



**Town of Holden Beach
Board of Commissioners
Regular Meeting**

**Tuesday, January 23, 2024
5:00 PM**

**Holden Beach Town Hall
Public Assembly**



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

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 Regular Meeting of December 19, 2023 (Pages 1 – 9)
 - b. Minutes of the Special Meeting of January 5, 2024 (Pages 10 – 15)
7. Public Comments on Agenda Items
8. Police Report – Chief Dixon (Pages 16 – 18)
9. Inspections Department Report – Inspections Director Evans (Pages 19 – 21)
10. 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 (Pages 22 – 24)
11. Discussion and Possible Approval of Special Meeting Dates – Town Clerk Finnell (Pages 25 – 27)
12. Discussion and Possible Action on Awarding a Bid for Hatteras Ramp and Walkway at 441 Ocean Boulevard West – Assistant Town Manager Ferguson (Pages 28 – 45)
13. Holden Beach Pier Project (Pages 46 – 47)
 - a. Discussion and Possible Direction to Staff to Engage in Value Engineering to Reduce Scope of Work on Pier and Rebid the Project - Commissioners Smith & Dyer
 - b. Discussion and Possible Action on a Public Input Session for the Pier Property – Mayor Pro Tem Myers and Commissioner Thomas
14. Discussion and Possible Action on Block Q – Mayor Pro Tem Myers and Commissioner Thomas (Page 48)

15. Discussion and Possible Action on the Holden Beach Pavilion – Mayor Pro Tem Myers and Commissioner Paarfus (Pages 49 – 54)
16. Audit Committee Items – Town Clerk Finnell (Pages 55 – 60)
 - a. Discussion and Appointment of Commissioner to Serve on the Audit Committee
 - b. Discussion and Possible Selection of Members to Fill Vacancies on the Audit Committee
17. Discussion and Possible Approval of Resolution 24-01, Resolution Approving Truist Signature Card – Town Manager Hewett (Pages 61 – 63)
18. Public Comments on General Items
19. Town Manager’s Report
20. Mayor’s Comments
21. Board of Commissioners’ Comments
22. 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 January 23, 2024.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, DECEMBER 19, 2023 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, December 19, 2023 at 5:00 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Page Dyer and Gerald Arnold; Commissioner-Elects Tom Myers, Tracey Thomas and Rick Paarfus; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Police Chief Jeremy Dixon; Finance Officer Daniel McRainey; and Town Attorney Rick Green. Commissioner Brian Murdock was unable to attend the meeting.

Mayor Holden explained that former mayor, Norman Meares is in hospice care. He asked for a moment of silence and then called the meeting to order.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

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

APPROVAL OF MINUTES

Motion by Commissioner Arnold to approve the minutes (Regular Meeting of November 21, 2023); second by Mayor Pro Tem Smith; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Buddy Michael hopes we get work on the pier done.

Maria Surprise thanked the outgoing commissioners for their service and congratulated the new Board. She provided reasons she is opposed to awarding a contract for the pier tonight.

Mike Felmly spoke against moving forward with the pier contract until a responsible Town strategy is developed.

Camella Pearce talked about the pier being part of the community and how she would like to see it stay that way.

John Pearce said he supports the pier property restoration, as well as other initiatives which contribute to the preservation of this island's history and culture. He provided information on a non-profit group that was formed to promote the history and heritage of the community.

Jim Bauer questioned moving forward with the bids on the pier without a plan. He would like the Board to put an immediate stop to the work on the pier until they listen to the townspeople and make a plan.

PRESENTATION OF PLAQUE TO THE OUTGOING BOARD OF COMMISSIONERS BY TOWN MANAGER HEWETT

PRESENTATION OF PLAQUES TO COMMISSIONERS MURDOCK AND ARNOLD OF THE OUTGOING BOARD OF COMMISSIONERS

Mayor Holden presented a plaque to Commissioner Arnold. Commissioner Murdock was not in attendance.

PUBLIC COMMENTS

Stephen Kimbrough signed up to speak, but was missed. He spoke against moving forward without a plan.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked Commissioner Arnold. It has been a pleasure to work with him. His calm demeanor and experience with boards like this has been a big help and made him a better commissioner. Appreciates his time with us. Thanked Commissioner Murdock. His heart was in the right place. He loves this island and the people who live here. Doesn't want to forget about Gerald Brown. While he was here, he was an asset to this Board.

Commissioner Dyer

- Thanked Commissioners Murdock and Arnold. It was a pleasure serving on the Board with them. Learned a lot from both. Their passion for the Town was clearly visible. As Mayor Pro Tem Smith said, we miss Gerald Brown. Sat next to him when she first started and he gave her a lot of insight. He is dearly missed. He gave a lot to the Town and his heart was in the Town.

Commissioner Arnold

- Appreciates the kind words. Been privileged to serve in law, politics, business and government for over 50 years. Doesn't have enough room for all the plaques he has been given. If you go to his study, you will see one on the wall, this one. Someone said a long time ago you never get lost on a road if you remember where you started. This is one of the places he started. Means a lot to be here. Guess the best part of his career was the underserved benefit of getting to know and work

with people. Eternally grateful for it. His mom used to say you are known for the company you keep. Has been in some pretty good company. Loved serving on the Board, wished he had longer. He won't be sad that it is over, will be happy that it happened. Cherishes the friendships, those he doesn't know he offers his friendship. God bless.

OATH OF OFFICE BY JUDGE GERALD ARNOLD TO THE INCOMING BOARD OF COMMISSIONERS

J. Alan Holden was sworn in as mayor. Tom Myers, Tracey Thomas, Page Dyer and Rick Paarfus were sworn in as commissioners.

RECESS

Mayor Holden announced a recess from 5:35 p.m. to 5:36 p.m.

ELECTION OF MAYOR PRO TEMPORE

Motion by Commissioner Paarfus to vote verbally; second by Commissioner Myers; approved by unanimous vote.

Motion by Commissioner Dyer to recommend Commissioner Smith be re-elected as mayor pro tem.

Commissioner Dyer said based on the experience he has she thinks he would do an excellent job.

The motion was seconded by Commissioner Smith.

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

Commissioners Smith and Dyer voted in favor of Commissioner Smith being elected as mayor pro tem. Commissioners Myers, Thomas and Paarfus voted in favor of Commissioner Myers. Mayor Holden announced Commissioner Myers will serve as mayor pro tem.

DISCUSSION AND POSSIBLE APPROVAL OF 2024 BOARD OF COMMISSIONERS' MEETING SCHEDULE

Town Clerk Finnell explained the dates reflect the third Tuesday of each month at 5:00 p.m. Commissioner Dyer asked if the January meeting could be changed to January 23rd at 5:00 p.m.

Motion by Commissioner Smith to approve the amended 2024 schedule with the only change being January 23rd instead of the 19th for our first meeting of the year; second by Commissioner Dyer; approved by unanimous vote.

DISCUSSION AND POSSIBLE DIRECTION ON RULES OF PROCEDURE FOR THE BOARD OF COMMISSIONERS

Town Clerk Finnell explained the Board is required to adopt rules of procedure. The current version is before the Board for consideration.

Motion by Commissioner Thomas to have a special meeting on December 28th or whatever works for everybody before January 4th to go over new rules and procedures.

The Board discussed how to move forward.

Commissioner Paarfus seconded the motion.

Commissioner Smith suggested discussing the rules at the next regular meeting. Extending the proposed dates to December 28th – January 10th was discussed.

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.

Town Clerk Finnell will solicit availability through January 10th so the mayor, mayor pro tem or two commissioners can call the meeting.

POLICE REPORT – CHIEF DIXON

- Wished everyone a merry Christmas and happy New Year. If you celebrate get a ride.

Mayor Pro Tem Myers asked about the armed robbery and breaking and entering on the report. Chief Dixon explained how the calls were dispatched. He doesn't have the details about the specific calls but can provide them at the next meeting.

INSPECTIONS DEPARTMENT REPORT - INSPECTIONS DIRECTOR EVANS

- Steady. Went over numbers.

DISCUSSION AND POSSIBLE ACTION ON BIDS RECEIVED FOR THE HOLDEN BEACH PIER PROJECT

Assistant Town Manager Ferguson said the Town received two bids at the second scheduled bid opening, Paragon Building Corp and TD Eure. The most responsive bid appears to be Paragon at \$2,197,181. This has been certified by the architect. The previous Board's goal was to try to get the pier open for the season. Options include award the bid as is and direct staff to prepare a budget amendment for the shortfall; direct staff to engage in value engineering and negotiation with Paragon to incrementally reduce the scope of work to better align with existing budget appropriations; and direct staff to engage in value engineering to reduce the scope of work and totally rebid the project.

Commissioner Smith said he thinks the best direction would be to direct staff to engage with Chip Hemingway to see if we could engage in value engineering to reduce the scope of the work and rebid the project. He stated in speaking with him there is a way to possibly get this done and the pier to operate soon. Mr. Hemingway explained they had a group of consulting engineers on their team and used the Town's report for the state of the existing pier. With that, they have to replace 10 pilings in the water. According to the bidders, the method of replacing those is what drove the price up. He said they think they could reconfigure some of the piling installation method and it will more likely come within the budget of the project. It should also increase the number of bidders. Commissioner Smith said he

thinks rebidding this with a reasonable installation option and replacing the bracing and hardware would get the Town into compliance safety wise to get it open soon. Mayor Holden asked about communication between potentials bidders and the architect or Inspections Department. Mr. Hemingway responded there were several questions from the two bidders and statements from others that they would not be able to bid. Inspections Director Evans said there were some questions onsite, but nobody contacted him. Mayor Pro Tem Myers said it was his understanding that this work was the bare minimum to keep it safe and ADA compliant. He has concerns about cutting the scope of a project that was engineered to make it safe. Mr. Hemingway said the scope would be the same; the installation method of the pilings would be the different factor. The engineer specified the installation to get them in the ground as hard as you can get them in the ground. He said there is still a way you could make the pier significantly stronger, by jetting them in. Mayor Pro Tem Myers said he would worry about safety. Mr. Hemingway said they deal with public safety every day and it is not something they take lightly. They would not recommend it just to fit it into the budget.

Commissioner Thomas would like access to the bids and the scope of the project in order to make a decision. She thinks the Board needs a long-term vision for the whole thing before we start putting \$2 million band aids on the pier. Mr. Hemingway said they would be happy to share the bids and specifications. He stated their first scope of work for the Town was to develop a master plan for the property. Commissioner Paarfus said he is concerned with reducing the scope because of the safety aspects. He understands the methods of work may substantially reduce the cost of the project but questioned why we didn't do the value engineering upfront. He would like to have a meeting with Mr. Hemingway and Town staff to go over the master plan and what the goals of the contract will be. Mr. Hemingway said the scope isn't being reduced, it is just the methodology of putting the pilings in the ground. He said the engineer thought this would be the strongest method. It is over budget for this project. They can adjust and try again if the Board desires. Commissioner Thomas inquired what the estimate is on when we will need to do the next ones if we do the ten pilings now. Mr. Hemingway replied he doesn't have an estimate on that, it is Mother Nature. The pier has stood for a long time and seems to be in relatively good shape for its age in his opinion. It could be strengthened greatly with this work. Commissioner Smith thinks it is a good idea to ask Mr. Hemingway to share the entire scope.

Motion by Commissioner Smith to direct the staff to engage in value engineering to keep the same scope, but change the work and totally rebid the project; second by Commissioner Dyer.

Commissioner Smith said he doesn't want to hold anything up, but we are not going to move forward until we are all comfortable. He thinks the way to do that is to rebid it and look at the master plan to make a decision. Commissioner Paarfus stated he is in agreement to reject the bid for now but is not ready to move ahead with the rebid. He would like to sit down with Mr. Hemingway, look at the master plan and reevaluate the project. He agrees the Board needs to move quickly but would like to have the meeting first. Mayor Pro Tem Myers said we still don't have a plan. The only plan he knows about is the one the Board voted on in January 2022. He didn't know Mr. Hemingway developed a master plan. He thinks it is irresponsible to start spending without knowing the cost, how to pay for it and if taxpayers support that. Commissioner Smith said he is not asking for approval of any bid or money. It is just to get another bid to look at, along with the master plan. He added the Board could have a special meeting in the meantime.

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.

Motion by Mayor Pro Tem Myers that we reject the bids for the reason stated, we won't be able to make an informed decision before they expire anyway and that we start the process of developing a new plan by scheduling a special meeting; second by Commissioner Thomas.

Commissioner Dyer asked Mr. Hemingway about the master plan. Mr. Hemingway said the master plan was presented at several meetings that were open to the public. He added they were very cognizant of the budget and had as simple of a plan as they could to get the pier reopened to the public. Mr. Hemingway provided information on the phasing of the project. Mayor Pro Tem Myers said his concern is that the financial reality of the pier is starting to emerge and we need to stop and take a look at where we are going. Commissioner Smith said if people had attended the meetings and been as diligent as they are now, they would understand what the plans are. Commissioner Thomas thinks the original plan was \$1 million and it is now \$2 million. She would like a comprehensive plan for the pier. She is not opposed to the pier, she just wants to see what the long-range plan is and how to get there being fiscally responsible. Commissioner Dyer said she doesn't think it is fiscally responsible to have him start over with a new plan when this has been three years in the making. Commissioner Smith said we are headed down a path where it will cost more money just because people want to see it again.

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 FOURTH AMENDMENT TO SOLID WASTE AND RECYCLABLES COLLECTION

Public Works Director Clemmons explained that GFL has provided the Town with a proposed amendment to the Solid Waste and Recyclables Collection, Transportation and Disposal Agreement. Our current contract expires December 31, 2023. The amended would extend the term by two years. Pursuant to the terms of our contract, current rates would be adjusted by 3%. The second pickup rate is proposed to be increased from \$10.82 per month per cart to \$11.15. The curbside recycling rate would increase from \$6.19 to \$6.38 per month. Town Clerk Finnell said references to third amendment would be changed to the fourth amendment before it is signed. Public Works Director Clemmons confirmed the Town still needs the rolloff service listed under Exhibit A.

Motion by Commissioner Smith that we approve the 4th amendment for the waste disposal between Holden Beach and GFL; second by Commissioner Paarfus; approved by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

John Pierce asked everyone to keep in mind that they are owners on the island, not isolationists. He said we need to think about the community because we do depend on the community.

Jim Bauer suggested the new Board should invest in a way to video conference the meetings to bring more people in.

Mike Felmy said the Town has not developed a strategy and a vision to develop a plan for the pier to responsibly spend tax dollars. He said the Town is legally bound to have recreational facilities per the grant.

Ann Paarfus said she doesn't think people are opposed to fixing the pier; they want to see a plan.

Rebecca Thompson said she called about the tires on the beach and spoke to Customer Service Representative Amy Fisher who was very helpful. Ms. Thompson welcomed the new members. She cautioned the Board to accept all help.

Brent Shaver thanked the Board for being willing to serve. He asked the Board not to think of it as the new and old board.

Gina Martin thanked the new commissioners. She is hoping by stopping what was started that we don't end up spending more money. She explained she resigned from the HBPOA when she served as commissioner.

Chief Dixon provided information about the armed robbery mentioned earlier. He explained the Town has a mutual aid agreement with the Sheriff's Office.

TOWN MANAGER'S REPORT

- Block Q – we don't have a letter of engagement returned from the apparent low bid based on the Board's award to them. We were contacted by NC Wildlife in reference to their plans to renovate the boat ramp and have a meeting scheduled tomorrow afternoon.
- Sewer Lift Station Improvements – Congressman Rouzer's office advised us that the EPA has awarded the community project funding of almost \$2.7 million to the Town for the lift station upgrade. We are coordinating with the Division of Water Quality to get the same answer concerning the North Carolina \$2 million budget appropriation. Those two items will go a long way in scoping what the total requirement for any financing will be.
- Tire Apocalypse – Thanked the Division of Marine Fisheries. After the storm, they cleared the 1,000 tires from the beach. The tires are from an experimental reef in the 70s. This is the most he has ever seen.
- Module Restroom at Pier – will need to take it offline for the season. Will need to winterize it until warmer weather. Will have porta-potties.

Commissioner Thomas asked if the contract was signed by the contractor for Block Q. Town Manager Hewett responded no. He explained the meeting with NC Wildlife is a staff meeting, not a public meeting. Commissioner Dyer asked that a reminder be sent out regarding the DOT project.

MAYOR'S COMMENTS

- Thanked all Board members that have served in previous years and new board members. Hopes to do the best for Holden Beach and everyone involved.

- Thought it was interesting at low tide this morning. The pier pilings at Halstead Park all were out of the water. Had one extreme over the weekend and another this morning. Those extreme low tides are wonderful news for the shell seekers.
- Thanks for allowing me to serve another two years. Thinks we can move forward and do what's best for the Town. Hopes everyone will contribute the best they can.
- Have a wonderful holiday season and thanks for being here.

BOARD OF COMMISSIONERS' COMMENTS

Commissioner Smith

- Appreciates Mr. Shaver's comments. We need to operate as the new Holden Beach Board of Commissioners. It would be good if we could all work together for the greater good of Holden Beach. His growing concern is with the term team. He thinks with the way things went it is easier to see the team has its own agenda. Thinks the public will see it as we move forward.
- Thanked everyone who came out this evening. It was nice to see this many people here. If we had this many people while we were working on the pier plans, everyone would know exactly what is going on.
- Thanked staff. Couldn't do it without them.
- Hopes everybody had a good thanksgiving and everyone enjoys the Christmas season. There is a reason for the season and you need to keep that in mind. Need to be thankful that we get to have the blessing of living here at this beautiful place. Everyone needs to get along and love each other.

Commissioner Thomas

- Thanked Brian Murdock and Judge Gerald Arnold for their hard work for their time on the Board. Thanked everyone who voted for her. Will do her best to put the homeowners first and make sure they do the best thing for the island.
- Happy holidays.

Commissioner Dyer

- Thanked everyone for coming out. It is good to see the community getting involved.
- Thanked staff for a well done in 2023.
- Hopes everyone has a safe holiday and a happy New Year.

Commissioner Paarfus

- Thanked everyone for coming out tonight. This is your Board of Commissioners. You need to show up and speak up. We need to hear from you.
- Thanked everyone who supported him during the election and gave him the opportunity to serve. Agreed we need to serve as a board.
- Wished everyone a safe and merry Christmas and a happy New Year. Looks forward to seeing you next year.

Mayor Pro Tem Myers

- Honored to be sitting here. Intends to do his best to fulfill his responsibilities to fill the position. Thanked everyone for their support.
- Wished everyone a merry Christmas and happy holidays.

ADJOURNMENT

Motion to adjourn by Commissioner Smith at 6:55 p.m.; second by Commissioner Dyer; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
FRIDAY, JANUARY 5, 2024 – 6:30 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Friday, January 5, 2024 at 6:30 p.m. in the Town Hall Public Assembly. 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; Police Chief Jeremy Dixon, Inspections Director Tim Evans; and Assistant Town Manager Christy Ferguson. Commissioner Rick Smith participated via a conference call so he was not counted towards the quorum or able to vote.

PUBLIC COMMENT

Lisa Ragland requested that all matters be pushed until a later meeting date to give the new members time to complete their training and to give the public more time to review the proposed changes. Ms. Ragland said she reviewed the charter and pursuant to the charter, the mayor has the right to vote. She requested the Board consolidate meetings on the proposed schedule.

Rick McInturf said his concerns with the rules of procedure include the extensive duties of the proposed executive secretary, the revision of the duties of the mayor and the reduction in the responsibilities of the town clerk. He suggested the Board wait to adopt the rules or require a second reading. He also requested that a new document be prepared that includes the old document and the proposed changes.

Sylvia Pate thinks the proposed changes to the rules of procedure need to be annotated in the document before action is taken. She questioned removing the mayor's right to vote in a tie. She doesn't think an executive secretary is needed. She also thinks if a commissioner wants to add an item to the agenda and they have the appropriate documentation the item should be added. Ms. Pate provided feedback on the reasons for closed session.

John Pearce said we need more time before the rules of procedure are adopted. He said there is a lot of burden on commissioners to participate in the process. He questioned the closed session process. Mr. Pearce said the Board needs to step back and think about limiting the mayoral position.

Mike Kelly asked the Board to postpone voting on the documents. He said there isn't enough time to go through the documents.

Ketih Smith explained they formed the HB Community Alliance. The purpose is to promote and preserve the history and heritage of the community. They would like to work with the Board to incorporate a place to showcase the Town's history. One of the places proposed to do that was Block Q.

Gina Martin requested the Board wait to adopt the rules of procedure until after they attend training. She asked the Board to explain how they differ from the current rules if the Board doesn't wait to adopt them. She is concerned with the executive secretary position. She also asked the Board to reconsider the proposed meeting calendar.

Ryan Williams said Block Q was bought with the intention to use it for boat trailer parking. He talked about the need to use this property for boat parking.

DISCUSSION AND POSSIBLE ACTION ON NEW BOARD OF COMMISSIONERS' RULES OF PROCEDURE

Motion by Commissioner Thomas to accept the rules of procedure as is; second by Commissioner Paarfus.

Commissioner Thomas said they went through the rules of procedure and feel strongly about putting the executive secretary back in. She said it puts control on the agenda. Commissioner Thomas stated it is the way they feel is the best way to move forward to run the meetings. Commissioner Smith said we are seeing the team trying to change the way we run our meetings. If you heard from people who live in the town, they would like them to slow down. Commissioner Smith said the new members need to go through the training before making changes. He would like to table the decision until it can be vetted through the attorney and the rest of the town. Commissioner Dyer is concerned that there wasn't a document that showed the language that was changed in order for them to provide meaningful input. It was approximately 48 hours and for the public to go through that much documentation without indication of what had changed, it would be difficult to digest. She said she doesn't know the rush to fix something that is not broken. She added this is business that should be taken care of at a regular meeting. She questioned if changing the mayor's role is legal. Commissioner Dyer said she thinks the Board needs input from the attorney before this is changed. She doesn't understand the need for an executive secretary. She doesn't understand why the Board needs a biased person to control the agenda when we have someone that is unbiased.

Mayor Holden said in 1969 this town went through a lot of turmoil to become a town. The Town has come a long way and has become organized and a cohesive group. The Town has made major accomplishments that have been recognized by the nation. He questioned taking away duties from the town clerk and giving them to someone with no training. He said the mayoral position is being stripped. Mayor Holden said he served on the Board for 25 years and the new members have decided that they don't want to hear the knowledge he has learned from serving on numerous boards in the state and county. He said the Town does have a charter and questioned if you could change the charter. He asked why we can't listen to the people.

Commissioner Paarfus said the Board is required to get a set of rules of procedure in place. They would like to get them in place quickly. He said almost every change, if not every change has been in previous rules. He said the executive secretary position is not a slight to Town Clerk Finnell. They went over the changes with the town clerk and town manager. Commissioner Paarfus said the reason they want an

executive secretary is because a lot of times there are agenda items that are vague. He would like to fix the lack of information in the packets. He said the executive secretary does not have the authority to prevent the mayor, town manager or commissioner from putting an item on the agenda. The executive secretary's primary function is to make sure all the information is there and it is clear so the public can review it. Mayor Pro Tem Myers said the rules of procedure are based on multiple previous versions. They were all based on the School of Government template. We have a weak mayor form of government. They spent a lot of time reviewing, correcting and adding changes. In his opinion the most significant change is the executive secretary. Mayor Pro Tem Myers believes it was very effective when it was added in 2015. He said prior to that, meeting packets were not distributed to the public before the meeting. They are talking about that role as it existed and a lot of the good practices so that when something comes before the Board, there is sufficient documentation available and provided to the public so they can participate. He said this was supposed to be passed at the December meeting. He said they wanted to call a special meeting to have it in place in January. Mayor Pro Tem Myers said the Board has a lot on their plate. It can be revised at any time. Commissioner Smith said the team talked transparency, but the agenda wasn't put out until Wednesday.

The motion passed by a 3 – 1 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioner Dyer voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON ELECTION OF EXECUTIVE SECRETARY

Motion by Commissioner Paarfus to elect Tracey Thomas as the executive secretary; second by Mayor Pro Tem Myers.

Commissioner Dyer said she has been a commissioner for two years and never had a problem with getting an agenda. She never had one of her constituents say they had an issue with getting an agenda. She thinks that it is biased to have someone with a biased opinion run the agenda. She said we have someone who is unbiased and does an excellent job and the Board should let Town Clerk Finnell handle it. Mayor Pro Tem Myers said he already stated why they think the position is important. He said if the Board doesn't like it, they can remove it at any time. He thinks Commissioner Thomas will do an outstanding job. She serves at the pleasure of the Board so if it doesn't work, it doesn't work. Mayor Pro Tem Myers is very confident it will work and will deliver the benefits that it did last time it was in place. Commissioner Smith said he doesn't understand how Commissioner Thomas can have any more knowledge than Town Clerk Finnell. He said we are at the mercy of a group of three people that will change the course of the Town. He said we had an executive secretary prior to 2020 and it didn't work. Commissioner Thomas said she sees the position as a cooperative position, working with Town Clerk Finnell, not against her or the other commissioners. The executive secretary doesn't have the right to not put something on the agenda. It just ensures everything is complete. She said that is what they have been seeing hasn't been happening from the other side of it. She stated they are making a change because that is what they were elected to do. Commissioner Dyer said the charter says the current staff is directed by the town manager. She asked if it is a violation to have a commissioner direct a staff's position. She said the attorney is not here. Commissioner Thomas said she isn't directing the town clerk; she is working with her. Mayor Holden said we do not have a legal opinion on that. Commissioner Smith suggested waiting until there is a legal opinion.

The motion passed by a 3 – 1 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioner Dyer voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON AGENDA TOPIC COVER SHEET

Motion by Commissioner Thomas to accept the agenda topic cover sheet as is; second by Commissioner Paarfus.

Mayor Holden asked who the town administrator is, that is not the Town's form of government. Town Clerk Finnell said she would update it to read manager. Commissioner Thomas said she prepared it based on other local governments; it is a typo. Mayor Pro Tem Myers stated he thinks it helps with public participation. It is an executive one-page summary of the agenda item. It can also be used as a checklist to make sure everything that needs to be included is. Commissioner Thomas said this is something a lot of places use. She thinks it will help with getting things on the agenda and the purpose of the item. Mayor Holden asked if anyone did a cost analysis with following through to correctly answer all the items. When you take the attorney or professional people, that is money. If all the questions need to be adhered to before the document moves forward, it is a lot of expense and time. Mayor Pro Tem Myers stated he thinks it will save time because it will get everything set up front and you are not wasting time. Commissioner Smith said he doesn't have a problem with the cover sheet. He said this is another step to the process on what is already being done seamlessly. Commissioner Dyer said she never had any issues with getting items on the agenda or with lack of information. She thinks this is part of micromanaging the staff on a job that they already do well.

The motion passed by a 3 – 1 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioner Dyer voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON BOARD OF COMMISSIONERS' MEETINGS

Motion by Commissioner Paarfus to accept the proposed meeting schedule as written; second by Commissioner Thomas.

Commissioner Smith shared his concerns about the proposed meeting schedule. He asked that some of the items be consolidated to have fewer meetings, even if the meetings are longer. He said the team is doing their best to keep him, Mayor Holden and Commissioner Dyer from the meetings because they have obligations. He said the Board could do in a day, what is being proposed in five days. He asked how many people that own property in Holden Beach can be at a meeting at 10:00 a.m. Commissioner Paarfus said they came up with schedule in consideration of staff's needs, to do it during their working hours. He said they will be shorter meetings. This is a document that can be revisited and changed. Mayor Pro Tem Myers said he is very interested in the budget and it is a high priority for him. He would like to get ahead of the process. He explained how the proposed calendar is laid out. He said it is a lot easier to delete meetings that we don't need than to add meetings. The goal is to get them on a calendar so the Board can plan around them. He said budget meetings typically happen during the day. He also would like to look at virtual meetings so people can listen after. Commissioner Thomas stated these are supposed to be working meetings. Since three of the Board are new, they want to take the time to understand the budget. They are trying to take staff into consideration. Commissioner Dyer provided information on the past process. She said they got the budget out and fiscally the Town was

in great shape as reported. She suggested combining meetings. In her two years served, she didn't miss any monthly or budget meetings. Commissioner Dyer apologized to the people who voted for her; she cannot attend all the proposed meetings without shutting down her business. Commissioner Smith said some of the meetings could be consolidated. Mayor Holden said he has NCDOT meetings, beach meetings, mayors' meetings, fire meetings and other boards. He said nobody considered his schedule. He will miss a lot of the meetings. He may be across the state or in Washington on Town business and nobody asked how his schedule as mayor is impacted by what is being dictated here. Mayor Pro Tem Myers said they are new and have a lot to learn. They are not meetings they will vote or take action in. He said they are budget sessions so they understand the finances of the Town. Commissioner Dyer said she and the public would have no input to the budget. Mayor Pro Tem Myers said when the Board gets to the actual developing of the budget in April and May, they will make sure people could attend. Commissioner Dyer asked why the previous year's schedule isn't acceptable. Commissioner Paarfus explained some of these meetings are educational for the new commissioners and they are not set in stone. After further discussion by the Board, Commissioner Paarfus suggested coming up with a schedule that works for more participation.

Commissioner Paarfus withdrew his motion to approve the schedule. Commissioner Thomas agreed to withdraw the motion.

Motion by Commissioner Paarfus to get the schedules coordinated by the next regular BOC.

Commissioner Paarfus said he is very flexible. He understands the problem for Commissioner Dyer. He stated they are serious about the budget. They haven't been through the process, so it may take longer.

Commissioner Thomas seconded the motion.

Mayor Holden added that the schedule has not been set yet for some of the meetings he is required to go to. He appreciates what they are trying to do. Commissioner Smith said he and Commissioner Dyer have obligations and he appreciated the commissioners for taking that into consideration.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON BLOCK Q CONTRACT

Motion by Commissioner Thomas to instruct the town manager and Mayor Holden to not sign a contract to enter into any agreement with Wells Brothers Construction Company, Inc. or any supplier related to Block Q Project; second by Commissioner Paarfus.

Commissioner Paarfus said he previously expressed concern with the amount of real estate that was being used in the Block Q construction drawings for stormwater filtration features. We have so much because impervious asphalt or paving of some type is called out in the drawings. He said looking at the drawings, it looks like 10 – 11% of the total site is getting used for stormwater features. He said those features roughly equate to 40 parking spaces. He said according to former Commissioner Kwiatkowski, Block Q was bought because we are involved with a Corps' Storm Damage Reduction Study which dictates how much parking we need to have. Commissioner Paarfus said he did some research and found that pervious pavement is allowed so the Town may be able to regain that real estate. He said he

also contacted NCDEQ and discussed whether it was an option. Commissioner Paarfus said he was told it could be an option; it does need to be engineered and it does cost more than standard paving. He said doing some calculations, it is 8,000 square feet of real estate. He thinks there is justification to evaluate permeable pavement to maximize the area. He doesn't think we have a proper master plan. Commissioner Thomas said she thinks it is a great piece of land and the Board needs to reevaluate what it could be used for. She thinks it could be better utilized than on the current plan. Mayor Pro Tem Myers said he has significant concerns about the project and the contract. One of his significant concerns is there basically has been no public input and there are a lot of things that are unclear. He is concerned about reducing the number of boat parking spaces. Today we can fit more than 30 boat trailers around the parcels; if we move forward, it gets cut down to 15. He also shares the concern about the amount of asphalt being laid and the amount of water retention that needs to occur because of the asphalt. He stated Block Q is a very valuable piece of property and could provide a lot of amenities for the residents. It is an opportunity to get the pavilion away from the sewer system. Mayor Pro Tem Myers thinks we should put it on pause, get public input and revisit the plan to make it what we want it to be. Commissioner Smith talked about the importance of having a place to park your boat and trailer. That is valuable to the tourism of the Town. Not everyone has a home on the canal. He said the Town needs to have a green space and a place to possibly relocate the gazebo. Block Q is an important part of the community. Commissioner Smith explained the Town needs to move forward on this now. He said think about what the people who have worked on this for years want to do. Commissioner Dyer disagreed with the statement that Block Q wasn't purchased for boat trailer parking. She said former Commissioner Murdock had said one of the reasons for purchasing Block Q was for boat trailer parking. It was mentioned several times during that planning that the Board wanted to get that open for boat parking. She stated as the plan progressed, with the ADA bathrooms and possible green spaces, they decided to do this in stages. The Board budgeted for paved parking, did the engineering studies for the parking and did the stormwater plan. Commissioner Dyer said the Board is not decreasing the amount of boat trailer parking, they are making it more manageable for larger boats. It is easier to have pull through parking with larger boats. She said you could still use parallel parking around the sides. People with boats and trailers are paying twice as much to park than cars. She asked how much it is going to cost to scrap a plan the Town has paid thousands for and start all over. Mayor Pro Tem Myers said right now if the Town does nothing, you could have more than 30 boat trailers parked around the property. These plans cut that number to only 15 boat trailers. Commissioner Smith said the size of the boats matter.

The motion passed by a 3 – 1 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioner Dyer voting in the negative.

ADJOURNMENT

Motion to adjourn by Mayor Pro Tem Myers at 8:10 p.m.; second by Commissioner Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Holden Beach Police Department

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

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



Calls For Service (December '23)

Printed on January 9, 2024

Descriptions	Totals	
911 Hang Up (911HU)	3	3
Alarm (SIG45 Signal 45)	28	28
Animal Control Call	6	6
Attempt to Locate (ATL)	1	1
Attempt to Locate (ATL); Fireworks	1	1
Breaking and Entering in Progress (10-62 x62)	2	2
Call By Phone (10-21Law x21L)	5	5
Debris in Roadway	6	6
Disabled Motorist (10-87 x87)	1	1
Disturbance or Disorderly Subject	3	3
Domestic Disturbance (10-82 x82)	1	1
EFD In Progress	1	1
Elevator Stuck or Problems [Alpha]	1	1
Falls [Bravo]	1	1
Hit and Run (Property Damage Only 10-54 x54)	2	2
Improperly Parked Vehicle (10-70 x70)	13	13
Investigation (Law)	2	2
Lost or Found Property	2	2
Medical Alarm [Bravo]	1	1
Meet with Complainant (10-83 x83)	7	7

Descriptions	Totals	
Missing or Abandoned Person	1	1
Open Door	4	4
Prowler (10-76 x76)	1	1
Psychiatric or Abnormal Behavior or Suicidal (Violent) [Delta]	1	1
Service Call [Alpha]	1	1
Sick Person [Alpha]	1	1
Sick Person [Charlie]	1	1
Single Residential Fire Alarm [Bravo]	2	2
Special Check - Business - Residence (10-79 x79)	464	464
Stopping Vehicle (10-61 x61)	1	1
Suspicious Vehicle or Subject (10-60 x60)	4	4
Take Written Report (10-92 x92)	1	1
Take Written Report (10-92 x92); Call By Phone (10-21Law x21L)	1	1
Traffic Accident (Property Damage Only 10-50PD x50PD)	1	1
Traffic Incident [Bravo, MultiPts]	1	1
Traumatic Injuries [Alpha]	2	2
Trespassers	2	2
Trespassers; Open Door	1	1
Vehicle in Floodwater [Charlie]	1	1
Water or Sewer Problems	9	9
Welfare Check	4	4
	2	2
Totals	593	593



Holden Beach Police Department

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

Phone: 910-842-6707
Fax: 910-846-6907
hbpdt@cityofholdenball.com



HBPD Monthly Report (December '23)

Printed on January 9, 2024

Reported	Case Number	Address	Offenses	Disposition
12/01/23 15:31	HBP23-00126	285 BRUNSWICK AVE	14-113.13 - Financial Transaction Card Fraud	Closed - Unfounded
12/05/23 12:38	HBP23-00127	238 OCEAN BLVD W	DAMAGE TO REAL PROPERTY	Closed - Unfounded
12/06/23 10:01	HBP23-00128	1333 OCEAN BLVD W	14-54(B) - BREAKING OR ENTERING (M)	Closed - Leads Exhausted
12/12/23 06:41	HBP23-00129	1194 OCEAN BLVD W	20-28(A) - DWLR NOT IMPAIRED REV; 20-166.1 - FAIL TO REPORT ACCIDENT; 20-140(B) - RECKLESS DRIVING TO ENDANGER; 20-166(C)(1) - HIT/RUN LEAVE SCENE PROP DAM	Closed - By Other Means
12/22/23 16:46	HBP23-00130	110 ROTHSCCHILD ST	90-95(A)(3) - SIMPLE POSS LESS THAN 1/2 OZ	Closed - Unfounded

Total Records: 5

Permit Report

12/12/2023 - 01/11/2024

Issued Date	Permit #	Permit Type	Project Cost	Total Fees	Total Payments
1/10/2024	240027	Zoning	50	\$50.00	\$50.00
1/10/2024	240026	Electrical	1,500	\$100.00	
1/10/2024	240025	Electrical	1,500	\$100.00	
1/10/2024	240024	Electrical	1,500	\$100.00	
1/10/2024	240023	Renovation	20,000	\$505.00	\$505.00
1/10/2024	240022	Mechanical	5,195	\$100.00	\$100.00
1/10/2024	240021	Mechanical	4,469	\$100.00	
1/10/2024	240020	Mechanical	0	\$100.00	\$100.00
1/9/2024	240019	Mechanical	5,600	\$100.00	\$100.00
1/9/2024	240018	Bulkhead	23,200	\$233.80	\$233.80
1/8/2024	240017	Renovation	27,500	\$322.50	
1/5/2024	240016	Zoning	50	\$50.00	\$50.00
1/5/2024	240015	Zoning	25	\$25.00	
1/5/2024	240014	Addition	20,000	\$255.00	
1/5/2024	240013	Repair	37,000	\$358.00	\$358.00
1/5/2024	240012	Renovation	64,170	\$1,857.59	\$1,857.59
1/5/2024	240011	Boat Lift	20,000	\$305.00	
1/5/2024	240010	Swimming Pool	70,500	\$3,409.50	
1/5/2024	240009	Swimming Pool	60,000	\$3,315.00	
1/4/2024	240008	Cargo Lift	14,900	\$309.10	
1/4/2024	240007	Addition	37,400	\$361.60	\$361.60
1/4/2024	240006	Boat Lift	15,000	\$160.00	
1/4/2024	240005	Repair	16,000	\$169.00	
1/4/2024	240004	Zoning	25	\$25.00	\$25.00
1/4/2024	240003	Single Family Construction	735,352	\$13,464.96	\$13,464.96
1/3/2024	240002	Mechanical	8,150	\$100.00	\$100.00
1/2/2024	240001	Single Family Construction	639,000	\$6,551.16	\$6,551.16
12/29/2023	230139	Addition	19,200	\$297.80	
12/29/2023	230138	Mechanical	16,000	\$200.00	\$200.00
12/29/2023	230137	Electrical	1,100	\$100.00	\$100.00
12/29/2023	230136	Electrical	1,100	\$100.00	\$100.00
12/28/2023	230135	Mechanical	4,400	\$100.00	\$100.00
12/28/2023	230134	Renovation	65,000	\$610.00	\$610.00
12/28/2023	230133	Addition	7,000	\$125.00	\$125.00
	230132	Single Family Construction	465,000	\$7,403.39	\$7,403.39
	230131	Single Family Construction	589,000	\$11,057.51	\$11,057.51

	230130	House Moving	564,256	\$5,863.30	\$5,863.30
	230129	Repair	18,000	\$187.00	\$187.00
12/22/2023	230128	Renovation	134,868	\$1,348.81	\$1,348.81
12/20/2023	230126	Bulkhead	6,000	\$125.00	\$125.00
12/20/2023	230125	Repair	21,000	\$214.00	\$214.00
12/20/2023	230124	Addition	18,600	\$292.40	\$292.40
12/20/2023	230123	Addition	4,500	\$175.00	\$175.00
12/20/2023	230122	Repair	3,000	\$125.00	\$125.00
12/20/2023	230121	Renovation	24,750	\$347.75	\$347.75
12/15/2023	230120	Mechanical	10,900	\$200.00	\$200.00
12/15/2023	230119	Cargo Lift	12,000	\$233.00	\$233.00
12/15/2023	230118	Boat Lift	11,320	\$126.88	
12/15/2023	230117	Demolition	278,543	\$350.00	\$350.00
12/14/2023	230116	Swimming Pool	63,000	\$842.00	\$842.00
12/14/2023	230115	Electrical	1,200	\$100.00	\$100.00
12/14/2023	230114	Swimming Pool	61,000	\$844.00	\$844.00
12/14/2023	230113	Repair	750	\$125.00	\$125.00
12/14/2023	230112	Swimming Pool	20,000	\$305.00	\$305.00
12/14/2023	230111	Renovation	101,000	\$944.00	\$944.00
12/13/2023	230110	Renovation	17,000	\$738.00	\$738.00
12/12/2023	230109	Electrical	150	\$100.00	\$100.00
12/12/2023	230108	Addition	10,000	\$175.00	\$175.00
12/12/2023	230107	Renovation	35,070	\$350.63	\$350.63
12/12/2023	230106	Mechanical	11,930	\$100.00	\$100.00
			\$4,424,723	\$66,732.68	\$57,637.90

Total Records: 56

PERMIT SUMMARY REPORT**INDUSTRIAL**

Count	1
Total Fees	\$125
Fees Paid	\$125
Total Project Cost	\$3,000

RESIDENTIAL

Count	59
Total Fees	\$66,607.68
Fees Paid	\$51,512.90
Total Project Cost	\$4,421,723

TOTAL

Count	60
Total Fees	\$66,732.68
Fees Paid	\$57,637.90
Total Project Cost	\$4,424,723

ACTIVE NEW HOME PERMITS = 39

OTHER ACTIVE PERMITS= 224

PERMITS ISSUED OVER \$30,000 = 45 (AMOUNT INCLUDED IN ACTIVE TOTAL)

PERMITS ISSUED OVER \$100,000 = 4 (AMOUNT INCLUDED IN ACTIVE TOTAL)

PERMITS ISSUED WAITING PICK UP = 22

TOTAL PERMITS= 285

PERMITS IN REVIEW= 9

CAMA ISSUED= 4

ZONING ISSUED = 7

PERMITS SERVICED FOR INSPECTIONS FROM 12/12-1/11 = 79

TOTAL INSPECTIONS MADE= 279



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 1/23/2024

FROM: Planning And Inspection

DATE SUBMITTED: 1/12/2024

ISSUE/ACTION REQUESTED:

Schedule Public Hearing, for Text amendment to Ordinance

BACKGROUND/PURPOSE OF REQUEST:

To correct a conflict between existing ordinance created by building code.

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:

Recommendation was approval Unanimously

TOWN MANAGER'S RECOMMENDATION:

NA

FINANCE RECOMMENDATION:

NA

ATTACHMENT: Consistency statement and Text amendment



Town Of Holden Beach

PLANNING & INSPECTIONS DEPARTMENT

CONSISTENT

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@hbto
wnhall.com

Town of Holden Beach Planning & Zoning Board Statement of Consistency and Zoning Text Recommendation

The Town of Holden Beach Planning & Zoning Board has reviewed and hereby recommends approval of amendments to Chapter 157.006 definitions and 157.083) of the Zoning Ordinance regarding Accessory Structures. The Planning and Zoning Board 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.

- The Cama Land Use plan only addresses activities within approved areas and the planning board believes that the Use of the property will not have, and adverse effect of permitted use within the effected Zoning districts.
- 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 ordinances and 5.1 of the Cama Land Use Plan and encouraging the preservation of Natural resources. Key word Bulkheads.

Pete Pallas Chairman, Planning and Zoning Board

§ 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 as the primary use.

Exception:

Piers, docks, and boatlifts are allowed without their principal structure

§ 157.006 DEFINITIONS

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.~~

('85 Code, § 15-6.12) (Ord. 33, passed 10-5-81; Am. Ord. 06-01, passed 1-9-06) Penalty, see § 157.999



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 01/23/24

FROM: Town Clerk Finnell

DATE SUBMITTED: 01/12/24

ISSUE/ACTION REQUESTED:

Discussion and Possible Approval of Special Meeting Dates

BACKGROUND/PURPOSE OF REQUEST:

The Board requested the town clerk solicit availability to schedule special meetings.

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

TOWN MANAGER'S RECOMMENDATION:

n/a

FINANCE RECOMMENDATION:

n/a

ATTACHMENT: Proposed Meeting Calendar

Proposed Meeting Calendar

January – Orientation, Training, Budget Kick-Off

- January 5 – 6:30 PM - Special Meeting – Rules of Procedure, Meeting Calendar
- January 9-10 - New Commissioner Staff Orientation Sessions
- January 18-19 – New Commissioner Training Sessions (Wilmington)
- January 23 – 5:00 PM - BOC Meeting
- January 25 - 5:30 PM - Budget Meeting - Kick-off & Planning

February – Review Current Budgets & Status

- February 7 – 2:00 PM - Budget Meeting – Public Works and Parks and Recreation
- February 14 – 1:00 PM - Budget Meeting – Governing Body, Admin, Inspections, Police, CIP and Projects
- February 20 – 2:00 PM - Budget Meeting Goal Setting/Priorities
- February 20 – 5:00 PM - BOC Meeting
- February 29 – 5:00 PM – Pier Plan

March – Department Input & Budget Requests

- March 8 – 2:00 PM - Budget Meeting – Public Works and Parks and Recreation
- March 13 – 2:00 PM - Budget Meeting – Governing Body, Admin, Inspections, Police and Canal Funds
- March 18 – 5PM – CIP and Projects
- March 19 – 5:00 PM - Regular BOC Meeting

April – Budget Preparation

- April 3 – 3:00 PM - Budget Meeting – General Fund Revenue and Tax Rate
- April 12 – 3:00 PM - Budget Meeting –BPART Fund Revenue
- April 16 – 5:00 PM - Regular BOC Meeting
- April 18 – TBD (Morning) - Listening Session
- April 30 – 5:30 PM - Budget Meeting – Expense Summary

May – Resolve Budget to Arrive at Budget Message

- May 2 – 5:30 PM - Budget Meeting – Budget Revisions
- May 7 – 3:00 PM - Budget Meeting – Budget Revisions
- May 14 – 5:30 PM - Budget Meeting - Draft Budget
- May 21 – 5:00 PM - Regular BOC Meeting
- May 22 – 3:00 PM - Budget Meeting - Public Presentation/Input on Draft Budget
- May 29 – 3:00 PM - Budget Meeting – Draft Budget
- May 31 (NLT June 1) Budget Message Released

June – Public Input and Budget Tweaks

- June 3 – 5:30 PM - Budget Meeting - Revisions
- June 7 – 3:00 PM - Budget Meeting - Revisions
- June 12 – 3:00 PM - Budget Meeting - Revisions
- June 18 – 5:00 PM - Regular BOC Meeting
- June 18 – 5:00 PM - Budget Public Hearing as part of BOC Mtg
- June 20 – 5:30 PM - Budget Meeting – Final Changes
- June 25 – 3:00 PM - Budget Meeting - Final Changes
- June 30 – Must adopt Budget NLT

Department Budget meeting expectations:

- Provide a detailed presentation of budget line items including
 - Last year spend
 - This year YTD spend and FY Outlook
 - Next year's Budget proposal with priorities identified

****Please plan on recessing to another date if scheduled meetings surpass three hours.**



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 1/23/2024

FROM: Town Manager Hewett

DATE SUBMITTED: 1/11/2024

ISSUE/ACTION REQUESTED: Discussion and possible action in awarding a bid for 441 OBW walkway. An engineered design, plans, and specs were available for contractors' review in an informal bidding process. Sealed bids were received and opened at noon on January 5, 2024. Based on the bid tab info on the attached memo, it appears that A.W. Babson is the apparent most responsive bidder based on the concrete start and stop dates for completion.

BACKGROUND/PURPOSE OF REQUEST: A Hatteras ramp and walkway are planned on the westernmost town lot at the pier. The project is part of a grant from the Division of Coastal Management, totaling \$66,985. The purpose is to provide public beach access and emergency vehicle access to the beach, especially since the license agreement with the previous owner for the currently utilized west access area at the pier can be terminated at any time with notice.

FISCAL IMPACT: (circle one) No additional financial impact. It was included in this year's budget and bids are within budget.

BUDGET AMENDMENT REQUIRED: YES/NO

CAPITAL PROJECT ORDINANCE REQUIRED: YES/NO

PRE-AUDIT CERTIFICATION REQUIRED: YES/NO

REVIEWED BY FINANCE DIRECTOR: YES/NO- N/A

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: (YES/NO) These types of walkway agreements are not typically reviewed by the attorney.

ADVISORY BOARD RECOMMENDATION: N/A- None of the pier property projects have been sent to PRAB by the BOC.

TOWN MANAGER'S RECOMMENDATION: Recommend approval of award to A.W. Babson with instructions for the town manager to complete execution of documents to award the bid.

FINANCE RECOMMENDATION: : Recommend approval of award to A.W. Babson.

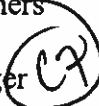

ATTACHMENT

1. Staff memo
2. Multiple bid attachments
3. Plans and Specs
4. License agreement



Date: January 9, 2024

To: Mayor Holden and Board of Commissioners

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

Re: 441 OBW Walkway and Hattaras Ramp

As part of maintaining access to the beach and emergency vehicle access the town planned for the construction of a hatteras ramp and walkway at 441 OBW. The access will occur on the westernmost lot that the town purchased as part of the pier property. Based on the contracting and procurement procedures for this construction limit value, the town engaged in an informal process with solicitations being sent directly to multiple contractors and the project being advertised on the town's website. Sealed bids were received and opened on January 5, 2024.

Respondents were asked to submit their bid along with a copy of their contractor's license, proof of insurance, and start-stop dates for consideration as a bid package. Results were as follows for the four bids received:

VCC	\$73,250	License, Insurance, and start-stop dates omitted
RHI	\$56,664	License, Insurance, three weeks after award + handrails
AW Babson	\$40,000	License, Insurance, begin 1/22, end 2/5
Richardson Construction	\$39,700	License, Insurance, 2-3 weeks (weather dependent) construction begin within 2 weeks of award of contract and permitting

In considering the most responsive bid, the board may choose to entertain price and how quickly the project could be completed.

ESTIMATE

12/27/2023

ESTIMATE NO

341

Vintage Construction, CO
3008 Holden Beach RD SW
Supply, NC 28462
910-684-6126
vachman@gmail.com

441 OSW
Holden Beach, NC 28462

WALKWAY: To be constructed of #1 ground contact treated lumber, stainless screws and HDG bolts, 6 x 6 post with 5' min depth below grade. 2" x 12" drop girders, 2" x 8" joist, 2" x 6" decking, 2 x 4 horizontal rails with 2 x 8 cap and aluminum handrail per NC building code for handicapped requirements.

Price is based on approximant length of 143 (lf)

Materials & labor \$73,250.00



RHI ROBBINS



Home Improvement

Licensed General Contractor | Commercial & Residential

3350 Stone Chimney Rd | Supply, NC 28462

Email: rhi1.robbsins@gmail.com

910-540-0951

Name Town of Holden Beach 12-28-23

Address 441 OBW

City _____ State _____ Zip _____

QTY	DESCRIPTION	AMOUNT
	Walkway 143 x 6	
	Slope 1:12	
	Handrail diameter 1 1/4	
	material: Aluminum	
	Pile statement provided	
	AFTER Pile's are set	
	Ramp: Ramp rise 1:12	
	24' Runs with 5' landing	
	Dune to be cut 18"	
	at top of metal Ramp	
	start date estimate	
	will be given if awarded	
	Duration approximately	
	3 weeks plus handrails	
	TOTAL	56,664⁰⁰
20%	Due up Front	11,332 ⁸⁰
RECEIVED BY	TOTAL	

AW BABSON CONSTRUCTION INC.

1200 Russtown Road

Ocean Isle Beach, NC 28469

Cell- 910-209-1323

Email awbabson@gmail.com

All invoices to invoicesawb@gmail.com

BID FOR
TOWN OF HOLDEN BEACH

Address:

441 OBW Walkway.

Holden Beach, NC

Description:

Build 6'x143' walkway with aluminum handrail on both sides according to specifications provided on the Town of Holden Beach website.

Total Price-\$40,000

*We can begin construction 1-22-2024 and complete by 2-5-2024.

Richardson Construction & Marine Contracting, LLC

General Contractor NC License #79812

Will Richardson
3235 Seacrest Ave. SW
Supply, NC 28462

910-842-5596 (Office)
910-367-0335(Cell)
910-842-5597(Fax)

To: Town of Holden Beach
From: Richardson Construction
Re: 441 Ocean Blvd. West Beach Access

Job Address: 441 Ocean Blvd. West
Holden Beach NC 28462
Date: January 1, 2024

To Whom it may concern,

Richardson Construction and Marine Contracting would like to enter a bid amount of \$39,700.00 for the construction of the beach access at 441 Ocean Blvd. West on Holden Beach NC.

Bid amount was determined by drawings/design submitted by David Wood Designs and site visit by Richardson Construction at location indicated by the Town of Holden Beach.

Estimated construction time will be two to three weeks weather depending. Project start date will be within two weeks of notification of acceptance from the Town of Holden Beach and permitting completed through NCDOT and Town of Holden Beach.

Below is the scope of work proposed.

1. Permitting as needed by Richardson Construction.
2. Surveying and engineering by Town of Holden Beach. Surveyor to locate start of project and either east or west side of project to ensure the project is in the correct location.
3. Porta John on site.
4. Workers Comp and General Liability insurance.
5. Equipment mobilization and site preparation.
6. Materials as described in plans by David Wood Designs.
7. Purchase and delivery of materials to jobsite.
8. Equipment and labor to construct beach access way ~143ft in length.
9. All decking and guard rails to be installed using Stainless Steel torx head screw.
10. All hand surfaces to be routed and sanded.
11. Fabrication and installation of aluminum rails per ADA specification.
12. Construction debris removal and site cleanup.

If acceptable, please see contract included in package submitted. Sign date and return to Richardson Construction and Marine Contracting.

Thank you for allowing us to bid on your project(s). Please contact us with any questions, concerns or if we can be of any further assistance.

Regards,
Will Richardson

Richardson Construction & Marine Contracting, LLC

General Contractor License #79812

Will Richardson
3235 Seacrest Ave. SW
Supply, NC 28462
Proposal Submitted to:

910-842-5596 (Office)
910-367-0335(Cell)
910-842-5597(Fax)

Work to be performed at:

Name: Town of Holden Beach
Address: 110 Rothschild
Contact: Christy Ferguson

Street: 441 Ocean Blvd West
City: Holden Beach NC 28462
Description: Beach Access
Date: December 28th, 2023

We hereby propose to furnish the materials and perform the labor for the completion of:

Construction of beach access at 441 Ocean Blvd West Holden Beach as described below

1. Permitting as needed for construction of beach access.
2. Equipment mobilization to and from jobsite.
3. Location of project by other. Town of Holden beach to show the starting point and approx. ending point of project.
4. Town of Holden Beach surveyor to show either the east or west side of the project for alignment.
5. Purchase and delivery of materials to meet specifications described on plans submitted by David Wood Designs.
6. Labor and equipment as needed for construction of 143 linear feet of access way.
7. All materials to be pressure treated.
8. Decking and guard rails to be attached with 316 stainless steel torx head screw.
9. All hand surfaces to be routed and sanded.
10. Aluminum hand rails to meet ADA compliance.
11. Clean up and removal of all construction related materials.
12. Contractor to show minimal disturbance to surrounding area.
13. Contractor to provide workers comp and general liability insurance.

NOTE: PLEASE READ

- Contract is not inclusive of unforeseen objects that are not visible at the time of contract. Examples being concrete, old walls, pilings, stumps, rock and/or hard packed materials. Fees will be equipment, labor, dump fees, 6% General and Administrative, plus 20% for profit.
- Any work not listed in the contract will be done at cost plus 6% General and Administrative and 20% for profit. Additional work will be agreed upon in advance.
- Typical pressure treated dimensional lumber for rails and decking contain moisture when installed and imperfections. Shrinkage and movement are to be expected during the drying process. Decking and rails will be installed with ring shank stainless steel nails unless otherwise noted.

Date: _____

Signature: _____

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of: **\$39,700.00** with payments to be made as follows:

60% due after materials on site and pilings placed.
40% balance due upon completion and inspection

Respectfully Submitted: Will Richardson-Richardson Construction

Note: This proposal may be withdrawn if not accepted within 10 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date: _____

Signature: _____

441 OBW Walkway

The town will take informal bids on a walkway construction at 441 OBW. The following are the specifications:

The walkway will involve a complete build and **must follow the town's engineered plans**. Only those with a **general contractor's license** will be considered eligible to submit a bid. The structure must be built by design using plan number 2023 000 as designed by David Woods, Inc.

Additionally, requirements include:

- walkway will be 143 feet in length
- 1:20 slope max, with a landing every 24 feet to exceed ramp rise requirements at NC Building Code A117.1, 405.6
- aluminum handrails that meet NC Building Code and ADA A117.1 handicapped requirements, section 405.8 and section 505- see 114 OBE and 915 OBW for examples
- contractor will provide engineered pile statement
- the bid must specify ramp and rise and must also specify handrail width and design plans
- town will mark beginning and ending points for walkway
- per the CAMA permit the contractor must undertake minimal dune disturbances to limit damage and prevent future erosion
- applicable permits must be obtained at the planning and inspections department

Sealed bids must be price certain and include proof of liability insurance, copy of contractor's license, and anticipated start-stop dates for the project once given any notice of award. Sealed bids are due to the town clerk no later than 12 p.m. on January 5, 2024.

NO.	DATE	BY	DESCRIPTION
1	11/15/11	J. W. WOOD	INITIAL SURVEY
2	11/15/11	J. W. WOOD	FIELD NOTES
3	11/15/11	J. W. WOOD	COMPUTER PROCESSING
4	11/15/11	J. W. WOOD	FINAL PLOTTING
5	11/15/11	J. W. WOOD	FINAL CHECK

EDWARD ANDERSON
 2175 ROAD 1719N PAGE 11-2
 MAP BOOK 1 S. PAGE 241

HOLDEN BEACH TOWNSHIP
 MAP BOOK 1 S. PAGE 240
 MAP BOOK 1 S. PAGE 241
 MAP BOOK 1 S. PAGE 242

TRACT 2
 4.13 AC
 172.00' x 240.00'

TRACT 1
 2.84 AC
 142.00' x 240.00'

WATER EDGE COMMERCIAL
 1.00 AC
 100.00' x 200.00'

50 PUBLIC ROAD 947

50 PUBLIC ROAD 948

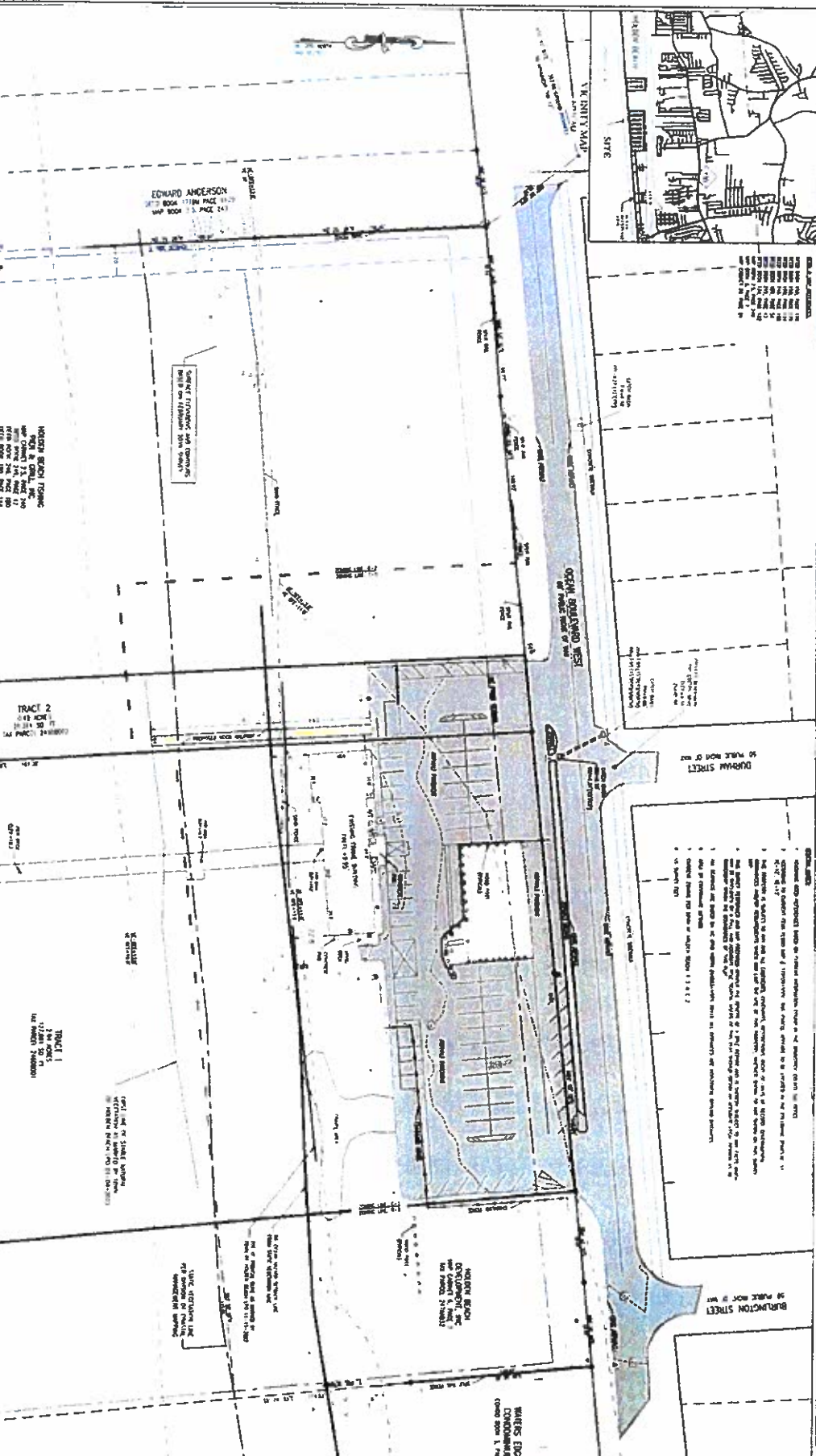
50 PUBLIC ROAD 949

50 PUBLIC ROAD 950

50 PUBLIC ROAD 951

50 PUBLIC ROAD 952

50 PUBLIC ROAD 953



EXISTING CONDITIONS SURVEY FOR
TOWN OF HOLDEN BEACH, NC
 441 OCEAN BOULEVARD WEST, HOLDEN BEACH

COASTALGEOMATICS
 LAND SURVEYING • MAPPING • PLANNING

Project Address: 501-2 1st Street, Shalala, NC 28570
 Mobile Address: 813-292-1200, 1200, Shalala, NC 28570
 Telephone: 813-292-1200 • www.coastalgeomatics.com

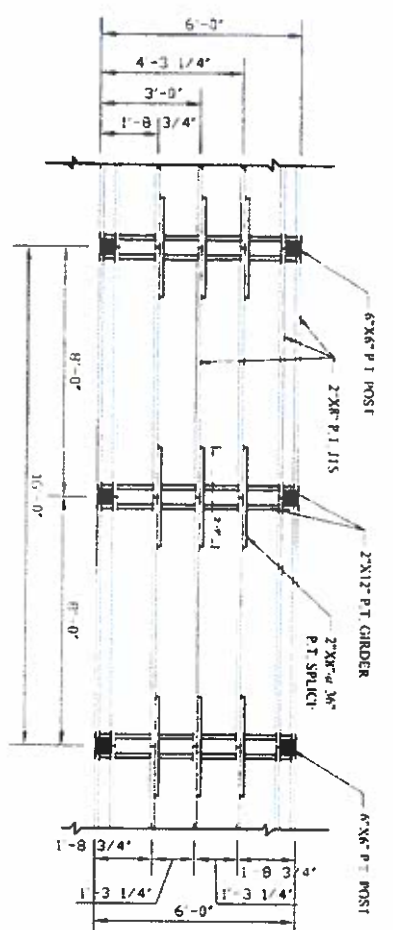
LEGEND

Symbol	Description
—	Property Boundary
- - -	Survey Boundary
---	Right-of-Way Boundary
---	Water Edge
---	Other

NOTES

1. This survey was conducted in accordance with the North Carolina Surveying and Mapping Act of 1997, as amended.
2. The survey was conducted on the date(s) indicated on the accompanying field notes.
3. The survey was conducted by the undersigned, a duly licensed Professional Surveyor in the State of North Carolina.
4. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession.
5. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession.
6. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession.
7. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession.
8. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession.
9. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession.
10. The survey was conducted in accordance with the standards and practices of the Surveying and Mapping profession.

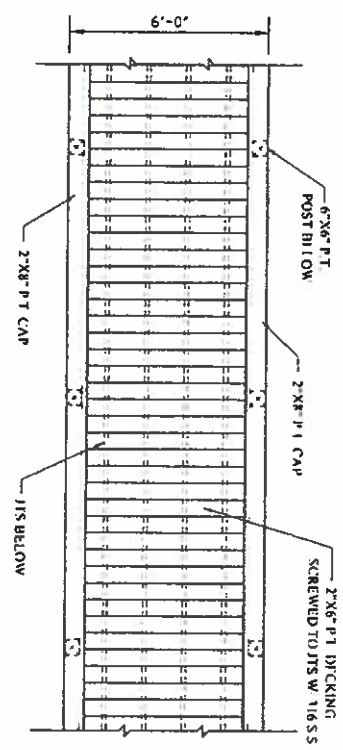
THIS IS NOT AN ARCHITECTURAL DRAWING. IT IS A PROFESSIONAL ENGINEERING DRAWING. IT IS THE PROPERTY OF THE ENGINEER AND SHALL BE KEPT IN CONFIDENCE. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.



FLOOR SYSTEM - PLAN VIEW
SCALE: 1" = 1'-0"

NOTE
ACCESS RAMP TO HAVE LANDINGS AT EVERY 24'-0"

NOTE
See Specifications



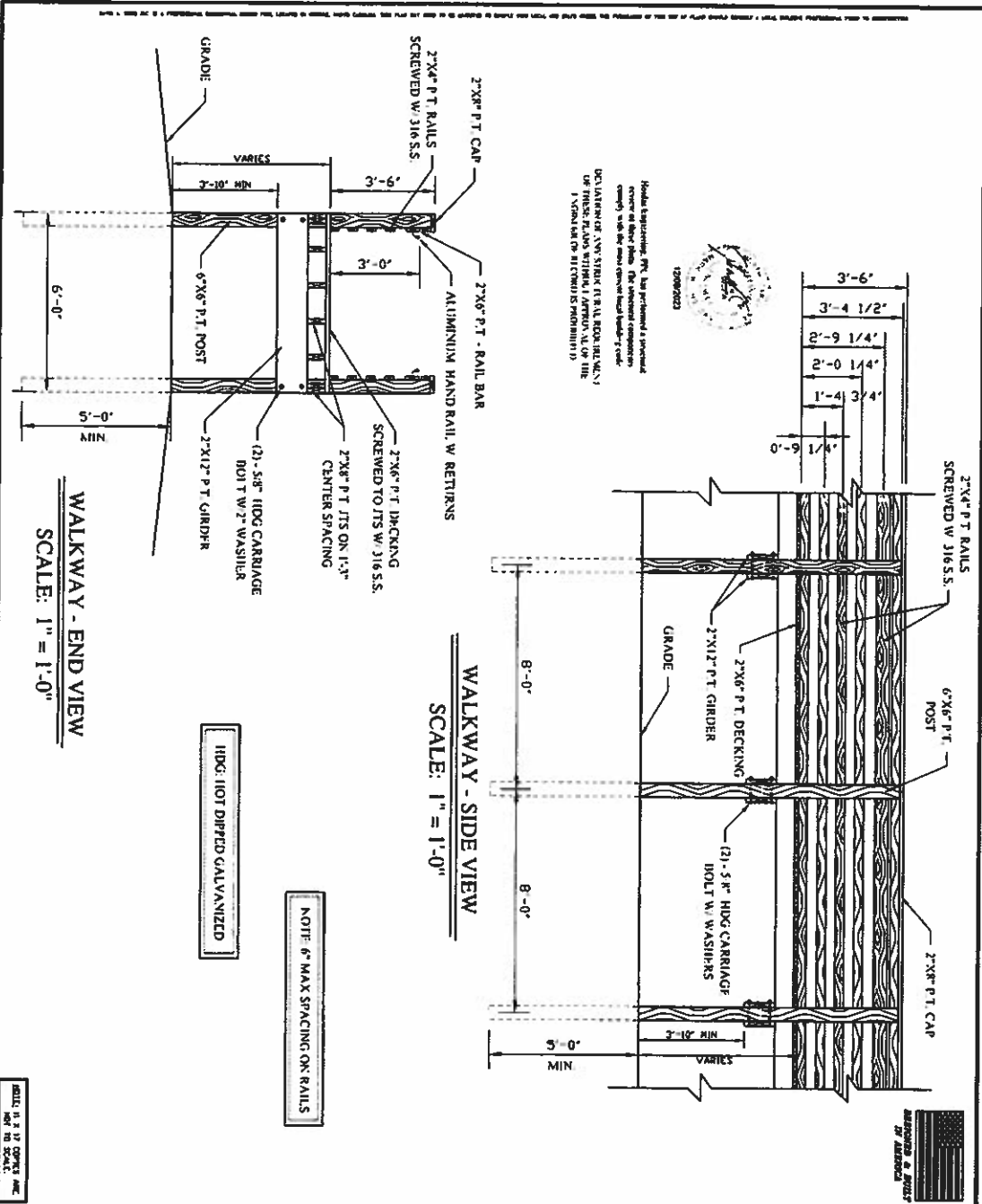
DECKING - PLAN VIEW
SCALE: 1" = 1'-0"

SCALE: 1/4" = 1'-0"



David Wood Inc. Home Designs is a registered professional engineering firm. The design and construction of this project is the responsibility of the engineer. The engineer is not responsible for the design or construction of any other part of the project. The engineer is not responsible for the design or construction of any other part of the project.

SHEET # 1 OF 2	TOWN OF HOLDEN BEACH NORTH CAROLINA SCALE: AS NOTED DATE: 12/7/23 SIZE:	DRAWN BY: DAVID A. WOOD PLAN #: 2023-000 DETAILS	441 OBW BEACH ACCESS HOLDEN BEACH NC	David Wood Inc. HOME DESIGNS MOORE & HOOD, NC 704-333-7887 WWW.DavidWoodInc.com
	<p>THIS IS NOT AN ARCHITECTURAL DRAWING. IT IS A PROFESSIONAL ENGINEERING DRAWING. IT IS THE PROPERTY OF THE ENGINEER AND SHALL BE KEPT IN CONFIDENCE. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.</p>			



Holden Engineering, Inc. has prepared a professional engineering drawing of these plans. The engineer's responsibility is limited to the design of the structure shown on these plans. The engineer does not assume any liability for any damage or injury to persons or property caused by the use of these plans. The engineer's services are limited to the design of the structure shown on these plans. The engineer does not assume any liability for any damage or injury to persons or property caused by the use of these plans. The engineer's services are limited to the design of the structure shown on these plans.



SHEET # 2 OF 2	TOWN OF HOLDEN BEACH NORTH CAROLINA SCALE: AS NOTED DATE: 12/7/23 SIZE:	DRAWN BY: GAVD A. WOOD PLAN #: 2023 000 DETAILS	441 OBW BEACH ACCESS HOLDEN BEACH NC	David A. Wood Inc. HOME DESIGNS HOLDEN, NC - NORTH CAROLINA 704-363-7147 WWW.DAVIDAWOODDESIGNS.COM
	441 OBW BEACH ACCESS HOLDEN BEACH NC			

Addendum to 441 OBW Walkway specs

Planning and zoning has marked the starting point at the parking lot.

Bid slope should be at 1 in 12, with a landing every 24 feet.

Three-foot clearance is not required at the Town's frontal dune.

The total length on the walkway should remain at 143 feet.

Any questions, please contact the planning department at 910-842-6080 and ask to speak to Tim.

AGREEMENT

THIS AGREEMENT, made this the 9th day of December, 2014, by and between **THE HOLDEN BEACH FISHING PIER, INCORPORATED**, a North Carolina Corporation, of 184 Yacht Watch Drive, Holden Beach, NC 28462, party of the first part, hereinafter referred to as **LICENSOR**, and **THE TOWN OF HOLDEN BEACH**, a North Carolina Municipal Corporation, of 110 Rothschild Street, Holden Beach, NC 28462, party of the second part, hereinafter referred to as **LICENSEE**;

WITNESSETH:

WHEREAS, Licensor is the owner of that tract or parcel of property located in the Town of Holden Beach, Lockwood Folly Township, Brunswick County, North Carolina, known as Lots 79 and 80, Section A, Eastern Extension of Robinson Beach, Holden Beach, North Carolina, as more fully described in Map Book 2-1/2 at Page 240, and in Deed Book 409 at Page 54, in the Office of the Register of Deeds for Brunswick County, North Carolina ("Licensor's Property");

WHEREAS, Licensee is desirous of obtaining a license to use a portion of Licensor's Property, being the westernmost twenty feet (20') of Licensor's Property, as an access way from Ocean Boulevard West (State Road 1116) to the mean high water mark of the Atlantic Ocean, as more fully shown and described in a survey plat thereof recorded in Map Cabinet 86 at Page 91, Brunswick County Registry, as more fully described below;

WHEREAS, Licensor is agreeable to providing a license to Licensee subject to the terms and conditions stated herein;

NOW, THEREFORE, in consideration of the premises and the covenants contained herein to be kept and performed, the parties do hereby agree as follows:

1. Grant of License. Licensor does hereby grant to Licensee the non-exclusive license, right, privilege and permission (the License") to use that portion of Licensor's Property, for the purposes herein expressed, being more fully described as follows:

BEING the westernmost twenty feet (20') of Lots 79 and 80, Section A, Eastern Extension of Robinson Beach, as more fully described in Map Book 2-1/2 at Page 240, and further described as "20' Access Easement 6,131 Square Feet" in a

survey plat dated November 21, 2014, prepared by Christopher D. Stanley, P.L.S., East Coast Engineering & Surveying, Inc., recorded in Map Cabinet 86 at Page 91 in the Office of the Register of Deeds for Brunswick County, North Carolina, to which plat reference is made and which is incorporated herein for greater certainty of description ("the Access Way").

The Access Way is a portion of Tax Parcel 246DB007.

2. Uses Allowed Under License. Licensee agrees that the Access Way shall only be used as a means of pedestrian access to the beach and for access by public-use vehicles to the beach strand. "Public-Use Vehicles" shall be deemed to mean vehicles publicly used for law enforcement, fire protection, ambulance and rescue, and public maintenance and repair purposes. The Access Way shall not be used as an access way to and from the beach strand or other areas by privately-owned vehicles. In addition, the Access Way shall not be used as a parking lot or parking area for either public or privately owned vehicles nor as a staging area for the location of construction materials or construction equipment. Licensee shall not enlarge nor increase the scope of uses herein allowed without the prior written consent of Licensor.

3. Maintenance. During the period of this License, Licensee shall be solely responsible to keep and perform the Access Way in a reasonable state of repair and to maintain the same at Licensee's expense. At the end of the License period, the Access way shall be in as good or better condition as exists upon the date this License is granted and shall be repaired and restored to said condition at the sole expense of Licensee.

4. Liability. Licensee agrees to indemnify and hold Licensor harmless from any damage or injury to persons or property resulting from or arising out of the use of the Access Way by Licensee, its employees, licensees, agents or invitees.

5. Termination. This License may be terminated at any time by either party upon forty-five (45) days prior written notice provided to the other party at the address of said party stated above.

6. Assignment. This License may not be transferred nor assigned by Licensee without the prior written consent of Licensor, but if assigned shall be binding upon and shall inure to the benefit of the parties hereto and their lawful successors in interest and assigns.

7. Applicable Law. This Agreement shall be construed according to the laws of the State of North Carolina.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers by authority of their respective boards, effective the day and year first above written.

THE HOLDEN BEACH FISHING PIER, INCORPORATED

By: Guilford W. Bass Sr.
Guilford W. Bass, President



TOWN OF HOLDEN BEACH
By: J. Alan Holden
J. Alan Holden, Mayor

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

I, a Notary Public of said County and State, certify that **GUILFORD W. BASS** personally came before me this day and acknowledged that he is President of **THE HOLDEN BEACH FISHING PIER, INCORPORATED**, a North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Date: 12-9-2014



Rhonda Weaten
Notary Public signature

Notary's Printed Name: Rhonda Weaten

My Commission Expires: June 27, 2016

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

I, a Notary Public of said County and State, certify that **J. ALAN HOLDEN** personally came before me this day and acknowledged that he is Mayor of **THE TOWN OF HOLDEN BEACH**, a North Carolina municipal corporation, and that he, as Mayor, being authorized to do so, executed the foregoing instrument on behalf of the municipal corporation.

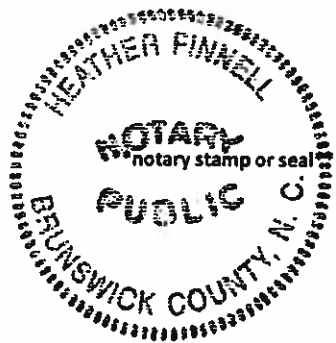
Date: 12/9/14

Heather Finnell

Notary Public signature

Notary's Printed Name: Heather Finnell

My Commission Expires: 7/20/18





Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 1-23-23
DATE SUBMITTED: 1-9-23

FROM: Page Dyer
Rick Smith

ISSUE/ACTION REQUESTED:

Direct Staff to engage in value engineering to reduce scope of work on pier and rebuild the pier project

BACKGROUND/PURPOSE OF REQUEST:

Have a workable bid for pier repairs/work prior to starting budget workshops

FISCAL IMPACT: (circle one)

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

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: (YES/NO) (NO)

ADVISORY BOARD RECOMMENDATION:

TOWN MANAGER'S RECOMMENDATION:

FINANCE RECOMMENDATION:

ATTACHMENT



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 1/23/2024

FROM: Tom Myers and Tracey Thomas

DATE SUBMITTED: 1/12/2024

ISSUE/ACTION REQUESTED: Discussion and Possible Action on a Public Input Session for the Pier Property

Task the architect for the pier with conducting a public input session.

BACKGROUND/PURPOSE OF REQUEST: The plans for pier structure and building are being re-visited, and the need for additional public input has been identified. The current architect for the project is in the best position to conduct a public input session, but the scope of his contract would need to be changed to include this additional work.

FISCAL IMPACT: (circle one)

BUDGET AMENDMENT REQUIRED: NO

CAPITAL PROJECT ORDINANCE REQUIRED: NO

PRE-AUDIT CERTIFICATION REQUIRED: NO

REVIEWED BY FINANCE DIRECTOR: NO

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: (YES/NO) N/A

ADVISORY BOARD RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION:

FINANCE RECOMMENDATION:

ATTACHMENT



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

FROM: Tom Myers and Tracey Thomas

MEETING DATE: 1/23/2024

DATE SUBMITTED: 1/12/2024

ISSUE/ACTION REQUESTED: Discussion and Possible Action on Block Q

Task the Parks and Recreation Board to work with the current architect to develop a new site plan for Block Q that includes a concert space with dance floor, the planned ADA compliant bathrooms, greenspace, and other potential amenities (e.g., playground equipment, shaded areas, benches, picnic tables, informational panels, areas for food trucks, usage during festivals).

BACKGROUND/PURPOSE OF REQUEST: The plans for Block Q are being re-visited, and since the pavilion may need to be demolished, the concerts could be moved to Block Q and the property could become more of a "Town Center." The Parks and Recreation Board is the appropriate board to address this issue and develop recommendations for moving ahead.

FISCAL IMPACT:

BUDGET AMENDMENT REQUIRED: NO

CAPITAL PROJECT ORDINANCE REQUIRED: NO

PRE-AUDIT CERTIFICATION REQUIRED: NO

REVIEWED BY FINANCE DIRECTOR: NO

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: (YES/NO) N/A

ADVISORY BOARD RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION:

FINANCE RECOMMENDATION:

ATTACHMENT - None



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 1/23/2024

FROM: Tom Myers and Rick Paarfus

DATE SUBMITTED: 1/12/2024

ISSUE/ACTION REQUESTED: Discussion and Possible Action on the Pavilion

1. Have Right Angle Engineering discuss their report and answer questions from the BOC
2. Discuss current and potential plans for addressing issues associated with the pavilion
3. Take action, if necessary, to proceed with plans for addressing the situation

BACKGROUND/PURPOSE OF REQUEST: Right Angle Engineering's evaluation of the pavilion's structural condition states: "We would recommend that consideration be given to replacement of the existing pavilion. For the purpose of this letter report, we expect the short term to mean that either repair or replacement plans be complete within 12 months with repair, replacement or demolition occurring within the 12 subsequent months."

Since the report was dated February 24, 2023, the first 12 months is almost up. The BOC is requesting an update on the status of the situation.

FISCAL IMPACT: (circle one)

BUDGET AMENDMENT REQUIRED: NO

CAPITAL PROJECT ORDINANCE REQUIRED: NO

PRE-AUDIT CERTIFICATION REQUIRED: NO

REVIEWED BY FINANCE DIRECTOR: NO

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: N/A

ADVISORY BOARD RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION:

FINANCE RECOMMENDATION:

ATTACHMENT – Right Angle's report



212 Princess Street

Wilmington, NC 28401

Tel. (910) 251-8544

Fax (910) 251-2208

February 24, 2023

Mr. David Hewett
Town Manager
Town of Holden Beach
110 Rothschild Lane
Holden Beach, NC 28462

Re: Evaluation of Holden Beach Pavillion
Structural Condition

Mr. Hewett,

As requested, representatives of Right Angle Engineering visited the referenced site in January of 2023 to investigate the existing framing condition as compared to the designed repairs by Criser Troutman Tanner 2010. We were provided drawing S0.1 and S1.0 "Temporary Bracing System" dated 4/20/10 and S1.0 "Column Repair Plan" dated 8/11/2010. The main purpose of this report is to determine if the designed repairs are functioning as intended since installation in 2010.

SUMMARY

Based on our investigation, we have determined that failure of the existing structure is not immediately impending, but significant repairs and/or improvements are required in the short term. We anticipate that the scope of repairs/improvements could exceed the value of the existing structure and considerations should be given to full replacement of the pavilion.

PROJECT DESCRIPTION

Building of the original pavilion structure began in 2009 with a contract for construction based on meeting current building codes and no known design drawings are on record or saved by the Town. After the initial construction of the structure was complete, the Town hired a different Contractor to add galvanized strapping, plates, and ties on the existing wood frame to completely tie the roof to the existing pile foundation. In 2010, Criser Troutman Tanner engineers developed temporary bracing system designs to provide proper strength against lateral stresses. Later in 2010, Criser Troutman Tanner developed a column repair plan to provide the required foundation for the structure. Both designs were based on design loads of roof system at 20 PSF, floors/balconies at 100 PSF, and wind velocity of 130 mph.

INVESTIGATIVE PROCEDURES

Visual observations were taken compared to the design drawings previously mentioned. It does appear that the "Temporary Bracing System" was installed per the design drawings for the structure visible above grade. No significant deficiencies were noted in these areas.

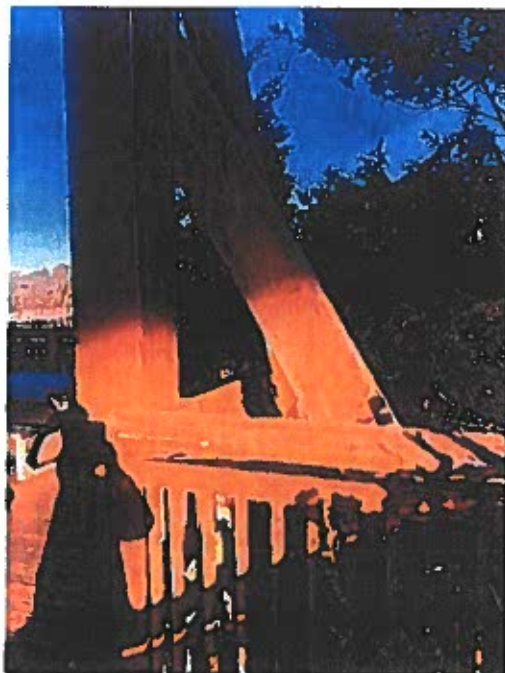


Photo 1 – Rear right side temporary bracing

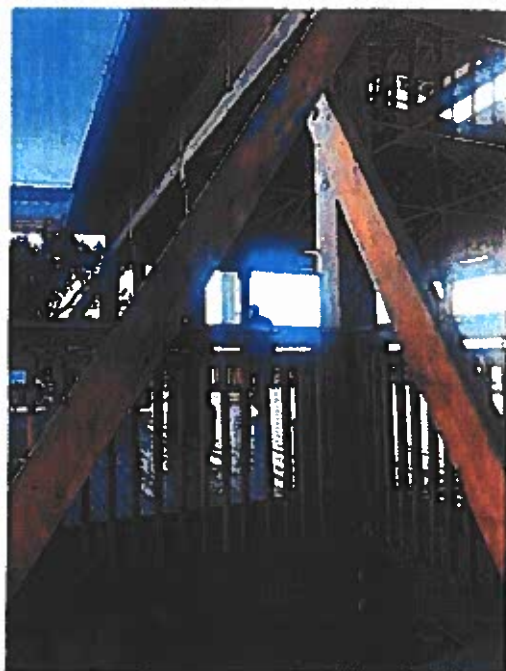


Photo 2 – Rear left side temporary bracing

Investigation of the pile foundation revealed that no work had been completed as designed in the "Column Repair Plan" which had called for two sister piles to be installed at 10 locations of existing pile locations. These were located around the perimeter with connection details to the existing piles and band framing.



Photo 3 - Corner pile with no pile repairs

The roof truss system appears to have been field constructed. Observation of the framing indicates sagging over the approximately 36 foot span. The butt spliced connections with plates have significant gaps. There were also noted vertical framing elements out of plumb.



Photo 4 - Roof framing



Photo 5 – Roof Framing

Also noted during inspection are plates and hardware showing signs of corrosion from the exposure to the marine environment.



Photo 6 – Truss plate

RESULTS AND ANALYSIS

Following discussions with building inspector Tim Evans, it is our understanding that the pavilion structure was in very bad condition at the time of the structural repair designs. While it is difficult to estimate the remaining life of the existing structure as improved, it is evident that

the column repairs, which were designed by an engineer were never implemented. Although this may contribute to the sagging of the roof framing members, there are additional factors such as over-spanned beams, poor connections, design flaws, corrosion, etc that are negatively impacting the structural integrity of the pavilion.

CLOSING

Based on our investigation and evaluation, the pavilion was not repaired/improved in accordance with engineered plans completed in 2010. When coupling the pile repair work with roof truss repairs, framing repairs, soon to be needed decking restoration, likely roofing replacement, and other aesthetic improvements, these costs likely approach or exceed the current value and/or replacement costs of the 14 year old structure. We would recommend that consideration be given to replacement of the existing pavilion. For the purpose of this letter report, we expect the short term to mean that either repair or replacement plans be complete within 12 months with repair, replacement or demolition occurring within the 12 subsequent months.

If you have any questions or concerns, please feel free to contact us.

For the Firm



Shane Lippard
President
Right Angle Engineering



Nicholas K. Shepard, P.E.
Structural Engineer



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

FROM: Heather Finnell, Town Clerk

MEETING DATE: January 23, 2024

DATE SUBMITTED: January 11, 2024

ISSUE/ACTION REQUESTED:

Appoint a commissioner to Audit Committee.
Fill two vacancies on the Audit Committee.

BACKGROUND/PURPOSE OF REQUEST:

Per §30.27, a commissioner shall be appointed to the Audit Committee in January of each year.

The committee shall be comprised of a member from the Board and not less than two or more than four property owners as full members, plus one alternate.

FISCAL IMPACT: (circle one)

BUDGET AMENDMENT REQUIRED: YES/NO

CAPITAL IMPROVEMENT PLAN ITEM: YES/NO

PRE-AUDIT CERTIFICATION REQUIRED: YES/NO

REVIEWED BY FINANCE DIRECTOR: YES/NO

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: (YES/NO)

ADVISORY BOARD RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION: N/A

FINANCE RECOMMENDATION:

N/A

ATTACHMENTS – Memo, Ordinance & Terms



Date: January 11, 2024
To: Commissioners and Mayor Holden
From: Heather Finnell, Town Clerk **HF**
Re: Audit Committee

Per Section 30.26 of the Code of Ordinances, the Audit Committee is comprised of a member of the Board of Commissioners and not less than two or more than four residents or property owners of the Town of Holden Beach as full members, plus one alternate member (Attachment 1).

The commissioner shall be appointed to the Audit Committee by the Board in January of each year. We have two full member vacancies (Attachment 2).

Debra Kosch, Mary Vail Ware, Grace Lam, Tim Thronson, Keith Smith and Kent Steeves have submitted their names to be considered for the vacancies. Interviews are scheduled for January 23rd at 4:45 p.m.

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

Attachment 1: Ordinance

Attachment 2: Audit Committee Terms

Attachment 1

Holden Beach Code of Ordinances

§ 30.27 AUDIT COMMITTEE.

(A) *Creation, name and number of members.* There is hereby established an Audit Committee which shall be comprised of a member of the Board of Commissioners and not less than two or more than four residents or property owners of the town as full members, plus one alternate.

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

(1) Serve as an advisory committee for the town's Board of Commissioners (BOC);

(2) Assist and advise the BOC in its oversight responsibilities for the town's financial reporting process, systems of internal financial controls and the external audit process;

(3) Recommend to the BOC each year the selection of the independent external audit firm to conduct the annual external audit, using a request for proposals selection process when deemed necessary by the Audit Committee;

(4) Monitor the performance of the commercial public accounting firms providing audit services to the town;

(5) Monitor the performance of the external audit firm as it relates to the annual audit of the town;

(6) Review the annual audit report with the external auditor and provide a written opinion to the BOC;

(7) Periodically confirm the suitability of the town's internal control systems and/or policies, including information technology security and control;

(8) Receive confirmation that audit report recommendations have been acted upon in advance of the commencement of the next external audit;

(9) Perform other functions from time to time as shall be delegated or assigned to it by the BOC.

(C) *Appointment; terms.* The Commissioner shall be appointed by the BOC in January of each year. Other members of the Audit Committee shall be appointed by the BOC for three-year terms, with the exception of 2022 when two members shall be appointed for three years and two members for two years. Appointments shall normally be made in January. Each member of the Audit Committee shall serve at the pleasure

Holden Beach Code of Ordinances

of the Board during their appointment.

(D) *Meetings and attendance.*

(1) The Audit Committee shall meet quarterly and in addition at least one time per year to review the final audits with the external audit firm. Additional meetings may be called by the Chair as deemed necessary in fulfillment of the duties of the Committee. An appointed member of the Audit Committee who misses three consecutive regular meetings loses their status as a member.

(2) The Audit Committee shall comply with the provisions of the North Carolina Open Meetings Law, G.S. §§ 143-318.9 *et seq.* A quorum shall be in attendance before any action of an official nature can be taken. A **QUORUM** is defined as at least one more than the number absent of the appointed members.

(3) The Town Manager or his or her designee shall also be in attendance in addition to staff that he or she invites to provide pertinent information on agenda items. Auditors or other outside specialists may also be invited by the Committee or the Town Manager as appropriate.

(4) An appointed member of the Audit Committee who misses three consecutive regular meetings loses his or her status as a member.

(E) *Officers.*

(1) There shall be a Chair and Vice Chair of the Audit Committee. An annual election of the Chair and Vice Chair shall occur at the first regular meeting of the year.

(2) The Town Manager or his or her designee shall serve as Secretary to the Audit Committee.

(F) *Officers' duties.*

(1) The Chair of the Audit Committee shall preside at all meetings and shall appoint all committees.

(2) When the Chair is absent, the Vice Chair shall perform the duties of the Chair. When both the Chair and Vice Chair are absent, a temporary Chair shall be selected by those members who are present.

(3) The Chair shall assemble and provide an agenda to the Secretary at least one week in advance of a scheduled meeting.

(4) The Secretary shall provide to all members copies of agendas, official reports, information relevant to the Committee's duties provided to the Secretary by an Committee member and the official minutes of all regular and special meetings at

Holden Beach Code of Ordinances

least three working days prior to the next scheduled meeting.

(Ord. 16-02, passed 1-12-16; Am. Ord. 18-18, passed 12-18-18; Am. Ord. 21-32, passed 11-16-21)

Attachment 2

AUDIT COMMITTEE

MEMBER		TERM EXPIRES
Vacant	Appointed Member from Board of Commissioners	
Tony Chavonne	Appointed Regular Member 1/18/22	January 2025
Mark Fleischhauer	Appointed Regular Member 1/18/22	January 2024
Jeanine Richman	Appointed Regular Member 1/18/22	January 2025
Vacant	Appointed Regular Member 1/18/22	January 2024
Mike Felmly	Appointed Alternate Member 1/18/22	January 2025



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

FROM: Town Manager

MEETING DATE: 23 Jan '24
DATE SUBMITTED: 12 Jan '24

ISSUE/ACTION REQUESTED:

Update existing bank signature cards to include assistant town manager and subsequent designation of assistant town manager as deputy finance officer.

BACKGROUND/PURPOSE OF REQUEST:

The Local Government Fiscal Control Act (excerpt attached) requires all checks to 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.

FISCAL IMPACT: (circle one)

BUDGET AMENDMENT REQUIRED: YES/NO

CAPITAL IMPROVEMENT PLAN ITEM: YES/NO

PRE-AUDIT CERTIFICATION REQUIRED: YES/NO

REVIEWED BY FINANCE DIRECTOR: YES/NO

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: (YES/NO)

ADVISORY BOARD RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION:

Board approve resolution updating signature cards and designating assistant town manager as deputy finance officer.

FINANCE RECOMMENDATION: N/A

ATTACHMENTS – Resolution and NCGS §159-25(b)

§ 159-25. Duties of finance officer; dual signatures on checks; internal control procedures subject to Commission regulation.

- (a) The finance officer shall have the following powers and duties:
- (1) Keep the accounts of the local government or public authority in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Commission.
 - (2) Disburse all funds of the local government or public authority in strict compliance with this Chapter, the budget ordinance, and each project ordinance and shall preaudit obligations and disbursements as required by this Chapter.
 - (3) Prepare and file with the board a statement of the financial condition of the local government or public authority, as often as may be requested by the governing board or the manager.
 - (4) Receive and deposit all moneys accruing to the local government or public authority, or supervise the receipt and deposit of money by other duly authorized officers or employees.
 - (5) Maintain all records concerning the bonded debt and other obligations of the local government or public authority, determine the amount of money that will be required for debt service or the payment of other obligations during each fiscal year, and maintain all sinking funds.
 - (6) Supervise the investment of idle funds of the local government or public authority.
 - (7) Perform such other duties as may be assigned by law, by the manager, budget officer, or governing board, or by rules and regulations of the Commission.
 - (8) Attend any training required by the Local Government Commission under this section.
 - (9) Contract with outside entities, including certified public accountants in good standing with the North Carolina State Board of Certified Public Accountant Examiners, bookkeeping firms, councils of government, and other units of government, to ensure fulfillment of the duties enumerated in this subsection, excluding subdivision (6), except where specifically allowed by law, and subdivision (8). Regardless of the entity performing such duties, the authority, powers, and duties of the finance officer shall not be superseded, and the responsibility for accurate and timely fulfillment of duties lies solely with the finance officer.

All references in other portions of the General Statutes, local acts, or city charters to county, city, special district, or public authority accountants, treasurers, or other officials performing any of the duties conferred by this section on the finance officer shall be deemed to refer to the finance officer.

(b) Except as otherwise provided by law, all checks or drafts on an official depository shall be signed by the finance officer or a properly designated deputy finance officer and countersigned by another official of the local government or public authority designated for this purpose by the governing board. If the board makes no other designation, the chairman of the board or chief executive officer of the local government or public authority shall countersign these checks and drafts. The governing board of a unit or authority may waive the requirements of this subsection if the board determines that the internal control procedures of the unit or authority will be satisfactory in the absence of dual signatures.

(c) The Local Government Commission has authority to issue rules and regulations having the force of law governing procedures for the receipt, deposit, investment, transfer, and disbursement of money and other assets by units of local government and public authorities, may

**RESOLUTION 24-01
RESOLUTION APPROVING TRUIST SIGNATURE CARD**

WHEREAS, the Town of Holden Beach currently holds accounts with Truist; and

WHEREAS, the Town of Holden Beach and Truist require approval of the signatures to be placed on the Truist Signature Card.

NOW THEREFORE, BE IT RESOLVED by the Holden Beach Board of Commissioners that the assistant town manager be designated as the deputy finance officer per the requirements of NCGS §159-24(b).

BE IT FURTHER RESOLVED by the Holden Beach Board of Commissioners that Mayor J. Alan Holden, Mayor Pro Tem Tom Myers, Town Manager David W. Hewett, Finance Officer Daniel McRainey and Assistant Town Manager Christy Ferguson be designated as the official signatories for the Town of Holden Beach's Truist accounts.

BE IT FURTHER RESOLVED that the official signatories selected visit the Holden Beach branch of Truist to sign the necessary official paperwork.

This the 23rd day of January, 2024.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk