little follow-up with that.

- Would like to move forward with parking. It will be beneficial for the Town.
- It's the Christmas season. Have a very merry Christmas. As you are traveling slow down and be safe. Let's not forget the reason for the season. Stay safe. Remember COVID is still here. Masks are not fun, but they are saving lives. Wished staff a merry Christmas and thanked them for what they do.

Commissioner Tyner

- Hope you have a great Christmas and a happy New Year. Keep in mind the reason for the season.

Commissioner Murdock

- The main thing is for everyone to have a safe and happy holiday. To all the residents and property owners, be safe and let's hope we can get this year out of here. Hopefully, next year will be a lot better.
- To the owners on the streets, he sees the affirmative responses, but he doesn't see the negatives. Doesn't know how many responded. This could be your one and only shot. We don't have the time or funds to maintain the road. Fighting a losing battle on some of those streets.
- A big thing coming up that will affect everyone is the parking issue. Wants to hear from the residents and property owners as to what you think we should do with the parking situation. It will only get worse. Options are running thin. This past Saturday there were 14 trucks and trailers parked on the streets surrounding the boat ramp. At least two of the trucks and trailers belonged to people on the island. If we don't do something those options are going to go away. There is property available. For all boat owners, it is going to affect every one of you. Want to find some more parking spaces, mark them and make them available. We want everyone to be able to enjoy the beach. We have experienced some tremendous growth. It's good for a lot of reasons, but for parking it is bad and is only going to get worse. Wants to hear from everyone. He doesn't want to hear after the fact, he wants to try to get it right.
- Merry Christmas, happy New Year.

Commissioner Sullivan

- Thanked staff, wished everyone a happy holiday, merry Christmas and a happy and healthy New Year. Thanked staff because there has been a number of illnesses, staff has been able to carry on. Thinks everyone should recognize we have a hardworking group of people who are dedicated to making this town what it is.
- Thanked staff for being able to bring an extra \$118,000 into the Town. Always a good thing to hear that we have grants coming in and we are recouping money.
- Thanked the HB Beautification Club. They do a great job every year. If you look at Padgett Park it is beautiful. It's one of the things that makes Holden Beach attractive and a beautiful place to live. Thanked those people for being out in the cold weather, volunteering their time.
- Merry Christmas and happy New Year. Have a safe healthy New Year.

Commissioner Kwiatkowski

- To everybody on the other side of airwaves that have stayed engaged during this time, thanks. Continue to listen in.
- We would really like to hear from you on some of these issues we will be addressing. We would like your ideas on what to do.

- Happy holidays, merry Christmas. Thanked staff and fellow commissioners. We are all eager to see the end of this year and a happier 2021.

ADJOURNMENT

Motion by Mayor Pro Tem Brown to adjourn at 6:10 p.m.; second by Commissioner Murdock; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Date: January 11, 2021

To: Mayor Holden and Board of Commissioners
Town Manager-IN TURN *[Signature]*

From: Christy Ferguson, Assistant Town Manager *[C4]*

Re: UNCW Study Presentation

At the December 20, 2018 meeting of the IBPB, Member Dean Thomas told the board that he and then Commissioner Freer had visited with Dr. Joni Backstrom of UNCW after meeting him at the North Carolina Beach, Inlet and Waterway Association Conference. Member Thomas went on to explain the professor had a list of things he might be able to assist the Town with and asked that Dr. Backstrom be able to present at an upcoming IBPB meeting. In February 2019, Dr. Backstrom and his colleague Dr. Sheri Shiflett presented several options for Holden Beach studies to the IBPB. The recommendation was made to fund two studies as part of the 2019-2020 budget and passed as part of the budget process. The first was to establish a baseline of dune vegetation types and coverage. The second involved focusing on the historical evolution of the Lockwood Folly Inlet and Shallotte Inlet based on aerial and/or satellite imagery. The timeline was delayed based on COVID-19 and the university received no-cost extensions for a deliverable to the BOC. The studies have been finalized and will be presented this evening.

Activity Log Event Summary (Totals)

HOLDEN BEACH POLICE DEPT.

(12/01/2020 - 12/31/2020)

<No Event Type Specified>	1	911 Hang Up/Open Line	1
Alarm Activation	16	Assist Motorist	1
Assist Other Agency	7	Attempt to Locate-ATL	1
Business Check	210	Debris Removal	2
EMS/Medical Call	3	Fire Call	1
Incident Report	3	Keep Check	33
Lost/Found Property	2	Open Door	8
Ordinance Complaint	11	Public Assist	22
Public Works/Water Leak	2	Special Assignment	8
Suspicious Activity	12	Traffic Stop	7
Welfare Check	3	Wildlife Complaint	6

Total Number Of Events: 360



Town of Holden Beach

PLANNING & INSPECTIONS DEPARTMENT

1/11/2021

Director

Tim Evans
Tevans@hbtownhall.com
Assistant Inspector
Rhonda Wooten
rhonda@hbtownhall.com

Permits Administrator

Pam Powell
planninginspections@hbtownhall.com

Memo:

Subject: Ordinance 21-01, Formerly Ordinance 20-17
Amending section 94.03 of the Towns Code of Ordinances

To: Commissioners, Mayor, Town Manager.

From: Planning and Inspections Director

The above-mentioned amendment was presented at the last meeting for consideration, the Board of Commissioners set the public hearing. Once the matter meets the statutory requirements for proper notification it may be considered for approval.

Note: Approval must be delayed a minimum of 24 hours.

Timothy Dale Evans

**TOWN OF HOLDEN BEACH
ORDINANCE 21-01
(FORMERLY ORDINANCE 20-17)**

AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, SECTION 94.03: FRONTAL DUNE POLICY AND REGULATIONS

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Section 94.03: Frontal Dune Policy and Regulations be amended as follows:

Section One: Amend Section 94.03: Frontal Dune Policy and Regulations as follows (changes in purple):

94.03 FRONTAL DUNE POLICIES AND REGULATIONS

(A) **Definition.** For the purpose of this section, **FRONTAL DUNES** shall mean the dunes designated by the town's local certified CAMA official as the "frontal dunes"; otherwise, they are the first mounds of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection from ocean storms. Considering the fact that oceanfront property limits extend to the mean high water mark, the frontal dune may be located on private property.

(B) **Purpose of the frontal dune.** It is desirable to maintain a continuous frontal dune along the ocean-front of the island, extending from Lockwoods Folly Inlet to Shallotte Inlet. A continuous frontal dune thus maintained provides a single, ocean water surge flood control structure that serves to mitigate the effects of storms, that could by their very nature cause damage to public and private property. It is the intent of the Town that the frontal dune be maintained to standard specifications and by sand renourishment, so that the above-mentioned protection can be provided.

(C) **Frontal Dune Policy and Regulations.** The following policies and regulations apply: (Penalty for failure to adhere is \$500.00 per violation.)

(1) It shall be unlawful for any person or vehicle to cross the designated frontal dune, except for official Town business or emergency access, unless such crossing is over a Town approved ramp and/or stairs.

(2) **Frontal Dune Policy and Restrictions:**

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the N.C. State Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6- foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune, or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches, and shall meet the requirements of the N.C. State Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than the four-foot wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. **Exception:** Town owned CAMA accessways may utilize a 6-foot walkway. **Exception:** Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built in accordance with all federal, state and local building requirements. **Exception:** Swimming Pools maybe located south of the town's designated frontal dune, placement of pools and decking shall not extend more than 50 feet from the established seaward toe of designated frontal dune. This exception only applies when the CAMA dune is more seaward than the town's frontal dune.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

(d) Sand fences:

1. The installation of sand fence along the oceanfront, when properly located and erected, is an effective method to control blowing sand which may lead to the formation of dunes. However, when improperly located and erected, sand fencing may interfere with emergency beach access, cause accumulation of debris, and discourage sea turtle nesting.

2. Sand fencing is defined as a fence normally constructed of untreated and unpainted wood held together with twisted wire, with the fence being nailed to a minimum of 1.5 inch by 3.5 inch (2x4) posts that are spaced at intervals not less than five feet and are embedded no more than two feet into the sand, and extending no higher than four feet above grade.

3. No sand fence shall be erected without a no-cost sand fence permit issued by the Town Inspections Department. The permit may be requested and returned by mail following completion.

4. All sand fencing shall be installed in individual lengths of ten feet or less, at an angle between 45 and 90 degrees to the shoreline, facing west. The lengths of sand fence will be spaced at least seven feet apart, parallel to each other, to allow sea turtles and pedestrians to pass through. This method of sand fencing encourages sand accretion and minimizes negative impacts to nesting sea turtles.

5. The Building Inspector shall have the authority to summarily remove, abate, or remedy a sand fence determined dangerous or prejudicial to the public safety whether by reason of its location, or its subsequent state of disrepair or damage. Any fence so removed will be delivered to its owner if known, and if not, will be disposed of by the Public Works Department in an appropriate manner.

(e) Property owners are encouraged to vegetate and fertilize the portion of the frontal dune on their property.

(f) An exception to this policy is that ocean front property owners or their agents may traverse on (or over) the specific portion of the frontal dune within the limits of their property (above the mean high water mark), so as to make minor dune repairs, plant vegetation, install sand fencing and otherwise maintain the frontal dune on their property so that it may afford the intended degree of flood protection per this section.

(Ord. 98-04, passed 4-27-98; Am. Ord. 99-04, passed 3-8-99; Am. Ord. passed 3-27-00; Am. Ord. 00-25, passed 12-11-00; Am. Ord. 02-08, passed 5-27-02; Am. Ord. 03-09, passed 11-24-03; Am. Ord. 17-04, passed 3-21-17; Am. Ord. 17-05, passed 4-18-17)

Section Two The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective the _____ day of _____, 2021.

Adopted this the _____ day of _____, 2021.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Town of Holden Beach

PLANNING & INSPECTIONS DEPARTMENT

1/11/2021

Director
Tim Evans
Tevans@hbtownhall.com
Assistant Inspector
Rhonda Wooten
rhonda@hbtownhall.com

Permits Administrator
Pam Powell
planninginspections@hbtownhall.com

Memo:

Subject: Ordinance 21-02, Formerly Ordinance 20-18
Amending section 157.006 of the Towns Code of Ordinances

To: Commissioners, Mayor, Town Manager.

From: Planning and Inspections Director

The above-mentioned amendment was presented at the last meeting for consideration, the Board of Commissioners sent the request to the Planning Board for consideration of the consistency statement, the planning board was granted a waiver from the COVID-19 rules to take up the action for consistency with the Land use plan. The TOHPB could not make a quorum, as allowed by statute the Planning Director with assistance from staff and from the Planning Board provides a consistency statement to address the current land use plan.

Zoshy state Mrs



Town of Holden Beach Planning Staff Consistency Statement

The Town of Holden Beach Planning Staff has reviewed and recommends approval of Ordinance 21-02 regarding structure height for structures located in a X Zones.

After review, the Planning Staff has found that the amendment is consistent with the current 2009 CAMA Land Use Plan and is considered reasonable and in the public interest for the following reasons.

The amendment provides for the fair use of property across flood zones while conforming to the goal of maintaining height control of structures. See Policy 9.1.A.2 and Tables 2.1 Existing and Emerging Conditions and 2.2 Planning Issues, 9.4, 9.4.A6 Water Quality.

Staff finds the amendment is reasonable and in the public interest for it brings about consistency within the ordinance for maximum use of properties. Promote public health, safety, and general welfare within our community by potentially providing increased aesthetic values and better marketability resulting in an increased tax base and by increasing the maximum use of an individual's property.

**TOWN OF HOLDEN BEACH
ORDINANCE 21-02
(FORMERLY ORDINANCE 20-18)**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, SECTION
157.006: DEFINITIONS (HEIGHT MEASURING POINT)**

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Section 157.006: Definitions be amended as follows:

Section One: Amend Section 157:006: Definitions as follows (addition in purple):

157.006

HEIGHT MEASURING POINT: (HMP). Design flood elevation or base flood elevation plus two feet.

(1) (a) Wherever there is less than nine feet between the DFE and finished grade the HEIGHT MEASURING POINT may be moved to a maximum of nine feet above finished grade.

(b) All structures located in any A, V or X zones must have a minimum of eight feet clearance between the lowest horizontal structural member and finished grade.

(2) FEMA flood area "X" measuring point shall be the lowest original soil under the structure after the undisturbed soil has been balanced. Exception: structure located in X zones may be measured as written in (1)(a) with a maximum height of 31 feet from the established Height Measuring Point.

Section Two The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective the _____ day of _____, 2021.

Adopted this the _____ day of _____.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Town of Holden Beach

PLANNING & INSPECTIONS DEPARTMENT

1/11/2021

Director
Tim Evans
Tevans@hbtownhall.com
Assistant Inspector
Rhonda Wooten
rhonda@hbtownhall.com

Permits Administrator
Pam Powell
planninginspections@hbtownhall.com

Memo:

Subject: Adoption of the New Land Use Plan

To: Commissioners, Mayor, Town Manager.

From: Planning and Inspections Director

Before the BOC is the final and last stage of the Town Of Holden Beach Land Use Plan.

This plan meets the 7b requirements Under the North Carolina CAMA act, and the new standards for consideration under the current 160d statutes, (requiring all government entities to have in place a Comprehensive Development Plan).

This will replace the current LUP plan once approved.



Date: January 11, 2021

To: Mayor Holden and Board of Commissioners
Town Manager-IN TURN *DH*

From: Christy Ferguson, Assistant Town Manager *CF*

Re: Parks and Recreation Master Plan RFQ

The current Parks and Recreation Master Plan for the Town of Holden Beach was completed in May of 2012. Our current plan is dated and will need an update, especially if there is interest in competing for Parks and Recreation Trust Fund (PARTF) grants. As part of the budget process this fiscal year, the Town included funds to update the plan. On November 3, 2020 an RFQ (attachment 1) was placed on our website and eight agencies were directly solicited for participation. We received six proposals from highly recognized and valued firms in the profession by the due date of December 7, 2020.

Town staff reviewed and scored proposals during the December and early January timeframe and narrowed the search to three firms: McAdams (Attachment 2), Alfred Benesch and Company (Attachment 3), and McGill (Attachment 4). Staff then conducted follow-up interviews with the three firms on Monday, January 11, 2021 to allow staff to better understand the process each firm plans to take during the COVID-19 pandemic to engage the public and to better understand a timeline for deliverable.

All the firms who presented proposals are highly qualified to meet the Town's needs and we appreciate the quantity and quality of submissions we received. Based on proposals from each finalist and the responses to interview questions, Town staff recommends the award of the Parks and Recreation Master Plan Update to McGill. The group is well versed in parks and recreation master plans with multiple PARTF grants awarded from their work products.

Suggested Motion: Award of the Town of Holden Beach Parks and Recreation Master Plan Update to McGill and authorize the Town Manager to negotiate with the firm regarding the cost of the contract and execute accordingly within the existing budgeted resources.

Attachment 1: RFQ
Attachment 2: McAdams
Attachment 3: Benesch
Attachment 4: McGill



**Town of Holden Beach
Parks and Recreation Department
Master Plan Update-RFQ**

Project Introduction

The Town of Holden Beach ("Town") is seeking qualifications from planning consultants to update our Parks and Recreation Master Plan. This plan will be used as a guide to meet the Town's recreational and service needs for the next 10 years and must be consistent with PARTF funding requirements.

Issue Date: November 3, 2020

Proposals Due: December 7, 2020 by noon

Send submissions to:

Heather Finnell, Town Clerk
110 Rothschild Street
Holden Beach, NC 28465

All questions regarding this RFQ must be received by November 23, 2020 at noon and should be directed to Christy Ferguson at christy.ferguson@hbtownhall.com. Responses to questions will be provided no later than November 25, 2020 at 5 p.m.

Project Description

The purpose of the project is to develop an Updated Parks and Recreation Master Plan for the Town of Holden Beach. Qualified consultants will assess the current Master Plan (2012) and develop an action plan to meet the current and future parks and recreation needs of the citizens of the Town for the next 10 years. The plan should include but not be limited to the following:

1. Assessment of existing conditions that includes data and demographic information. Topics of interest should include:
 - Demographic and Sociological Factors including population composition, population growth projection and trends
 - Employment, Economy, and Economic Development
 - Tourism
 - Transportation
 - Community Services and Facilities
 - Parks and Recreation Services

- Natural Environment and Related Features
- Community Character

2. Inventory of Existing Parks and Recreation Programs and Facilities

An existing conditions assessment, including a site inspection, of current facilities of the Town of Holden Beach Parks and Recreation Department should be conducted to assess the current conditions and suitable uses. The evaluation should include an inventory of other public and private recreational services and facilities in the community or nearby area that impact the citizens of Holden Beach. Specific components should include but not be limited to:

- Inventory of Existing Recreational Facilities-including parks, facilities, trails and open spaces
- Inventory of Undeveloped Town Lands
- Existing Recreation Programs, Special Events, and Festivals
- Inventory of Near-by Recreation Facilities
- Recreational Needs Assessment
- Review of the Town's CAMA Land Use Plan and Zoning Ordinances as part of recommendations

3. Analysis of Existing Parks and Facilities

Visit and conduct an analysis for each park and recreation facility. Rate the facilities including current condition. Components should include the following:

- Recommendations for Existing Facilities-short and long-term plans
- Recommendations for Undeveloped Town Lands-short and long-term plans
- Recommendations for Recreation Programs, Special Events and Festivals
- Additional Recommendations- priority schedule for implementation of programs, capital construction, facility renovation, and land acquisition on an annual basis for the next ten years; types of parks needed
- Potential Funding Sources including grants and public-private partnerships

4. Analysis of Standards and Trends

Research state and national standards and methodologies to determine base-line standards for parks and recreational facilities, trails, and open space. Measure these standards against current inventory and draw quantitative goals for the future. Concepts should include:

- Identify unique trends in the field of parks and recreation that could be integrated within the Town of Holden Beach. This analysis should include considerations for active and passive recreation.
- An operational staffing assessment that includes an inventory of current staffing and evaluation of future needs based on projected future growth and needs
- Benchmarking to recommend level of service and a guide for future recreational facilities

5. Appendices/Maps

The Town's most recently approved CAMA Land Use Plan and Zoning Ordinances should be considered as part of recommendations in the evaluation process to make sure nothing that is proposed conflicts with these documents. They should be included in the Appendices as well as the Public Survey Results. Current maps of the general vicinity, existing facilities, bike routes, and other relevant maps should also be included in the appendices.

Materials/Documents

Professional graphics and documents shall be required at various stages of the planning process. They shall include:

- Professional support renderings, maps, graphs, charts and photographs to illustrate data as needed for meetings and presentations
- An Updated Master Plan bound document which includes all text, graphs, tables, charts, maps, plans, illustrations, and photographs needs to present the plan and its process in its entirety in a succinct and professional format. A draft shall be presented for staff approval prior to completion of the plan.
- A summary of conclusions and recommendations included in the Updated Master Plan

Master Plan Products

- Ten copies of the first draft shall be required.
- Twenty copies of the final Master Plan Report document including any maps that can be reproduced and contained within the report. The final report should include survey results and a summary of public comments on the plan. One of these copies should be in a three-ring binder the others should be bound.
- Presentation graphics in the form of charts, maps, photographs, etc. used in community workshops.
- One electronic copy of the Master Plan. Copy should be completed using Windows Word Program and all maps should be available in PDF and JPEG formats.

Public Involvement

It is envisioned that the plan will have a significant amount of public outreach, stakeholder input, and public engagement. This includes capturing a vision for the future of the community to help guide projects. This involvement may take on various avenues during this unprecedented time. Digital meetings may be needed as an option if the pandemic or other extreme events negate the ability to hold in person meetings. Considerations for such involvement includes but are not limited to:

- Digital Communication- facilitation of all digital communication platforms that may need to be included as part of the public outreach process.
- Meeting with Parks & Recreation Advisory Board and community members, stakeholders, staff and the Board of Commissioners (BOC), to be determined by staff based on needs for the project.
- Conduct a Needs Assessment Survey and hold a minimum of two community workshops (more if digital format requires) to obtain information to determine specific desires of the citizens of

Holden Beach in reference to Parks and Recreation. Regular progress reports should be submitted to the Assistant Town Manager and other pertinent staff and officials, as well as presenting the final Updated Master Plan to the BOC after reviewing it with Town staff.

Submittal Contents

Please submit ten (10) copies of your proposal. Each proposal should be submitted in bound "8 1/2 x 11" format and shall include all relevant photographs and drawings. One digital copy should also be provided. Proposals shall provide the following information:

- **Cover Letter:** Including verification that demonstrates the consultant's history of successful Parks and Recreation master planning. Proposals will be evaluated based on the expertise of the consultant team and the overall experience of the team with emphasis on park, recreation and facilities.
- **Identify the project staff:** A list of proposed project team members and their respective expertise in such work should be included. An organizational chart identifying all staff assigned to the project should be included. Roles should be defined regarding responsibilities and tasks assignments for each member for the duration of the project. Current workload of key staff should be included. Indicate any work or resources that are to be subcontracted or assumed to be provided by local government agencies.
- **Project Approach:** Describe your team's approach to successfully delivering the project. Provide details on how each task will be completed. Include any recommendations for maximizing effectiveness and efficiency.
- **Scope of Work:** Provide details regarding the specific methodologies, approaches, tasks, and schedule being proposed. Respondents may propose a methodology or set of tasks that are different from those in the Project Description, but the submittal must meet or exceed the indicated deliverables and state why a different methodology/tasks are recommended.
- **Supporting Examples:** Provide a list of three (3) similar or relevant projects including graphic representation. Links to these projects are also encouraged.
- **References:** Provide a minimum of three (3) references with which the applicant has provided similar planning/design services for within the last five years. References should include: name, phone number, email address and a description of services provided to that contact.
- **Proposed Schedule:** Detailed schedule of completing work, including intermediate project stages leading to the final project.

Qualification packages (no more than 50 pages) along with a letter from the firm principal committing the qualification package for a minimum of 60 days should be clearly marked **Qualification Package for Parks and Recreation Master Plan** to the Town Clerk at the following address no later than noon on December 7, 2020:

Town of Holden Beach
Attention: Heather Finnell
110 Rothschild Street
Holden Beach, NC 28462

Selection Process

Once the proposals are submitted, the Staff and other committee members as requested by staff will review the qualifications and may recommend a “short list” of firms to be interviewed. If interviews are required, the Staff will contact firms selected for consideration to schedule an interview. The Staff may ask this to be done by Zoom or other virtual meeting platforms. Following the interviews, the Staff will make a recommendation to the BOC.

Evaluation Criteria

The following criteria will be the basis on which consultants will be selected for further consideration (in no particular order):

1. Team organization and structure
2. Personnel Qualifications
3. Specialized experience of the firm and related experience with similar projects, with emphasis on recreational facilities and programs
4. Proposed project approach, the methodology for forming the master plan and the schedule of completion
5. Demonstrated knowledge of the area where the project is located
6. Experience conducting public meetings
7. Current workload and firm capacity
8. Client References
9. Quality of Proposals
10. Other Factors Relevant to the Project including the ability to adapt to limited in person meeting ability and the ability to capture recreational needs of the tourist population

General Comments

- Any cost incurred by consultants in preparing, submitting, and presenting an RFQ for the project shall be at the sole expense of the consultant. The Town of Holden Beach is not responsible for any costs incurred prior to the issuance of a signed contract.
- Any and all responses submitted will, upon submittal, become the property of the Town of Holden Beach, and will be public records, unless the submitting party takes appropriate steps to exempt information from the requirement of the Public Records law.
- The Town of Holden Beach reserves the right to negotiate a contract, including the scope of work and contract price, with any respondent or qualified party.
- This request does not commit the Town of Holden Beach to award a contract, to pay any costs incurred in the preparation of a response to this invitation, or to procure or contract for services.
- The Town is committed to ensuring that small business enterprises as well as business enterprises owned and operated by women and/or minority persons are afforded every opportunity to fully and fairly participate in the Town’s procurement process for goods and services. Small and minority businesses, women’s business enterprises, and labor surplus area firms are encouraged to submit qualifications and firms using subcontractors must solicit such firms in the subcontracting process.



Date: January 12, 2021
To: Commissioners and Mayor Holden
From: Heather Finnell, Town Clerk HF
Re: Request for Proposals - Legal Services

As directed at the November 17, 2020, staff readvertised the Town's Request for Proposals (RFP) for Legal Services. In response to the RFP, the Town received four proposals.

The firms who are interested in providing legal services to the Town are The Law Firm of Richard F. Green, PLLC, The Brough Law Firm, PLLC, Coble Law Firm, PC and Moore Law, PLLC. The Board will need to decide how you wish to proceed in selecting an attorney.

The proposals are included in the Board's meeting information for review (separate packet).

Attachment 1: Request for Proposals



Date: January 12, 2021

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk HF

Re: Audit Committee

Per Section 30.26 of the Code of Ordinances, the chairman of the Audit Committee shall be elected by the Board at their first regular meeting in January. The current chairman is Commissioner Tyner. The Board may choose to extend Commissioner Tyner's term or select a different commissioner to serve as the chairman.

In the same section, it states the chairman of the Audit Committee shall make a recommendation to the Board on who shall serve as public members. Based on the recommendation, the Board needs to select two - four public members, whose normal term is one year.

Tony Chavonne, Mark Fleischhauer, Jeannine Richman and Jeff Tansill, the members who served during the 2020 term, are all interested in serving another term.

The Board can vote by ballot or verbally to fill the positions. If ballots are used, please make sure to sign your name on the ballot.

Holden Beach Code of Ordinances

§ 30.26 AUDIT COMMITTEE OF THE BOC.

(A) There is hereby established an Audit Committee of the BOC, which shall be comprised of a Chairman of the BOC Audit Committee and not fewer than two, nor more than four Public Members, as determined by the BOC at the first regular Board of Commissioners meeting in January.

(B) *Powers and duties.* The Audit Committee shall:

- (1) Serve as an advisory board for the town's Board of Commissioners;
- (2) Assist and advise the BOC in its oversight responsibilities for the town's financial reporting process, systems of internal financial controls and the external audit process;
- (3) Recommend to the BOC the selection of the independent external audit firm to conduct the annual external audit;
- (4) Evaluate the performance of the external audit firm as it relates to the annual audit of the town and its self-insurance policies;
- (5) Review, advise and make recommendations to the BOC with respect to the town's treasury management function and its' risk management policies and procedures, including without limitation, the town's insurance and self- insurance policies;
- (6) Confirm the town's internal control systems are in place and implemented, including information technology security and control;
- (7) Confirm Town Management implements audit report recommendations;
- (8) Continually evaluate the independence of the external auditors; to audit findings and forward findings to the Board of Commissioners;
- (9) Review the town's CAFR, management letter and management's response;
- (10) Review and reassess the adequacy of this Charter at least every two years, with any revision submitted to the Board of Commissioners for approval;
- (11) Provide an avenue of communication among the Board of Commissioners, Town Management and the external independent auditors;
- (12) Perform other functions from time to time as shall be delegated or

Holden Beach Code of Ordinances

assigned to it by the BOC.

(C) *Appointment, terms.* The Chairman of the BOC Audit Committee shall be elected by the BOC at the first regular meeting in January. The Chairman of the Audit Committee shall make a recommendation to the Board of Commissioners on who shall serve as Public Members. The Chairman of the BOC Audit Committee, an elected Commissioner, and each of the Public Members shall have a normal term of one year, and shall serve at the pleasure of the BOC.

(D) *Meetings.*

(1) The Audit Committee will meet at least four times each year (quarterly) to assess the quarterly financial statements. The Committee will also meet at least one additional time a year to review the final audit report from the external auditors. The Chair may call additional meetings as deemed necessary in fulfillment of the role of the Committee.

(2) The Audit Committee shall comply with the provisions of the North Carolina Open Meetings Law, G.S. §§ 143-318.9 *et seq.* A quorum shall be in attendance before any action of an official nature can be taken. A quorum shall exist when a majority of the Committee is in attendance.

(3) The Audit Committee may invite the manager, staff, auditors and others to attend the meetings and provide pertinent information, as necessary.

(E) *Attendance.* All Committee members are expected to attend every meeting. Requests for excused absences due to sickness, death or emergencies of like nature shall be approved by the Committee as approved absences and shall not affect membership, except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

(Ord. 16-02, passed 1-12-16; Am. Ord. 18-18, passed 12-18-18)

Background

>

> In 2018 a series of special meetings were held by the Commissioners to address issues with waste bins, often overflowing, sitting at roadside for days at a time (see P. Kwiatkowski Issue memo dated 26 July 2018, included in the packet). A revised ordinance was agreed and passed by the BOC in December 2018 but then was significantly altered at a subsequent BOCM in a manner that continues to allow bins containing trash to sit at roadside at any time and precludes town paid rollback of any bins that are not empty. This has resulted in not only a health issue but is also a safety hazard, particularly on Saturdays during summer season when over 200 bins are left roadside on OB on a typical rental changeover day (personal observation by Commissioner Kwiatkowski).

>

> The BOC should evaluate the overall the 2018 Waste Disposal issue effort and revised ordinance that was overturned with the objective of identifying and implementing changes that can help reduce roadside trash containing bins, particularly during periods of high rental activity.

>

> Also included in the package is an example of trash bin management as it appears on the website of Emerald Isle, a beach community in Carteret County, as well as copies of the current Holden Beach trash ordinance and the previous version that had been approved but was changed at a subsequent BOCM .

26 July, 2018

P.Kwiatkowski

Issue: Waste Disposal, including recyclables

Needed: A waste disposal program that encompasses both perishable waste and recyclables, and a solution to the unsightly roadside full and empty bins that linger after scheduled collection, particularly on Saturdays during season.

Background:

Overflowing waste bins on both Tuesdays and Saturdays are a too common site on Holden Beach. Although rental properties are required to have one waste bin per two bedrooms, not all rental properties are in compliance; it may also be that for some properties the standard 1 for 2 is inadequate. To further exacerbate the situation, in the absence of a mandatory recycling program, a significant amount of recyclable material goes into the garbage bins, not only taking space needed for garbage but also unnecessarily adding to our local landfill burden.

Uncollected waste in or around bins prematurely pushed to roadside or that do not make it to curbside in time for Waste Industry pickup, particularly on Saturday during season, is both a health and island image issue for residents and renters (plus an inconvenience to incoming renters faced with 2 1/2 days without enough garbage space). Additionally, a significant portion of HB does not have waste bin rollback service, resulting in a large number of empty bins being very near or even partly in the road (and subject to blowing over). On Saturdays during season, roadside bins pose increased risk to drivers who are already distracted with locating their rental.

Activities to Date:

After the closure of the Holden Beach recycle center in September 2016, the Town Manager (TM) committed to collect data on waste collection, including recycle, and to analyze the data in order to bring recommendations to the Board of Commissioners. The data has been collected, a report issued and BOC discussions have occurred.

Next Steps:

The BOC must decide which of the possible solutions for several problems is the preferred solution (the report and previous discussions form the basis for August 6 discussions and decisions). Once accomplished, the preferred solutions can be reviewed and commented on by the Town Attorney, following which a final set of directions can be produced for actions and where necessary budget consideration for the 2019 calendar year.

Decisions needed:

Recycling policy for the island

Recycle pick up schedule that best fits island's needs

Audit (and enforcement policy) of 1 can per 2 bedroom (or more for high occupancy houses?) requirement for rentals

Rollback service improvements

Rental agency/owner responsibilities for renter education and "out of compliance" trash (and enforcement policy).

What constitutes citable violations and fines wrt 1. waste bins kept at homes and 2. waste bins at streetside. What action to take on corrals?

Town of Holden Beach educational material for property owners and rental agents

Possible Outputs:

Recycling policy for the island

Opt out (problem with opt out can return-city capital tied up?)

Voluntary

Recycle- pick up schedule that best fits island's needs during season

Stay as is (every other Tuesday)-renter confusion

Every other Tuesday October 1 thru May 15, either every Tuesday or every Saturday (preferred) from May 15 to September 30.

Ordinance rewrites to better define waste types, waste policies (legal containers, number of containers, time to and from curb, where containers are to be stored), what constitutes citable violations, enforcement policy and fines.

Audit procedure and audit of 1 can per 2 bedroom requirement (or more for high occupancy houses?) for rentals (with enforcement policy)

Rollback service possibilities-preference not to increase budget

Stay as is (all Tuesdays plus Saturdays during season, OB only)

Whole island all Tuesdays plus Saturdays during season-higher cost

Whole island or OB only, only Tuesdays and Saturdays during season

Whole island or OB only, Tuesdays off season and Saturdays during season

Whole island or OB only, only Saturdays during season

No service-some residents have expressed their preference for no roll back

Rental agency/owner responsibilities for renter education and "out of compliance" waste (with enforcement policy)-should rental management companies be responsible for hauling cans (full or empty) back from the curb after the established deadline

Town of Holden Beach educational material for property owners and rental agents

Draft timeline/proposed key decision dates

Recycle policy and pickup schedule and the waste can audit procedure finalized by October 1, to be reported no later than the October 2018 BOC (enable acceptance by EOY)

Ordinance amendments completed and signed off by November 2018 BOC

Enforcement policies completed by November 2018 BOC (enables acceptance by EOY)

Town of Holden Beach educational material for property owners and rental agents by March 1.

Waste bin number audit completed by January 15 and communication to out of compliance owners by March 1 (to allow time for them to have the right number before May 1). Enforcement after May 1.

Push back changes (if any) by March 1 for budget consideration (both 18 and 19)

Current

**TOWN OF HOLDEN BEACH
ORDINANCE 19-03**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
CHAPTER 50: SOLID WASTE**

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Chapter 50: Solid Waste be amended as follows:

Section One: Amend Chapter 50: Solid Waste to read as follows:

CHAPTER 50: SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Container specifications
- 50.03 Burning or burying of garbage regulated
- 50.04 Accumulation and collection
- 50.05 Collections prohibited
- 50.06 Yard waste
- 50.07 Transporting waste materials; covering during transport
- 50.08 Rental homes
- 50.99 Penalty

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAP. All scrap material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign or other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, insulation, fixtures (e.g., commodes, sinks) or wrappings for materials or any other materials necessary for the construction, reconstruction, remodeling or repair of a building.

GARBAGE. All animal, fruit and vegetable matter, all small cans, glassware, crockery, bags, and other small containers in which matter has been left or stored.

LARGE HOUSEHOLD ITEMS. Accessories or fittings for a particular use inside, outside or around a house including but not limited to tables and chairs; sofas and recliners; bed frames;

dressers; mattresses and box springs; small electronics such as computers and televisions; refrigerators; ovens and microwave ovens; washing and drying machines.

PUTRESCIBLE WASTE. Solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odors and to be capable of attracting or providing food for birds or animals.

REFUSE. All other types and kinds of materials intended to be discarded, scrapped, or otherwise disposed of.

RECYCLABLE REFUSE. Types and kinds of materials intended to be discarded, scrapped or otherwise disposed of that are defined as recyclable material under the current waste collection contract, e.g., cardboard; newspaper; magazines; small metal and glass containers and certain type of plastic containers in which matter has been stored and possibly residues left.

SUMMER RENTAL SEASON. The period of time that garbage collection occurs twice weekly per town contract.

YARD WASTE. All wastes pertaining to a landscaped/managed property, including but not limited to tree limbs, leaves, shrubbery, weeds, plants or grass.

('85 Code, § 9-1.1) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90)

§ 50.02 CONTAINER SPECIFICATIONS.

(A) Residential requirements.

(1) Garbage will be kept only in contractor-owned and provided standard, 90-gallon capacity roll-out containers. Each residence is authorized one container; however, additional containers are available for a set monthly fee.

(2) Recyclable refuse can be disposed of in standard garbage containers. Alternatively, 90 gallon capacity containers for recyclable materials only are available by contract through the town for a set annual fee. ~~They will be provided to a property in addition to, not in replacement of, the required number of garbage containers.~~

(3) Property owners are responsible to assure they have sufficient 90-gallon containers to properly contain refuse prior to collection. Garbage placed on top of or beside the container(s) will not be picked up by the contractor, nor will garbage placed in non-standard containers.

(B) Commercial requirements.

(1) All commercial establishments catering to the public in such a manner as to create refuse shall be required to place an adequate number of refuse containers in such positions and locations as to encourage their use.

(2) All such commercial related containers shall be maintained in a sound and presentable condition.

(C) No person shall throw, place, or deposit any garbage or refuse of any kind, in any place or in any public or private property, except in approved containers or as otherwise provided in accordance with the provisions of this section.

(D) Containers on town-owned property and other public areas are for the use of the town and for the general use of residents and visitors using the public areas. It shall be unlawful for anyone otherwise to place commercial or residential waste or refuse into such containers.

('85 Code, § 9-1.2) (Ord. 5, passed - - ; Am. Ord. 93-18, passed 10-20-93; Am. Ord. 94-02, passed 2-7-94; Am. Ord. 95-06, passed 2-22-95) Penalty, see § 50.99

§ 50.03 BURNING OR BURYING OF GARBAGE REGULATED.

It shall be unlawful to burn or bury garbage or trash for the purpose of disposal unless a special permit has been issued by the Town Police Department.

('85 Code, § 9-1.3) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.04 ACCUMULATION AND COLLECTION.

(A) All garbage and household refuse shall be kept in proper containers as required by this chapter and it shall be unlawful for any person to permit garbage to accumulate or remain on any premises longer than is reasonably necessary for its removal. It is the intent of the town that all containers be secured ~~in such a manner~~ either next to non-elevated, ~~or~~ underneath elevated houses ~~or alongside of the house except prior to collection days when they are to be placed at street side. so that the town street right-of-way remains clear of empty containers, and so that containers are not damaged or overturned by high winds or other occurrences.~~ Trash corrals are an acceptable alternative method of storage. Containers will be located at street side no earlier than 6:00 p.m. the evening before designated collection days during the summer rental season. For the rest of the year containers will be located at street side no more than 48 hours before the designated collection. All containers should be returned to the normal house-side storage location by 6:00 p.m. the day after collection. Through a town contract for island wide rollback, empty trash and recycling containers will be rolled back to the street side of the house, under the house or to a corral if available. Full containers will stay curbside until emptied by the next pickup.

(B) It shall be the duty of every owner or occupant of every building or premises where garbage or refuse exists, to reasonably and regularly clean the 90-gallon containers and other legal refuse collection containers.

(C) The owners, occupants and lessees of all property, jointly and severally, are required to control all refuse, placing such refuse in proper containers and/or arranging for collection or other disposal disposition in accordance with the provisions of this chapter.

(D) Garbage and household refuse will be collected and removed from the aforesaid containers or cans in accordance with the schedule set forth in the garbage collection service contract, executed independently from this chapter.

(E) This chapter shall be enforced by the town either by civil proceedings or by removing and disposing of litter according to the provisions and procedures for abatement of litter as provided in this chapter and as prescribed by G.S. 160A-174, 160A-175, 160A-193, and 160A-303.1, including the provisions for notice and hearings provided or referred to therein.

§ 50.05 COLLECTIONS PROHIBITED.

All matter, refuse, and materials such as industrial refuse, building materials and scraps, tree trimmings, walkway scraps, or any other refuse from building or remodeling, large containers, or large household items shall not be accepted or picked up as part of the regular garbage collection service contract.

('85 Code, § 9-1.5) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.06 YARD WASTE

Yard waste will be accepted under certain conditions and at defined times under a contract separate from the standard waste collection contract. Permissible, properly bundled or bagged, yard waste must not be placed at roadside for collection more than two weeks prior to a scheduled collection. Property owners who are found in violation may receive written notice from the town that they are in violation of town ordinance in that regard. Those so affected will be asked to correct the situation so they come into compliance with the code or receive a civil fine of \$50 per day per offense.

§ 50.07 TRANSPORTING WASTE MATERIALS; COVERING DURING TRANSPORT.

All persons transporting waste material, construction material, or any manner of loose materials over the public or private roadways in the town shall insure that such materials are not lost or scattered on or along the rights-of-way of such roadways. These materials shall be securely covered during transit in such manner as to prevent the loss thereof from the transporting vehicle.

('85 Code, § 9-1.7) (Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.08 RENTAL HOMES.

(A) Rental homes, as defined in Chapter 157, that are rented as part of the summer rental season, are subject to high numbers of guests, resulting in large volumes of trash. This type of occupancy use presents a significantly higher impact than homes not used for summer rentals. In interest of public health and sanitation and environmental concerns, all rental homes shall have a minimum of one trash can per two bedrooms. Homes with an odd number of bedrooms shall round up (for examples one to two bedrooms - one trash can; three to four bedrooms - two trash cans; five - six bedrooms - three trash cans, and the like). In instances where three trash cans or more are required, one can may be substituted with a contractor approved recycling bin.

(B) Any property found in violation of division (A) above shall be subject to the penalties listed in § 50.99.

(Ord. 07-13, passed 11-27-07)

§ 50.99 PENALTY.

(A) Criminal. Violators of Chapter 50 will not be subject to a criminal penalty.

(B) Civil. ~~In accordance with § 10.99(B) of this code of ordinances, the civil fine for violation of any provision of this chapter shall be \$50 per day per offense.~~ Any person who violates any provision of the chapter shall be subject to a \$50 per day civil fine in accordance with § 10.99(B) of this code of ordinances.


('85 Code, § 9-1.8) (Ord. 5, passed - - ; Am. Ord. 7-87, passed 6-1-87; Am. Ord. 10-90, passed 5-15-90; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 99-02, passed 2-8-99)

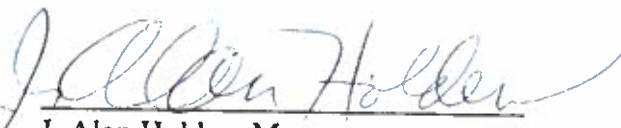
Section Two: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

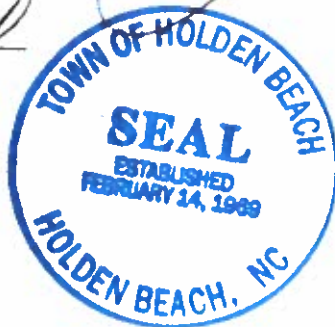
Section Three: This ordinance shall be effective the 20th day of March, 2019.

Adopted this the 19th day of March, 2019.

ATTEST:


Heather Finnell, Town Clerk


J. Alan Holden, Mayor



**TOWN OF HOLDEN BEACH
ORDINANCE 18-16**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
CHAPTER 50: SOLID WASTE**

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Chapter 50: Solid Waste be amended as follows:

Section One: Amend Chapter 50: Solid Waste to read as follows:

CHAPTER 50: SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Container specifications
- 50.03 Burning or burying of garbage regulated
- 50.04 Accumulation and collection
- 50.05 Collections prohibited
- 50.06 Yard waste
- 50.07 Transporting waste materials; covering during transport
- 50.08 Rental homes
- 50.99 Penalty

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING MATERIAL SCRAP. All scrap material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign or other structure, including, but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, insulation, fixtures (e.g., commodes, sinks) or wrappings for materials or any other materials necessary for the construction, reconstruction, remodeling or repair of a building.

GARBAGE. All animal, fruit and vegetable matter, all small cans, glassware, crockery, bags, and other small containers in which matter has been left or stored.

LARGE HOUSEHOLD ITEMS. Accessories or fittings for a particular use inside, outside or around a house including but not limited to tables and chairs; sofas and recliners; bed frames;

dressers; mattresses and box springs; small electronics such as computers and televisions; refrigerators; ovens and microwave ovens; washing and drying machines.

PUTRESCIBLE WASTE. Solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odors and to be capable of attracting or providing food for birds or animals.

REFUSE. All other types and kinds of materials intended to be discarded, scrapped, or otherwise disposed of.

RECYCLABLE REFUSE. Types and kinds of materials intended to be discarded, scrapped or otherwise disposed of that are defined as recyclable material under the current waste collection contract, e.g., cardboard; newspaper; magazines; small metal and glass containers and certain type of plastic containers in which matter has been stored and possibly residues left.

SUMMER RENTAL SEASON. The period of time that garbage collection occurs twice weekly per town contract.

YARD WASTE. All wastes pertaining to a landscaped/managed property, including but not limited to tree limbs, leaves, shrubbery, weeds, plants or grass.

('85 Code, § 9-1.1) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90)

§ 50.02 CONTAINER SPECIFICATIONS.

(A) Residential requirements.

(1) Garbage will be kept only in contractor-owned and provided standard, 90-gallon capacity roll-out containers. Each residence is authorized one container; however, additional containers are available for a set monthly fee.

(2) Recyclable refuse can be disposed of in standard garbage containers. Alternatively, 90 gallon capacity containers for recyclable materials only are available by contract through the town for a set annual fee. They will be provided to a property in addition to, not in replacement of, the required number of garbage containers.

(3) Property owners are responsible to assure they have sufficient 90-gallon containers to properly contain refuse prior to collection. Garbage placed on top of or beside the container(s) will not be picked up by the contractor, nor will garbage placed in non-standard containers.

(B) Commercial requirements.

(1) All commercial establishments catering to the public in such a manner as to create refuse shall be required to place an adequate number of refuse containers in such positions and locations as to encourage their use.

(2) All such commercial related containers shall be maintained in a sound and presentable condition.

(C) No person shall throw, place, or deposit any garbage or refuse of any kind, in any place or in any public or private property, except in approved containers or as otherwise provided in accordance with the provisions of this section.

(D) Containers on town-owned property and other public areas are for the use of the town and for the general use of residents and visitors using the public areas. It shall be unlawful for anyone otherwise to place commercial or residential waste or refuse into such containers.

('85 Code, § 9-1.2) (Ord. 5, passed - - ; Am. Ord. 93-18, passed 10-20-93; Am. Ord. 94-02, passed 2-7-94; Am. Ord. 95-06, passed 2-22-95) Penalty, see § 50.99

§ 50.03 BURNING OR BURYING OF GARBAGE REGULATED.

It shall be unlawful to burn or bury garbage or trash for the purpose of disposal unless a special permit has been issued by the Town Police Department.

('85 Code, § 9-1.3) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.04 ACCUMULATION AND COLLECTION.

(A) All garbage and household refuse shall be kept in proper containers as required by this chapter and it shall be unlawful for any person to permit garbage to accumulate or remain on any premises longer than is reasonably necessary for its removal. It is the intent of the town that all containers be secured in such a manner either next to non-elevated or underneath elevated houses, except on collection days when they are to be placed at street side, so that the town street right-of-way remains clear of empty containers, and so that containers are not damaged or overturned by high winds or other occurrences. Containers will be located at street side no earlier than 6:00 p.m. the evening before designated collection days during the summer rental season. For the rest of the year containers will be located at street side no more than 48 hours before the designated collection. All containers should be returned to the normal house-side storage location by 6:00 p.m. the day after collection.

(B) It shall be the duty of every owner or occupant of every building or premises where garbage or refuse exists, to reasonably and regularly clean the 90-gallon containers and other legal refuse collection containers.

(C) The owners, occupants and lessees of all property, jointly and severally, are required to control all refuse, placing such refuse in proper containers and/or arranging for collection or other disposal disposition in accordance with the provisions of this chapter.

(D) Garbage and household refuse will be collected and removed from the aforesaid containers or cans in accordance with the schedule set forth in the garbage collection service contract, executed independently from this chapter.

(E) This chapter shall be enforced by the town either by civil proceedings or by removing and disposing of litter according to the provisions and procedures for abatement of litter as provided in this chapter and as prescribed by G.S. 160A-174, 160A-175, 160A-193, and 160A-303.1, including the provisions for notice and hearings provided or referred to therein.

§ 50.05 COLLECTIONS PROHIBITED.

All matter, refuse, and materials such as industrial refuse, building materials and scraps, tree trimmings, walkway scraps, or any other refuse from building or remodeling, large containers, or large household items shall not be accepted or picked up as part of the regular garbage collection service contract.

('85 Code, § 9-1.5) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.06 YARD WASTE

Yard waste will be accepted under certain conditions and at defined times under a contract separate from the standard waste collection contract. Permissible, properly bundled or bagged, yard waste must not be placed at roadside for collection more than two weeks prior to a scheduled collection. Property owners who are found in violation may receive written notice from the town that they are in violation of town ordinance in that regard. Those so affected will be asked to correct the situation so they come into compliance with the code or receive a civil fine of \$50 per day per offense.

§ 50.07 TRANSPORTING WASTE MATERIALS; COVERING DURING TRANSPORT.

All persons transporting waste material, construction material, or any manner of loose materials over the public or private roadways in the town shall insure that such materials are not lost or scattered on or along the rights-of-way of such roadways. These materials shall be securely covered during transit in such manner as to prevent the loss thereof from the transporting vehicle.

('85 Code, § 9-1.7) (Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.08 RENTAL HOMES.

(A) Rental homes, as defined in Chapter 157, that are rented as part of the summer rental season, are subject to high numbers of guests, resulting in large volumes of trash. This type of occupancy use presents a significantly higher impact than homes not used for summer rentals. In interest of public health and sanitation and environmental concerns, all rental home shall have a minimum of one trash can per two bedrooms. Homes with an odd number of bedrooms shall round up (for examples one to two bedrooms - one trash can; three to four bedrooms - two trash cans; five - six bedrooms - three trash cans, and the like). *In instances where three trash cans or more are required, one can may be substituted with a contractor approved recycling bin.*

(B) Any property found in violation of division (A) above shall be subject to the penalties listed in § 50.99.

(Ord. 07-13, passed 11-27-07)

§ 50.99 PENALTY.

(A) Criminal. *Any person who violates any provision of this chapter shall be subject to the penalty provided in § 10.99(A) of this code of ordinances. Violators of Chapter 50 will not be subject to a criminal penalty.*

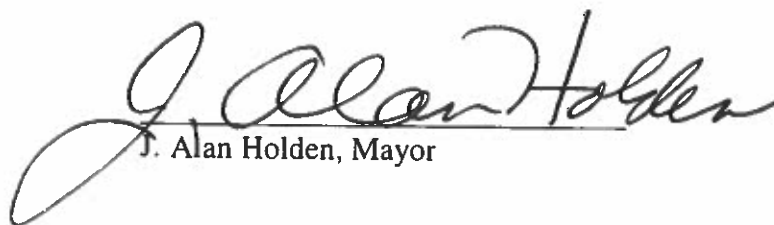
(B) Civil. In accordance with § 10.99(B) of this code of ordinances, the civil fine for violation of any provision of this chapter shall be \$50 per offense.

('85 Code, § 9-1.8) (Ord. 5, passed - - ; Am. Ord. 7-87, passed 6-1-87; Am. Ord. 10-90, passed 5-15-90; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 99-02, passed 2-8-99)

Section Two: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective the 19th day of December, 2018. Penalties will not be enforced until May 1, 2019.

Adopted this the 18th day of December, 2018.


J. Alan Holden, Mayor

ATTEST:


Heather Finnell, Town Clerk





[Home \(https://www.emeraldisle-nc.org\)](https://www.emeraldisle-nc.org) [Visit \(/visit\)](#) [Garbage & Recycling \(/garbage-recycling\)](#)

Garbage & Recycling

When is trash/recycling picked up?

(Magnets containing pickup schedules and recyclable information are available at Town Hall)

Residential trash is collected twice per week all year long by the Town's solid waste contractor Simmons & Simmons Management, Inc.

The schedule is as follows:

- Mondays: first ocean-side trash collection
- Tuesdays: first sound-side trash collection
- Wednesdays: entire Town recycling collection
- Thursdays: second sound-side trash collection
- Fridays: second ocean-side trash collection.

Ocean-side includes all locations on the south side of NC 58 and Coast Guard Road, and The Point area. Sound-side includes all locations on the north side of NC 58 and Coast Guard Road.

Trash dumpsters at condominium complexes will continue to be emptied every Monday throughout the town, with additional collections scheduled for every Friday, only if necessary.

Recyclables are collected throughout the entire town each Wednesday. [\(See What is Accepted\) \(/Data/Sites/1/media/pdfs/recycle-gfl-accepted-list.pdf\)](#)

Another feature of the Town's contract with Simmons & Simmons is that personnel also roll-BACK trash and recycling containers approximately 30 feet from the road after collection. The initial roll-OUT is still the responsibility of the resident, property owner, and/or vacation rental company.

Garbage and/or recyclable containers may be placed adjacent to the street no earlier than 12:00 p.m. the day before collection and must be returned to an acceptable location by 9:00 a.m. on the day after collection.

Application for Handicapped Service

(</Data/Sites/1/media/pdfs/applicationhandicappedservice-garbage-recycling.pdf>)- please call our office at 252-354-3424 for more information.

What type of trash will be picked up?

The regular trucks will pick up:

- Household garbage and refuse
- Broken furniture, mattresses, bedsprings
- Beach chairs
- Small lawn mowers (fluids must be drained)
- Small counter-style appliances
- Grills
- Small household items
- Empty paint cans or cans with a small amount of residual dry paint

Regular collection will not pick up:

- Construction & Demolition (C&D) Materials – Examples include: Lumber, boards, windows, cabinetry, siding, shingles, asbestos, doors, toilets, drywall, plaster, carpeting/padding, flooring, tile, concrete, bricks and pavers, landscape timbers, pallets, and similar items.
- White goods/Large Appliances* – Examples include, Refrigerators, Stoves, Washers, Dryers, Dishwashers, Hot Water Heaters, and similar items.
- Vegetative Debris/Yard Waste* – Examples include, leaves, small limbs and branches, grass clippings, vegetative clippings, and similar items.
- Televisions & Monitors – Examples include, computers, monitors, televisions, and similar items.
- Hazardous Materials** – Examples include, paint, chemicals, cleaners, oil and filters, fuel, and similar items.
- *Please note: The Town offers a once a month curbside pick-up for white goods. Please call Town Hall at 252-354-3424 to schedule a pick up as described below. The Town also offers weekly curbside vegetative debris/yard waste pick-up as described below.

**Once a year the NC Cooperative Extension Service and the Coastal Environmental Partnership sponsor a Household Hazardous Waste Collection Day in Carteret County. They accept: latex and oil paints, used motor oil, lawn and garden fertilizer and pesticides, farm pesticides, gasoline, drain openers, paint thinners, cooking oil,

anti-freeze and batteries. Learn more about the next scheduled collection at: <http://www.cepnc.org/hazardous-waste.html> (<http://www.cepnc.org/hazardous-waste.html>).

- Carteret County offers several options for proper disposal of each of the other materials which may not be picked up curbside. Please check Carteret County's helpful website here - <http://www.carteretcountync.gov/470/Solid-Waste-Recycling> (<http://www.carteretcountync.gov/470/Solid-Waste-Recycling>), or call [252 648-7878](tel:2526487878).

Carteret County offers several area convenience locations which have the following hours of operation:

Monday, Tuesday, Thursday, Friday, and Saturday	7 AM – 6 PM
Wednesday	2 PM – 6 PM
Sunday	1 PM – 6 PM

What are the specific regulations concerning garbage containers?

Refuse Containers

- All residential units, regardless of type of residential use, will be required to provide "adequate containment" of all refuse and recyclables.
- All residential units will be required to use standard 65-gallon or 90-gallon roll-out containers. Those who are physically unable to use 65-gallon or 90-gallon containers can receive authorization to use standard 40-gallon containers for residential refuse. A doctor's note or handicapped parking card is required to receive authorization to use standard 40-gallon containers. These individuals are urged to contact Town Hall for this special authorization.
- All residential vacation rental units will be required to use one standard 90-gallon roll-out container per 3 bedrooms.

Recycling Containers

The Town has experienced a significant increase in the volume of recyclables collected over the past few years, and has experienced more instances of overflowing recyclables.

The Town discontinued the sale of the 18-gallon open recycling bins in late 2012, and all permanent residents and second home owners are now required to utilize a minimum of one 40-gallon (or larger) roll-out recycling container.. Vacation rental units are now required to

utilize a minimum of one 90-gallon roll-out recycling container for each 3 bedrooms in the vacation rental unit.

90-gallon and 40-gallon roll out recycling containers, are available for sale at Sound ACE Hardware.

The Town now requires all permanent and second-home residential units to utilize at least one 40-gallon roll out recycling container, and requires all vacation rental units to utilize at least one 90-gallon container for each 3 bedrooms in the unit.

The Town does not sell the containers, they should be purchased at Sound ACE Hardware, located in the Emerald Plantation Shopping Center.



You may purchase your container at any store other than Sound ACE Hardware but the container must be compatible with the styles of container as pictured here in order to be compatible with the trucks

What type of recycling will be picked up?

Recyclables can be co-mingled in your recycling container. Items permitted are:

DON'T TANGLE OR CONTAMINATE
RECYCLE MORE
 FOR A GREENER STATE



<p>PLASTIC</p> <p>Bottles, tubs, jugs and jars</p> <p>No pumps Empty and rinse</p>	<p>METAL</p> <p>All cans</p> <p>Empty and rinse</p>
<p>GLASS</p> <p>Bottles and jars</p> <p>Empty and rinse</p>	<p>PAPER</p> <p>Paper, cartons and cardboard</p> <p>Flatten cardboard</p>

KEEP THESE OUT OF THE RECYCLING BIN!

- Aerosol cans
- All batteries (car, lithium, etc.)
- Ceramic items
- Clothing or textiles
- Diapers
- Disposable cups (disks and paper)
- Electronics
- Food-soiled items
- Household glass
- Medical waste
- Hazardous waste
- Plastic bags/wrap
- Scrap metal/wood
- Shredding paper
- Styrofoam/peanuts
- Tanglers (cords, hoses, wires, etc.)
- Tires
- Toys

PLEASE DON'T BAG YOUR RECYCLABLES!

* Take clean and dry plastic bags and wrap back to the grocery store.

SONOCO
 RECYCLING

GFL
 GROUP FLEX

Paper ALLOWED

- Newspaper
- Brochures
- Catalogues
- Magazines
- Junk Mail
- White Paper
- Phone Books
- Colored Paper

- Paper Bags
- Computer Paper
- Soft Covered Books
- File Folders
- Cereal Boxes
- Cardboard Boxes
- Orange Juice Cartons

PROHIBITED

- napkins
- tissues
- paper plates

Please do not put anything in bags. Please keep clean and dry. Thank you.

Plastic

ALLOWED

- #1 through #7 plastic containers (look on bottom to identify)

PROHIBITED

- grocery
- sandwich bags
- 5 gallon buckets
- Styrofoam
- plastic grocery type bags

Glass

ALLOWED

- Clear, brown and green glass containers

PROHIBITED

- ceramic or porcelain cups and plates
- drinking glasses or stemware
- heat resistant ovenware
- light bulbs, mirrors or window panes

Metals

ALLOWED

- Aluminum and steel cans

PROHIBITED

- pie pans
- foil
- cans that have contained hazardous waste (oil, insecticide, paint etc.)

You may also want to visit the Carteret County Solid Waste & Recycling webpage for more information at http://www.carteretcountygov.org/waste_recycle.asp (http://www.carteretcountygov.org/waste_recycle.aspx).

Learn more about Wheels For Wishes. Wheels For Wishes is a car donation program benefiting Make-A-Wish® Eastern North Carolina. The Wheels For Wishes Program is proud to offer an easy way to recycle or donate unwanted cars, trucks, motorcycles, SUVs, RVs, or even boats, by turning them into a wish for a local child. Visit their website at <http://eastnc.wheelsforwishes.org> (<http://eastnc.wheelsforwishes.org/>).

Cars To Cure Breast Cancer accepts donated vehicles and either recycles or auctions them off. Earned proceeds from the sale of the vehicle benefit The Breast Cancer Research Foundation. All donations help to fund breast cancer research so that we can one day see a cure for breast cancer.

Visit their website at <http://www.carstocurebreastcancer.org/north-carolina/> (<http://www.carstocurebreastcancer.org/north-carolina/>).

Racks

Solid waste racks will no longer be permitted in the Town's right-of-way. Solid waste racks will be permitted on private property, however racks and containers must be permanently stored at least 30 feet from the public right-of-way or behind the front or side wall of the structure.

How can I dispose of White Goods/Large Appliances?

Effective July 1, 2008 the Town will no longer charge a fee nor require a sticker for white goods pickup. The Town will only require that you notify Town Hall to add your white goods collection point to our list for pickup. The Town will then pick up these white goods items on the 2nd Friday of each month. Please note that you can call in the white goods collection point by dialing 252-354-3424 or requests can also be made via email by [clicking here \(mailto:gknapp@emeraldisle-nc.org?subject=Comments%20from%20Website\)](mailto:gknapp@emeraldisle-nc.org?subject=Comments%20from%20Website). You

may also haul your own appliances to the county drop site which is located about 4.5 miles north on Hwy 58 from the bridge, then turn left on West Fire Tower Rd. You need to show identification that you are an Emerald Isle resident.

How can I dispose of Brush & Yard Debris?

The Town's yard waste collection service utilizes an automated brush truck that can be operated by one Town employee. The yard waste collection service is provided as follows:

Effective August 1, 2013 it is no longer necessary for residents and property owners to call the Town to be placed on a list for yard debris collection. Town staff will now be making a continuous pass through all streets in the Town, and will begin each week on NC 58 and the eastern limits of Town, and work west toward The Pointe. The Town's goal is to collect all yard debris within one week of placement at the edge of the street. During periods with extremely high yard debris volumes and collection points, it may take as much as two weeks to collect all yard debris.

The Town is pleased to offer these popular services to our residents and property owners. Yard debris collection services are funded exclusively by the Town's annual solid waste fee (which also funds all residential trash, recycling, and beach strand collection).

The guidelines allow for maximum 8 ft. long segments with no limit on the diameter. The automated brush truck is able to pick up the large yard waste items with no difficulty.

Please note that yard debris, leaves, etc. must be placed loosely in neat, separate piles at the street-side. Yard debris must not be bagged.

The Town's service is available for developed lots only. The yard waste collection service is funded 100% by the Town's annual solid waste fee, and this fee is paid by the owners of developed lots only.

The Town does not collect construction debris. This type of debris can be disposed of at the West Firetower Road site (off Highway 58) or the Newport Transfer Station on Hibbs Road (between US 70 and NC 24) in Newport.

7500 Emerald Drive
Emerald Isle, NC 28594
p: (252) 354-3424
f: (252) 354-5068

Commissioner Sullivan requested an update on the January 8, 2021 THB Parking Committee meeting be placed on the agenda for the January 2021 Board of Commissioners meeting.

Meeting Time: January 8, 2021, 10:0 AM - 12:00 Noon

Meeting Location: Holden Beach Town Hall - Public Assembly Room

Meeting Attendees:

- Commissioner Brian Murdock
- Commissioner Woody Tyner
- David Hewett, Town Manager
- Christy Ferguson, Assistant Town Manager
- Heather Finnell, Town Clerk
- Tim Evans, Planning Director
- Rhonda Wooten, Planning & Inspections Department
- Lt. Frank Dilworth, Police Department
- Scott Cunningham, Public Works Department

Meeting Agenda

1. Call to Order
2. Public Comments
3. Review of Initiative Approved by the Board of Commissioners and Agreement on Initiative Deliverables
4. Review of Previous Work Completed in 2019 by the Parking Citizens Advisory Committee (CAC)
5. Determine Specific Work Efforts and Timelines
6. Determine Next Meeting Date
7. Adjournment

Meeting Summary

1. Commissioner Tyner reviewed the request presented at the December BOC meeting to establish a parking committee and the draft minutes of the BOC discussions on the request.
2. Planning Director Tim Evans reviewed at a high level the work completed in 2019 by the Parking CAC.
3. Commissioner Murdock emphasized the need to prioritize various tasks in such a manner to achieve progress sooner than later. All meeting participants agreed with this approach.
4. After discussions and input from all the meeting participants, the following tasks were agreed upon to be completed by Town staff by the next meeting:
 - Develop the cost and work estimates and estimate the number of potential parking spots that would result from building a knee-high bulkhead across the town owned properties in the 800 block of Ocean Boulevard West (OBW) to create new parking lots.
 - Develop the cost and work estimates and estimate the number of potential parking spots utilizing the two cross-through streets between OBW and Brunswick Avenue West.
 - Develop the cost and work estimates and estimate the number of potential parking spots by creating angled parking spots on Avenue A.

- Investigate the potential of using the space previously known as Hillside Drive where Ocean Boulevard East ends and McCray Street begins on the ocean side for potential parking spots. If the use of this space is feasible, develop the cost and work estimates and estimate the number of potential parking spots.

Town staff agreed the above work could be completed within several weeks mostly using previously developed information.

The meeting participants agreed to meet at the same time the first Friday of each month in 2021 as needed to continue the work on parking opportunities and challenges.

Meeting adjourned at 12:00 noon.

Budget Report ao 31 Dec 2020

Budget Report ao 31 Dec 2020

- Mid Year Two Quarters
- Highlights
- General, H2O, BPART, Canal Dredging
- W&S; BPART appear to be “In the Red”
 - But they aren’t.....

Budget Report ao 31 Dec 2020

- “Like Tax” Collections = On course
 - Ad Valorem, Sewer Capital, Canal Dredging
- Major NC Dist Revs up: Sales Tax @65%, Utilities franchise @50%
- Bldg Insp Revs up @65%
- “Covid Refugees” Syndrome
 - W&S Use Charges @ 65%; Occ Tax @ 102%

<u>Fund</u>	<u>Budget</u>	<u>Actual+Enc</u>	<u>Delta</u>	<u>ACT+Enc</u> Budget
<u>General</u>				
Revenue	3,631,082	2,597,035	1,034,047	72%
Expense	3,631,082	1,530,757	2,100,325	42%
NET	0	1,066,278		
<u>H2O & Sewer</u>				
Revenue	5,069,218	2,103,685	2,965,533	41%
Expense	5,069,218	2,756,866	2,312,352	54%
NET	0	653,181		
<u>BPART</u>				
Revenue	29,611,604	2,636,411	26,975,193	9%
Expense	29,611,604	3,538,125	26,073,479	12%
NET	0	901,714		
<u>Canal Dredge</u>				
Revenue	2,708,557	266,929	2,441,628	10%
Expense	2,708,557	31,828	2,676,729	1%
NET	0	235,101		

Budget Report ao 31 Dec 2020

- Highlights
- General, H2O, BPART, Canal Dredging
- **"In the Red"; however,**
 - no IFund transfers
 - no FBs used
- Monthly Budget to Act @ hbtownhall.com