



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

**Tuesday, February 20, 2024
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, FEBRUARY 20, 2024 - 5:00 P.M.**

PUBLIC HEARING: Proposed Changes to Holden Beach Code of Ordinances §157.083 Accessory Structures and §157.006 Definitions

REGULAR MEETING:

1. Invocation
2. Call to Order/ Welcome
3. Pledge of Allegiance
4. Agenda Approval
5. Conflict of Interest Check
6. Approval of Minutes
 - a. Minutes of the Special Meeting of January 23, 2024 (Page 1)
 - b. Minutes of the Regular Meeting of January 23, 2024 (Pages 2 – 13)
 - c. Minutes of the Special Meeting of January 25, 2024 (Pages 14 – 15)
7. Public Comments on Agenda Items
8. Police Report – Chief Dixon (Pages 16 – 21)
9. Inspections Department Report – Inspections Director Evans (Pages 22 – 24)
 - a. ADA Mediation Agreement Update (Pages 25 – 30)
10. Discussion and Possible Action on Ordinance 24-01, An Ordinance Amending Holden Beach Code of Ordinances §157.083 Accessory Structures and §157.006 Definitions – Inspections Director Evans (Pages 31 – 33)
 - a. Consistency Statement
11. Discussion and Possible Approval of Contract Between the Town and Martin Starnes and Associates for Audit Services for Fiscal Year 2023 – 2024 – Finance Officer McRainey (Pages 34 – 54)

12. Discussion and Possible Action Regarding the Pier Property Public Input Session on February 29, 2024 – Mayor Pro Tem Myers and Commissioner Paarfus (Pages 55 – 56)
13. Discussion and Possible Action on Adopting the Sailfish Park Site-Specific Master Plan as Completed by McGill Associates, PA. – Assistant Town Manager Ferguson (Pages 57 – 59, Separate Packet)
14. Discussion and Possible Action on Issuing a Request for Proposals for a New Permanent Town Attorney – Commissioners Thomas and Paarfus (Pages 60 – 63)
15. Discussion and Possible Action on Granting Permission to the Chaplain of the HB Chapel to Conduct the Annual Easter Sunrise Service from the HB Pier – Mayor Holden and Commissioner Dyer (Page 64)
16. Public Comments on General Items
17. Town Manager's Report
 - a. Greensboro Lift Station Update (Page 65)
18. Mayor's Comments
19. Board of Commissioners' Comments
20. Executive Session Pursuant to North Carolina General Statute 143-318.11(a)(5), To Establish or Instruct Staff or Agent Concerning the Negotiation of the Price and Terms of a Contract Concerning the Acquisition of Real Property – Mayor Holden and Commissioner Dyer (Page 66)
21. 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 February 20, 2024.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
TUESDAY, JANUARY 23, 2024 – 4:45 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Tuesday, January 23, 2024 at 4:45 P.M. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Tom Myers; Commissioners Rick Smith, Tracey Thomas, Page Dyer and Rick Paarfus; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Finance Officer Daniel McRaney; Police Chief Jeremy Dixon; and Lieutenant Frank Dilworth.

INTERVIEWS FOR VACANCIES ON THE AUDIT COMMITTEE

The Board interviewed Debra Kosch, Mary Vail Ware, Grace Lam and Tim Thronson.

ADJOURNMENT

Motion to adjourn by Commissioner Paarfus at 5:07 p.m.; second by Mayor Pro Myers; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, JANUARY 23, 2024 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, January 23, 2024 at 5:00 P.M. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Tom Myers; Commissioners Rick Smith, Tracey Thomas, Page Dyer and Rick Paarfus; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Finance Officer Daniel McRainey; Police Chief Jeremy Dixon; and Lieutenant Frank Dilworth.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Mayor Pro Tem Myers would like to switch the order of items 14 & 15. Commissioner Dyer asked if item 11 should be on this agenda and the special meeting agenda. Town Clerk Finnell explained that she left the item on the special meeting agenda in case the Board didn't approve the schedule today, but her direction was to bring the item back to this meeting. Commissioner Paarfus said item 12 is to award the contract for the walkway, not for the Hatteras ramp.

Motion by Commissioner Paarfus to approve the amended proposed agenda; second by Mayor Pro Tem Myers; approved by unanimous vote.

CONFLICT OF INTEREST CHECK

No Board member disclosed a potential conflict of interest.

Mayor Holden advised the Board he has a letter of resignation from Attorney Green effective immediately.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve both sets (Regular Meeting of December 19, 2023, Special Meeting of January 5, 2024); second by Commissioner Paarfus; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Will Carter spoke about his experiences with the pier. He asked the Board to create a new pier for the Town and a pier committee.

Steve Kimbrough said he thinks it would be a mistake to get bids for the pier before there is adequate public input. He talked about creating a committee and deciding on a long-term plan before the bids go out.

Regina Martin said she supports going out and getting an idea of the cost if the Town were to jet in the pilings. She suggested asking the consulting firm to cut the rate because it should have been bid both ways from the beginning. She stated if some of the other ideas are viable, the Town could look at that as well.

Sylvia Pate encouraged the Board to direct staff to engage in value engineering to reduce the scope and rebid the project. She suggested appointing a pier committee. She doesn't understand why there is no mention of boat trailer parking for the Block Q item. She suggested leaving the pavilion where it is if it doesn't need to be completely replaced. She recommended an economic impact study be completed if the Board is going to change the projects.

Jim Bauer thinks it is great to have a public input session for Block Q and the pier. He said the lift station needs to be the priority.

David Bennett explained why he thinks the Town is a special place. He recommended getting a pier committee and getting it going, whether it be building a new one, doing something to what we have or expanding. He said the Town needs a pier.

John Pearce provided information on the HB Community Alliance. They stand to work with the Town to help usher in many decades of the Holden Beach family beach experience. They are gearing up initiatives to help fund, educate, promote and otherwise assist the Town to remain an attractive option for families all over the nation to visit.

Ryan Williams provided information on his background. He said Block Q was purchased for the intention of parking. He talked about the Town losing money due to people not being able to access the water.

William Faircloth thinks talked about his experiences with the pier. He said the pier is outdated and he doesn't think renovating it is an option. He said the Town should put a new pier in.

Lyn Holden about his background and said the beach needs a pier. He thinks the Town should not bear the entire burden of the cost and should get some assistance from the state and county for the pier.

POLICE REPORT – CHIEF DIXON

- December was quiet. Not a lot of calls for service.
- PSA – starting to see more credit card and gift card scams. Provided details.

Mayor Pro Tem Myers asked about after hours water/sewer problems. Chief Dixon explained to call Town Hall during business hours. After hours you can call 911 and they will assist.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Reviewed numbers on the report
- They are really busy and doing the best they can to keep up.

DISCUSSION AND POSSIBLE SCHEDULING OF A PUBLIC HEARING ON PROPOSED CHANGES TO HOLDEN BEACH CODE OF ORDINANCES §157.083 ACCESSORY STRUCTURES AND §157.006 DEFINITIONS

Inspections Director Evans explained this was a Board initiated item. In the past accessory structures didn't include boat docks, ramps and piers, etc. by definition in our ordinance. In 2018 the Building Code Council exempted from permitting most of what the Town would consider as piers and floating docks. The outcome of that is we were having piers and docks without guardrails and handrails if they understood what it would take to be exempted. They helped write letters to NCDOT about the hazards of not having guardrails over oyster shells. In 2021, they went back in and rewrote it. When they did, they rewrote those items into the state's definition of accessory structures. The Town had to start enforcing them as accessory structures. Inspections Director Evans explained the Planning & Zoning Board reviewed the item and it is now before the Board. The Board would need to schedule a public hearing and consider a consistency statement if they want to move forward.

Motion by Commissioner Thomas to schedule a public hearing; second by Commissioner Paarfus. They agreed to schedule it at the start of the next regular meeting (February 20th at 5:00 p.m.) The motion passed unanimously.

DISCUSSION AND POSSIBLE APPROVAL OF SPECIAL MEETING DATES

Motion by Commissioner Thomas to accept the proposed meeting calendar as is, second by Mayor Pro Tem Myers.

Commissioner Thomas said they were asking for two meetings a week, but based on everyone's schedule, they cut it down to one day a week. She stated that is the minimum they want to start out with. Commissioner Smith requested the Board consolidate meetings. We have gone through budgets before without this number of meetings. He reviewed his suggestions. He said the meetings are so spread apart it will be hard for the general public and people with obligations to attend all the meetings. He would like to attend all the meetings. Commissioner Dyer talked about her availability and asked the Board to consolidate the meetings. She is a small business owner and explained how the proposed amount of meetings would affect her business. Commissioner Dyer said she feels like she is doing a disservice to the people who voted for her because she cannot make all the meetings without closing her business. She provides a service that is important to the community. There is a shortage of veterinarians in the country. Mayor Pro Tem Myers stated the budget is a high priority to him. He wants to get it right and get in front of it. He said they picked the daytime ones to be considerate of the staff. He said there is a larger number of smaller bites versus marathon sessions. Commissioner Dyer said the staff is very efficient and they were able to accomplish it in two extra meetings a month. The Town had

an excellent audit and she doesn't see why it can't be done the same way it was previously done. Commissioner Smith asked the meetings to be consolidated around the dates of the Board meetings. They had excellent budget sessions last year and got it done; the audit was wonderful. Commissioner Thomas explained how the schedule was arrived at to try to accommodate everyone's schedule. She doesn't think they can do their due diligence without at least starting this way and seeing how it works out. Commissioner Paarfus said this isn't his first rodeo running budgets. In order to apply sufficient rigor, it takes a lot of seat time. It was emphasized at the Essentials of Municipal Government that you would spend a lot of time on the budget because at the end of the day the Board is responsible. He said a clean audit is a good thing but it doesn't mean the money was spent correctly. It means you followed generally acceptable accounting practices and had sufficient internal controls to prevent mistakes and fraud. He said it is important to remember they are working as a Board; it is not like they are going to do a bunch of crazy stuff when members aren't there. He said the Board needs to work together. People who can't be there will still get information on the meetings. If they have concerns, they can talk about it. The Board further discussed the proposed schedule.

The motion passed by a 3 – 2 vote, with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioners Dyer and Smith voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON AWARDING A BID FOR WALKWAY AT 441 OCEAN BOULEVARD WEST

Assistant Town Manager Ferguson explained the bid opening was held on January 5th for the walkway at 441 Ocean Boulevard West. That is part of the grant the Town received in the amount of \$66,985. The Town received four bids as outlined in the bid tab. Due specifically to the finite and more descriptive detail of the start and stop date, staff recommended that the award go to A.W. Babson. There is only \$300 difference in price between the lowest bid and Babson. Assistant Town Manager Ferguson said you are allowed to take time into consideration when awarding bids. The Town is working under a constraint. We have a licensing agreement on the current access that the Town doesn't own, that says it could be pulled from the Town with 45 days' notice.

Commissioner Thomas said the previous agreement was with the former owner. She said the current owner is the mayor and asked if there will be any issues. Mayor Holden stated there are houses being built next door to his lot. In trying to be a good neighbor, he hasn't started his because the Town doesn't have an access if he builds a house there. He wasn't going to say anything about that. He has the right to stop it at any time but hasn't. Assistant Town Manager Ferguson explained the emergency access will be put in by Public Works at the same time. Mayor Pro Tem Myers said he doesn't fundamentally understand why the Town doesn't go with the lowest bidder. Town Manager Hewett explained the staff felt that the finite nature of the Babson bid justified basically the convenience fee and we had confidence that the probability of expeditious completion was greater. The Board is privileged by statute to discard any and all bids for whatever reason you choose to, to include qualitative aspects beyond price. Assistant Town Manager Ferguson said the Town has a good working relationship with every contractor on the list. She suggested that language be included in the motion that the town manager get a more finite stop date if the Board awards the bid to the lowest bidder. Timeframes and proposed dates were discussed. Commissioner Paarfus explained he doesn't think the justification is sufficient to go with the second lowest bidder. Commissioner Dyer stated she thinks the staff's decision should be considered.

Motion by Mayor Pro Tem Myers that we accept the low bid, Richardson Construction, allowing Town Manager Hewett to negotiate if there is an issue with weather; second by Commissioner Paarfus.

Commissioner Thomas said she would probably agree with Commissioner Dyer if Assistant Town Manager Ferguson didn't say they are familiar and comfortable working with any of these contractors. Commissioner Smith said the Board relies on staff considerably to guide them in the right direction. If they feel it is the right decision, he thinks it is the right direction to go.

The motion passed by a 4 – 1 vote, with Mayor Pro Tem Smith and Commissioners Thomas, Dyer and Paarfus voting for the motion and Commissioner Smith voting in the negative.

HOLDEN BEACH PIER PROJECT

Commissioner Dyer said they wanted to discuss directing staff to engage in value engineering to reduce the scope of work on the pier and to rebid the project. At the last meeting, the engineer suggested there is a different method of putting pilings in. We do have money budgeted for the pier. Commissioner Dyer would like to get bids with the new method discussed with Mr. Hemingway. She said the property owners need to be able to make an informed decision and she doesn't think an informed decision could be made without knowing the cost of the repair. She thinks it is a good idea to have a committee formed. She said let's keep moving forward. Commissioner Smith added the Town has been working on this project for several years. Phase 1 was to get the pier itself open. As far as the building and the master plan, that can be changed as we move forward. He watched them build the original pier and they jetted the pilings in the ground. He said we need to get the staff to engage with the architect to get a bid out for jetting the pilings in. Commissioner Smith said if we keep revisiting the plan, we are just spending money on top of money. Our taxpayers are the ones footing the bill. He stated we have a good plan and we need to get the pier open.

Motion by Commissioner Smith to ask the staff to do some value engineering with jetting in the pilings and get us some reasonable bids so we know where we are at; second by Commissioner Dyer.

Commissioner Paarfus said he requested to meet with the engineer and staff to discuss this project and talk about some of the aspects going forward. For instance, you need to determine the pile capacity, that requires testing. He said given the current location and existing structure; he doesn't know if we can do that. He said before we start pouring money into this financial hole, he would like to know how deep it is. Commissioner Paarfus said it is not appropriate to go out to bids to get budget numbers. He said if you want to have the engineer give his estimate, that is okay, but it is not okay to request bids from a contractor. He said the Board needs to understand where the pier falls with regard to all the other budget priorities. Mayor Pro Tem Myers believes it is irresponsible to start down a spending path without knowing where you are going, how much it will cost and how we will pay for it. We can repair it, replace it or demolish it. If we do nothing, nature will demolish it for us so he doesn't think doing nothing is really an option. We need the cost to repair it to compare it against the cost of a brand-new cement pier. He said a whole separate issue is how we will pay for it. Commissioner Dyer said the estimate that they gave us for this kind of work was \$700,000 - \$900,000. There is \$1 million in the budget line for the pier for that. She said they are not asking to spend any money at this point, they are just trying to find out how much it will cost to repair it. Mayor Pro Tem Myers said if the Board decides

to build a new pier, any money spent now is wasted money. Commissioner Dyer would like to get the cost so the people can make an informed decision on repairing versus building a new one. Mayor Pro Tem Myers said he doesn't think it needs to be put to bid, but we can get the total cost through economic analysis for a total repair. Commissioner Thomas stated this is the same motion that the Board rejected in December so she is surprised it is back. She feels the Board needs the big picture of what the whole thing would cost, not just putting \$1 million band aids on it. She said until we get that she is not in favor of spending any money on it.

The motion failed by a 2 – 3 vote with Commissioners Smith and Dyer voting for the motion and Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting in the negative.

Mayor Pro Tem Myers said this is to start the process of getting public input and coming up with a plan for the path forward for the pier. He is envisioning this to be very similar to the process for Sailfish Park. He is viewing this as a first step for having public input on the pier where we would have the architect present the plans and drawings, have the public ask questions and submit input. Then have the input summarized and brought back to the Board. Mayor Pro Tem Myers said hopefully we can explore repair/replace. He said a pier committee is a good idea. There is a placeholder on the schedule they approved earlier. We may need to change the scope of work for the architect. Town Manager Hewett agreed the scope may need to be amended, he would need to engage with him.

Motion by Mayor Pro Tem Myers to modify his scope so he could support a public input session and to move forward with holding it on February 29th, second by Commissioner Thomas.

Commissioner Dyer asked how much a public input session would cost. Staff is unsure. Commissioner Dyer suggested forming the committee now. Town Manager Hewett explained there are costs for committees. Commissioner Paarfus said this will be along the lines of a project delivery team, which is more intense. People who are on it will need to put in a whole lot of time. He likes the idea of having a committee, but he is not sure they are ready to create it.

Mayor Pro Tem Myers clarified the public input session would be for collecting public opinion on the existing pier plans. It is the repair path for the pier. It is for the building and pier structure. He said it also includes the pier property, including campground and parking.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON THE HOLDEN BEACH PAVILION

Mayor Pro Tem Myers said a year ago Right Angle Engineering did a condition assessment and report on the state of the pavilion. He read from the report. He said he thinks the Board needs to do something. He suggested having Right Angle Engineering do another assessment to make sure it is safe. Commissioner Paarfus is concerned about the safety of the pavilion; that is what we need to determine. He thinks it is important we find out what the current condition is and if we think it is safe to use for another season. Commissioner Dyer said she was under the impression that after the report came out, there were repairs done and monthly inspections completed. Inspections Director Evans explained the history of the pavilion and what repairs have been done to this point. Last summer they made a decision to put up x bracing to try to stop it from racking. If it continues to deteriorate in the condition cited, we

are reaching a point that if the Board doesn't take action, staff will take action to condemn it. Commissioner Dyer asked if the stage is in good condition. Inspections Director Evans said the problem is that when it was originally built, it was not built to the design perimeters of the engineer that designed it. That caused it to rack. When a structure racks, you either need to bring it back to where it needs to be or you have to take action to keep it from racking more. It is the whole structure.

Motion by Mayor Pro Tem Myers that we engage Right Angle to come back out, do a reassessment of the condition of the pavilion and report to us and instruct staff not to use it until we get that report; second by Commissioner Paarfus.

Commissioner Dyer asked if that would involve canceling the concerts. Mayor Pro Tem Myers said if it is not safe to use the pavilion, yes and if we cannot find another place to hold them. Based on what he has heard our building inspector say and what he reads in the engineering report, he is not comfortable using it. Holding concerts was discussed. Assistant Town Manager Ferguson explained contracts need to be signed. Also, we need to go to press since we do a combined ad with the county. She understands the Board's position; we may lose the slots. Commissioner Thomas suggested looking at portable stages that could be used in Block Q. Inspections Director Evans explained the top of the structure is the problem. The stage is safe. Commissioner Dyer asked if the top could be removed until we get the engineer's report. Inspections Director Evans said from a planning standpoint, his recommendation would be to go to guardrail height, cut the top off and get shade sails over the top for the concerts. Commissioner Paarfus said he and Inspections Director Evans discussed that and they want to have Right Angle confirm that gets rid of the safety issue. Commissioner Smith said he doesn't see the need to spend money to have Right Angle Engineering come out to say the same thing. He thinks tax dollars would be better spent removing the top and eliminating the issue. Inspections Director Evans stated when you alter a structure, it will need a new engineer seal. Any structural engineer could do that. The Board further discussed how to move forward.

The motion passed by a 3 – 2 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioners Smith and Dyer voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON BLOCK Q

Mayor Pro Tem Myers said there is potential in the short-term and long-term to have concerts at Block Q. The plan is assuming the pavilion is going away, the Town should explore the opportunity to move the concerts to Block Q. He said this is focused on the interior of Block Q. It is not dealing with right-of-way. There is still boat parking around the right-of-way, which is 30 spots. This is for the green space within Block Q.

Motion by Mayor Pro Tem Myers to task the Parks & Recreation Advisory Board (PRAB) to work with the current architect because he has the drawings and he has the site plans to develop potential site plans that would include the concert space, dance floor, the ADA compliant bathrooms, greenspace and other amenities as they see desirable; second by Commissioner Thomas.

Commissioner Paarfus would like to amend the motion to specifically state boat parking. He said it could be put in the perimeter, but he doesn't want to tie PRAB's hands. Mayor Pro Tem Myers and Commissioner Thomas agreed to the amendment.

Town Manager Hewett asked for clarification on parking. Commissioner Paarfus said they could consider boat trailer parking and some type of car parking.

Commissioner Smith said we have a plan that includes green space for the pavilion. He asked why we are having the architect do what was already done. He said it seems to be a terrible waste of time and money to start all over again. We need to have pull through parking for boats. Commissioner Smith said the plan was a good plan and still would give ample space for the pavilion and amenities we want. Commissioner Dyer stated we already have the plan for the pull through parking and the ADA bathrooms. They have discussed putting the pavilion over there. From her understanding the reason they held off in the first phase was to keep from slowing the boat parking down since they did say with paid parking they would provide bathrooms and boat parking specifically at the property. She said they still left space. The original plan for Block Q was for 288 parking spaces. That is when they backed off and said let's put pull through parking in and leave the parallel parking. Commissioner Dyer said the problem with putting the pavilion over there is you will be facing residential homes. We need public input before concerts are held over there. Mayor Pro Tem Myers said he has asked for the site plan showing the pavilion on the property. Commissioner Dyer explained the space is there, but it wasn't put on the plan to keep from slowing the project down.

The motion passed by a 3 – 2 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioners Smith and Dyer voting in the negative.

AUDIT COMMITTEE ITEMS

Motion by Commissioner Thomas to recommend Tom Myers; second by Commissioner Paarfus.

No other nominations were made. The Board agreed by consensus to have Mayor Pro Tem Myers serve on the Audit Committee.

The Board voted by ballot and selected Mary Vail Ware and Tim Thronson to serve as regular members of the Audit Committee. Votes were as follows: Mary Vail Ware – unanimous, Tim Thronson – Mayor Pro Tem Myers and Commissioners Thomas and Paarfus, Grace Lam – Commissioners Smith and Dyer.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 24-01, RESOLUTION APPROVING TRUIST SIGNATURE CARD

Town Manager Hewett requested that the Board update the existing bank signature cards to include the assistant town manager and the subsequent designation of the assistant town manager as the deputy finance officer. The Fiscal Control Act requires that all checks be signed by the finance officer or a properly designated deputy finance officer and countersigned by another local government official. Recent events and current manpower configuration have illuminated the need to formally upgrade the Town's procurement procedures.

Motion by Commissioner Paarfus to approve Resolution 24-01; second by Commissioner Thomas; approved by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

Ryan Williams said the Town needs to consult with NC Wildlife and the Department of Transportation regarding holding concerts at Block Q. He talked about blocking access to the boat ramp and information he received from those agencies. Mr. Williams talked about the condition of the pier.

Will Carter talked about the wooden pier. He provided feedback on how he would repair the pavilion.

Martie Arrowood asked the Board to consider during the budget that the east end of the beach needs more trash cans.

Regina Martin said she was going to request the attorney address the charter and how it coincides with the rules of procedure, but the attorney resigned. She asked for the charter to be posted online. Town Clerk Finnell explained it is part of the Code of Ordinances.

Phil Caldwell cautioned the Board to be more sensitive to each other's needs.

Laura Smith owns the 2nd oldest restaurant in the area. She said everything that goes on in this room affects her business. She shared concerns with actions on Block Q and the pier.

John Pearce would like clarification on the resignation of the attorney. He explained the Town needs to have a pier.

Jeremy Ridenhour talked about the importance of protecting an investment. He talked about protecting the pier and the pavilion.

TOWN MANAGER'S REPORT

- Acknowledged Plan Reviewer/Inspector Carey Redwine – Building Level I Certification, Assistant Town Manager Christy Ferguson – appointed to the ASBPA Governmental Affairs Committee and Finance Officer Daniel McRainey – NC Government Finance Officer Certification.
- Sewer System Lift Station Improvements – The \$2 million NC budget appropriation will come through the Division of Water Quality. Made the application for that. Even though the appropriation was made, we still need to have the project approved. Intent is to combine the \$2 million with the funding from the STAG funding (EPA money) to upfit the Greensboro sewer lift station. Have received word from the EPA that our grant application has been approved there. Attempting to dovetail those grant awards with the project and the bidding that will have to take place in order to ascertain any pay go contributions on the Town's behalf. We are waiting for the grants before we can do anything.
- Coastal Storm Risk Management Study (CSRMS) – was also an appropriation through the state budget for \$750,000 to cover portion of the Town's CSRMS contribution match. We made application for those funds. It is anticipated that the \$750,000 and the pending federal Disaster Relief Act funding will negate the need for any further Town contributions on the study.
- Canal Dredging - \$348,000 Division of Water Resources Grant has been awarded for the Harbor Acres Dredging Project. That is a 75/25 split. \$257,850 is state funds and \$86,000 is local match funds. Those funds are specifically sourced from the Harbor Acres Special Revenue Fund. Presently

awaiting the Division of Water Quality certification before the Corps can issue their federal permit. Simultaneously we have a Request for Proposals out for a 2,700 cubic yards bucket to barge project in Harbor Acres, with the bids being due February 6th. Assuming a responsive bid climate and timely permit issuance – staff is attempting to pull these things together for grant acceptance and dredger award at meetings on the 7th or 14th.

- Stormwater Project Partnership Agreement with the Corps - Corps rescheduled the meeting scheduled for today until February 13th. Our approach is to use the elements from the stormwater master plan that is currently being developed to identify projects and cost scoping to obtain federal funds.
- Ocean Boulevard Resurfacing and Bike Lanes – Contractor continues wrapping up some stormwater improvements and mailbox relocation issues this week, with the promise of work to start soon. We still have a Memorial Day finish promise.
- Wildlife Boat Ramp – staff met with representatives last week. What we gather is renovation is being initiated. What that means isn't clear. It will probably take two years. The design and configuration is unknown at this time. Took it as an opportunity to communicate the Town's concerns with user volumes, accessibility issues, current configuration to include backing trailers up the embankment and the Town's plans for Block Q. With the county manager's permission, conducted a site visit of the county's property across the ICW with the representatives.
- Tires on the Beach – had another storm and another 1,000 tires deposited on the beach. Thanked the Division of Marine Fisheries for cleaning them up again. We had a third occasion that the Parks & Rec technician was able to handle. Talked about the potential cause for concern for what the artificial reef's distribution over time is doing to the sand sources.

MAYOR'S COMMENTS

- Would like permission to send a letter of appreciation to Mr. Green for his services. Nobody objected.
- Causeway has been under study for years. There is a plan that has been made available for the public to view and discuss with NCDOT representatives. The plan that has the most acceptance is still available for review. Even though that is in the county and not Holden Beach, the county commissioners have asked if the Town wants to make any comments. It is possible we may be asked formally for a report on our position. Asked the Board to be familiar with it.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Myers

- If you are not aware, there are plans for a major insurance hike. Now is the time to express your opinion. They are talking about almost doubling our rates. Now is the time to express your opinion about the hike and have your input be heard.

Mayor Holden said there was an email blast sent out in regard to the proposed insurance increase. Commissioner Thomas asked if the Town should send a letter to the organization. Mayor Holden said that has been done.

Commissioner Thomas

- Asked about the process for getting an interim lawyer. She said they were at training last week with the NCLM. There were a lot of lawyers there. That might be an opportunity for the Town to contact an interim lawyer and then we can move forward with the process of interviewing.
- Thanked everyone who volunteered for the Audit Committee. There were a lot of great candidates as you can tell when they interviewed. It was a tough choice. Really appreciates everyone stepping up and volunteering for the position. Mayor Pro Tem Myers agreed. It was amazing the caliber of people who applied.

Commissioner Smith

- We were going to have the pier open this summer, but that is not going to happen now. Also, Block Q. We had that ready to go. Boat parking by the time the next flounder season comes around we would have adequate parking. That isn't going to happen.
- Really nice to see a room full of people here. Evidently, whatever is going on here isn't to your liking or there is something you would like to voice your opinion about. That helps the Board be better commissioners. Input is important and is much appreciated.
- Staff is appreciated. Everyone here works hard to get what it would take most places more people to do. Have excellent staff. The work they do is absolutely phenomenal.
- Wished everyone a good rest of the month and a peaceful rest of the evening. We live in a beautiful place. It needs to be a place we can all live and be happy.
- Couldn't do it without the volunteers. It is very appreciated.

Commissioner Paarfus

- Really happy to see a room full of people. We do need to hear from you. Governing is a messy situation; we need to hear from everybody.
- Congratulations to the award recipients.
- If we do have a pier committee, it will be an intense thing. If we get to that part and you think you want to sign up, consider what the talents are that you bring to the table and be willing to put that time in.

Commissioner Dyer

- Thanked everyone for coming out and everyone listening online. Your input is very important. Appreciates you taking the time. It has been a very long evening.
- Congratulated Assistant Town Manager Ferguson, Finance Officer McRainey and Plan Reviewer/Inspector Redwine for their awards. We have an excellent staff. They work hard and get everything done. Congratulated Finance Officer McRainey on his baby.
- Heard it was an excellent bakeoff. Everyone had fun. Hates she missed all the chocolate, caramel and pastries. Hopes we have another one soon. Heard it was a big success and a lot of people got involved. Thanked Assistant Town Manger Ferguson for what she does to get the Town involved.
- Thanked the people who took time to interview for the Audit Committee. We appreciate you wanting to contribute. If you didn't get on, you can participate in other aspects.
- Have a lovely evening.

ADJOURNMENT

Motion by Commissioner Thomas to adjourn at 7:58 p.m.; second by Commissioner Paarfus; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
THURSDAY, JANUARY 25, 2024 – 5:30 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Thursday, January 25, 2024 at 5:30 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Tom Myers, Commissioners Tracey Thomas, Page Dyer and Rick Paarfus; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Public Works Director Chris Clemmons; Inspections Director Tim Evans; Police Chief Jeremy Dixon; and Finance Officer Daniel McRaney. Commissioner Rick Smith was unable to attend the meeting.

Mayor Holden called the meeting to order.

Mayor Pro Tem Myers asked to eliminate agenda items 6 and 7. The Board agreed by consensus.

PUBLIC COMMENTS

No comments were made.

DISCUSS BUDGET GOALS AND OBJECTIVES

Mayor Pro Tem Myers reviewed the slide that was handed out during the Essentials of Municipal Government class (hereby incorporated into the minutes). He would like the Board to work together on a long-term vision. He said we have a special place and our goal is to keep it as much as they can as it is, without any big changes. He said we are a family beach; we are not like other beaches. He said if the purpose is to go some other direction, he thinks the Board should discuss it. Town Manager Hewett asked if the Land Use Plan has language concerning strategic goals. Inspections Director Evans agreed it does and so does the Hazard Mitigation Plan. Mayor Pro Tem Myers says his vision would be to keep Holden Beach as it is. It is special, family orientated. It is unique, not like other places and we do not want to be overly commercial. Commissioner Thomas said she supports that vision. She agreed that she thinks the Land Use Plan does have a vision. The Board discussed the next steps.

Commissioner Paarfus said for goals and objectives he would like to consider: no tax increases, live within the budget, try not to do fund balance appropriations unless it is truly necessary, make sure we maintain our reserves in the General Fund, try to reduce how much money we carryover (he would like to get closer to our revenues and expenses matching), replenish the beach and inlet fund at an aggressive rate and preserve the other capital reserve funds.

Commissioner Paarfus said for reviewing budget items, he would look for the following from department heads: what did you spend last year, how much did you spend this year to date, what is your end-of-year outlook and next year’s budget requests. With next year’s budget, he is going to be looking for a basis or justification for costs.

Commissioner Paarfus said a suggested approach for categorizing and prioritizing budget items would be critical/necessary, non-critical. He reviewed examples of the categories. He provided information on how he would prioritize the items. He said department heads should ask themselves questions to include what the risk is if we don’t fund an item, what else depends on that asset and alternatives.

Commissioner Thomas said what she would consider a successful budget is that all the must dos are done (safety, infrastructure and keeping the beach there), no tax increase, balance the budget without taking from savings and moving money to the beach fund. She said the expectations from department heads would be to have last year’s spend, year-to-date spend and the full year outlook. She said when we get into the asks for next year, you would look at is this a must do, should do or a nice to have and set the priorities with the money we have for the nice to haves.

DISCUSS APPROACH FOR REVIEWING BUDGET ITEMS AND DISCUSS APPROACH FOR CATEGORIZING AND PRIORITIZING BUDGET

Commissioner Thomas reiterated the Board would like to see last year’s spend on each item, year-to-date spend and the full year outlook. Mayor Pro Tem Myers added as you go through the items it is a good opportunity to go through deciding if they are must do, should do or nice to have. He explained how prioritizing should help.

Town Manager Hewett explained the first evolution may be a little rough due to the new operating system.

ADJOURNMENT

Motion to adjourn at 5:56 p.m. by Mayor Pro Tem Myers; second by Commissioner Paarfus; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Holden Beach Police Department

110 Rothschild St
Holden Beach, NC 28162
www.hbtownhall.com

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



Calls For Service (January '24)

Printed on February 12, 2024

Descriptions	Totals	
Alarm (SIG45 Signal 45)	11	11
Animal Control Call	8	8
Animal Control Call; Call By Phone (10-21Law x21L)	1	1
Attempt to Locate (ATL)	3	3
Breaking and Entering in Progress (10-62 x62)	1	1
Call By Phone (10-21Law x21L)	7	7
Call By Phone (10-21Law x21L); Disabled Motorist (10-87 x87)	1	1
Cardiac or Respiratory Arrest [Echo]; Assist Other Agency (Fire)	1	1
Civil Papers (SIG63 Signal 63)	1	1
Coastal Water Rescue [Delta]	1	1
Debris in Roadway	4	4
Disabled Motorist (10-87 x87)	3	3
Disturbance or Disorderly Subject	1	1
Domestic Disturbance (10-82 x82)	1	1
Escort or Convoy (10-59 x59)	1	1
Falls [Alpha]; Assist Other Agency (Fire)	1	1
Falls [Bravo]	1	1
Fireworks	1	1
Heart or AICD Problems [Delta]	1	1
Hemorrhage [Delta]	2	2

Descriptions	Totals	
Improperly Parked Vehicle (10-70 x70)	22	22
Information or Message Delivery (10-14 x14)	1	1
Intoxicated Person (10-56 x56)	1	1
Investigation (Law)	1	1
Keys In Vehicle or Lockout	1	1
Lift Assist (No Injury) [Alpha]	1	1
Lost or Found Property	3	3
Meet with Complainant (10-83 x83)	14	14
Meet with Complainant (10-83 x83); Animal Control Call	1	1
Mental Patient or IVC Service (10-73 x73)	3	3
Noise Complaint	1	1
Noise Complaint; Animal Control Call	1	1
Noise Complaint; Call By Phone (10-21Law x21L)	1	1
Open Door	2	2
Outside Fire [Alpha]	1	1
Service Call [Alpha]	2	2
Single Residential Fire Alarm [Bravo]	1	1
Special Check - Business - Residence (10-79 x79)	424	424
Special Check - Business - Residence (10-79 x79); Call By Phone (10-21Law x21L)	1	1
Stopping Vehicle (10-61 x61)	9	9
Suspicious Vehicle or Subject (10-60 x60)	1	1
Take Written Report (10-92 x92)	2	2
Trespassers	1	1

Descriptions	Totals	
Water or Sewer Problems	17	17
Welfare Check	3	3
	2	2
Totals	568	568



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HBPD Monthly Report (January '24)

Printed on February 12, 2024

Reported	Case Number	Address	Offenses	Disposition	Investigator Requested
01/08/24 12:27	HBP24-00003	114 OCEAN BLVD W	14-119 - FORGERY AND UTTERING		
01/10/24 11:45	HBP24-00004	2818 CINDY ST	Warrant Service Other Jurisdiction	Closed - By Other Means	
01/16/24 04:31	HBP24-00005	122 FRIGATE DR	DEATH INVESTIGATION	Unfounded	
01/16/24 10:30	HBP24-00006	BRUNSWICK AVE E /	14-127 - INJURY TO REAL PROPERTY	Closed - Leads Exhausted	
01/22/24 12:00	HBP24-00007	125 STARFISH DR	14-100 - OBTAIN PROPERTY FALSE PRETENSE	Closed - Leads Exhausted	
01/31/24 15:33	HBP24-00008	264 BRUNSWICK AVE	14-33(A) - SIMPLE ASSAULT	Closed - Cleared By Arrest	

Total Records: 6



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State Citation (January '24)

Printed on February 12, 2024

Date	Defendant	Statutes/Charges
01/06/24	ATKINSON, JACK THOMAS	20-158(B)(1)(3) - FAIL STOP STOPSIGN/FLSH RED LT; 20-28(A) - DWLR
01/10/24	PARDUE, GARY CHRISTOPHER	20-154 - UNSAFE MOVEMENT
01/20/24	PRICE, LOIS PAM	20-174.1 - IMPEDE TRAFFIC SIT/STAND/LIE

Total Records: 3

LSU = 0



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Ordinance Violations (January '24)

Printed on February 12, 2024

Date	Defendant	Citation/Warning	Ordinance
01/01/24	BARBOUR, DENNIS	Citation	Parking - All Other No Parking Zones
01/01/24	FURBER, TERRY	Citation	Parking - All Other No Parking Zones
01/01/24	CANNON, LISA	Citation	Parking - Non-LSV in LSV Only Area
01/01/24	HOLZMANN, ALISON	Citation	Parking - Non-LSV in LSV Only Area
01/12/24	CARLSON, SHANNON	Citation	Parking - Non-LSV in LSV Only Area
01/13/24	BOLIC, PETER	Citation	Parking - All Other No Parking Zones
01/27/24	SCOTT, COHEN	Citation	Parking - All Other No Parking Zones
01/27/24	BUTTON, RICHARD	Citation	Parking - Roadway/Travel Lane
01/29/24	ELIZABETH, COLELLA	Citation	Parking - Non-LSV in LSV Only Area
01/29/24	WARD, JESSE	Warning-Compliant	Parking - All Other No Parking Zones
01/29/24	CORP, PV	Citation	Parking - All Other No Parking Zones
01/30/24	EMMETT, SHELLY	Warning-Compliant	Parking - Within 40ft of Intersection/Cul-De-Sac

Total Records: 12

LSV = 0

Permit Report

01/12/2024 - 02/08/2024

Issued Date	Permit #	Permit Type	Project Cost	Total Fees	Total Payments
2/7/2024	240109	Mechanical	7,968	\$100.00	
2/7/2024	240108	Renovation	96,000	\$889.00	\$889.00
2/7/2024	240107	Renovation	2,000	\$125.00	\$125.00
2/7/2024	240106	Renovation	15,000	\$260.00	
2/7/2024	240105	Repair	7,000	\$125.00	
2/7/2024	240104	Renovation	72,000	\$673.00	\$673.00
2/7/2024	240103	Swimming Pool	50,000	\$725.00	\$725.00
2/6/2024	240102	Mechanical	5,100	\$100.00	\$100.00
2/6/2024	240101	Electrical	1,500	\$200.00	
2/6/2024	240100	Electrical	1,000	\$100.00	
2/6/2024	240099	Swimming Pool	51,000	\$734.00	\$734.00
2/6/2024	240098	Renovation	40,093	\$435.84	\$435.84
2/6/2024	240097	Bulkhead	25,000	\$250.00	
2/6/2024	240096	New Construction	53,800	\$759.20	\$759.20
2/6/2024	240095	Zoning	25	\$25.00	\$25.00
2/6/2024	240094	Zoning	50	\$50.00	\$50.00
2/6/2024	240093	Mechanical	11,922	\$100.00	\$100.00
2/5/2024	240092	Zoning	25	\$25.00	\$25.00
2/5/2024	240091	Addition	65,000	\$920.00	\$920.00
2/5/2024	240090	Renovation	54,450	\$515.05	
2/5/2024	240089	New Construction	12,000	\$133.00	\$133.00
2/5/2024	240088	Bulkhead	18,000	\$187.00	
2/5/2024	240087	Renovation	19,833	\$203.50	\$203.50
2/5/2024	240086	Repair	125,000	\$1,150.00	
2/2/2024	240085	Mechanical	15,757	\$200.00	\$200.00
2/2/2024	240084	Mechanical	11,188	\$200.00	\$200.00
2/2/2024	240083	Mechanical	5,140	\$100.00	\$100.00
2/2/2024	240082	Zoning	50	\$50.00	\$50.00
2/2/2024	240081	Electrical	2,000	\$100.00	\$100.00
2/2/2024	240080	Zoning	50	\$50.00	\$50.00
2/2/2024	240079	Renovation	20,375	\$408.38	\$408.38
2/1/2024	240078	Renovation	1,000	\$125.00	\$125.00
1/31/2024	240077	Boat Lift	10,000	\$225.00	\$225.00
1/31/2024	240076	Addition	30,000	\$295.00	
1/31/2024	240075	Zoning	25	\$25.00	\$25.00
1/31/2024	240074	Mechanical	7,000	\$100.00	\$100.00
1/30/2024	240073	New Construction	24,000	\$341.00	\$341.00
1/29/2024	240072	Mechanical	19,250	\$200.00	\$200.00

1/29/2024	240071	Single Family Construction	641,000	\$19,443.46	\$19,443.46
1/26/2024	240070	Electrical	1,200	\$100.00	\$100.00
1/26/2024	240069	Mechanical	5,300	\$100.00	\$100.00
1/26/2024	240068	Single Family Construction	593,000	\$11,424.67	\$11,424.67
1/25/2024	240067	Renovation	122,234	\$1,535.11	\$1,535.11
1/25/2024	240066	Renovation	29,000	\$286.00	\$286.00
1/25/2024	240065	Boat Lift	1,000	\$125.00	\$125.00
1/25/2024	240064	New Construction	50,000	\$525.00	\$525.00
1/24/2024	240063	New Construction	0		
1/24/2024	240062	Mechanical	15,725	\$200.00	\$200.00
1/24/2024	240061	Renovation	100,000	\$925.00	\$925.00
1/24/2024	240060	Renovation	35,190	\$541.71	\$541.71
1/24/2024	240059	Renovation	22,500	\$327.50	\$327.50
1/24/2024	240058	Repair	3,585	\$125.00	\$125.00
1/24/2024	240057	Repair	10,400	\$225.00	\$225.00
1/24/2024	240056	Single Family Construction	359,971	\$8,015.74	\$8,015.74
1/23/2024	240055	Zoning	25	\$25.00	\$25.00
1/23/2024	240054	Swimming Pool	65,900	\$1,868.10	\$1,868.10
1/23/2024	240053	Mechanical	5,103	\$100.00	\$100.00
1/23/2024	240052	Mechanical	10,000	\$200.00	\$200.00
12/21/2023	240051	Zoning	50	\$50.00	\$50.00
1/22/2024	240050	Mechanical	8,500	\$100.00	\$100.00
1/22/2024	240049	Repair	4,000	\$125.00	\$125.00
1/19/2024	240048	Electrical	3,000	\$100.00	\$100.00
1/18/2024	240047	Electrical	500	\$100.00	\$100.00
1/18/2024	240046	Mechanical	4,925	\$100.00	\$100.00
1/18/2024	240045	Mechanical	500	\$100.00	\$100.00
1/18/2024	240044	Mechanical	8,427	\$100.00	\$100.00
1/18/2024	240043	Mechanical	9,991	\$100.00	\$100.00
1/17/2024	240042	Renovation	109,801	\$1,013.21	\$1,013.21
1/17/2024	240041	Renovation	18,000	\$187.00	
1/17/2024	240040	Renovation	20,000	\$205.00	
1/17/2024	240039	Renovation	21,250	\$216.25	\$216.25
1/17/2024	240038	Zoning	25	\$25.00	\$25.00
1/17/2024	240037	New Construction	19,200	\$297.80	
1/17/2024	240036	Repair	23,000	\$232.00	\$232.00
1/17/2024	240035	Mechanical	4,163	\$100.00	\$100.00
1/16/2024	240034	Electrical	1,000	\$100.00	\$100.00
1/12/2024	240033	Zoning	25	\$25.00	\$25.00
1/12/2024	240032	Repair	2,500	\$125.00	\$125.00
1/12/2024	240031	New Construction	42,000	\$453.00	\$453.00

1/12/2024	240030	Zoning	50	\$50.00	
				\$61,200.52	\$57,278.67

Total Records: 80

PERMIT SUMMARY REPORT

COMMERCIAL

Count	1
Total Fees	\$1,013
Fees Paid	\$1,013
Total Project Cost	\$109,801

RESIDENTIAL

Count	79
Total Fees	\$60,187.31
Fees Paid	\$56,265.46
Total Project Cost	\$3,141,840

TOTAL

Count	80
Total Fees	\$61,200.52
Fees Paid	\$57,278.67
Total Project Cost	\$3,251,641

ACTIVE NEW HOME PERMITS = 40

OTHER ACTIVE PERMITS= 246

PERMITS ISSUED OVER \$30,000 = 40 (AMOUNT INCLUDED IN ACTIVE TOTAL)

PERMITS ISSUED OVER \$100,000 = 3 (AMOUNT INCLUDED IN ACTIVE TOTAL)

PERMITS ISSUED WAITING PICK UP = 22

TOTAL PERMITS= 308

PERMITS IN REVIEW= 14

CAMA ISSUED= 2

ZONING ISSUED = 15

PERMITS SERVICED FOR INSPECTIONS FROM 1/12-2/08 = 87

TOTAL INSPECTIONS MADE= 254

Subject: Key Bridge Foundation Agreement Update

From: Timothy D Evans, Planning and Inspections Director

To: TOHB Commissioners and Mayor

1. Jordan Blvd.

- a. Remove existing Ramp and replace with new section of sidewalk. Town Removed entire parking section and spots including any adjoining sidewalks. Replaced with new parking area with ADA compliant surface, transitioned new sidewalk section.
- b. Ensure access from all existing accessible parking spaces; Town replaced and restriped all the ADA parking spaces with proper markings and insured an ADA accessible path to sidewalk.
- c. Provide Proper markings and signage; Town created larger access for the area than was required and extra curbing to insure parking usage.

2. 114 OBE Parking Lot

a. In consultation with CAMA, as needed identify potential ADA compliant surfaces that are firm, stable and slip resistant to maximum extent given proximity to blowing sand: Staff applied for permits for the installation of pervious concrete to cover from the Towns property line to the landward toe of the CAMA Frontal Dune.

b. Make agreed upon Improvements; Staff retained surveyors to complete and provide maps with Topography capabilities, staff removed as much material as possible and contracted for the installation of approximately 3000 square feet of pervious concrete the maximum allowed by NCDEQ by permit.

c. Install Signage and markings, Town restriped Parking areas with improved Van accessible spot as well as marked access routes.

3. 114 OBE Ramp.

a. Replace Current Handrails: Handrails were removed and handrails complying with A117.1 Section 4 and 5 were installed.

4. 114 OBE Ramp.

- a. Improve the transition from mat to eliminate existing dip and areas of sand accumulation: Staff reconfigured matt orientation design type and location.
- b. Extend mat to the maximum NCDEQ permitted Length: Matt was permitted under rule to six feet beyond the last line of natural stable.
- c. Add seating to eliminated blocking access. seating area was established.

5 East End Parking.

6. East End Beach Access

- a. Explore options for procuring town access to expand accessible parking for the east end beach area; Surveys and plans were developed for access and Hatteras ramp east end.
- b. In consultation with CAMA ; as needed, identify potential ADA compliant surfaces that are firm, stable, slip resistant to maximum extent possible given the proximity to blowing Sand; Staff acquired all permits necessary, for the installation of a ADA Handicap Ramp 5 feet wide 125 + or - feet long to meet all requirements of ADA 117.1, the installation of approximately 5200 square feet of pervious non slip surfaces and a emergency access. Bathrooms have been designed and sealed for construction.
- c. Make agreed upon Surface improvements: Plans and Layout shows pervious nonslip area.
- d. Install Proper signs; additional Parking to be stripped with access routes and ADA compliant transitions, with Proper signage.
- e. Project is out for bids (end Date 2/26/2024 at Noon)

7. Accessible Restrooms.

a. Provide accessible restrooms and 114 OBE and East End. Town has approved Bathrooms for Avenue E but are still trying to get approval from NCDEQ for the 114 OBE modification. May have to apply for a variance at NCDEQ.

8. 700 Block OBW parking,

a. in consultation with Cama, as needed identify compliant surfaces to the maximum extent possible; site was evaluated.

b. Make the Agreed upon surface improvements: a parking area was established a hard nonslip surface was put in place with a transition to the public way.

c. Install Proper signage and markings; new signage and stripping in compliance with A117.1 installed.

9. 801 OBW.

a. Explore options for establishing an access path that is firm, stable, and slip resistant: staff has developed a plan that establishes a firm stable and slip resistant path designed and engineered by McGill and associates.

b. This area also required a retaining wall NCDEQ approval plan includes designs for stormwater retention and a non-slip pervious surface with access matting out beyond the last line of natural stable vegetation. Staff intends to present Bid Package in Fall

10. Pier Parking Lot:

a. Extend a Matt from the Hard surface to the beach, Matt has been extended.

b. Extend mat to the maximum allowed by NCDEQ; mat has been extended to maximum allowed.

c. Add Option for Wheelchair seating at end, Matt has a 6-foot-wide area, for wheelchair so wheelchair occupant will not block beach goers.

ADA Compliance initiatives not on the Agreement

Walkway at 915 OBW.

- a. 170-Foot-long Compliant walkway with new transitions and matting located at end.
- b. Ada Compliant Handrails as required by A117.1 American with Disability Standards.

441 Walkway OBW.

- a. 143-foot-long ADA Ramp 6 feet cross sectional width with complying with A117.1 Standards
- b. Handrails complying with A117.1 Standards, smooth transition, upon completion there will be new Access routes with approved parking and proper signage.
 - Remaining parking area to be evaluated for proper access routes and handicap spots for slope and run.

Halstead Park:

Parking places were reconfigured with and repainted and resurfaced to comply with A117.1 compliance guidelines, new signage, and Access routes with transition to sidewalk.

* Halstead still needs new handrails and slight modification to picnic area for handicap compliance

KEY BRIDGE FOUNDATION ADA MEDIATION PROGRAM

RESOLUTION AGREEMENT

This agreement of complaint # 22 DRS-09-30 2NC505 entered into by the parties, Martha Myers (Complainant) and Richard Green, Richard Smith, and Brian Murdock obo Town of Holden Beach (Respondent) to settle the above-referenced complaint. Julia Sain participated in mediation as Complainant's Representative but not as a party to the Agreement and is not signing the Agreement. The parties agree that this document represents their mutual agreement about how they will resolve their differences. Further, this agreement constitutes a full, complete, and final settlement of all claims identified in the complaint by the complainant.

The mediation participants agree that the rules to mediate and contract to mediate are incorporated by reference in this agreement.

The complaint arose from: Complainant's concern about accessibility to the Beach and accessible parking.

No other terms to this agreement, written or oral, exist aside from the text of this agreement. The parties are entering into this agreement without any admission of discrimination, or any other unlawful acts.

NOW THEREFORE, the Parties agree as follows:

I. Main Issues Discussed in Mediation

Parties discussed the need to improve accessibility to the Beach as well as accessible parking.

Respondent's Obligations

- 1) **Jordan Blvd.** – (a). Remove existing ramp and replace with new section of sidewalk; (b). ensure access to sidewalk from all existing accessible parking spaces; (c). provide proper markings and signage.
- 2) **114 OBE Parking lot** – (a). In consultation with CAMA, as needed, identify potential ADA compliant surfaces that are firm, stable, and slip resistant to the maximum extent possible given the proximity to blowing sand; (b). Make the agreed upon surface improvements; (c). Install proper signage and markings.
- 3) **114 OBE Ramp** – Replace current wooden handrails on the ramp with round railings similar to those used at Sunset Beach.
- 4) **114 OBE Ramp** - (a). Improve the transition from the end of the ramp to the mat so as to eliminate existing dip and area of sand accumulation; (b). Extend the mat to the maximum CAMA permitted length; (c) Add options for wheelchair seating to eliminate beachgoers sitting on the mat which blocks access for other beachgoers.
- 5) **East End Parking Area** – (a). Explore options for procuring Town access so as to expand accessible parking for the East End beach area; (b). In consultation with CAMA, as needed, identify potential ADA compliant surfaces that are firm, stable, and slip resistant to the maximum extent possible given the proximity to blowing sand; (c) Make the agreed upon surface improvements; (d) Install proper signage and markings.

Agreement: Myers v Town of Holden Beach

- 6) **East End Beach Access** – (a). Explore options for procuring Town access so as to provide an accessible beach path for the East End beach area; (b). Explore the options for establishing an access path that is a firm, stable and slip resistant ADA approved surface, to the maximum extent possible given the proximity to blowing sand; (c) Install the agreed upon access path.
- 7) **Accessible Rest Rooms** - Provide accessible Rest Rooms at East End and 114 OBE.
- 8) **700 Block OBW parking** – (a). In consultation with CAMA, as needed, identify potential ADA compliant surfaces that are firm, stable, and slip resistant to the maximum extent possible given the proximity to blowing sand; (b). Make the agreed upon surface improvements; (c). Install proper signage and markings.
- 9) **801 OBW** – (a). Explore the options for establishing an access path that is a firm, stable and slip resistant ADA approved surface, to the maximum extent possible given the proximity to blowing sand; (b). Install the agreed upon access path.
- 10) **Pier Parking Lot** - (a). install a continuous mat from the end of the hard surface of the parking lot to the beach; (b). Extend the mat to the maximum CAMA permitted length; (c) Add options for wheelchair seating to eliminate beachgoers sitting on the mat which blocks access for other beachgoers.
- 11) **Respondent** will identify a town employee or hire an outside consultant to serve as the ADA compliance specialist for the Town.
- 12) **Respondent** agrees that (a). items 1-11 will be completed by MARCH 2025, prior to the beginning of the 2025 BEACH SEASON, with the possibility of a 6 month extension into FY 25-26, taking the completion date to October 1, 2025.
- 13) **Respondent** will provide, at a minimum, quarterly updates to the Complainant regarding status of completion of items 1-11.

II. Complainant's Obligations

N/A.

III. Joint Obligations

Town of Holden Beach representatives will meet with Complainant at the Jordan Blvd. on-street parking location prior to beginning improvements outlined in Section I to review the plan.

The Respondent will develop, and review with the Complainant, a specific workplan identifying estimated intermediate timelines and personnel responsible for implementation.

The Parties agree that confidentiality of this Agreement is waived for purposes of sharing with a) Key Bridge Foundation, b) anyone who must help carry out its implementation and c) to comply with Section 143-318.11 of the North Carolina statute related to Closed Sessions. The fact that the participants used mediation to resolve the complaint is not bound by any confidentiality agreement unless the participants decide to the contrary.

The Parties agree to cooperate to implement this agreement. They further agree to abide by its terms. Any concerns about the implementation of the agreement should be communicated to the mediator or the Key Bridge Foundation.

Agreement: Myers v Town of Holden Beach

IV. Legal Review of Agreement

Complainant and respondent acknowledge that they have been advised to consult with an attorney or advocate prior to entering into this agreement. Each mediation participant will be given a reasonable period of time to decide whether the agreement terms sufficiently address the complaint filed with the U.S. Department of Justice.


V. Conditions for Implementation of Agreement

The parties agree that if all or part of the agreement is not implemented, the mediator will be contacted to continue mediation for the purpose of resolving any remaining issues. In the instances whereby both parties are not in agreement that the mediation should continue, and the conditions of the agreement are not implemented within a reasonable time period, the mediator will notify the Key Bridge Foundation. The Key Bridge Foundation will subsequently notify the U.S. Department of Justice that the case will be returned.



Martha Myers,
Complainant

03/28/2023
Date



Richard Green, Attorney, obo Town of Holden Beach,
Respondent

4-18-2023
Date



Richard Smith, Commissioner Town of Holden
Beach

4/20/23
Date



Brian Murdock, Commissioner, Town of
Holden Beach

4-18-2023
Date



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 2/20/2024

FROM: Planning and Inspections

DATE SUBMITTED: 2/6/2024

ISSUE/ACTION REQUESTED:

Text ammendment Section 157.006, 157.0083

BACKGROUND/PURPOSE OF REQUEST:

To Bring Current ordinance in alignment with original intent

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
REVIEWED BY FINANCE DIRECTOR:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY: YES NO

ADVISORY BOARD RECOMMENDATION:

Planning Board /Unanimous approval

TOWN MANAGER'S RECOMMENDATION:

Unknown

FINANCE RECOMMENDATION:

Unknown

ATTACHMENT: Ordinance Change and Consistency statement

**ORDINANCE 24-01
AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
CHAPTER 157: ZONING CODE**

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Holden Beach Code of Ordinances, Chapter 157: Zoning Code be amended as follows.

Section One: Amend Section 157.006 as follows (changes in red):

~~ACCESSORY USE or STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Accessory uses shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined herein. Structures used for accessory uses shall be of comparable color and material of the primary structure.~~

Section Two: Amend Section 157.083 to read as follows (change in blue):

§ 157.083 ACCESSORY BUILDINGS.

Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Accessory uses shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined herein. Structures used for accessory uses shall be of comparable color and material of the primary structure and shall be on the same lot of the primary use.

Exception: Piers, docks and boatlifts are allowed without their principal structure.

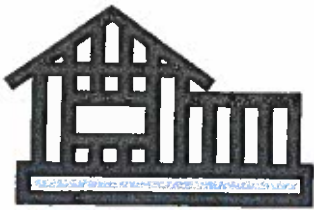
Section Three: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

This the 20th day of February, 2024.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Town Of Holden Beach

PLANNING & INSPECTIONS DEPARTMENT

Consistent

Town of Holden Beach Board of Commissioners Statement of Consistency and Zoning Text Amendment

The Town of Holden Beach Board of Commissioners has reviewed and hereby approve of the amendment to Chapter 157.006 definitions and 157.083 of the zoning ordinances regarding accessory structures. The Board of Commissioners has found that the recommended amendments are consistent with the adopted CAMA Land Use Plan and are considered reasonable and in the public interest for the following reasons:

1. The Cama Land use plan only addresses activities within the approved areas and the Holden Beach Board of Commissioners believe that the use of the property will not have adverse effects of the permitted use within the affected zoning districts.
2. Aesthetics: Chapter 1: introduction of the adopted plan references that one of the community's highest ranked desires is to "Retain and enhance community appearance" regarding the character of development on Holden Beach.

The text amendments to 157.006 and 157.083 are consistent with those sections. Removing the conflict between ordinance and 5.1 of the CAMA Land Use Plan and encouraging the preservation of natural resources, Keyword Bulkheads

Director

Tim Evans
Tevans@hbtownhall.com

Building Inspector/Plan reviewer

Carey Redwine
credwine@hbtownhall.com

Development Services Officer

Janna Pigott
Janna@Hbtownhall.com.com

Permit specialist
 Tamiya Siler
Planningandinspections@hbtownhall.com



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 2/20/2024

FROM: Daniel McRaney

DATE SUBMITTED: 2/9/2024

ISSUE/ACTION REQUESTED:
Approval of Audit Contract

BACKGROUND/PURPOSE OF REQUEST:
To ensure a timely audit conducted by a reputable firm we have previously contracted.

FISCAL IMPACT: (select one)

- | | | |
|-----------------------------------|---|--|
| BUDGET AMENDMENT REQUIRED: | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| CAPITAL IMPROVEMENT PLAN ITEM: | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| PRE-AUDIT CERTIFICATION REQUIRED: | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| REVIEWED BY FINANCE DIRECTOR: | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |

CONTRACTS/AGREEMENTS: (select one)

- | | | |
|----------------------------|------------------------------|--|
| REVIEWED BY TOWN ATTORNEY: | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
|----------------------------|------------------------------|--|

ADVISORY BOARD RECOMMENDATION:

FINANCE RECOMMENDATION:
Recommend approving contract to ensure another timely audit. This would be year two of the three year proposal of audit services presented in FY 2023.

TOWN MANAGER'S RECOMMENDATION:
Recommend approval.

ATTACHMENT:

The	Governing Board Board of Commissioners
of	Primary Government Unit Town of Holden Beach, NC
and	Discretely Presented Component Unit (DPCU) (if applicable) N/A

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name Martin Starnes & Associates, CPAs, P.A.
	Auditor Address 730 13th Avenue Drive SE, Hickory, NC 28602

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/24	Date Audit Will Be Submitted to LGC 10/31/24
-----	--------------------------------	---

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F (Uniform Guidance)* or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning on or after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters. If matters identified during the audit were required to be reported as described in AU-C §260.12-.14 and were communicated in a method other than an AU-C §260 letter, the written documentation must be submitted.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.
15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.
16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC.
17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.
18. Special provisions should be limited. Please list any special provisions in an attachment.
19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.
20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.
21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.
22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: Auditor Governmental Unit Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name: **Title and Unit / Company:** **Email Address:**

OR Not Applicable (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

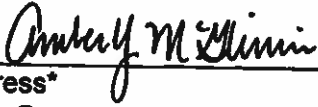
4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

Primary Government Unit	Town of Holden Beach, NC
Audit Fee (financial and compliance if applicable)	\$ 38,875 (\$35,125 audit + \$3,750 single audit for up to 2 programs)
Fee per Major Program (if not included above)	\$ 3,750 per major program in excess of 2
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$ 3,900
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$ 46,525 (includes 3 major programs)

Discretely Presented Component Unit	N/A
Audit Fee (financial and compliance if applicable)	\$
Fee per Major Program (if not included above)	\$
Additional Fees Not Included Above (if applicable):	
Financial Statement Preparation (incl. notes and RSI)	\$
All Other Non-Attest Services	\$
TOTAL AMOUNT NOT TO EXCEED	\$

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Martin Starnes & Associates, CPAs, P.A.	
Authorized Firm Representative (typed or printed)* Amber Y. McGhinnis	Signature* 
Date* 02/05/24	Email Address* amcghinnis@msa.cpa

GOVERNMENTAL UNIT

Governmental Unit* Town of Holden Beach, NC	
Date Governing Board Approved Audit Contract* (Enter date in box to right)	
Mayor/Chairperson (typed or printed)* J. Alan Holden, Mayor	Signature*
Date	Email Address* alan@alanholdenrealty.com

Chair of Audit Committee (typed or printed, or "NA") Tom Myers	Signature
Date	Email Address tmmyers56@gmail.com

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by This Transaction:	\$ 46,525 (includes 3 major programs)
Primary Governmental Unit Finance Officer* (typed or printed) Daniel McRaney, Finance Officer	Signature*
Date of Pre-Audit Certificate*	Email Address* dmcraney@hbtownhall.com

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU* N/A	
Date DPCU Governing Board Approved Audit Contract* (Enter date in box to right)	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1). Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Sum Obligated by this Transaction:	\$
DPCU Finance Officer (typed or printed)* N/A	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT



Koonce, Wooten & Haywood, LLP
CERTIFIED PUBLIC ACCOUNTANTS

Report on the Firm's System of Quality Control

To the Shareholders of Martin Starnes & Associates, CPAs, P.A. and the Peer Review Committee, Coastal Peer Review, Inc.

We have reviewed the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. (the firm) in effect for the year ended December 31, 2020. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Martin Starnes & Associates, CPAs, P.A. in effect for the year ended December 31, 2020, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Martin Starnes & Associates, CPAs, P.A. has received a peer review rating of *pass*.

Koonce, Wooten & Haywood, LLP

Koonce, Wooten & Haywood, LLP

May 4, 2021

Raleigh
4060 Barrett Drive
Post Office Box 17806
Raleigh, North Carolina 27619

919 782 9265
919 783 8937 FAX

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919 542 5764 FAX

Smithfield
212 East Church Street
Post Office Box 2348
Smithfield, North Carolina 27577

919 934 1121
919 934 1217 FAX

MARTIN ♦ STARNES & ASSOCIATES, CPAs, P.A.

"A Professional Association of Certified Public Accountants and Management Consultants"

February 5, 2024

Town of Holden Beach
Attn: Daniel McRainey, Finance Officer
110 Rothschild Street
Holden Beach, NC 28462

The following represents our understanding of the services we will provide the Town of Holden Beach.

You have requested that we audit the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Holden Beach, NC, as of June 30, 2024, and for the year then ended, and the related notes to the financial statements, which collectively comprise the Town of Holden Beach's basic financial statements as listed in the table of contents.

In addition, we will audit the entity's compliance over major federal and state award programs for the period ended June 30, 2024. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the entity's major federal and state award programs. The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS) and in accordance with *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit are to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the entity complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and *Government Auditing Standards*, if any, and perform procedures to address those requirements.

Accounting principles generally accepted in the United States of America require that certain supplementary information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis
- Law Enforcement Officers' Special Separation Allowance schedules
- Local Governmental Employees' Retirement System's schedules

Supplementary information other than RSI will accompany the Town of Holden Beach's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- Combining and individual fund financial statements (if applicable)
- Budgetary schedules
- Other schedules
- Schedule of Expenditures of Federal and State Awards

Schedule of Expenditures of Federal and State Awards

We will subject the Schedule of Expenditures of Federal and State Awards to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the Schedule of Expenditures of Federal and State Awards is presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form (if applicable)

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, Schedule of Expenditures of Federal and State Awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the Federal Audit Clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the Federal Audit Clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

Audit of the Financial Statements

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the State Single Audit Implementation Act. As part of an audit of financial statements in accordance with GAAS and in accordance with *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town of Holden Beach's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the Town of Holden Beach's basic financial statements. Our report will be addressed to the governing body of the Town of Holden Beach. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or

are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

Audit of Major Program Compliance

Our audit of the Town of Holden Beach's major federal and state award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended, the Uniform Guidance, and the State Single Audit Implementation Act, and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and the State Single Audit Implementation Act and other procedures we consider necessary to enable us to express such an opinion on major federal and state award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance and the State Single Audit Implementation Act require that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal and state award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the entity's compliance based on the audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, the Uniform Guidance, and the State Single Audit Implementation Act will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the entity's compliance with the requirements of the federal or state programs as a whole.

As part of a compliance audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal and state programs and, performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs, and performing such other procedures as we consider necessary in the circumstances. The purpose of those procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and the State Single Audit Implementation Act.

Also, as required by the Uniform Guidance and the State Single Audit Implementation Act, we will obtain an understanding of the entity's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the entity's major federal and state award programs. Our tests will be less in scope

than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the entity's major federal and state award programs, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

Management's Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance, acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of the system of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
3. For identifying, in its accounts, all federal and state awards received and expended during the period and the federal and State programs under which they were received;
4. For maintaining records that adequately identify the source and application of funds for federal and state funded activities;
5. For preparing the Schedule of Expenditures of Federal and State Awards (including notes and noncash assistance received) in accordance with the Uniform Guidance and State Single Audit Implementation Act;
6. For designing, implementing, and maintaining effective internal control over federal and state awards that provides reasonable assurance that the entity is managing federal and state awards in compliance with federal and state statutes, regulations, and the terms and conditions of the federal and state awards;
7. For identifying and ensuring that the entity complies with federal and state laws, statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal and state award programs, and implementing systems designed to achieve compliance with applicable federal and state statutes, regulations and the terms and conditions of federal and state award programs;
8. For disclosing accurately, currently and completely the financial results of each federal and state award in accordance with the requirements of the award;
9. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
10. For taking prompt action when instances of noncompliance are identified;
11. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
12. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
13. For submitting the reporting package and data collection form to the appropriate parties;
14. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;

15. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements including the disclosures, and relevant to federal and state award programs, such as records, documentation, and other matters;
 - b. Additional information that we may request from management for the purpose of the audit;
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
 - d. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report (if applicable); and
 - e. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report (if applicable).
16. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year or period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
17. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
18. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
19. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant roles in the system of internal control and others where fraud could have a material effect on compliance;
20. For the accuracy and completeness of all information provided;
21. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
22. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the Schedule of Expenditures of Federal and State Awards referred to above, you acknowledge and understand your responsibility (a) for the preparation of the Schedule of Expenditures of Federal and State Awards in accordance with the Uniform Guidance and the State Single Audit Implementation Act, (b) to provide us with the appropriate written representations regarding the Schedule of Expenditures of Federal and State Awards, (c) to include our report on the Schedule of Expenditures of Federal and State Awards in any document that contains the Schedule of Expenditures of Federal and State Awards and that indicates that we have reported on such schedule, and (d) to present the Schedule of Expenditures of Federal and State Awards with the audited financial statements, or if the schedule will not be presented with the audited financial statements, to make the audited basic financial statements readily available to the intended users of the Schedule of Expenditures of Federal and State Awards no later than the date of issuance by you of the schedule and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Nonattest Services

We will perform the following nonattest services:

- Draft of financial statements and footnotes
- GASB 34 conversion entries
- Preparation of auditor portions of Data Collection Form (if applicable)
- Preparation of AFIR
- Preparation of LGC's data input worksheet
- Capital asset & depreciation listing maintenance
- Clerical services

We will not assume management responsibilities on behalf of the Town of Holden Beach. However, we will provide advice and recommendations to assist management of the Town of Holden Beach in performing its responsibilities.

The Town of Holden Beach's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) designing, implementing, and maintaining the system of internal control, including the process used to monitor the system of internal control.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards.
- The nonattest services are limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

Other Matters

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

During the course of the engagement, a portal will be in place for information to be shared, but not stored. Our policy is to terminate access to this portal after one year. The Town is responsible for data backup for business continuity and disaster recovery, and our workpaper documentation is not to be used for these purposes.

Provisions of Engagement Administration and Fees

Marcie Spivey is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Martin Starnes & Associates, CPAs, P.A.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report. To ensure that our independence is not impaired under the AICPA Code of Professional Conduct, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

Our fees for these services are as follows:

Audit Fee	\$ 35,125
Financial Statement Drafting	3,900
Single Audit Fees (up to 2 programs)	<u>3,750</u>
	<u>\$ 42,775</u>
Additional Fees:	
Charge per major program in excess of 2	<u>\$ 3,750</u>

Please note that the fees above include up to 2 major programs, as indicated. The "total amount not to exceed" listed on the audit contract includes up to 3 major programs. If the total number of major programs exceeds 3 and the "total amount not to exceed" needs to be increased, we will prepare an amended contract to include the fees necessary based on the per program amount listed as additional fees above.

Our invoices for these fees will be rendered in four installments as work progresses and are payable upon presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for non-payment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination.

We will notify you immediately of any circumstances we encounter that could significantly affect this initial fee estimate. Whenever possible, we will attempt to use the Town of Holden Beach's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

We want our clients to receive the maximum value for our professional services and to perceive that our fees are reasonable and fair. In working to provide you with such value, we find there are certain circumstances that can cause us to perform work in excess of that contemplated in our fee estimate.

Following are some of the more common reasons for potential supplemental billings:

Changing Laws and Regulations

There are many governmental and rule-making boards that regularly add or change their requirements. Although we attempt to plan our work to anticipate the requirements that will affect our engagement, there are times when this is not possible. We will discuss these situations with you at the earliest possible time in order to make the necessary adjustments and amendments in our engagement.

Incorrect Accounting Methods or Errors in Client Records

We base our fee estimates on the expectation that client accounting records are in order so that our work can be completed using our standard testing and accounting procedures. However, should we find numerous errors, incomplete records, or the application of incorrect accounting methods, we will have to perform additional work to make the corrections and reflect those changes in the financial statements.

Failure to Prepare for the Engagement

In an effort to minimize your fees, we assign you the responsibility for the preparation of schedules and documents needed for the engagement. We also discuss matters such as availability of your key personnel, deadlines, and work space. If your personnel are unable, for whatever reasons, to provide these items as previously agreed upon, it might substantially increase the work we must do to complete the engagement within the scheduled time.

Starting and Stopping Our Work

If we must withdraw our staff because of the condition of the client's records, or the failure to provide agreed upon items within the established timeline for the engagement, we will not be able to perform our work in a timely, efficient manner, as established by our engagement plan. This will result in additional fees, as we must reschedule our personnel and incur additional start-up costs.

Our fees are based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. Our fees for such services range from \$85-\$400 per hour.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

During the course of the audit, we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued. We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

At the conclusion of our audit engagement, we will communicate to management and those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;

- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Martin Starnes & Associates, CPAs, P.A. and constitutes confidential information. However, we may be requested to make certain audit documentation available to the Local Government Commission, Office of the State Auditor, federal or state agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Martin Starnes & Associates, CPAs, P.A.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm to the Contract to Audit Accounts for your consideration and files.

Please sign and return a copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements and compliance over major federal and state award programs, including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

Martin Starnes & Associates, CPAs, P.A.

Martin Starnes & Associates, CPAs, P.A.
Hickory, North Carolina

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of the Town of Holden Beach by:

Signature: _____

Title: _____

Date: _____



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

FROM: Tom Myers & Rick Paarfus

MEETING DATE: 02-20-2024
DATE SUBMITTED: 02-09-2024

ISSUE/ACTION REQUESTED:

Discussion and possible action regarding the pier property public input session on February 29th.

BACKGROUND/PURPOSE OF REQUEST:

This public input session will follow the same format as the one recently conducted for Sailfish Park. Hard copies of the listed Attachments (see below) will be available for public review at the session. The architect will also be present to answer questions from the public. The public will sign in and submit input on written forms. No one will speak from the podium and there will be no formal presentations.

FISCAL IMPACT: (circle one)

- BUDGET AMENDMENT REQUIRED: YES/NO
- CAPITAL PROJECT ORDINANCE REQUIRED: YES/NO
- PRE-AUDIT CERTIFICATION REQUIRED: YES/NO
- REVIEWED BY FINANCE DIRECTOR: YES/NO

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: (YES/NO)
The architect will charge an hourly rate of \$170 without changing the scope of the current contract.

ADVISORY BOARD RECOMMENDATION:

TOWN MANAGER'S RECOMMENDATION:

FINANCE RECOMMENDATION:

ATTACHMENTS

Currently on the Town website:

1. Holden Beach Oceanfront Pier Due Diligence Inspection by ATM dated October 15, 2021
2. Holden Beach Fishing Pier – 2022 Due Diligence Inspection by MidAtlantic Engineering Partners dated May 17, 2022
3. Report of Engineering Services – Building Assessment by McPherson dated September 20, 2021
4. System Evaluation by HB Inspections Department dated September 17, 2021
5. Appraisal Report by James Powell Appraisals dated September 6, 2021

Not currently on the Town website – need to be added prior to the session:

6. Pier Property Plan Version 2 by the Commissioners Kwiatkowski and Murdock dated January 8, 2022
7. Pier site plan and design drawings
8. Pier building plan and design drawings



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 2/20/2024

FROM: Town Manager Hewett

DATE SUBMITTED: 2/9/2024

ISSUE/ACTION REQUESTED: Discussion and possible action in adopting the Sailfish Park Site-Specific Master Plan as completed by McGill Associates, PA. The endeavor is the culmination over two budget years and the last action is a presentation by the consultant and a board vote.

BACKGROUND/PURPOSE OF REQUEST: A site-specific master plan study of Sailfish Park was conducted to further the work done in the Comprehensive Master Plan completed by McGill Associates, PA in 2021. The process involved several rounds of public input including an online survey, on-site community meetings, and a community feedback session. The plan discusses how the park should be updated to help better serve the community.

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> N/A
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> N/A
REVIEWED BY FINANCE DIRECTOR:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one) N/A attorney does not usually review plan adoptions

REVIEWED BY TOWN ATTORNEY: YES NO

ADVISORY BOARD RECOMMENDATION: The plan passed by a 3-1 vote of the parks and recreation advisory board.

FINANCE RECOMMENDATION: Finance Officer reviewed document and the preliminary opinion of probable cost. Also the park renovations are included in the CIP for FY 2025.



TOWN MANAGER'S RECOMMENDATION: Recommend Approval

ATTACHMENT: 1. Staff Memo
2. Plan



Date: February 8, 2024

To: Mayor Holden and Board of Commissioners

From: Christy Ferguson, Assistant Town Manager 
 Town Manager- In Turn

Re: Sailfish Park Master Plan

This is a punctuation point of work across two budget years on a site-specific master plan for Sailfish Park. The journey involved a variety of means of public input and our consultants will walk us through a presentation of the process and discuss any questions or comments we might have regarding the plan. They have fulfilled the commitments of their contract once they make this presentation to the Board of Commissioners.

The plan reveals there is a commonality among those who voiced concerns about leaving the park the same and those that want improvements. This plan enhances the current facilities in a manner that allows all abilities to enjoy the tranquility of this passive park.



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 02-20-2024

FROM: Rick Paarfus, Tracey Thomas

DATE SUBMITTED: 02-08-2024

ISSUE/ACTION REQUESTED:

Discussion and possible action on issuing an RFP for a new permanent town attorney.

BACKGROUND/PURPOSE OF REQUEST:

The purpose of this request is to direct the Town to prepare an RFP to advertise for a new town attorney

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
REVIEWED BY FINANCE DIRECTOR:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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ADVISORY BOARD RECOMMENDATION:

N/A

FINANCE RECOMMENDATION:

TOWN MANAGER'S RECOMMENDATION:

ATTACHMENT: Draft RFP

REQUEST FOR PROPOSALS (RFP) FOR LEGAL SERVICES

Purpose of RFP

The Town of Holden Beach, North Carolina invites the submittal of responses to this Request for Proposals (RFP) from qualified Firm(s) interested in providing legal services as the Town Attorney. The Town intends to consider Firms and/or individuals who possess the professional and administrative capabilities to provide the scope of services detailed below.

Scope of Work

The Town is seeking the firm/individual to dedicate 10 hours per month dependent on the issues facing the Town and its various departments. In addition to providing legal representation for the Board of Commissioners, Staff and Boards and Committees of the Town, the Town Attorney shall perform the following functions:

1. Performs legal research, fieldwork and other work and communicates the results to the appropriate person.
2. Negotiates, reviews and prepares contracts, agreements and conveyances, such as service agreements, lease agreements, franchise agreements, easements, purchase contracts and other legal documents on behalf of the Town.
3. Reviews, analyzes, drafts and revises ordinances, policies, manuals and other memoranda for the Town and its various departments to ensure they are coherent, enforceable and consistent with State and Federal law; advises the Board of Commissioners, the Town Manager and Town departments when revisions and changes need to be made.
4. Researches, interprets and applies laws, court decisions and other legal authority in the preparation of opinions and briefs; prepares formal legal opinions upon request of the Board of Commissioners and the Town Manager.
5. Drafts or reviews Staff's drafting of ordinances and resolutions for the Board of Commissioners, explains the foregoing to the Board of Commissioners and answers questions related thereto.
6. Analyzes legislation including proposed State and Federal legislation affecting the Town.
7. Engages in litigation-related matters including drafting, discovery, court attendance, mediation, investigation, hearings and trials and similar activities.
8. Prepares for and attends the Board of Commissioners' meetings and other boards and committee meetings of the Town as requested.
9. Supervises acquisition of real property interests for the Town to include title review, interdepartmental communications, negotiations and litigation.
10. Performs other such duties as may be required by virtue of this position as Town Attorney and as directed by the Board of Commissioners.

Selection Process

From a review of the proposals received, the Town may invite several Firms to be interviewed before making a final selection. If the Town desires to interview a Firm, that Firm will receive notification of the date and time of the interview. The selected Firm will negotiate with the Town on fee and contract conditions. If in the sole opinion of the Town, an agreement cannot be achieved with the first respondent of choice, negotiations will proceed with the second or subsequent choice respondents until a mutually agreed contract can be negotiated.

Submittal Requirements

Interested parties should submit the following items in packet form to the Town for consideration. Electronic submissions will be accepted, however we ask that you provide this information in a single PDF file:

1. Statement of Qualifications and resources of the firm/individual, including governmental experience to include description of areas of expertise or relevant experience that may benefit the Town.
2. Statement of Interest in providing service to the Town.
3. Indication of ability to provide timely and efficient service to the Town, including a specification of how many hours per week could be devoted solely to Town business.
4. Suggested contractual terms to include hourly rates.
5. Other factors or information thought to be important to the Town in considering the proposal.

While the Town Attorney is expected to perform the primary legal service functions for the Town, the Town may hire specialized legal counsel to represent the Town in various matters considered outside the normal scope of work. In the event the Board of Commissioners hires outside counsel, the Town Attorney is expected to represent the Town's interest and coordinate the use of outside counsel to include keeping the Board of Commissioners aware of the fees charged by outside counsel.

Evaluation Criteria

The criteria used to evaluate the RFP responses will include, but not be limited to, the following (items listed below are not listed in order of importance):

1. Qualifications of Firm, specifically as they relate to local government experience.
2. Available resources to complete required work.
3. Responsiveness to the RFP, including any additional documents submitted.
4. Professional references.

Additional Instructions, Notifications and Information

No Gratuities – Respondents will not offer any gratuities, favors or anything of monetary value to any official or employee of the Town for the purpose of influencing this selection. Any attempt by a Respondent to influence the selection process by any means, other than disclosure of qualifications and credentials through the proper channels, will be grounds for exclusion from the selection process.

All Information True – By submitting a response, Respondents represent and warrant to the Town that all information provided in the response submitted shall be true, correct and complete. Respondents who provide false, misleading or incomplete information, whether intentional or not, in any of the documents presented to the Town for consideration in the selection process may be excluded.

Interviews – After the initial evaluation of the statements of qualifications, Respondents will be notified of their status in the selection process.

Inquiries – Do not contact the Town Manager, Mayor, or Board of Commissioners to make inquiries about the progress of the selection process. Respondents will be contacted when it is appropriate to do so. Process inquiries may be directed to Heather Finnell, Town Clerk.

Cost of Responses – The Town will not be responsible for the costs incurred by anyone in the submittal of responses.

Contract Negotiations – This RFP is not to be construed as a contract or as a commitment of any kind. If this RFP results in a contract offer by the Town, the specific scope of work, associated fees and other contractual matters will be determined during contract negotiations.

No Obligation – The Town reserves the right to: (1) evaluate the responses submitted; (2) waive any irregularities therein; (3) select candidates for the submittal of more detailed or alternate proposals; (4) waive interviews of any kind before accepting a proposal; (5) accept any submittal or portion of submittal; (6) reject any or all Respondents submitting responses, should it be deemed in the Town's best interest; or (7) cancel the entire process. Proposals will be reviewed and forwarded to the Board of Commissioners for further consideration. The Board of Commissioners reserves the right to select the proposal that best meets the needs of the Town and to proceed in any fashion that it deems appropriate in making such selection so long as such process complies with all applicable laws.

Professional Liability Insurance – The Respondent shall have the appropriate liability insurance written by an insurer authorized to transact insurance in the State of North Carolina.

Submittal Instructions

The Town will receive responses to this RFP at the address set forth below until 12:00 p.m. on Tuesday, January 12, 2021. Responses should be directed to:

Heather Finnell, Town Clerk
 Town of Holden Beach
 110 Rothschild Street
 Holden Beach, NC 28462
 E-Mail: heather@hbtownhall.com

- need date

Electronic submissions will be accepted; however, such information must be provided in a single PDF file.



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE:2/20/24

FROM: Mayor Holden and Commissioner Dyer DATE SUBMITTED:2/9/24

ISSUE/ACTION REQUESTED: Discussion and Possible Action on Granting Permission to the Chaplain of the HB Chapel to Conduct the Annual Easter Sunrise Service from the HB Pier

BACKGROUND/PURPOSE OF REQUEST: As in years past, the chaplain would be using the pier as the pulpit for the service and the attendees would be on the strand.

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
REVIEWED BY FINANCE DIRECTOR:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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ADVISORY BOARD RECOMMENDATION: n/a

FINANCE RECOMMENDATION: n/a

TOWN MANAGER'S RECOMMENDATION: n/a

Sewer Lift Station 2 Update

EPA Grant Component-\$2,669,867

We were apprised on December 20th that the EPA grant funding came through officially for the town. The finance officer has been working with the representatives at EPA to set up our accounting system. Based on our current knowledge base, this grant will focus on a quick turnaround where the town will submit invoices to EPA representatives. They will approve invoices and send automatic payments to us in which we have to redistribute to the contractor within a three-to-four-day period.

The milestone schedule presented in the workplan based on needing to move past the winter 2023 season for construction includes completing construction by July 2025 and having system start up by October 2025. The timeline also incorporates closeout on EPA's end, which includes their own inspections of the system. They have final completion and close out on their end listed as November 2026.

State Funding-\$1,940,000

Received a letter of intent to fund from the State last Friday. Have reached out twice to the program representative to make contact and clarify some items. Previous correspondence to Town says the BOC will need to make a resolution accepting the funding letter of intent, but we need some clarification first. One item of critical importance is that the state timeline does not appear to mesh with the EPA timeline; i.e.; the state schedule as received/written seems to represent a not to exceed timeline that lags a year or so behind the EPA approved work plan. We are requesting clarification about advancing the state schedule to accommodate our circumstances and shovel ready project status. More to come on the resolution needed by the board.

Remaining Financing

Have been in consultation with the bond attorney and financial advisors to keep them abreast of the project's moving parts. Forecast a possible need for short-term borrowing since the state funding references a reimbursement of costs protocol instead of the payment advance system that the EPA follows (mentioned above). In addition to the "pay/go" financing consideration- need to factor in the ability to pay contractor should EPA deny any reimbursements.

LGC

If short-term financing is needed, a third calendar and related efforts will need to be coordinated so that the town can appear before the LGC and submit appropriate application prior to appearance.

Next Steps

1. Get questions answered from State
2. BOC resolution accepting intent to fund
3. Rebid project- old bids are not valid
4. Coordinate bid tab with State
5. Coordinate all above elements for funding and prepare for construction



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE:2/20/24

FROM: Mayor Holden & Commissioner Dyer

DATE SUBMITTED:2/9/24

ISSUE/ACTION REQUESTED: Executive Session Pursuant to North Carolina General Statute 143-318.11(a)(5), To Establish or Instruct Staff or Agent Concerning the Negotiation of the Price and Terms of a Contract Concerning the Acquisition of Real Property

BACKGROUND/PURPOSE OF REQUEST: Atlantic Telephone Membership Corp, Parcel 231MD02101, property acquisition for public utilities

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
REVIEWED BY FINANCE DIRECTOR:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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ADVISORY BOARD RECOMMENDATION: n/a

FINANCE RECOMMENDATION: n/a

TOWN MANAGER'S RECOMMENDATION: n/a