



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

**Tuesday, August 15, 2023
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, AUGUST 15, 2023 - 5:00 P.M.**

PUBLIC HEARING: Final Application for the Block Q Restroom Facility as Part of the 2023 – 2024 Public Beach and Waterfront Access Grant

REGULAR MEETING:

1. Invocation
 2. Call to Order/ Welcome
 3. Pledge of Allegiance
 4. Agenda Approval
 5. Approval of Minutes
 - a. Minutes of the Special Meeting of July 18, 2023 (Page 1)
 - b. Minutes of the Public Hearing/Regular Meeting of July 18, 2023 (Pages 2 – 11)
 6. Public Comments on Agenda Items
 7. Police Report – Chief Dixon (Pages 12 – 24)
 8. Inspections Department Report – Inspections Director Evans (Pages 25 – 26)
 9. Discussion and Possible Action on the Final Application for the Block Q Restroom Facility as Part of 2023 – 2024 Public Beach and Waterfront Access Grant (Block Q) – Assistant Town Manager Ferguson (Pages 27 – 56)
 10. Discussion and Possible Action on Resolution 23-11, Resolution Authorizing the Negotiation of an Installment Financing Contract and Providing for Certain other Related Matters Thereto – Assistant Town Manager Ferguson (Pages 57 – 63)
 11. Discussion and Possible Action on Identifying Additional Sources of Funding for Sewer Lift Station – Mayor Holden
 12. Discussion and Possible Action on Town of Holden Beach Code of Ordinances, Section 94.06: Placing Obstructions on the Beach – Commissioner Murdock (Pages 64 – 68)
 13. Public Comments on General Items
- BOC Agenda 08/15/23

14. Town Manager's Report
15. Mayor's Comments
16. Board of Commissioners' Comments
17. Adjournment

* Visit <https://www.facebook.com/holdenbeachtownhall/> to watch the livestream of the meeting. Public comments can be submitted to heather@hbtownhall.com prior to 12:00 p.m. on August 15, 2023.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
TUESDAY, JULY 18, 2023 – 4:45 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Tuesday, July 18, 2023 at 4:45 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock and Page Dyer; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; and Town Attorney Rick Green. Commissioner Gerald Arnold was unable to attend the meeting.

Mayor Holden called the meeting to order.

PUBLIC COMMENTS

No comments were made.

INTERVIEWS FOR TOWN BOARDS

There were no applicants to interview.

ADJOURNMENT

Motion to adjourn at 4:49 p.m. by Mayor Pro Tem Smith; second by Commissioner Murdock; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
PUBLIC HEARING/REGULAR MEETING
TUESDAY, JULY 18, 2023 – 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, July 18, 2023 at 5:00 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock and Page Dyer; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Police Chief Jeremy Dixon; and Town Attorney Rick Green. Commissioner Gerald Arnold was unable to attend the meeting.

PUBLIC HEARING: ORDINANCE 23-12, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 157: ZONING CODE (LOT COVERAGE)

Inspections Director Evans reviewed his slideshow. He explained other municipalities have a little more leniency when it comes to the percentage of stormwater. He has received some feedback on the proposed amendments. The current ordinance has a maximum lot coverage of 30%. We have a maximum house size of 6,000 square feet and increments in setback increases with the size of the lots; because of that we decreased the percentage of stormwater you can have on a lot, trying to keep houses from being so large. He reviewed the current regulations. Staff is proposing to increase the allowed percentage of impervious coverage, built upon area, from 30% to 40%. He explained the proposed amendment and provided information on other municipalities' regulations. The proposed increase would assist older homes with nonconformance issues when they are trying to renovate; add to the tax base and increase structural value; provide a positive economic impact; and allow stormwater management and regulations on a structure that previously did not participate. He explained stormwater must be contained onsite.

No comments were made.

Mayor Holden closed the Public Hearing at 5:16 p.m.

REGULAR MEETING

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

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

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve the minutes for our Special Meeting on June 15th (2023) and the Regular Meeting on June 20th (2023); second by Commissioner Murdock; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Jim Bauer talked about stormwater. He asked where the water resulting from the new bike lane is going to go and if it will be treated. Mr. Bauer asked how we are paving another quarter square mile of the island if we are going to do this and we are worried about the environment.

Rick Paarfus said he hopes it ends up that nothing else is done on the bulkhead issue. At the last Planning & Zoning Board meeting it appeared that most people didn't want a new ordinance. He shared his concerns with changing the definition of impermeable and it not meeting ASDM requirements. Mr. Paarfus asked that for the public hearing on the waterway access grant, the amount of the grant, encumbrances and requirements for accepting the grant be made public.

Town Clerk Finnell said the comments submitted online were added to the website.

POLICE REPORT – CHIEF DIXON

- Went over the report. They added a category called warning compliant. He reviewed what the category means.

Mayor Pro Tem Smith said he noticed several low-speed vehicles stopped, being given warnings. In the past week, he has noticed more people wearing seatbelts since we have been talking about this. He said the Police Department's enforcement techniques are making an impression.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Busy, went over report. Inspection numbers currently do not include dunes that are staked and code enforcement when people have complaints. The new system will track those numbers. The date for that will be in October. Will run both systems at the same time for people who are trying to transition.
- Project Report – the following projects are in progress:
 - Avenue E handicap ramp and emergency access, bathrooms with access decking to extend 6' beyond the last line of stable vegetation – The CAMA permit is on hold. The neighboring property refused to sign the notice so it is on hold until the time period expires per DCM's rules.

- 114 OBE handicap compliant parking with pervious concrete, bathroom, ramp improvement with access decking at landing to extend 5' beyond the last line of stable vegetation – we have a permit. We have the estimates to do the concrete and are working with staff to get the infrastructure put in. We are waiting for the bathroom design to be completed.
 - 801 OBW – we have a hardened surface to be applied to the emergency access to support Town vehicles, as well as emergency vehicles and access decking to extend out 6' beyond the last line of natural stable vegetation. The CAMA permit has been approved. We are waiting for estimates for that work to come in.
 - Jordan Boulevard ADA parking, specifically van accessible and one handicap spot to be brought level with the sidewalk, properly marked with common access routes – this requires concrete removal and replacement. We have a timeframe we need to wait in between pours. We are hoping to work that in the week in between so we can coordinate the projects. When we can get the infrastructure in at 114 OBE will determine when we can start.
 - Halstead is complete except for the delineation of the parking area.
 - 915 ADA walkway is supposed to start construction this week.
 - Pier Project – new portion of the pier ADA ramp and Hatteras ramp CAMA permits are imminent for issuances. A CAMA exemption for the seaward portion of the pier has been issued.
- Staff has completed the Community Rating System Reevaluation. We need to be reevaluated every year to keep the number we have which helps get a reduction in flood insurance. If we don't have it completed, the Town loses the 15% reduction.
 - Pierhead Item - the Planning & Zoning Board (P&Z) made a motion to engage and create a committee to look at the canals. That item will need to go back to them so he can explain only the Board can set a committee. The P&Z meeting was full of people. Most of them were against making any changes. Provided information on the property that started the process. If the Board would like, they could send a directive to P&Z that they no longer need to discuss the matter.

Mayor Pro Tem Smith stated CAMA has the rules. They just need to be notified if someone is in violation. He thinks the item has taken care of itself and no further action is necessary. Inspections Director Evans said if DCM enforces their rules, they do work.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 23-12, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 157: ZONING CODE (LOT COVERAGE)

Town Clerk Finnell explained the ordinance was prepared based on the information Inspections Director Evans provided. P&Z has reviewed the proposed changes and created a Statement of Consistency. The required public hearing has been held.

Motion to approve Ordinance 23-12 and accept the Statement of Consistency; second by Commissioner Murdock; approved by unanimous vote.

UPDATE ON PROPOSED CHANGES TO HOLDEN BEACH CODE OF ORDINANCES, SECTION 157.025 BULKHEADS ON LOTS

The consensus of the Board is to not send the item back to P&Z.

DISCUSSION AND POSSIBLE ACTION ON HOLDEN BEACH CODE OF ORDINANCES, SECTION 157: ZONING CODE (ACCESSORY USES)

Mayor Holden provided background. Inspections Director Evans said you can have a bulkhead, that is not an accessory structure. You cannot have a floating dock or a pier without a principal structure. He said for years, piers and docks were not identified at the state level or local level as an accessory structure. From 2018 – 2022, they were exempt. In January 2022, the Building Code Council changed the code. They are no longer exempt. Piers and docks were considered accessory structures at that time. It is allowed under commercial districts because it is listed under permitted uses. Excluding piers and docks from being considered an accessory structure was discussed. Inspections Director Evans suggested making it clear the activities that are allowed if the Board makes a change to the ordinance.

The consensus of the Board is to have Inspections Director Evans develop an ordinance for the Board's review.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE TO HOLD A PUBLIC HEARING FOR THE 2023 – 2024 PUBLIC BEACH AND WATERFRONT ACCESS GRANT (BLOCK Q)

Assistant Town Manager Ferguson explained the Town has been asked to submit a final application for the Public Beach and Waterfront Access Grant Program for Block Q restroom facilities. The final application is due August 28th. Staff suggested holding the required public hearing on August 15th.

The Board came to a consensus to schedule the public hearing for 5:00 p.m. on August 15th.

SEWER LIFT STATION 2/EPA GRANT UPDATE

Assistant Town Manager Ferguson said the Town engaged with a new project coordinator with the EPA and to date we have met all requirements on our end until we hear back about the NEPA review and whether it is needed for this project. Since we are working on someone else's timeline, the borrowing calendar will not mesh with the construction and federal calendars to complete the project this year. If the Town wants to continue to move toward EPA grant funding, we will need to postpone the project for one year. As an alternative, the Town could choose to fund the entire project to achieve a deliverable of construction this winter. She reviewed the calendars for moving forward. The federal money being discussed is part of the Congressionally directed spending, what was formally known as earmarks. It is administered through the EPA, which means we still must successfully apply. We have coordinated the categorical exclusions checklist with the engineer and staff. We coordinated the checklist and the required workplan with our first project manager. That one disappeared and we now have a second project manager. We have been having weekly meetings with them. We have attended several webinars. Assistant Town Manager Ferguson explained we just received final agency feedback regarding NEPA yesterday. Now the EPA will determine if a full NEPA review is needed. The Town cannot submit an application until the decision on a full NEPA review is made by EPA. The finance calendar with the

Local Government Commission (LGC) must mesh with the construction and application requirements. We are also required to send the information to the State Clearing House to see if they have an issue with the project. The EPA said that can't all be done by August because it will take too long on their end. The federal share that has been allocated to the Town if we successfully navigate our grant application is a little over \$2.6 million. Our match at a minimum is \$667,000. She said we know the project is projected to be more than that combined total, so we would be paying more. The decision point for the Board would be if they would like to take a chance on another hurricane season and the uncertainty on the costs of construction or pay for it through Town funding, borrowing and pay go. Town Manager Hewett reviewed two pay go options. They are not the only options. The first one is to replace the EPA money with cash and then borrow the other \$667,000. A second option is \$2 million in borrowing and \$1.4 million in cash. Assistant Town Manager Ferguson said if the Board is leaning towards construction this year, a decision would need to be made tonight because the first process starts August 1st. Town Manager Hewett said the current program in the approved budget does reflect the EPA grant funding and \$1 million sewer loan. Assistant Town Manager Ferguson said there are a lot of unknowns. It may seem cut and dry because you have \$2.6 million in federal funding, but if for some reason EPA comes back and said the Town would need to go through the full NEPA process, she is not sure the view would be worth the climb, how long it would take or what the construction costs would go up to.

Inspections Director Evans said the report he wrote to the CRS is based on the Hazard Mitigation Plan. The plan talks about the upfit of the lift stations. It had a timeline. Part of the upfits is tied to our resiliency and that is tied to our CRS. Last year, the report reflected we had to postpone it. The report did the same thing this year. He doesn't know how much effect continuing to postpone it has. Those are part of our critical facilities.

Public Works Director Clemmons stated his biggest fear is what the price tag will be if we wait until June of next year to put it out for bid. He said it is a risk; we have been lucky for a longtime to not get wiped out in a storm. He wishes the Town could get started as soon as possible. Mayor Holden asked if the current condition is good for another couple of years, other than the threat of a storm. Public Works Director Clemmons replied he doesn't think anything would break, unless we get flooded. Commissioner Dyer said if we go with the grant, it would be two hurricane seasons before construction.

Town Manager Hewett said the Town is in a good position with the cash on hand being right at \$3.8 million. You have the luxury of financing a portion with cash. He wouldn't recommend using all of it. He recommended the Town hold onto as much cash as we can regardless of what format we go with and borrow the residual. The funding was for the specific lift station. It can't be used for a different station. The Board discussed how long it would take and how to move forward. The Board agreed to open discussion to the audience.

Scott Bullock asked if there is an emergency process the Town could go into if the Town waited. Town Manager Hewett replied in a hurricane situation if the lift station was damaged, it would qualify to be fixed under FEMA as a Category F expense. There are accommodations for build backs that are above the previous conditions. The difference between the repair and upsizing would be paid for by the Town. If FEMA funds and grants funds could both be used was discussed.

Tom Myers said the way he understands it the Town is going to forfeit \$2.6 million because we don't want to wait. He said it is not guaranteed the repairs will make it bulletproof. The money was spent on Station 4 and it still went down in Ian. He doesn't see the urgency. Public Works Director Clemmons explained it went out of service, but it didn't wipe the station out and we had something to come back to. The scenario we are talking about is the station is gone and it would take three – four months of construction to get it back. Mayor Holden said to remember if we do not have utilities, North Carolina law doesn't allow you to come back to your house. Inspections Director Evans said if a storm comes through and wipes the station out, he cannot permit it to go back to where it is now. It is in violation now. It would need to be upfitted if it gets damaged beyond the point of repair based on the FEMA guidelines for a structure. He cannot permit it as it is now. It will need to be similar to what is planned. Public Works Director Clemmons explained it would be a lengthy process to rebuild.

Rick Paarfus stated he did water and sewer work for Wilmington. If the pump station goes out, it can be bypassed. He asked if the Public Works Director Clemmons looked into temporary structures that would buy a little freeboard around the station. Public Works Director Clemmons stated you can't bypass in a vacuum sewer system. He explained why adding walls wouldn't work. Inspections Director Evans added that is in a V-zone. A breach there will have wave action.

Jim Bauer stated he was in contracting for a long time, materials go up and down. He said you shouldn't base any decisions on material costs. He doesn't think that is viable unless you have concrete statistics.

Mayor Pro Tem Smith stated we have been talking about the grant money for quite some time. He thinks the Town needs to wait and get the grant money that was promised to us. Commissioner Murdock stated he has concerns both ways. One it would be a slap in the face to the advocacy group to push the grant back. At the same time, it would be catastrophic for the island to lose that station or any of them. He said if we decide to fund it, we will need to pull back somewhere else. We based this budget on getting the grant. He would like to roll the dice; it is a lot of money. Costs are coming down. Commissioner Murdock said we aren't guaranteed the grant; we should be ready to go the day we get it or don't get it. Commissioner Dyer stated the flooding and king high tides are getting higher and higher. It is getting worse. She talked about the strain on the Public Works Department after a storm comes through.

Motion by Mayor Pro Tem Smith to postpone the lift station 2 project for one year.

Public Works Director Clemmons said he needs to follow-up with Airvac because the equipment for that station has already been built and is on the floor. They delayed billing and shipping before. Once we receive it, the warranty will start ticking, whether it is in use or not. He thinks the cost is around \$200,000. Assistant Town Manager Ferguson explained the EPA would administer the grant through the drawdown method.

The motion was seconded by Commissioner Murdock.

Assistant Town Manager Ferguson stated if the motion was approved based on the work project plan that has been submitted to the EPA with a calendar that was prepared by the financial advisors and had a nod from the engineer, advertising for bids would start July 1, 2024; there would be a process that would include going to the LGC in September or October for our part of the funding; complete

construction would take 270 days which would end construction June 19, 2025; the system would be started on October 1, 2025; the project would be closed out November 1, 2025 and the EPA would do their certifications with the expected closeout being May 2, 2026. Commissioner Murdock said water, sewer, electricity and public safety come first. The presented timeline and the timeline for moving forward without the grant were discussed. The Board was provided with copies of the timeline. Mayor Holden asked what other major water/sewer expenses the Town can expect in the near future. Public Works Director Clemmons replied that the water tower is the big one, but it hasn't been determined yet. Water lines have been tested. The samples that were sent back came back good. Station 1 will need some work. Mayor Holden added we also have the fire station. The Board agreed to call Andrew Carter, our financial advisor.

The Board took a recess from 6:41 p.m. – 6:48 p.m.

Andrew Carter joined via conference call. Mr. Carter said moving forward now requires the Town to forego the grant. You have the threat of hurricane seasons when you work within the grant calendar. As far as moving forward without the grant, the issue of having to construct the project during the winter months creates a calendar where the Town would be going to the LGC at what he considers the worst time of the year. Mr. Carter reviewed LGC requirements. To meet the LGC requirements, it requires the Town to have bids and all major permits no later than September 12, 2023. He explained the schedule is tight. If something happens in the bid process, we don't have a lot of time to turn another bid around in order to meet the LGC schedule. He can get the money by October if we start to move forward now, but if wrinkles do pop up, it might force us out of an October approval with the LGC and we are stuck with next year's calendar, unless you want to start construction three to four months later, which he doesn't think is plausible with the specifications he has heard.

Mayor Pro Tem Smith asked what plan the Town should go before the LGC with. Town Manager Hewett suggested going with option 2 on the slides for financing, but the Board isn't limited to just the two options. Mr. Carter agreed option 2 or something similar is the better way to go. Town Manager Hewett explained payments would be determined by what the terms are. The Town cannot enter into a contract until we have the money borrowed.

Anne Arnold inquired about the timeline being discussed now. Assistant Town Manager Ferguson said August 1st for advertising for bids; bids would be received September 3rd; bids would be awarded no later than September 12th, which would require a special meeting; permits would be in hand by September 12th; we would go to the LGC for approval on October 3rd; would look to close the financing on October 11th; the notice to proceed would be issued October 12th; construction would begin October 22nd; they would end construction within 270 days.

Scott Bullock asked if it changes the timeline for approval if the bids come in higher than expected. Town Manager Hewett replied that the contract would be contingent on funding approved by the LGC. We have an engineer's estimate for costs.

Larry Blume asked if it will stop the federal funds if we start this process. Town Manager Hewett replied yes.

Rick Paarfus asked if the timeline takes into consideration the paving and bike lanes. Mayor Holden and Public Works Director Clemmons agreed it should not be an issue.

Terri Bullock suggested looking into a special assessment.

Mayor Pro Tem Smith said he originally thought the timeline would be setback one year. He is not sure holding off for three years would be economically sound. Town Clerk Finnell read the motion.

Mayor Pro Tem Smith withdrew his motion with Commissioner Murdock in agreement.

Public Works Director Clemmons said the station was not completely underwater in the past, but there was water to the top level of the station. If it had filled up there, you would not be able to recover that. He explained improvements are not made to run the sewer system during a hurricane, it is made to have something to come back to. Town Manager Hewett agreed.

Mr. Carter agreed Pay Go Option 2 is the more preferable option.

Motion by Commissioner Murdock that we proceed with self-funding lift station 2 as an extremely critical asset to this island in whatever way, shape or form that we have to do it; second by Commissioner Dyer.

Commissioner Murdock said he can't imagine the economic impact of not being able to get back over here because there was no sewer.

Commissioner Murdock amended the motion to add similar to Pay Go Option 2.

Town Clerk Finnell reviewed the motion. Commissioner Murdock agreed the motion is that we proceed with self-funding lift station 2 as an extremely critical asset to the island with financing similar to Pay Go Option 2.

Commissioner Murdock suggested looking at all aspects to pay for it. Mayor Pro Tem Smith confirmed the timeline and asked if there are any issues that could make the dates not happen. Town Manager Hewett said there are a whole lot of things that could go wrong with the schedule. It is extremely compressed.

The motion passed unanimously.

DISCUSSION AND POSSIBLE SELECTION OF MEMBERS TO SERVE ON TOWN BOARDS

Town Clerk Finnell provided background information.

Motion by Mayor Pro Tem Smith to approve the current eligible members of the Board of Adjustment and Parks & Recreation Advisory Board to serve another term (PRAB – Grace Bannerman, Melanie Champion, Mike Pearson and Candace Vick, BOA – Regular Members Anne Arnold, MaryLou Lahren and Phil Caldwell and Alternates Rick McInturf and Richard Roberts), second by Commissioner Dyer; approved by unanimous vote.

Motion by Commissioner Dyer to move Aldo Rovito to regular member and Mark Francis and Ashley Royal as alternate members; second by Mayor Pro Tem Smith; approved by unanimous vote.

PROMOTIONAL VIDEO FOR DOGS ON THE BEACH

Assistant Town Manager Ferguson introduced the new promotional video for dogs on the beach.

PUBLIC COMMENTS ON GENERAL ITEMS

Rick McInturf stated he is happy where the Board ended up with lift station. He recommended reaching out to our legislators to explain why this is the direction the Town took.

TOWN MANAGER'S REPORT

Town Manager Hewett reviewed his slideshow with the quarterly budget report. This is for the 4th quarter, ending June 20, 2023. We have not closed the books yet. There are still some outstanding transactions that need to take place, but it is pretty close. We have met requirements and paid all of our capital debt of \$3.69 million. All funds are in the black, except the water and sewer. Will explain that because it is not really in the black. We collected more ad valorem tax than we budgeted this year at 100.13%. We collected 103% of the sewer capital fees and 95% for canal dredging. Our sales and use tax is way up at 157%. Our utility franchise revenue is pretty much on track at 103%. Occupancy tax is the highest we have ever had at 111%, \$3.91 million. Building came in at 86%, \$291,000 and parking came in at 184%, \$548,000 for this budget year. He reviewed the budget numbers from his slides. All the transfers have been made except for the fund balance appropriations in these funds. Additionally, there are some other transactions in the Water & Sewer Fund. We have about \$260,000 of transfers in and also appropriated fund balance, which is about \$240,000 and then there is \$100,000 worth of expenses that are showing in this budget but will be rolled into the next year. With all that said, the negative \$144,000 is really a positive \$200,000 - \$250,000. In the BPART Fund we are \$539,000 ahead. For canal dredging, that is ahead by \$191,000. The monthly budget to actual is posted each month to the website.

MAYOR'S COMMENTS

- Commissioner Arnold was not able to attend the meeting. He had a funeral to attend.
- You have until Friday at noon to sign up to run for a Board of Commissioners' position. He encouraged everyone to give it strong consideration. Help your neighbors help Holden Beach be a better place.
- Appreciates everyone who volunteers for the various boards and committees within the Town. Tonight was a good example of a good group of volunteers putting their name in the hat to volunteer.
- Overall the summer seems to be doing reasonably well except for the weather. Hopefully will have good weather for the Band of Oz.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked everyone for coming out tonight. Nice to see this many people here that take an interest in what we are trying to do. This is not an easy position. We appreciate the interest and input.
- LSVs – sees more seatbelts on than used to. Still somewhat of a nuisance.
- Boat docks and canals – think made a good decision to let CAMA take care of that. If you see a neighbor that is physically too far out, we need to make sure the CAMA representatives are notified. We need to keep an eye on it.
- ADA – Inspections Director Evans and staff are doing a great job of moving it along.
- 796 looks good; best it's looked in years. Need to put thoughts into getting it rented and getting revenue.
- Been a good start to the summer.

Commissioner Murdock

- Appreciates everyone for coming out tonight. This position was a little gut wrenching tonight, when you have things at the last minute and you have a deadline. We all hope we make the right decisions most of the time. Hopes what we did was proactive in taking the path of least resistance to chance that the island would be closed for any period of time.
- There is some of the prettiest water he has ever seen.
- Thanked staff. Knows Inspections Director Evans is exhausted. We are making a lot of progress on a lot of hard stuff. Appreciates all of his work, Public Works Director Clemmons' and Chief Dixon's also.
- Thanks for coming out. We value your opinion.

Commissioner Dyer

- Thanked everyone for coming out. It is good to have people participating and giving their opinions. You wish you could make a budget and not have any bumps in the road, but she thinks an emergency situation that could prevent the people who live here from going home and the economic impact on the island would need to be put ahead of some projects. Hopes people understand we may have to push some projects. This is an emergency we need to deal with.
- Thanked staff for working hard. There are a lot of projects going on.
- Continue to enjoy the summer.

ADJOURNMENT

Motion to adjourn by Commissioner Murdock at 7:39 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Holden Beach Police Department

110 Rothschild St
Holden Beach, NC 28462
www.hbtownhall.com

Phone: 910-842-6707
Fax: 910-846-6907
hbp@hbtownhall.com



Calls For Service (July '23)

Printed on August 8, 2023

Descriptions	Totals	
911 Hang Up (911HU)	6	6
911 Open Line (OL)	1	1
Administrative Call	3	3
Alarm (SIG45 Signal 45)	6	6
Animal Control Call	11	11
Attempt to Locate (ATL)	6	6
Attempt to Locate (ATL); Call By Phone (10-21Law x21L)	1	1
Breaking and Entering in Progress (10-62 x62)	1	1
Breathing Problems (COPD) [Charlie]	1	1
Breathing Problems [Delta]	5	5
Call By Phone (10-21Law x21L)	28	28
Call By Phone (10-21Law x21L); Take Written Report (10-92 x92)	2	2
Careless & Reckless (C&R)	1	1
Careless & Reckless (C&R); Attempt to Locate (ATL)	1	1
Chest Pain or Discomfort [Delta]	3	3
Choking [Echo]	1	1
Coastal Flare Sighting [Delta]	1	1
Coastal Watercraft Issue [Bravo]	1	1
Coastal Water Rescue [Delta]	1	1
Crime in Progress (10-64 x64)	1	1

Descriptions	Totals	
Crime in Progress (10-64 x64); Suspicious Vehicle or Subject (10-60 x60)	1	1
DCI Transaction; Take Written Report (10-92 x92)	1	1
Debris in Roadway	1	1
Diabetic Problems [Alpha]	1	1
Diabetic Problems [Charlie]	1	1
Disabled Motorist (10-87 x87)	9	9
Disturbance or Disorderly Subject	6	6
Domestic Disturbance (10-82 x82)	2	2
Electrical Investigation [Bravo]	1	1
Elevator Stuck or Problems [Alpha]	2	2
Elevator Stuck or Problems [Omega]	1	1
Escort or Convoy (10-59 x59)	1	1
Falls [Alpha]	4	4
Falls [Bravo]	1	1
Falls [Bravo]; Assist Other Agency (Fire)	2	2
Fight in Progress (10-40 x40)	1	1
Fight in Progress (10-40 x40); Assist Other Agency (EMS)	1	1
Fire Alarm [Bravo]; Medical Alarm [Bravo]	1	1
Fireworks	8	8
Give Subject a Ride (10-5 x5)	1	1
Good Intent Call (Fire)	1	1
Heat Exposure [Alpha]	1	1
Heat Exposure [Delta]	1	1

Descriptions	Totals	
Hit and Run (Property Damage Only 10-54 x54)	2	2
Hit and Run (Property Damage Only 10-54 x54); Call By Phone (10-21Law x21L)	1	1
Improperly Parked Vehicle (10-70 x70)	78	78
Improperly Parked Vehicle (10-70 x70); Call By Phone (10-21Law x21L)	1	1
Improperly Parked Vehicle (10-70 x70); Disturbance or Disorderly Subject	1	1
Investigation (Law)	5	5
Keys In Vehicle or Lockout	1	1
Keys In Vehicle or Lockout; Good Intent Call (Fire)	1	1
Lift Assist (No Injury) [Alpha]	1	1
Lost or Found Property	7	7
Medical Alarm [Bravo]	1	1
Meet with Complainant (10-83 x83)	35	35
Meet with Complainant (10-83 x83); Assist Other Agency (EMS)	1	1
Mental Patient or IVC Service (10-73 x73)	1	1
Missing or Abandoned Person	1	1
Mud or Marsh Rescue [Delta]	1	1
Near Drowning [Alpha]	1	1
Noise Complaint	8	8
Open Door	4	4
Penetrating Trauma [Bravo, HeavyR]	1	1
Sick Person [Alpha]	1	1
Sick Person [Charlie]	1	1
Single Residential Fire Alarm [Bravo]	5	5

Descriptions	Totals	
Single Residential Fire Alarm - Carbon Monoxide [Bravo]	1	1
Single Residential Structure Fire [Echo]	1	1
Special Check - Business - Residence (10-79 x79)	330	330
Special Operations Assignment (Signal 55 SIG55)	5	5
Stopping Vehicle (10-61 x61)	62	62
Stroke or TIA [Charlie]	2	2
Suspicious Vehicle or Subject (10-60 x60)	12	12
Suspicious Vehicle or Subject (10-60 x60); Call By Phone (10-21Law x21L)	1	1
Suspicious Vehicle or Subject (10-60 x60); Noise Complaint	1	1
Take Written Report (10-92 x92)	17	17
Traffic Accident (Property Damage Only 10-50PD x50PD)	5	5
Traffic Control (10-58 x58)	2	2
Traffic Incident ACN [Bravo]	1	1
Traffic Incident [Bravo]	1	1
Traumatic Injuries [Alpha]; Assist Other Agency (Fire)	1	1
Traumatic Injuries [Bravo]	1	1
Traumatic Injuries [Bravo]; Assist Other Agency (Fire)	1	1
Traumatic Injuries [Delta, Arrest]	1	1
Trespassers	2	2
Unconscious or Fainting [Alpha]	2	2
Unconscious or Fainting [Charlie]	1	1
Unconscious or Fainting [Delta]	3	3
Vehicle Fire [Bravo]	1	1

Descriptions	Totals	
Water or Sewer Problems	9	9
Welfare Check	2	2
Welfare Check; 911 Cell Hang-Up or Open Line	1	1
Wrecker Needed (10-51 x51)	1	1
	1	1
Totals	757	757



Holden Beach Police Department

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HBPD Monthly Report (July '23)

Printed on August 8, 2023

Reported	Case Number	Address	Offenses	Disposition
07/01/23 21:33	HBP23-00061	119 CLIPPERSHIP DR	14-72(A) - MISDEMEANOR LARCENY	Investigator Requested
07/04/23 16:09	HBP23-00062	473 OCEAN BLVD W	14-72(A) - MISDEMEANOR LARCENY	Closed - Leads Exhausted
07/05/23 18:53	HBP23-00063	299 SAND DUNE LN	14-34 - ASSAULT BY POINTING A GUN	Closed - Unfounded
07/06/23 11:49	HBP23-00064	112 OCEAN BLVD W	14-74 - LARCENY BY EMPLOYEE - KEEP	Investigator Requested
07/07/23 13:46	HBP23-00065	112 OCEAN BLVD W	14-72(A) - MISDEMEANOR LARCENY	Closed - Unfounded
07/12/23 08:57	HBP23-00066	1044 OCEAN BLVD W	14-159.6(A) - TRESPASS ON POSTED PROPERTY	Closed - Resolved by Parties
07/12/23 15:09	HBP23-00067	279 OCEAN BLVD W	14-33(A) - SIMPLE AFFRAY	Closed - Resolved by Parties
07/12/23 17:01	HBP23-00068	103 S SHORE DR	14-196(A)(2) - THREATENING PHONE CALL; 14-277.1 - COMMUNICATING THREATS	Closed - Leads Exhausted
07/17/23 08:18	HBP23-00070	127 OCEAN BLVD E	14-159.12 - FIRST DEGREE TRESPASS (ENTER/REMAIN); 14-72(A) - FELONY LARCENY	Investigator Requested
07/18/23 07:41	HBP23-00071	219 GERDA AVE	14-72(A) - FELONY LARCENY; 14-72(B) - LARCENY OF A FIREARM - KEEP; 14-56 - BREAK OR ENTER A MOTOR VEHICLE	Investigator Requested
07/18/23 16:01	HBP23-00072	151 S SHORE DR	14-72(A) - MISDEMEANOR LARCENY	Investigator Requested
07/19/23 22:16	HBP23-00073	121 BRUNSWICK AVE	14-127 - Damage to Property	Investigator Requested

Reported	Case Number	Address	Offenses	Disposition
07/21/23 15:17	HBP23-00074	372 OCEAN BLVD W	14-72(B) - LARCENY OF A FIREARM - KEEP; 14-54(A) - BREAKING AND OR ENTERING (F) LARCENY; 14-72(A) - MISDEMEANOR LARCENY	Investigator Requested
07/22/23 13:38	HBP23-00075	322 OCEAN BLVD W	14-56 - BREAK OR ENTER A MOTOR VEHICLE; 14-72(B) - LARCENY OF A FIREARM - KEEP; 14-72(A) - MISDEMEANOR LARCENY	Investigator Requested
07/24/23 10:49	HBP23-00076	109 JORDAN BLVD	14-54(A) - BREAKING AND OR ENTERING (F) LARCENY; 14-127 - Damage to Property; 14-72(A) - FELONY LARCENY	Investigator Requested
07/24/23 13:20	HBP23-00077	111 JORDAN BLVD	14-54(A) - BREAKING AND OR ENTERING (F) LARCENY; 14-72(A) - FELONY LARCENY; 14-127 - Damage to Property	Investigator Requested
07/24/23 14:09	HBP23-00078	598 OCEAN BLVD W	14-72(A) - MISDEMEANOR LARCENY	Investigator Requested
07/25/23 14:58	HBP23-00079	142 SAND DOLLAR DR	14-127 - Damage to Property; 14-51 - SECOND DEGREE BURGLARY	Investigator Requested
07/25/23 22:35	HBP23-00080	121 BRUNSWICK AVE	14-127 - Damage to Property	Investigator Requested
07/26/23 12:58	HBP23-00081	125 CONCH ST	14-72(A) - MISDEMEANOR LARCENY; 14-127 - Damage to Property; 14-54(A) - BREAKING AND OR ENTERING (F) LARCENY	Investigator Requested
07/26/23 17:28	HBP23-00082	115 CONCH ST	14-127 - Damage to Property; 14-51 - SECOND DEGREE BURGLARY	Investigator Requested
07/31/23 08:50	HBP23-00084	610 OCEAN BLVD W	14-127 - Damage to Property; 14-54(A) - ATTEMPT TO BREAK AND ENTER (M)	Investigator Requested
07/31/23 19:46	HBP23-00085	441 OCEAN BLVD W	WARRANT SERVICE	Closed - Cleared By Arrest

Total Records: 23



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Ordinance Violations (July '23)

Printed on August 8, 2023

Date	Defendant	Citation/Warning	Ordinance
07/01/23	HUDSON, JOSHUA	Citation	Parking - Opposite Direction
07/01/23	CANTER, JEFFREY	Citation	Parking - Roadway/Travel Lane
07/01/23	LARSON, STIG	Citation	Parking - All Other No Parking Zones
07/01/23	JEFFREY, CHRISTIE	Citation	Parking - Right-of-Way Violation
07/01/23	KARAN, LARRY	Citation	Parking - All Other No Parking Zones
07/01/23	HINSON, JEFFREY	Citation	Parking - Opposite Direction
07/01/23	LLC, STAGECOACH	Citation	Parking - Opposite Direction
07/01/23	SLEE, STEVEN	Warning-Compliant	Parking - Right-of-Way Violation
07/02/23	ATKINSON, DONALD	Citation	Parking - Non-LSV in LSV Only Area
07/02/23	EUDY, SHANNON	Citation	Parking - Roadway/Travel Lane
07/02/23	BOWLING, TORI	Citation	Parking - Within 15 ft of Fire Hydrant
07/02/23	VADNAIS, STEPHANIE	Citation	Parking - Roadway/Travel Lane
07/02/23	CARTER, ANGELA	Citation	Parking - Non-LSV in LSV Only Area
07/02/23	TORRENCE, DUSTY	Citation	Parking - All Other No Parking Zones
07/02/23	FERREE, MATTHEW	Citation	Parking - Roadway/Travel Lane
07/02/23	DANNY JEROME ADKINS, JACOB	Citation	Parking - Non-LSV in LSV Only Area
07/03/23	WALTER PRESTON THORNTON,	Warning-Compliant	Parking - Right-of-Way Violation
07/04/23	LANG, CARRIE	Warning-Compliant	Parking - Fire Lane/Emergency Access
07/04/23	CHILTON, RICHARD JR	Citation	Parking - Right-of-Way Violation
07/06/23	LLC, ISLAND	Citation	Parking - Right-of-Way Violation

Date	Defendant	Citation/Warning	Ordinance
07/06/23	PAUGH, DERRICK	Citation	Parking - All Other No Parking Zones
07/08/23	LEE, DALTON	Warning-Compliant	Parking - Right-of-Way Violation
07/09/23	CEPKO, JAMES	Warning-Compliant	Parking - Right-of-Way Violation
07/09/23	COATS, DAVID	Citation	Parking - Roadway/Travel Lane
07/09/23	WADDELL, ELIZABETH	Citation	Parking - Opposite Direction
07/09/23	RENTALS, PIRATE	Citation	Parking - Right-of-Way Violation
07/09/23	BLUE SAIL BEACH OUTFITTER, LLC	Citation	Parking - Within 15 ft of Fire Hydrant
07/09/23	JONES, JENNIFER	Warning-Compliant	Parking - Right-of-Way Violation
07/10/23	CHEN, TONG	Warning-Compliant	Parking - Right-of-Way Violation
07/10/23	LAROSE, CATHERINE	Warning-Compliant	Parking - Right-of-Way Violation
07/10/23	SPRINGSTEED, TARYN	Citation	Parking - Block Mailbox/Driveway
07/10/23	JUSTIN RYAN BARKLEY, SABRINA	Warning-Compliant	Parking - Right-of-Way Violation
07/10/23	LLC, SUNFUN	Citation	Parking - Roadway/Travel Lane
07/13/23	CORP, PV	Citation	Parking - Right-of-Way Violation
07/13/23	SKAGGS, RACHEL	Warning-Compliant	Parking - Right-of-Way Violation
07/13/23	RAPP, EVANGELINE	Citation	Parking - Block Mailbox/Driveway
07/13/23	CROWDER, CHASE	Warning-Compliant	Parking - Roadway/Travel Lane
07/13/23	GRAINGER, KYLE	Warning-Compliant	Parking - Roadway/Travel Lane
07/13/23	DIXON, CHARLES	Warning-Compliant	Parking - Right-of-Way Violation
07/13/23	DAVIS, GARY	Warning-Compliant	Parking - Right-of-Way Violation
07/13/23	LAWRENCE, SANDY	Warning-Compliant	Parking - Right-of-Way Violation
07/17/23	HODGE, JULIE	Warning-Compliant	Parking - Right-of-Way Violation
07/17/23	SHINER, KEITH	Warning-Compliant	Parking - Right-of-Way Violation

Date	Defendant	Citation/Warning	Ordinance
07/18/23	DOSTER, STOKELY III	Warning	Parking - Roadway/Travel Lane
07/18/23	CORP, PV	Warning-Compliant	Parking - Right-of-Way Violation
07/21/23	GEOUGE, SANDRA	Warning-Compliant	Parking - Block Crosswalk/Sidewalk/Pedestrian Accessway
07/21/23	GSP, TRANSPORTATION	Warning-Compliant	Parking - Right-of-Way Violation
07/21/23	TONCHE, JOSE	Warning-Compliant	Parking - Roadway/Travel Lane
07/21/23	LLC, SUNFUN	Citation	Parking - Right-of-Way Violation
07/21/23	FOX, CONNIE	Warning-Compliant	Parking - Right-of-Way Violation
07/22/23	HARDING, ANN	Citation	Parking - Roadway/Travel Lane
07/23/23	OSBORNE, SUE	Citation	Parking - Roadway/Travel Lane
07/23/23	EAN, HOLDINGS LLC	Warning-Compliant	Parking - Right-of-Way Violation
07/26/23	MIDGLEY, EDWIN	Citation	Parking - Within 40ft of Intersection/Cul-De-Sac
07/27/23	SMITH, JEAN	Citation	Parking - Right-of-Way Violation
07/27/23	LLC, SUNFUN	Warning	Parking - Right-of-Way Violation
07/27/23	BLUE SAIL BEACH OUTFITTER, LLC	Warning-Compliant	Parking - Right-of-Way Violation
07/27/23	CORPORATION, THE HERTZ	Citation	Parking - Right-of-Way Violation
07/31/23	BLUE SAIL BEACH OUTFITTER, LLC	Citation	Parking - Right-of-Way Violation
07/31/23	BLUE SAIL BEACH OUTFITTER, LLC	Citation	Parking - Right-of-Way Violation
07/31/23	MARTYN, LAURA	Warning-Compliant	Parking - Right-of-Way Violation
07/31/23	LLC, SUNFUN	Citation	Parking - Right-of-Way Violation
07/31/23	MARIA, DIAZ	Citation	Beach Strand - Prohibited Vehicle on Strand

Total Records: 63

LSV=13



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State Citation (July '23)

Printed on August 8, 2023

Date	Defendant	Statutes/Charges
07/01/23	CHILDERS, JENNIFER	20-137.1(A1) - CHILD NOT IN REAR SEAT
07/04/23	CROWDER, CAMERON SCOTT	20-28(A) - DWLR; 20-158(B)(1)(3) - FAIL YLD STOPSIGN/FLSH RED LGT
07/04/23	BANKS, NICHOLAS AUSTIN	20-135.4(d) - Alter Suspension of Motor Vehicle
07/04/23	FRITTS, CHRISTIN M	20-137.1 - FAIL TO SECURE PASSEN UNDER 16
07/05/23	STOCUM, LEWIS JACOB	14-410 - POSSESSION OF PYROTECHNICS
07/07/23	DAVIS, JEREMY SCOTT	20-135.2(A) - FAIL TO WEAR SEAT BELT
07/09/23	HINZMAN, GERALD LEE	20-111(1) - DRIVE/ALLOW MV NO REGISTRATION
07/10/23	CHICK, VALERIE LEE	20-137.1 - NO CHILD RESTRAINT SYSTEM
07/11/23	BILLS, GERALDINE ROSS	20-141(B) - SPEEDING
07/11/23	CALHOUN, JAYDEN	20-141(B) - SPEEDING
07/11/23	SINGAGLIESE, MATTHEW STEPHEN	20-137.1(A1) - CHILD NOT IN REAR SEAT
07/15/23	PALMER, DAVID L	20-146(D)(3) - DESIGNATED LANE VIOLATION
07/15/23	HELMS, DAVID SPENCER GUION	20-146(D) - MARKED LANE VIOLATION
07/16/23	STARCHER, AMBER LEEANN	20-137.1(A1) - CHILD NOT IN REAR SEAT
07/17/23	GRIFFIN, RICHARD SCOTT	20-150(E) - UNSAFE PASSING YELLOW LINE
07/20/23	MCNEILL, BRANDON JAMES	20-127(D) - WINDOW TINTING VIOL
07/20/23	HILAND, JEFFREY EUGENE	20-127(D) - WINDOW TINTING VIOL
07/23/23	TRIMBLE, DREW C	20-137.1 - FAIL TO SECURE PASSEN UNDER 16

Date	Defendant	Statutes/Charges
07/24/23	ROME, TONIA GAIL	20-127(D) - WINDOW TINTING VIOL
07/24/23	JOHNSON, WAKEEM DURAN	20-127(D) - WINDOW TINTING VIOL; 20-28(A) - DWLR
07/24/23	HOLZINGER, KAYLEIGH MARIE	20-137.1(A1) - CHILD NOT IN REAR SEAT
07/24/23	CALDWELL, WENDELL FRANK, JR	20-127(B1) - WINDOW TINT VIOL CMV
07/27/23	CLEMMONS, RILEE	20-183.8(A)(1) - EXPIRED/NO INSPECTION; 20-111(2) - EXPIRED REGISTRATION CARD/TAG
07/28/23	ROBBINS, TAYLOR MARGARET	20-127(D) - WINDOW TINTING VIOL
07/28/23	HEWETT, ANDREW ASHTON	20-127(D) - WINDOW TINTING VIOL
07/28/23	COMER, BRANDY M	20-135.2(A) - FAIL TO WEAR SEAT BELT
07/28/23	LEE, ROBERT JACKSON	20-127(D) - WINDOW TINTING VIOL
07/29/23	CRAMER, JESSIE DEE	20-111(2) - CANCL/REVOK/SUSP CERTIF/TAG; 20-309 - NO LIABILITY INSURANCE

Total Records: 28

LSV = 8



Holden Beach Police Department

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Warning Citations (July '23)

Printed on August 8, 2023

Date	Name	Statutes/Charges
07/04/23	EUDY, DILLON JOE	20-127(D) - WINDOW TINTING VIOL
07/09/23	HINZMAN, LAYLA LOUISE	20-111(1) - DRIVE/ALLOW MV NO REGISTRATION
07/09/23	CONROY, JONATHAN MICHAEL	20-150 - IMPROPER PASSING
07/18/23	STUPKA, ETHAN	20-140.4(2) - MOTORCYCLE FAIL TO WEAR HELMET
Total Records: 4		

LSV = 0

CONSTRUCTION TYPE REPORT

TOWN OF HOLDEN BEACH

07/10/2023 TO 08/07/2023

Construct Type	Stat	Description	Date Applied	Permit class/ Number	Occupancy Group	Permit Fee(\$)
Add	10	Additions	07/28/2023	BPCL-019330	G1	155.50
Subtotal for Additions:					1	\$155.50
Btype1	10	New Construction/General	08/02/2023	BPM-019333	G1	294.06
total for New Construction/General:					1	\$294.06
Decks	10	Decks	07/11/2023	BP-019293	G1	237.50
Decks	10	Decks	07/14/2023	BP-019296	G1	100.00
Decks	10	Decks	07/17/2023	BP-019297	G1	100.00
Decks	10	Decks	07/17/2023	BP-019298	G1	250.00
Decks	10	Decks	07/21/2023	BP-019310	G1	217.42
Decks	17	Decks	07/21/2023	BP-019311	G1	100.00
Decks	10	Decks	07/25/2023	BP-019319	G1	125.00
Decks	10	Decks	07/26/2023	BP-019326	G1	133.00
Subtotal for Decks:					8	\$1,262.92
Fence	13	FENCE	07/25/2023	FCZ-019325	G1	50.00
Fence	10	FENCE	07/31/2023	FCZ-019332	G1	50.00
Subtotal for FENCE:					2	\$100.00
Mech	13	Mechanical	07/10/2023	MEC-019289	G1	200.00
Mech	13	Mechanical	07/10/2023	MEC-019290	G1	100.00
Mech	13	Mechanical	07/11/2023	MEC-019291	G1	100.00
Mech	10	Mechanical	07/12/2023	MEC-019294	G1	100.00
Mech	13	Mechanical	07/12/2023	MEC-019295	G1	100.00
Mech	10	Mechanical	07/18/2023	MEC-019299	G1	100.00
Mech	10	Mechanical	07/18/2023	MEC-019300	G1	100.00
Mech	13	Mechanical	07/19/2023	MEC-019302	G1	200.00
Mech	13	Mechanical	07/20/2023	MEC-019303	G1	100.00
Mech	13	Mechanical	07/20/2023	MEC-019304	G1	100.00
Mech	10	Mechanical	07/20/2023	MEC-019306	G1	100.00
Mech	10	Mechanical	07/20/2023	MEC-019307	G1	100.00
Mech	10	Mechanical	07/20/2023	MEC-019308	G1	200.00
Mech	10	Mechanical	07/21/2023	MEC-019312	G1	100.00
Mech	13	Mechanical	07/24/2023	MEC-019313	G1	300.00
Mech	13	Mechanical	07/24/2023	MEC-019314	G1	100.00
Mech	13	Mechanical	07/24/2023	MEC-019315	G1	100.00
Mech	13	Mechanical	07/24/2023	MEC-019316	G1	175.00
Mech	10	Mechanical	07/24/2023	MEC-019317	G1	100.00
Mech	10	Mechanical	07/25/2023	MEC-019321	G1	100.00

Mech	10	Mechanical	07/25/2023	MEC-019322	G1	100.00
Mech	10	Mechanical	07/25/2023	MEC-019323	G1	100.00
Mech	10	Mechanical	07/25/2023	MEC-019324	G1	100.00
Mech	10	Mechanical	07/28/2023	MEC-019328	G1	100.00
Mech	10	Mechanical	07/28/2023	MEC-019329	G1	100.00
Mech	10	Mechanical	08/03/2023	MEC-019334	G1	100.00
Mech	10	Mechanical	08/03/2023	MEC-019335	G1	100.00
Mech	10	Mechanical	08/07/2023	MEC-019338	G1	100.00
Subtotal for Mechanical:					28	\$3,375.00
Pools	10	Swimming Pools	07/11/2023	SP-019292	G1	3,295.00
Pools	10	Swimming Pools	07/18/2023	SP-019301	G1	0.00
Subtotal for Swimming Pools:					2	\$3,295.00
Remod	10	Renovation/Repair	07/20/2023	BP-019305	G1	263.50
Remod	10	Renovation/Repair	07/21/2023	BP-019309	G1	125.00
Remod	10	Renovation/Repair	07/25/2023	BP-019318	G1	200.00
Remod	10	Renovation/Repair	07/25/2023	BP-019320	G1	985.00
Remod	10	Renovation/Repair	07/28/2023	BP-019327	G1	195.78
Remod	10	Renovation/Repair	07/28/2023	BP-019331	G1	525.00
Subtotal for Renovation/Repair:					6	\$2,294.28
Zoning	13	ZONING	07/10/2023	Zoning-019288	G1	50.00
Zoning	13	ZONING	08/04/2023	Zoning-019336	G1	50.00
Subtotal for ZONING:					2	\$100.00
GRAND TOTAL:					50	\$10,876.76

INSPECTIONS DEPT. FROM 7/10/23-8/7/23

ACTIVE NEW HOME PERMITS = 29

OTHER ACTIVE PERMITS= 249

PERMITS ISSUED OVER \$30,000 = 26 (AMOUNT INCLUDED IN ACTIVE TOTAL)

SUBSTANTIAL IMPROVEMENTS OVER \$100,000= 3

PERMITS ISSUED WAITING PICK UP = 21

TOTAL PERMITS = 299

PERMITS IN REVIEW= 2

PERMITS SUBMITTED INCOMPLETE = 20

ZONING PERMITS ISSUED = 3

CAMA PERMITS ISSUED= 3

PERMITS SERVICED FOR INSPECTIONS (FROM 7/10-8/07)= 97

TOTAL INSPECTIONS MADE= 381



Date: August 4, 2023

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

From: Christy Ferguson, Assistant Town Manager

Re: Public Hearing and Associated Action Regarding the 2023-24 Public Beach and Waterfront Access Grant- Block Q

The town was invited to submit a final application for the Block Q restroom facility as part of the 2023-24 Public Beach and Waterfront Access Grant Program. Final applications are due Monday, August 28. The grant application and the final application guidance are included in the packet.

Suggested Motion: Have the staff to submit application packet prior to the application deadline listed above.

Attachment 1: Grant Application
Attachment 2: Final Application Guidance



**NORTH CAROLINA PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM
FINAL APPLICATION 2023-2024**

Local Government: Town of Holden Beach Federal ID Number: 56-0944997

Project Name: Block Q Development

Brief Project Description:

The project will provide a bathroom and associated public parking for the Jordan Boulevard beach access. It will also cover site prep and landscaping.

<p>Local Government Project Administrator</p> <p>Name: <u>David W. Hewett</u></p> <p>Title: <u>Town Manager</u></p> <p>Address: <u>110 Rothschild Street</u></p> <p>City, State, Zip: <u>Holden Beach, NC, 28462</u></p> <p>Telephone: <u>910-842-6488</u></p> <p>Email: <u>david.hewett@hbtownhall.com</u></p>	<p>Lead Elected Official</p> <p>Name: <u>J. Alan Holden</u></p> <p>Title: <u>Mayor</u></p> <p>Address: <u>110 Rothschild Street</u></p> <p>City, State, Zip: <u>Holden Beach, NC, 28462</u></p>
<p>Costs rounded to nearest dollar:</p> <p>Grant funds requested: \$ <u>420,000</u> .00</p> <p>Local government's matching funds: \$ <u>140,000</u> .00</p> <p style="padding-left: 20px;">Cash Match: \$ <u>140,000</u> .00</p> <p style="padding-left: 20px;">In-kind Match: \$ <u>0</u> .00</p> <p>Total cost of project: \$ <u>560,000</u> .00</p>	<p>Type of Project (choose one):</p> <p><input type="checkbox"/> Land Acquisition <input checked="" type="checkbox"/> Site Improvement <input type="checkbox"/> Site Maintenance</p> <p>Site Control (check all that apply):</p> <p><input checked="" type="checkbox"/> Owned by local government</p> <p><input type="checkbox"/> To be obtained with this land acquisition project</p> <p><input type="checkbox"/> Land acquired under an approved waiver. Expiration date: _____</p> <p><input type="checkbox"/> Leased by applicant for 25 years or more</p> <p><input type="checkbox"/> Easement by applicant for 25 years of more</p> <p><input type="checkbox"/> Owned by other State, Federal, or government agency with a Joint Use Agreement.</p>
<p>Local Government Approval: Each grant application must be reviewed and approved by the local governing board at a duly advertised public hearing or meeting. Provide a memorandum resolution, or copy of the minutes indicating the board's action on the application.</p> <p style="text-align: center;">Date of Public Hearing or Public Meeting: <u>August 15, 2023</u></p>	

Certification

I hereby certify the information contained in the attached application is true and correct and the required matching funds will be available during the project period.

David W. Hewett Town Manager _____

Print or Type Name *Title* *Signature*

Provide the following ATTACHMENTS and NARRATIVE:

1. **Site location maps:** Provide a regional location map and a detailed vicinity map (street map) showing the location of the proposed project. Include a north arrow, and legible street names.
2. **Parcel information:** Provide the following information for each parcel.
 - A. Attorney's Certification of Site Control
 - B. Name and address of owner
 - C. Project site address
 - D. Lot dimensions/Acreage
 - E. Adjacent water body and length of shoreline. Include NC Division of Water Resources Surface Water Classification(s).
 - F. Applicable setbacks (zoning, CAMA, DOT, other) and local zoning and Future Land Use Map designation(s)
 - G. Deed number, book, page and date
3. **Site description:** Provide a description of the site where the project will be located, including natural features, uses on adjacent lots, and existing improvements. Include an evaluation of the sites appropriateness for public access and proximity to closest/other access sites.
4. **National Flood Insurance Program Floodways & Non-encroachment Areas:** Indicate if the project site or improvements are located in Floodway or Non-encroachment area per 40 C.F.R. § 60.3(d)(3). If the project or improvements are located in one of these areas, additional engineering studies may be needed.
5. **For land acquisition:** Provide a boundary survey indicating land area, along with a preliminary appraisal and a letter of intent to sell from the property owner. The community has five years to begin developing beach and water access facilities on an acquired site. Provide a "Plan for Future Development" to include: a description of how the public will be able to use the site until improved access facilities are in place; a conceptual site plan showing proposed future development; and a timeline for developing the site.
6. **Project description for site improvements:** Provide a description of the access facilities to be built, including information on features, and materials.
7. **Project site plan:** Provide a to-scale site plan showing property lines (label existing uses on adjacent lots), proposed site improvements, existing facilities, and significant natural features.
 - Include a legend, north arrow and graphic scale.
 - Improvements shown as an overlay on aerial photos may also be submitted as a supplement to but not in lieu of a site plan.
 - Provide to-scale building elevations and floor plans as applicable.
8. **List the types and sources of utilities proposed; and identify associated costs on Project Budget. Note above ground utilities must be identified.**

9. **ADA requirements:** Does this project meet ADA requirements? If yes, describe the handicapped accessible features of this project. If no, describe why a handicapped accessible facility is impracticable and outline how handicapped accessibility needs are met within the area. See Designing Facilities for ADA in the application packet.
10. **Exceeding ADA requirements:** Does this project exceed ADA requirements? If yes, describe the handicapped accessible features that exceed ADA requirements.
11. **Project justification:** Explain why the project is needed and how it will benefit your community.
12. **Project description for maintenance of a previous funded sites:** describe the repair and maintenance being proposed. Describe why repairs and maintenance are needed at this site.
13. **Is this project identified as high local priority in your certified Future Land Use Plan or local Access Plan?** *If yes, attach a brief description of the plan and a statement of the extent to which the project implements the policies of the plan.*
14. **Is this project reflected in other policy documents or ordinances?** *If yes, attach a brief description of the document or ordinance and a statement of the extent to which the project implements goals of the document or ordinance.*
15. **Pre-project tasks:** Identify tasks that must be completed prior to starting the project
16. **Permits:** List all necessary permits and/or certifications.
17. **Previous Grants:** Have you previously received an Access Grant from DCM at this site? See the [map of previously awarded grants](#). If yes, list the grant(s) by year.
18. **User Fees:** Is a user fee charged at this site? Do you charge user fees at any other DCM funded sites? If yes to either of these questions, provide the most recent annual accounting report as required by [15A NCAC 07M .310\(d\)](#).

Project Budget

This form must be completed and included with your application. Round project costs to the dollar.

If available, attach a detailed breakdown of the cost assumptions upon which the Project Budget is based.

Proposals that include this information increase their likelihood of funding.

Project Elements	Grant	Cash Match	In Kind	Total
Land Acquisition Costs				
	\$	\$	\$	\$0.00
	\$	\$	\$	\$
	\$	\$	\$	\$
Permit and Design Fees				
	\$	\$	\$	\$
	\$	\$	\$	\$
CAMA Permit	\$	\$	\$	\$
Site Improvement Costs: Materials				
Bathroom (proposed 20 x 40)	\$150,000.00	\$50,000.00	\$0.00	\$200,000.00
Bathroom Parking	\$120,000.00	\$40,000.00	\$0.00	\$160,000.00
Site Prep and Landscaping	\$30,000	\$10,000	\$0	\$40,000
Site Improvement Costs: Labor				
Labor	\$120,000.00	\$40.00	\$0.00	\$160,000.00
	\$	\$	\$	\$
	\$	\$	\$	\$
Local Administrative Costs				
	\$	\$	\$	\$0.00
	\$	\$	\$	\$
	\$	\$	\$	\$

Totals	\$420,000.00	\$140,000.00	\$0.00	\$560,000.00
Match Percentages	75 %	25 %	0 %	100 %

Project Timeline

The project timeline establishes benchmarks during the project period to ensure timely completion. Progress monitoring occurs at 6-month intervals over the 18-month contract. We recognize that unexpected events may require adjustments to the timeline. The schedule is meant to be an aid for measuring the progress of the project and a guide to making adequate contract adjustments when necessary.

Task	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Return Contract	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Acquisition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Permitting Process	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Preparation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Construction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final Inspection	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Close-Out	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Proposed Local Match

Local Government: Town of Holden Beach

Project Name: Block Q Development

Instructions: Use the form below to show the sources of your matching funds. Indicate if these funds are currently available or are the funds yet to be approved. If funds are yet to be approved, list the date for approval. If applicable, provide additional narrative related to in-kind match and/or state/federal funds.

Applicants are encouraged to include their local contribution in their budget.

Source of Matching Funds			
Type of Matching Funds	Amount of Funds	Funding Source	Availability (Month/Year)
Cash	\$ 140,000.00	BPART	11/2023
	\$		
	\$		
	\$		
	\$		
Total Matching Funds:	\$ 140,000.00		

Additional Narrative:

Provide narrative explaining the relevance of proposed in-kind match to the project.

N/A

If other state and/or federal funds are to be used as local match, indicate the specific project elements that will qualify for joint funding. How viable is the project if complementary funding from another program is not secured?

N/A

Provide the following ATTACHMENTS and NARRATIVE:

1. **Site location maps: Provide a regional location map and a detailed vicinity map (street map) showing the location of the proposed project. Include a north arrow, and legible street names.**

See attached

2. **Parcel information: Provide the following information for each parcel.**
 - a. **Attorney's Certificate of Site Control**
 - b. **Name and address of owner-** Town of Holden Beach-110 Rothschild St.
 - c. **Project site address-** 232NF004; 232NF005; 232NF003; 232NF006; 232NF002; 232NF007; 232NF001; 232NF008; 232NF029
 - d. **Lot dimensions/Acreage-** 1.79 acres
 - e. **Adjacent water body and length of shoreline. Include NC Division of Water Resources Surface Water Classification(s).** The project site is directly across the street from the Atlantic Intracoastal Waterway and boat ramp and one block from the public beach access. The public beach access is to the Atlantic Ocean which is fed by the Lumber River System.
 - f. **Applicable setbacks (zoning, CAMA, DOT, other) and local zoning and Future Land Use Map designation(s)** C1 zoning/ No CAMA setbacks
 - g. **Deed number, book, page and date** Deed 4844; page 1072; Map Book 4 page 2

3. **Site description: Provide a description of the site where the project will be located, including natural features, uses on adjacent lots, and existing improvements. Include an evaluation of the sites appropriateness for public access and proximity to closest/other access sites.**

The site is referred to as Block Q. It is bordered by South Shore Drive to the north, Quinton Street to the east, Brunswick Avenue to the south, and Jordan Boulevard to the west. The site is currently a vacant lot which the town purchased to provide additional amenities for residents and visitors. The current state includes sand and natural grass. The project site is directly across the street from the Atlantic Intracoastal Waterway and boat ramp and one block from the public beach access. The public access is to the Atlantic Ocean which is fed by the Lumber River System.

4. **National Flood Insurance Program Floodways & Non-encroachment Areas: Indicate if the project site or improvements are located in Floodway or Non-encroachment area per 40 C.F.R. § 60.3(d)(3). If the project or improvements are located in one of these areas, additional engineering studies may be needed.**

The project site is not located in one of these areas.

5. **For land acquisition: Provide a boundary survey indicating land area, along with a preliminary appraisal and a letter of intent to sell from the property owner. The community has five years to begin developing beach and water access facilities on an acquired site. Provide a "Plan for Future Development" to include: a description of how the public will be able to use the site until improved access facilities are in place; a conceptual site plan showing proposed future development; and a timeline for developing the site.**

N/A

- 6. Project description for site improvements: Provide a description of the access facilities to be built, including information on features, and materials.**

The Town proposes to make public enhancements on a site that was purchased by the town last year. These enhancements include the creation of a new public restroom facility, public parking, boat trailer parking, stormwater improvements, and green space. The site is needed to relieve the current stress on the Wildlife boat ramp across the street that has limited parking and does not accommodate the number of patrons who frequent the facility. The area is central to our entertainment venue and one of our largest public beach accesses. The Town will be moving forward with the boat trailer parking and ROW parking efforts with its own budgetary funds. The portion of the project that we are asking for grant assistance on is the public restroom facility and parking associated with the restroom, as well as any sidewalks that may be applicable to traversing the area. The Town has communicated with DCM to clarify that we would only want deed restrictions from any grant funding to apply to the parcels that are located in this particular project area for which we are applying for funding assistance.

- 7. Project site plan: Provide a to-scale site plan showing property lines (label existing uses on adjacent lots), proposed site improvements, existing facilities, and significant natural features.**
- Include a legend, north arrow and graphic scale.
 - Improvements shown as an overlay on aerial photos may also be submitted as a supplement to but not in lieu of a site plan.
 - Provide to-scale building elevations and floor plans as applicable.

See the site plan map attached.

- 8. List the types and sources of utilities proposed; and identify associated costs on Project Budget. Note above ground utilities must be identified.**

Water and electrical service will be provided to the bathroom.

- 9. ADA requirements: Does this project meet ADA requirements? If yes, describe the handicapped accessible features of this project. If no, describe why a handicapped accessible facility is impracticable and outline how handicapped accessibility needs are met within the area. See Designing Facilities for ADA in the application packet.**

Yes, the restroom and some parking will be handicapped accessible. There will be connecting sidewalks that are also ADA compliant.

- 10. Exceeding ADA requirements: Does this project exceed ADA requirements? If yes, describe the handicapped accessible features that exceed ADA requirements.**

The project exceeds ADA requirements because there will be van accessible parking, new accessible restrooms, and more spaces will be handicapped parking than required.

- 11. Project justification: Explain why the project is needed and how it will benefit your community.**

For years the parking at the Wildlife boat ramp has been woefully inadequate. When the opportunity to purchase the property across from the boat ramp became financially feasible, the Town acted. The restrooms under the bridge, in their current location, are in disrepair and a new facility is needed to meet demand and ADA compliance. The decision was made to move the restrooms to the new property and create a better access area for recreational boaters, those visiting the public beach access at Jordan Boulevard, and patrons engaging in activities at the pavilion. Additionally, the purchase and proposed development of this site is part of a strategic planning initiative for the Town due to Brunswick County's exponential growth. Facilities like these are needed to accommodate today's users and future increases on facility demands. The Town's independent portion of the project will provide approximately 15 more boat trailer parking spaces and approximately 60 public parking spaces as outlined in the current site master plan (final counts still under review). While all of this is vitally important, support facilities are also needed to supply services to the population. The restroom facility and adjacent parking as outlined in the application will supplement the \$1.4 million that the town will invest in the site between acquisition and proposed development.

- 12. Project description for maintenance of previously funded sites:** describe the repair and maintenance being proposed. Describe why repairs and maintenance are needed at this site.

N/A

- 13. Is this project identified as high local priority in your certified Future Land Use Plan or local Access Plan? If yes, attach a brief description of the plan and a statement of the extent to which the project implements the policies of the plan.**

The proposed project is identified as a top priority in the Town of Holden Beach 2019 CAMA Land Use Plan section 4.2. The current plan identifies the need for additional access and encourages those accesses to be ADA compliant. It also encourages the town to expand public access through additional walkways that comply with ADA requirements. Additionally, the town plans to make stormwater improvements with pervious materials to create a surface suitable for parking.

- 14. Is this project reflected in other policy documents or ordinances? If yes, attach a brief description of the document or ordinance and a statement of the extent to which the project implements goals of the document or ordinance.**

More public access is identified as a priority in the 2021 Comprehensive Parks and Recreation Master Plan. Those accesses need to have amenities to support participant load. The plan also specifically focuses on the Jordan Boulevard area and calls for updated parking and improving ADA access.

- 15. Pre-project tasks: Identify tasks that must be completed prior to starting the project.**

The Town will need to accept bids for construction. The Town will also need to close Carolina Avenue which the commissioners have completed the legwork to facilitate.

- 16. Permits: List all necessary permits and/or certifications.**

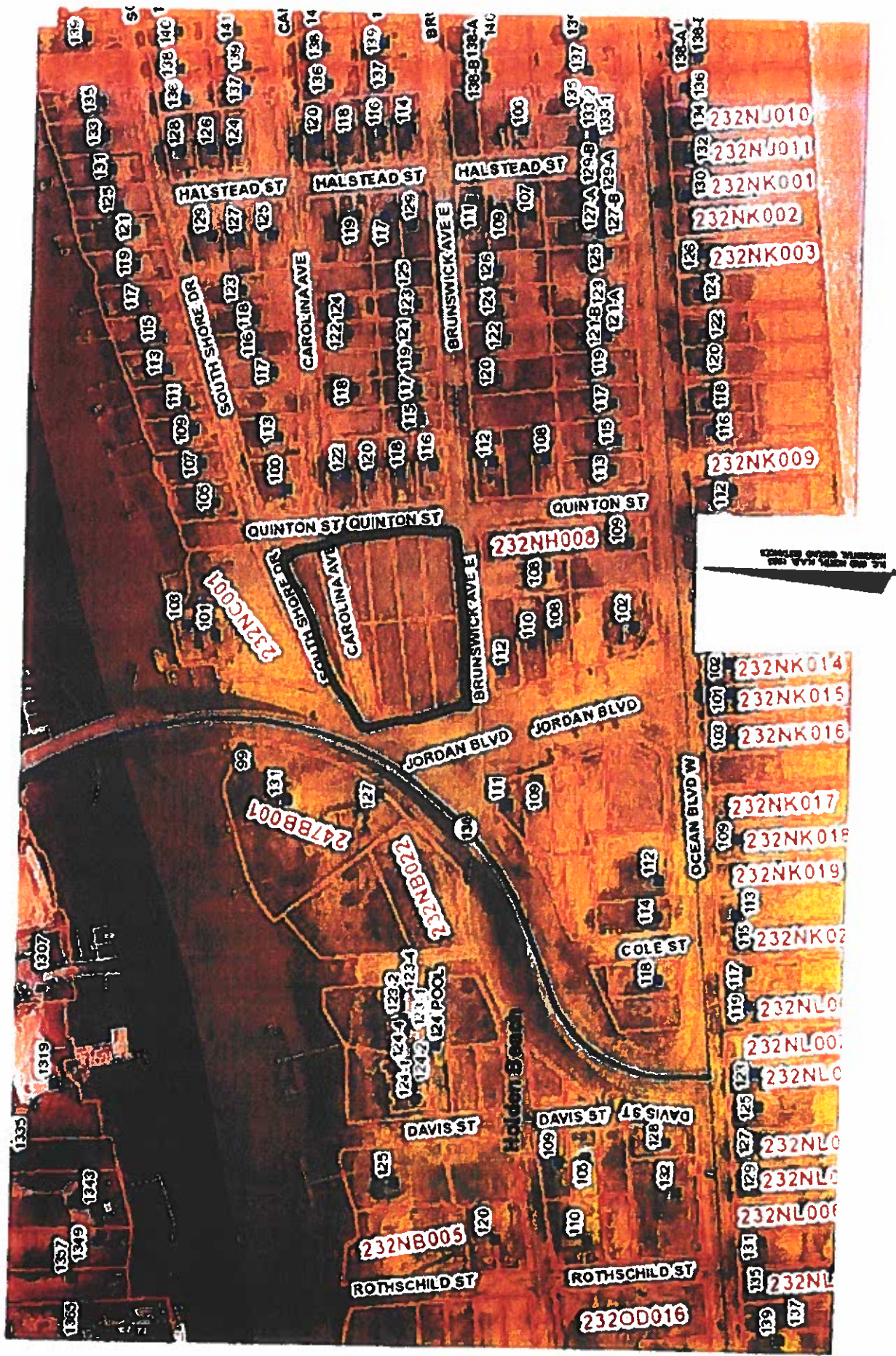
Zoning, Building, and Stormwater Permits.

17. Previous Grants: Have you previously received an Access Grant from DCM at this site? See the map of previously awarded grants. If yes, list the grant(s) by year.

No.

18. User Fees: Is a user fee charged at this site? Do you charge user fees at any other DCM funded sites? If yes to either of these questions, provide the most recent annual accounting report as required by 15A NCAC 07M .310.(d).

All handicapped spaces servicing this area will be free of charge. Other spaces are projected to be paid parking for cars and boat trailers.

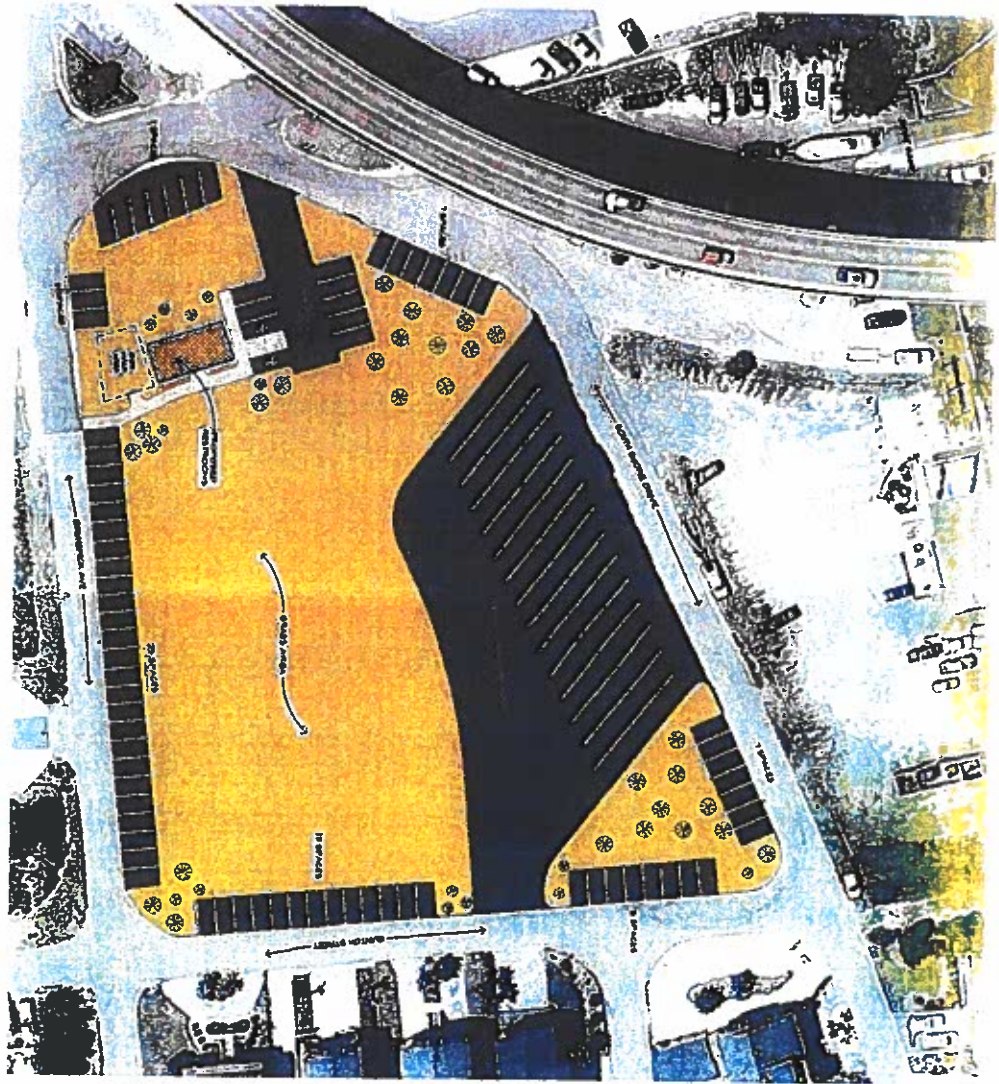




PARKING AREA & RESTROOM FACILITY
HOLDEN BEACH, NC

SCHEMATIC SITE PLAN - 04

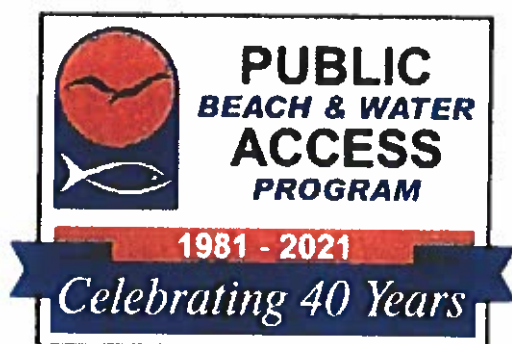
TOTAL SPACES
CARS 74
BOAT TRAILERS 3



North Carolina

Public Beach and Waterfront Access Grant Program

2023-24 Final Application



NC Division of Coastal Management
NC Department of Environmental Quality

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NOTICE OF AVAILABLE FUNDS AND REQUIREMENTS

Overview: The primary objective of the Public Beach and Waterfront Access Grant Program is to provide pedestrian access to public beaches and public trust waters in the 20 coastal counties. Grant funds may be used for land acquisition and site improvement projects that are consistent with the state guidelines for public access in the coastal area ([15A NCAC 7M .0300](#)). Any facility constructed with these grant funds must meet state and federal guidelines for handicap accessibility. Information about past grants can be found on [DCMs website](#) and on the [Grants WebMap](#).

Funds available: The N.C. Division of Coastal Management (DCM) estimates that approximately \$3 million dollars will be available for public beach and coastal waterfront access projects in FY 2023-24.

Eligible applicants: The 20 coastal counties and municipalities therein that have public trust waters (ocean, estuarine or riverine waters) within their jurisdictions.

A local government may apply for a grant to fund improvements on property owned by a public-school administrative unit or a state or federal agency, the improvements must enhance public access to public trust waters and not just serve other recreational purposes.

Anticipated contract period: Eighteen (18) months beginning between January and February 2024.

Maximum request: There is no limit on maximum request. However due to the limited funds available larger requests may be difficult to accommodate.

Match requirements: Local governments are encouraged to include their local contribution in their FY 2023-24 budget. Other state and federal funds are eligible for use to meet local match.

- **Land Acquisition:** Matching contributions must be at least 15% of the total project cost, except for [Tier 1 communities](#) whose matching contribution must be at least 10% of the total project cost.
- **Site Improvements:** Matching contributions for improvements to existing sites must be at least 25% percent of the total project cost, except for [Tier 1 communities](#) whose matching contribution must be at least 10% of the total project cost.
- **Maintenance of Previously Funded Sites:** Matching contributions must be at least 10% of the total project costs. Only [Tier 1 communities](#) are eligible for this project type.

Site control: The applicant must own or have at least a 25-year lease or easement on property where grant funds are used to build or renovate facilities, except where improvements are proposed on property owned by a public-school administrative unit or a state or federal agency. In this case a [Joint Use Agreement](#) will be required.

Public use: Property acquired with a grant through the Public Beach and Coastal Waterfront Access Program must be retained and used for public access. Facilities built or renovated with grant funds must be maintained for public access for at least 25 years.

Notice of limitations and use restrictions: Acquired properties funded through the grant program will require recorded deed restrictions to be in place prior to reimbursement of grant funds. Land acquired with access funds shall be dedicated in perpetuity for public access and the benefit of the general public.

Application submittal: Submit one (1) digital copy of the final application via email to your DCM District Planner before 5:00 pm, Monday, August 28, 2023. Only final applications titled 2023-24 will be considered for funding.

Evaluation of applications: DCM will review applications and select projects to receive grant assistance based on this criteria:

- Pedestrian access must be a major component of the project;
- Community’s history of previous assistance from this grant program;
- Demonstrated need for the project due to high demand and availability and adequacy of opportunities in the area;
- Project is identified in a local beach or waterfront access plan or certified CAMA Land Use Plan;
- The commitment of matching funds meets or exceeds the minimum required local match; and
- The community has demonstrated its ability to complete previous projects and/or has demonstrated its ability to operate and maintain previously funded facilities.
- Priority will be given to:
 - Land acquisition projects, includes donated land deemed “unbuildable” due to regulations or physical limitations;
 - Projects whose site design exceeds ADA requirements; and
 - Projects whose site design incorporates resiliency via nature-based features to support, protect and enhance access improvements.

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS GRANT
2023-24 FUNDING SCHEDULE

February 2023	The NC Division of Coastal Management sends pre-applications to local governments. Pre-applications are also available on DCM’s website .
April 28, 2023	Pre-applications are due by 5:00 pm to the applicant’s District Planner.
August 28, 2023	Final applications are due by 5:00 pm to the applicant’s District Planner.
October/November 2023	Final applicants notified whether their project has been selected for funding.
January/February 2024	Anticipated contract issuance.

ASSISTANCE COMPLETING THE APPLICATION

Your Access project should be the result of a planning process that reflects the public's preferences. Read the entire application and start early to assemble all items in the application.

The Division of Coastal Management provides technical assistance to applicants. Contact your District Planner to discuss your application or project.

County	District Planner	Contact Info
Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Pasquotank, Perquimans, Tyrrell and Washington	Rachel Love-Adrick 400 Commerce Ave. Morehead City, NC 28557	(252) 515-5403 rachel.love-adrick@ncdenr.gov
Beaufort, Carteret, Craven, Hyde and Pamlico	Rachel Love-Adrick 400 Commerce Ave. Morehead City, NC 28557	(252) 515-5403 rachel.love-adrick@ncdenr.gov
Brunswick, New Hanover, Onslow and Pender	Mike Christenbury 127 Cardinal Drive Extension, Wilmington, N.C. 28405-3845	(910) 796-7475 mike.christenbury@ncdenr.gov

SUBMITTING THE APPLICATION

Prior to submitting a final application, the local government shall hold a public meeting or hearing to discuss its proposal and consider comments prior to its decision to submit a final application.

Submit **one (1) digital copy** of the final application via email to your DCM District Planner before 5:00 pm, Monday, August 28, 2023. A final application is required for each site; proposals for improvements, maintenance, or land acquisition at multiple sites will require separate applications. Proposals that include both land acquisition and site improvements are to be submitted under separate applications. Only final applications titled 2023-245 cycle will be considered for funding.

PROJECT COSTS

Project costs submitted in the application will become the budget for the project. List all proposed project elements and the estimated cost of each element. All elements included in the project costs must be shown on the site plan, except for items such as grading, utilities, and planning. Round all project costs to the dollar.

Accurate cost figures are important, if the actual costs are more than those listed in the application, the grantee will need to use its own funds to cover the difference.

COSTS TO BUILD OR RENOVATE FACILITIES

The importance of good estimates: If you receive a grant, you are expected to complete your project according to the cost estimates in your application. Obtain estimates from contractors, engineers or architects, who have experience in developing or designing access sites.

Consider the impact of inflation: Assume the project may be completed eighteen months after signing a contract with the state.

Be specific: Include specific units (sizes, numbers, lengths, etc.) for each item in the cost estimates. Include dimensions or square footage of all indoor or sheltered facilities. The intended use of enclosed structures, especially partitioned interior areas, must be identified. Also, include utilities and other infrastructure.

List all items proposed for funding and the estimated cost of each item. Where practical, identify costs separately for independent elements of the same type of facilities or improvements on the same site.

ADA accessibility: Be sure to include accessible amenities and accessible routes between amenities in your project costs (see [Designing Facilities for ADA](#)). Describe whether and how the project exceeds ADA requirements, along with the costs for those improvements.

Contingency: A contingency amount of 5% of the total cost to build or renovate a project may be included in the cost estimates (not required).

COSTS TO ACQUIRE LAND

Value of land: A preliminary property appraisal will be required with the final application. (See [Land Acquisition Requirements](#)).

PLANNING AND INCIDENTAL COSTS

Eligible planning or incidental costs: Design, engineering, and planning costs to develop projects and other incidental costs to acquire land are only eligible for consideration as cash match or for reimbursement *after the grantee signs a contract with the state and before the contract end date*. These expenses may be considered for in-kind match (see [In-kind Contributions](#)).

Planning costs: For projects to build or renovate facilities, the following costs are eligible: architectural and engineering fees, site plans, design and construction drawings, construction management, and preparing cost estimates.

Incidental land acquisition costs: Appraisals, title searches, surveys, and attorneys' fees can be included as incidental costs.

Limit on planning and incidental land acquisition costs: The sum of planning costs, incidental land acquisition costs, and the cost of preparing an application cannot exceed 20 percent of the total cost of the project. Exceptions may be made for Tier 1 jurisdictions with written approval from DCM.

COSTS NOT TO BE INCLUDED IN A GRANT AWARD OR LOCAL MATCH

Ineligible items: Tools, maintenance equipment, office equipment and indoor furniture.

Environmental assessments other than preliminary work associated with site planning and wetland delineation.

Remediation plans associated with contaminated sites. However, some costs of actual remediation or clean up may be eligible for in-kind match.

Restoration plans: Wetland restoration may be eligible for cash or in-kind match credit.

Attorney Fees: No fees for permitting, condemnation or other litigation will be considered.

PROJECT DESIGN

DESIGNING FACILITIES FOR ADA

Any facility constructed with these grant funds must meet state and federal guidelines for handicap accessibility. Applicants are encouraged to include the costs of access routes to the accessible facilities in the grant application. Prior to closing out a project and receiving final payment of grant funds, the local building official will be required to provide a letter certifying compliance.

The resources below will help your community design a handicapped accessible facility. DCM recommends working with your project designer and building official to design a site accessible to people with disabilities.

- [ADA Standards for Accessible Design](#)
- [ADA Accessibility Standards](#)
- [Guide to the ADA Accessibility Standards](#) - This companion resource explains and illustrates provisions in the standards and includes a series of animations on accessibility.
- [Going Beyond ADA - Outdoor Developed Areas: A Summary of Accessibility Standards for Federal Outdoor Developed Areas](#) – while these Access Board standards for beach access currently apply only to Federally controlled beaches, they provide a good reference point for local governments that are working to improve program access to their beaches.

Additional Resources about designing access sites for people with disabilities:

- ADA Live! [Episode 10: Beach Access](#) - This podcast episode discusses how to make a beach accessible to people with disabilities.
- [Northeast ADA Center](#) – “Heading to the Shore” blog on providing beach access.
- [Accessibilityonline.org](#) recording of webinar on accessible toilet rooms.
- [ACCESS North Carolina a Vacation and Travel Guide for People with Disabilities](#) – guide provides accessibility ratings to access sites on the coast (pg. 363-448).

DESIGNING FACILITIES FOR RESILIENCY

Communities are encouraged to explore and incorporate resiliency by incorporating nature-based features into the design of their beach or water access site if flooding or erosion is a concern. Pedestrian access must be a major component of the project, with nature-based features being used to support, protect and enhance access improvements. Facilities built or renovated with grant funds must be maintained for public access for at least 25 years. Operation and maintenance are the responsibility of the grantee.

Examples of nature-based features include dune plantings, rain gardens, green parking lots, living shorelines, living breakwaters, and wetland restoration.

See [Naturally RESILIENT Communities](#) and [Building Community Resilience with Nature-Based Solutions](#) for more information on nature-based features, and case studies to help your community identify appropriate designs.

PROJECT REQUIREMENTS

LAND ACQUISITION PROJECTS

Eligible projects: Purchase of land or easements for future public access facilities.

Land acquisition match: For land acquisition, the local match must be at least 15% of the total project cost. Total projects costs include grant funding, local cash, and in-kind match. At least one-half (1/2) of the local contribution (7.5% of the total project cost) must be cash; the remainder may be in-kind. For [Tier 1 counties](#) and their respective municipalities, the local government contribution for land acquisition is 10% of the total project costs. At least one-half (1/2) of the local contribution (5% of the total project cost) must be cash; the remainder may be in-kind.

The following requirements apply to land to be acquired by fee simple title or easement.

The acquisition cost or fair market value of real property, including interest in donated lands, will be required to be based upon the appraisal of a licensed appraiser. Grant funds dispersed for acquisition cannot exceed the fair market value of the real property associated with the award. If the negotiated purchase price or a subsequent appraisal value is greater than the project cost as presented in the final application, the grantee must pay the additional cost.

Dedication for public access: Land acquired with Public Beach and Coastal Waterfront Access program funds shall be dedicated in perpetuity for public access and benefit of the general public, and the dedication shall be recorded in the local Register of Deeds by the grantee.

Property acquired fee simple via purchase with a grant from DCM must have the following clause in the deed:

“This property was acquired with State financial assistance from the N.C. Division of Coastal Management and pursuant to 15A NCAC 07M .300 and a contractual requirement with the Division of Coastal Management, this Property shall in perpetuity (1) be used for, and only for, public beach and water access and recreation purposes for the use and benefit of the general public and (2) not be converted to uses that are other than public beach and water access and recreation purposes (whether by sale, transfer, or in any other manner) without first obtaining approval from N.C. Department of Environmental Quality (NC DEQ) or its successor agency in accordance with the applicable rules.”

Donated property used as a local match or easements acquired with a grant from DCM will require a similar clause.

When to take title to land/leases/easements: All communities must sign a contract with the state *before* accepting a title/lease/easement to land that will be acquired using grant funds. This also applies to property that is donated to the local government.

A Contract for Purchase or a Loan Agreement may be accomplished prior to the effective date of a grant contract. Cash payments that occur prior to the effective date of the grant contract are not eligible for credit towards a cash match and are not reimbursable. The exception is when the applicant has been granted a waiver or the intent is to use it toward in-kind match.

Is it urgent? Request a waiver

The grant cycle from pre-application to contract is approximately one year. DCM understands that land acquisitions can be time sensitive and may need to occur outside of a contract. If necessary, a local government can request a waiver to purchase land to be considered for funding under a future grant application. The local government acknowledges that the waiver does not indicate preferential treatment in grant selection or guarantee grant funding.

The waiver process is outlined below:

1. The local government submits a waiver application to DCM, the waiver application must be submitted and approved **prior** to the local government acquiring land. The waiver application must identify the proposed site and explain why the property must be acquired early due to factors beyond the local governments control.
2. DCM will review the wavier application. If approved, the waiver is effective for 18 months.
3. To be eligible for grant funding the local government must submit a pre-application for the land acquired with a waiver before the waiver expires, and the pre-application must be selected to submit a final application.
4. The local government must then submit a final application and be selected for grant funding.
5. Grant funding is not guaranteed until the local government has signed a fully executed contract with DEQ.

Buying now and building later: The grant may be used to acquire land with plans to make improvements later. The applicant must provide a "Plan for Future Development" as part of a final application. The Plan is to include: a description of how the public will be able to use the site until improved access facilities are in place; a conceptual site plan showing the proposed development; and a timeline for developing the site. The grantee has five years after closing out the contract to begin developing beach and water access facilities.

Property lease or easement: Arrangements must be for the life of the project (25 years).

Donated land/structures/bargain sale: See [Donations of Property and Services](#).

Property values and appraisals

To obtain an accurate cost for acquiring property, applicants are encouraged to obtain an appraisal for each parcel. This includes property that may have been acquired prior to the application deadline using an acquisition waiver.

A preliminary property appraisal will be required as part of the final application. The preliminary appraisal is an educated estimate of the property's value. An estimate does not require a licensed appraiser. Accurate appraisals are important. If the applicant underestimates a property's value, the applicant will need to pay the difference with local funds.

A certified property appraisal will be required prior to grant reimbursement. A licensed appraiser is required to certify that the appraisal was completed using the [Universal Standard of Professional Appraisal Practices](#).

For property with a value more than \$500,000, two (2) certified appraisals will be required if the grant is approved. The State Property Office will review the appraisals and determine the value of the property.

Existing Capital Improvements: The appraisal must be for the value of the land and any existing structures that will be used for public access and recreational purposes. Only those improvements that will be used for public access and recreational purposes can be included in the cost of the property to be reimbursed with a grant. Please identify the value of each of these improvements and describe how they will be used at the proposed access site.

When may a formal appraisal not be necessary: With DCM's approval, the use of property value based on property tax assessment may be used only when all of the following is evident:

1. That the property owner will accept the tax appraisal assessment;
2. The proposal is not locally controversial;
3. The property is an unbuildable lot/remnant or of a small size or awkward shape;
4. The property is contiguous to existing publicly owned or controlled property, or FEMA buyout property; and,
5. The property has an estimated value of less than \$15,000.

Signage requirement: The grantee will be required to install CAMA public access signs at the project site(s). The State will provide these signs at no cost to the grantee.

SITE IMPROVEMENT PROJECTS

Eligible projects: Any facility constructed with these grant funds must meet state and federal guidelines for handicap accessibility. See [Designing Facilities for ADA](#).

Construction Projects

- Facilities such as ADA beach access mats, dune crossovers, boardwalks, and piers that provide pedestrian access to the water.
- Support facilities such as parking areas, restrooms and other facilities.
- Boat launch facilities - boat launch and ramp facilities, whether motorized or not, may be part of a project provided pedestrian access is still a major component of the project.
- Nature-based features may be part of a project provided pedestrian access is still a major component of the project, with nature-based features being used to support, protect and enhance access improvements.

Rehabilitation

- Handicap facilities - applicants are encouraged to submit proposals designed to enhance handicap accessibility at existing facilities.
- Urban waterfront access sites - improved public access to deteriorating or underutilized urban waterfronts through reconstruction or rehabilitation, such as the establishment or rehabilitation of boardwalk areas, shoreline stabilization measures such as the installation or rehabilitation of bulkheads, and the placement or removal of pilings for the purpose of public safety and increased access and use of the urban waterfront.
- Reconstruction or relocation of existing damaged public access facilities. Primarily for sites not originally funded by this program, or for improvements to any sites at least fifteen (15) years old.

Site improvements match: For site improvements and amenities, local match must be at least 25% of the total project cost. Total projects costs include grant funding and local cash and in-kind match. At least one-half (1/2) of the local contribution (12.5% of the total project cost) must be cash; the remainder may be in-kind. For [Tier 1 counties](#) and their respective municipalities, the local government contribution for site improvement and amenities is 10% of the total project costs. At least one-half (1/2) of the local contribution (5% of the total project cost) must be cash; the remainder may be in-kind.

Site control: The applicant must own or have at least a 25-year lease or easement on the property where improvements or renovated facilities will be located. The applicant must submit copies of the deed or of the signed lease or easement, as well as the opinion by the applicant's attorney, regarding site control as part of the final application. Proposals that include the leasing or acquisition of easements as part of the total project cost must identify the estimated costs and assumptions used in the request proposal. Where property is owned or controlled by another governmental entity or agency, a Joint Use Agreement may suffice, subject to DCM approval.

Joint use agreement: A local government and a school system or state or federal agency must include a draft Joint Use Agreement with a final application. The agreement describes the hours of use of the facilities by the public and how the site will be maintained. DCM staff must approve the formal agreement prior to a reimbursement of grant funds. It is the grantee's responsibility to ensure that the agreement is acceptable to DCM/DEQ prior to expenditure of local funds to be reimbursed. Recording of the Joint Use Agreement may be required.

Placing utility lines underground: All utility lines funded with a grant award must be placed underground unless agreed to otherwise within the contract.

Required development permits: Receipt of a grant award does not guarantee approval of a CAMA development permit or any other State permit. The local government is required to obtain all applicable permits. Contact your *DCM Field representative* for guidance on applying for a CAMA Permit. Local governments cannot issue CAMA Minor Permits or grant CAMA Permit Exemptions to themselves.

Signage requirement: The grantee will be required to install CAMA public access signs at the project site(s). The State will provide these signs at no cost to the grantee.

MAINTENANCE AT PREVIOUSLY FUNDED SITES PROJECTS

Eligible projects: repair and maintenance of access site facilities and amenities to ensure public health and safety. Repair and maintenance does not include activities such as trash removal, grounds keeping, or custodial services, nor can it be used to pay local government staff salaries. *This project category is available only to Tier 1 communities.*

Site maintenance match: For maintenance at previously funded sites, the grantee match must be at least 10% of the total project cost. At least one-half (1/2) of the local contribution (5% of the total project cost) must be cash; the remainder may be in-kind.

Required development permits: Receipt of a grant award does not guarantee approval of a CAMA development permit or any other State permit. The local government is required to obtain all applicable permits. Contact your *DCM Field representative* for guidance on applying for a CAMA Permit. Local governments cannot issue CAMA Minor Permits or grant CAMA Permit Exemptions to themselves.

Signage requirement: The grantee will be required to install CAMA public access signs at the project site(s). The State will provide these signs at no cost to the grantee.

LOCAL CASH AND IN-KIND CONTRIBUTIONS

In general, in-kind contributions are derived from resources already on hand or from donations, whereas cash contributions will be utilized to purchase new services or materials necessary for proper completion of the access project.

Criteria for claiming contributions: Cash and in-kind contributions may be claimed as part of the local government's match when such contributions meet all the following criteria:

1. Are provided for in the project budget approved by the Division of Coastal Management;
2. Are verifiable from the local government's records;
3. Are necessary and reasonable for proper and efficient completion of the project;
4. Are not included as contributions for matching any other state or federally assisted projects or programs, except where authorized by state or federal statute;
5. Use of other state or federal funds for local cash match must be identified to ensure that double matching does not occur;
6. Do not include N.C. state sales tax; and,
7. Conform to other provisions of these guidelines, as applicable.

CASH CONTRIBUTIONS

Cash contributions may be claimed for the following accountable items: planning and project design fees, permit fees, land acquisition (including survey and appraisal), labor (other than local government salaried employees), materials, construction equipment rental, amenities, and infrastructure. These costs must be incurred during the contract period.

Site amenities: The cost of amenities purchased by the grantee during the contract period may be included as part of the cash contribution if it is an integral part of the access facility or its construction as presented in the final application submitted to the Division of Coastal Management and specified in the contract. Examples include park benches, bike racks, water fountains, trashcans, and lights.

Construction equipment rental: If the grantee must rent construction equipment to complete the proposed project, (such as front loaders, graders, or dump trucks) rental costs may be included as cash contribution.

State and federal funds: Other state and federal funds may be counted as cash match provided the funds are not being used as a match for other programs. Use of other state or federal funds for local cash match must be identified to ensure that double matching does not occur.

Attorney fees: Fees associated with the title opinion and other property transaction costs may be included as a cash contribution. Such costs should be included in the project budget.

Fees: Fees for preparing a grant or permit proposal are not eligible.

IN-KIND CONTRIBUTIONS

In-kind contributions may be claimed for the following accountable items: project design fees, permit fees, land acquisition (including survey and appraisal), labor (including local government salaried employees), materials, construction equipment rental, amenities, and infrastructure. Reasonable local government employee time can also be credited.

When property is leased to the local government for an annual fee, the first year's lease payment may be considered as in-kind contribution.

These costs must be incurred during the contract period, except as specifically indicated below:

Site assessments: Title opinions, property appraisals, boundary surveys, and wetland delineations associated with land acquisitions and site improvements may be counted toward in-kind match, provided the costs are incurred within three (3) years of the grant award date.

Permits: Project permit fees and design and engineering fees associated with permits that are expended prior to a grant contract may be counted toward in-kind match, provide the costs are incurred within three (3) years of the grant award date. Fees for preparing a grant or permit proposal are not eligible.

Attorney Fees: Fees associated with the title opinion and other property transaction costs may be included as an in-kind match prior to the effective date of the contract.

FEMA buyout properties: Property that was part of a FEMA buyout or other similar mitigation program is eligible for this grant program, provided the original conditions for the buyout are not in conflict with the proposed improvements. Use of the recent buyout property's value as in-kind match may be considered similarly as previously purchased or donated property. (See [Donations of Property and Services](#))

Volunteer services: Volunteer services eligible as in-kind contribution are limited to professional engineering and architectural services when those services are not found in the local government. Paid fringe benefits that are reasonable, allowable and allocable may be included in the valuation, if approved by DCM. When an employer other than the local government furnishes the services of an employee, or when an individual contractor volunteers, these services shall be valued at the employee's regular rate of pay (plus an amount of fringe benefits, as described above), provided these services employ the same technical skill for which the employee is normally paid. *All volunteer services must be documented by signed invoice showing the billing rate for the service, number of hours, and a statement that the charges are forgiven.*

Excluded from volunteer services are prison labor, court-required community service and other work programs and volunteer civic groups.

DONATIONS OF PROPERTY AND SERVICES

Land/structures: If the applicant has land that has recently been donated or that will be donated, or structures for an access facility, and the donation is allowed by the Division of Coastal Management to be counted as local contribution, the value of the donation for purposes of in-kind contributions shall be established by an independent licensed appraiser.

- The donor of the land must be a private organization or individual.
- The applicant must provide a five-year history of conveyance for the property.
- Land that is transferred due to a statute or rule is not considered a donation.

Donation to, or acquisition of, the property/structure by the local government must have occurred within five (5) years of the grant award date to qualify as an in-kind match. A long-term easement (more than 25 years from the date of the grant award) of land may also be considered under this guideline.

Bargain sale: If a landowner is proposing to sell land to the applicant for less than the appraised value, the amount of the donation is the difference between the appraised value and the amount paid by the applicant. *Contact your District Planner if your project includes a bargain sale.*

Professional fees: If the usual fees of a licensed professional, such as an architect or engineer, are waived or donated to the grantee for work associated with the access project, the fees may be claimed as in-kind contributions. Rates shall be consistent with local pay scales. Partial contribution of a fee (for example, the balance of a discount rate) will not be considered as in-kind match. *All volunteer professional services must be documented by signed invoice showing the billing rate for the service, the number of hours and that the charges are forgiven.*

Construction equipment: The use of privately owned construction equipment (graders, loaders, dump trucks, etc.) donated for construction of the access facility may be claimed as in-kind contribution. The use value of the rented equipment shall not exceed its fair rental value. Use of public agency equipment is not eligible for matching.

Building materials, site amenities and landscaping materials: Building materials (lumber, hardware, marl, etc.), site amenities (benches, bike racks, water fountains, etc.) and landscaping materials (plants, soil, timbers) donated to the project may be claimed as in-kind contribution. The value of any of these goods shall not exceed fair market value at the time of donation. To be eligible as an in-kind contribution they must be an integral part of the project as presented in the final application and specified in the contract.

RETENTION, USE AND MAINTENANCE

The grantee will be required to agree to the following related to the retention, operation, maintenance, and use of properties and facilities acquired or developed with grant assistance; and these requirements will survive the closeout of the contract.

Retention of use: Any property acquired or developed with grant assistance will be required to be retained and used for public access.

Operation and maintenance: The grantee will be required to agree to operate and maintain solely at its expense, insofar as it is legally empowered to do so, for as long as they exist, the facilities and areas covered by the grant award contract. Acquired or developed property will be required to be operated and maintained as follows:

1. The property must be maintained in such a manner that DEQ/DCM finds it to appear attractive and inviting to the public.
2. Sanitation must be kept at reasonable standards for public use. Fire protection and other similar services must be maintained in accordance with applicable State and local public health standards.
3. Properties must be kept reasonably safe for public use. The grantee will determine the level of maintenance and supervision necessary to maintain the facility in a safe condition.
4. Buildings, roads, and other structures and improvements must be kept in reasonable repair throughout their estimated lifetime, to prevent undue deterioration and not to discourage public use.
5. Buildings, roads, and other structures and improvements must be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.
6. Reasonable user fees may be assessed, as long as those fees are used exclusively for the operation, maintenance, and enhancement of existing public access sites, including trash removal, law enforcement and public safety, beach nourishment projects or the provision of new public access sites through acquisition or easement. Annual accounting reports for fees generated at Access Program funded access sites and shall make the report available upon request.

Reasonable use limitations: The use of property acquired or developed with grant assistance may not be changed from the proposed and approved in the grant award unless approval is obtained from DEQ/DCM. The grantee may impose reasonable limits on the type and extent of use of areas and facilities acquired or developed with grant assistance when such a limitation is necessary for maintenance or preservation. All limitations will be required to be in accord with the applicable grant contract.

Use of proceeds of sales of assisted areas and facilities: The proceeds of sale of assisted areas and facilities will be required to be held by DEQ or the grantee and be disposed of only in accordance with a plan approved by DEQ.

Notice of limitations of use and restrictions: The grantee and/or owner of the real property acquired or leased with grant funds awarded will be required to file, in the office of the local Register of Deeds, a Notice of Limitation of Use and Restrictions which sets forth the land use restrictions contained in the grant award contract and to provide a copy to DEQ/DCM.

IF YOU RECEIVE A GRANT

When to start: To receive grant funds, a grantee must receive a fully executed contract from DEQ *before* beginning the access project. A DEQ grant contract is considered 'fully-executed' once it has been signed by both a signatory authority of the grantee and DEQ Financial Services. A copy of the fully executed contract will be provided to the grantee after being signed by DEQ.

There are two exceptions. Some planning costs can be incurred before applying. Also, DCM can approve a waiver allowing an applicant to acquire land before a grant is approved.

Signing the contract: The grantee is required to adopt a Resolution authorizing the manager to enter the grant contract with DEQ. The contract describes the project and the conditions for receiving the access grant. This is a legally binding agreement between the grantee and the State of North Carolina.

Project scope and costs submitted in the application will be used to develop a scope of work that will be included in the contract and serve as the budget for the project. The grantee is responsible for any additional costs needed to complete the project.

Audits and inspections: DCM staff will conduct periodic site inspections of each access project to inspect the progress. All grantees must maintain accounting records for the project that are supported by documentation such as invoices and contracts.

Period reporting: The grantee will be required to submit reports as to the status and progress of the project every 6-months for the duration of the contract. DCM will provide the report templates.

Completing the access project: The grantee has 18-months to complete a project. Projects may be amended and extended at the discretion of DCM.

Project reimbursement: Access grants are paid as reimbursements of actual expenses. DCM will reimburse only after the grantee's required local cash match has been met. No grant funds may be dispersed prior to a grantee meeting its local cash match.


TIER 1 COASTAL COMMUNITIES
2023-24

<i>County</i>	<i>Municipality</i>
Bertie County	
	Town of Askewville
	Town of Aulander
	Town of Colerain
	Town of Kelford
	Town of Lewiston-Woodville
	Town of Powellsville
	Town of Roxobel
	Town of Windsor
Chowan County	
	Town of Edenton
Hertford County	
	Town of Ahoskie
	Town of Cofield
	Town of Como
	Town of Harrellsville
	Town of Murfreesboro
	Town of Winton
Hyde County	
Onslow County	
	Town of Holly Ridge
	City of Jacksonville
	Town of North Topsail Beach
	Town of Richlands
	Town of Swansboro
Tyrrell County	
	Town of Columbia
Washington County	
	Town of Creswell
	Town of Plymouth
	Town of Roper



Date: August 6, 2023

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

From: Christy Ferguson, Assistant Town Manager 

Re: Resolution for Installment Financing for Lift Station 2 Improvements

The attached resolution (Attachment 1), prepared by our bond attorney firm, Parker Poe Adams & Bernstein, LLP, is a necessary component for the application to the Local Government Commission (LGC) to obtain financing for the improvement/remodeling of Sewer Lift Station 2. The resolution authorizes the negotiation of an installment financing contract with a financial institution to be determined and the provision of a security interest in the real property on which Sewer Lift Station 2 is located. Also attached is the required public hearing notice (Attachment 2-Exhibit A) that sets the date of the public hearing for September 12, 2023 at 5:30 p.m. and a Notice to the Joint Legislative Committee (Attachment 3) that is a required as part of the installment financing process.

Attachment 1: Resolution # 23-11 -- Resolution of the Town of Holden Beach, North Carolina, Authorizing Negotiation of an Installment Financing Contract and Providing for Certain Other Related Matters

Attachment 2-Exhibit A: Public Hearing Notice

Attachment 3- Notice to Joint Legislative Committee

Suggested Motion: Approval of Resolution # 23-11, as well as Exhibit A, to set the public hearing and direct the town manager to notify the Joint Legislative Committee of the Town's intentions through execution of Attachment 3.

Attachment 1

RESOLUTION 23-11**RESOLUTION OF THE TOWN OF HOLDEN BEACH, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**

WHEREAS, the Town of Holden Beach, North Carolina (the "*Town*") is a municipal corporation duly created and validly existing under the Constitution, statutes and laws of the State (the "*State*");

WHEREAS, the Town has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners (the "*Board*") of the Town hereby determines that it is in the best interest of the Town to (1) enter into an installment financing contract (the "*Contract*") with a financial institution to be determined to finance the upfit of the Town's Sewer Lift Station #2 for the Town's utilities systems (the "*Project*"), and (2) in order to provide security for the Town's obligations under the Contract, grant to such financial institution a security interest under a deed of trust on the real property on which the Project is located and the improvements thereon, as the financial institution providing the funds to the Town under the Contract may require;

WHEREAS, the Town staff has retained (1) Parker Poe Adams & Bernstein LLP, as special counsel ("*Special Counsel*") and (2) DEC Associates Inc., as financial advisor, in connection with the proposed installment financing;

WHEREAS, the Board hereby determines that the Project is important to the general health and welfare of the Town's inhabitants; that the Project will permit the Town to carry out public functions that it is authorized by law to perform; and that entering into the Contract is necessary and expedient for the Town by virtue of the findings presented herein;

WHEREAS, the Board hereby determines that such cost of the Project exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the Town in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of financing the Project pursuant to the Contract is expected to exceed the cost of financing the Project pursuant to a bond financing for the same undertaking, the Town hereby determines that the cost of financing the Project pursuant to the Contract and the obligations of the Town thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay in the ability to finance the Project; and (3) insufficient revenues are produced by the Project so as to permit a revenue bond financing;

WHEREAS, the Board hereby determines that the estimated cost of financing the Project pursuant to the Contract allows the Town to finance the Project at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the Town and reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the Town does not anticipate an increase in taxes to pay the installment payments under the Contract, but the increase in taxes, if any, necessary to service the installment payments falling due under the Contract will not be excessive;

WHEREAS, no deficiency judgment may be rendered against the Town in any action for its breach of the Contract, and the taxing power of the Town is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

WHEREAS, the Town is not in default under any of its debt service obligations;

WHEREAS, the Town's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the Town has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget Ordinance;

WHEREAS, past audit reports of the Town indicate that its debt management and contract obligation payment policies have been carried out in compliance with the law, and the Town has not been censured by the Local Government Commission of North Carolina (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract, after publication of a notice with respect to such public hearing, must be held and approval of the LGC with respect to entering the Contract must be received; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HOLDEN BEACH, NORTH CAROLINA, AS FOLLOWS:

Section 1. The Mayor and the Town Manager, and their respective designees, individually and collectively, with advice from the Town Attorney and the Town's financial advisor and Special Counsel, are hereby authorized and directed to negotiate on behalf of the Town (1) the financing of the Project for a principal amount not to exceed \$5,000,000 under the Contract, to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina, as amended, and (2) the provision of a security interest under a deed of trust in the Town's fee simple interest in the real property on which the Project is located, together with all improvements thereon, as may be required by the financial institution providing the funds to the Town under the Contract to secure the Town's obligations thereunder.

Section 2. The Board finds and determines that:

- (1) The proposed Contract is necessary or expedient;
- (2) The Contract, under the circumstances, is preferable to a bond issue for the same purpose;
- (3) The sums to fall due under the Contract are adequate and not excessive for its proposed purpose;
- (4) The Town's debt management procedures and policies are good;
- (5) The increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive; and

(6) The Town is not in default in any of its debt service obligations.

Section 3. The Town Manager or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the Town and its financial condition as may be required by the LGC.

Section 4. Parker Poe Adams & Bernstein LLP has been retained by the Town to serve as special counsel for the installment financing and DEC Associates Inc. has been retained to serve as financial advisor for the installment financing. The Town Manager, with advice from the Town Attorney, is hereby authorized to retain the assistance of other professionals as he deems necessary and desirable to carry out the intention of this Resolution.

Section 5. A public hearing shall be conducted by the Board on September 12, 2023 (the "Public Hearing") concerning the approval of the execution and delivery of the Contract for the financing of the Project. The Town Clerk is hereby directed to cause a notice of the Public Hearing, a form of which is attached hereto as Exhibit A, to be published at least once in a qualified newspaper of general circulation within the Town no fewer than 10 days prior to the Public Hearing.

Section 6. All actions of the Town and its officials, whether previously or hereafter taken in effectuating the proposed installment financing as described herein, are hereby ratified, authorized and approved.

Section 7. All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 8. This Resolution is effective on the date of its adoption.

This the 15th day of August, 2023.

J. Alan Holden Mayor

ATTEST:

Heather Finnell, Town Clerk

STATE OF NORTH CAROLINA)
)
COUNTY OF BRUNSWICK) SS:

I, *Heather Finnell*, Town Clerk of the Town of Holden Beach, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE TOWN OF HOLDEN BEACH, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO**” adopted by the Board of Commissioners of the Town of Holden Beach, North Carolina, at a meeting held on the 15th day of August, 2023.

WITNESS my hand and the corporate seal of the Town of Holden Beach, North Carolina, this the ___ day of August, 2023.

[Seal]

Heather Finnell
Town Clerk
Town of Holden Beach, North Carolina

Attachment 2

EXHIBIT A**NOTICE OF PUBLIC HEARING**

The Board of Commissioners (the "*Board*") of the Town of Holden Beach, North Carolina (the "*Town*") is considering entering into an installment financing contract (the "*Contract*"), in a principal amount not to exceed \$5,000,000, under which the Town will make certain installment payments, to finance the upfit of the Town's Sewer Lift Station #2 for the Town's utilities systems (the "*Project*"), and (b) pay the costs associated with entering into the Contract. The Project is located at 484 Ocean Boulevard West, Holden Beach, NC 28462.

In connection with the Contract, the Town will secure its obligations under the Contract by a deed of trust (the "*Deed of Trust*") that grants a security interest on the site of the Project and the improvements thereon (the "*Mortgaged Property*") for the benefit of the financial institution providing the funds to the Town under the Contract. The Contract and the Deed of Trust permit the Town to enter into amendments to finance additional projects and refinance projects using the Mortgaged Property as collateral and the Town may grant additional collateral in connection with such amendments. On the Town's payment of all installment payments due under the Contract, including any future amendments to finance or refinance projects, the lien created in the Project will terminate and any security interest granted to the financial institution providing the funds to the Town under the Contract will be released.

NOTICE IS HEREBY GIVEN, pursuant to Sections 160A-20 of the General Statutes of North Carolina, that on September 12, 2023 at 5:30 p.m., or as soon thereafter as practicable, at the Town Hall Public Assembly, 110 Rothschild Street, Holden Beach, NC 28462, the Board will conduct a public hearing concerning the approval of the execution and delivery of the Contract as described above. All interested parties are invited to present comments at the public hearing on the Contract. Any person wishing to comment in writing should do so by submitting comments to Town Hall, 110 Rothschild Street, Holden Beach, NC 28462, Attention: Town Clerk, or heather@hbtownhall.com. Written comments must be submitted between the date of publication of this notice and 24 hours before the public hearing.

/s/ Heather Finnell

Town Clerk

Town of Holden Beach, North Carolina

Attachment 3

**NOTICE TO JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT
OF PROPOSED LOCAL GOVERNMENT FINANCING**

August __, 2023

Joint Legislative Committee on Local
Government
16 West Jones Street
Raleigh, North Carolina 27601
Attention: Committee Chairs and Committee
Assistant

Fiscal Research Division
Legislative Office Building
300 North Salisbury Street, Suite 619
Raleigh, North Carolina 27603-5925
Attention: Director

North Carolina Local Government Commission
3200 Atlantic Avenue
Raleigh, North Carolina 27604
Attention: Secretary

***Town of Holden Beach, North Carolina
Installment Financing***

In accordance with N.C. Gen. Stat. §120-157.2(a), the Town of Holden Beach, North Carolina (the "Town") hereby notifies you of its intent to pursue entering into an installment financing contract (the "Contract"), the proceeds of which will be used to finance the upfit of the Town's Sewer Lift Station #2 for the Town's utilities systems (the "Project"). To secure the Town's obligations under the Contract, the Town will execute and deliver a deed of trust and security agreement under which the Town will grant a lien on and create a security interest in the real property on which the Project is located and the improvements thereon.

The Town expects that the Contract will have a term of approximately 10 years and that the amount advanced to the Town under the Contract will be approximately \$5,000,000. The Town may pay its obligations under the Contract from any source of funds available to it in each year. The Town's obligation to make payments under the Contract is a limited obligation of the Town, subject to annual appropriation, and will not constitute a direct or indirect pledge of the faith and credit or the taxing power of the Town.

Entering into the Contract and the related documents is subject to the approval of the Board of Commissioners of the Town. Subject to the Board of Commissioner's approval, the Town will request that the Local Government Commission of North Carolina (the "Commission") consider for approval the Town's proposal to execute and deliver the Contract at the Commission's meeting scheduled for October 3, 2023, or at such other meeting as the Town and the Commission may determine.

TOWN OF HOLDEN BEACH, NORTH CAROLINA

By: _____

David W. Hewett
Town Manager



Holden Beach Police Department
Chief Jeremy Dixon

110 Rothschild St
Holden Beach, NC 28462
www.hbtownhall.com

Phone: 910-842-8747
Fax: 910-846-6907
jeremy.dixon@hbtownhall.com

August 4, 2023

To: Holden Beach Board of Commissioners

CC: David Hewett, Town Manager
Heather Finnell, Town Clerk

Ref: Holden Beach Ordinance 94.06 PLACING OBSTRUCTIONS ON THE BEACH

I have recently received inquiries from numerous rental companies about the possibility of modifying this ordinance as written. The push for an ordinance adjustment is based on these facts:

- Morning temperatures.
- Time to distribute rental canopies.
- Evening temperatures.
- Time to collect rental canopies.

There are two interested parties who object to an earlier end time to this ordinance. Public Works Director Clemmons has stated that a modification to this ordinance would negatively impact the contracted trash pull, and the Holden Beach Turtle Patrol has expressed their objection as well. The objections are based on these facts:

- Contracted trash pull begins at 6am each morning – 2-3 hours average;
 - Obstructions on the beach would hinder their ability to access trash cans.
- Turtle Patrol rides beach at 5:45 each morning – 2 ½ hours average time;
 - Obstructions on the beach would hinder their ability to locate turtle crawls.
 - Obstructions on the beach would interfere with turtle nesting's – often have turtles leaving the beach in the early morning hours.

With those interferences in mind, leaving the ending time of the ordinance at 7am is recommended. While the safety (heat factor) and convenience (time factor) of local employees is important, it cannot outweigh the public health factor (trash) and wildlife elements.

However, to accommodate the heat and time factor for the employees of these companies, it may be reasonable to consider a later start time to the ordinance as written. If all canopies were removed prior to sunset, there should be no foreseeable negative impact upon public health or wildlife. The topic is up for your discussion and consideration.

Respectfully,


Jeremy Dixon, Chief of Police

§ 94.06 PLACING OBSTRUCTIONS ON THE BEACH.

(A) All beach equipment must be removed from the beach by its owner or permitted user on a daily basis. All personal items and beach equipment unattended and remaining on the beach between the hours of 6:00 p.m. and 7:00 a.m. will be classified as abandoned property and shall be removed and disposed of by the town.

(B) All beach equipment shall be set at least ten feet from any sea turtle nest or dune vegetation.

(Ord. 10-08, passed 9-14-10)

Jeremy Dixon

From: Clayton Robinson <sweetlifeholdenbeach@gmail.com>
Sent: Wednesday, August 2, 2023 3:24 PM
To: Jeremy Dixon
Subject: Beach equipment times

To whom it may concern,

My name is Clayton Robinson and I am the owner of Sweet Life Rentals in Holden Beach. For a decade now we have been providing a service of setting up and taking down canopies on the beach for guests, property owners, and full time residents. With our service it is very labor intensive and the heat plays a factor in how efficient we are able to operate. During the peak months of business as well as heat, we would like to be able to start at daylight, not the 7am stated time. By 7am the sun has been up for an hour and temperatures are well over 90 degrees with humidity sometimes over 100. The difference in us being able to start an hour or so earlier would be a tremendous difference. We fully respect the ordinance of making sure nothing is left on the beach overnight which is why we offer the service we do. We have always made a conscious effort to stay clear of anything near the turtle nest and knowing they nest and hatch at night, we would only operate when there is natural light to see to work. Please consider this as I employ 6 very hard working individuals who value these jobs that revolve around our precious tourism driven beach.

Sincerely, Clayton Robinson - Holden Beach Native

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Clayton Robinson - Owner
910-231-0398 - Main Rental Line
910-540-9519 - Vendors and Real estate companies contact

Sweet Life Rentals
647 Stanbury RD SW
Supply NC 28462

Jeremy Dixon

From: Robert Christian <bluesailnc@yahoo.com>
Sent: Wednesday, August 2, 2023 4:21 PM
To: Jeremy Dixon
Subject: Town ordinance change.

Mr Dixon

This email is about the town ordinance that prohibits beach equipment from being set up prior to 7am. During the summer months we would like to be able to set up tents and chairs etc as early as possible because of the intense heat during these months. It would be good to have it 6am to 9pm which covers the daylight hrs. Our company provides a much wanted service to alot of beach goers though out the summer. Providing vacationers with quality amenities keeps them coming back. Please help us out with this heat. Thank you for taking the time to read this and listening to our concerns.

Blue Sail Beach Outfitter LLC
Golf cart and Beach Tent Rentals

Robert H Christian-Owner
Sharon G Wingate-Owner
910-444-8846

Jeremy Dixon

From: Denise Young <denisesellsyourhome@gmail.com>
Sent: Thursday, August 3, 2023 4:08 PM
To: Jeremy Dixon
Subject: Island Time Rentals

I am proposing the town commissioners consider changing the ordinances for canopy setup/take down service to Daylight to Dusk.

This will be helpful to the employees who have to endure the heat by allowing them to start earlier, while keeping in mind to not be in the way of the Turtle Patrol.

Our customers value our service to make their vacations more relaxed which is also a benefit to the town in the area of tourism.

Thank you for your consideration

Sincerely,

Mitch Young

Owner of Island Time Rentals

910-444-8518

islandtimetaxis@gmail.com