



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

**Tuesday, July 20, 2021
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, JULY 20, 2021 - 5:00 P.M.**

1. Invocation
2. Call to Order/ Welcome
3. Pledge of Allegiance
4. Agenda Approval
5. Approval of Minutes
 - a. Minutes of the Public Hearing/Special Meeting of June 4, 2021 (Pages 1 – 3)
 - b. Minutes of the Public Hearing/Regular Meeting of June 15, 2021 (Pages 4 -14)
 - c. Minutes of the Special Meeting of June 28, 2021 (Pages 15 – 16)
 - d. Minutes of the Special Meeting of June 30, 2021 (Page 17)
6. Public Comments on Agenda Items
7. Presentation of Municipal Administration Certificate to Assistant Town Manager Ferguson – Town Manager Hewett
8. Police Report – Chief Dixon (Page 18)
9. Discussion and Possible Approval of Ordinance 21-18, An Ordinance Amending Ordinance 20-10, The Revenues and Appropriations Ordinance for Fiscal Year 2020 – 2021 (Amendment No. 18, Isaias Cat Z) – Assistant Town Manager Ferguson (Pages 19 – 20)
10. Discussion and Possible Approval of Ordinance 21-19, An Ordinance Amending Ordinance 20-10, The Revenues and Appropriations Ordinance for Fiscal Year 2020 – 2021 (Amendment No. 19) – Town Manager Hewett (Pages 21 – 22)
11. Discussion and Possible Approval of Ordinance 21-20, An Ordinance Amending Ordinance 20-10, The Revenues and Appropriations Ordinance for Fiscal Year 2020 – 2021 (Amendment No. 20) – Town Manager Hewett (Pages 23 – 24)
12. Discussion and Possible Approval of Ordinance 21-21, An Ordinance Amending Ordinance 21-13, The Revenues and Appropriations Ordinance for Fiscal Year 2021 – 2022 (Amendment No. 1) – Town Manager Hewett (Pages 25 – 26)

13. Discussion and Possible Action to Select the Priority Board of Commissioners' Objectives for the Upcoming Fiscal Year – Commissioner Kwiatkowski (Page 27)
14. Discussion and Possible Approval of Ordinance 21-22, An Ordinance Amending Holden Beach Code of Ordinances, Chapter 35: Inlet & Beach Protection Board – Town Clerk Finnell (Pages 28 – 30)
15. Discussion and Possible Approval of Ordinance 21-23, An Ordinance Amending Holden Beach Code of Ordinances, Chapter 34: Parks & Recreation Advisory Board – Town Clerk Finnell (Page 31)
16. Discussion and Possible Selection of Members to Serve on Town Boards – Town Clerk Finnell (Pages 32 – 47)
17. Audit Committee Debrief to Board – Commissioner Kwiatkowski
18. Discussion and Possible Action on Parking Management Services Proposals – Town Clerk Finnell (Page 48, Separate Packet)
19. Discussion and Possible Action on Golf Cart Violation Reporting Tasker – Commissioners Kwiatkowski and Smith (Page 49)
20. Discussion and Possible Action on Golf Cart Request to Town Attorney – Commissioner Smith (Page 50)
21. Discussion and Possible Action on Water Agreement with Brunswick County – Town Manager Hewett (Pages 51 – 62)
22. FEMA Gated Community Debris Pickup Update – Town Manager Hewett
23. Discussion and Possible Action on Text Amendment for Swimming Pool Locations – Inspections Director Evans (Pages 63 - 64)
24. Public Comments on General Items
25. Town Manager's Report
26. Mayor's Comments
27. Board of Commissioners' Comments
28. Adjournment



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
PUBLIC HEARING/SPECIAL MEETING
FRIDAY, JUNE 4, 2021 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Public Hearing/Special Meeting on Friday, June 4, 2021 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden, Mayor Pro Tem Gerald Brown; Commissioners Brian Murdock, Mike Sullivan, Pat Kwiatkowski and Rick Smith; Town Manager David W. Hewett; Town Clerk Heather Finnell; Fiscal Operations Supervisor Margaret Lancaster; Budget & Fiscal Analyst Daniel McRainey; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Police Chief Jeremy Dixon; and Town Attorney Katie Madon.

PUBLIC COMMENTS

No comments were made.

PUBLIC HEARING – PROPOSED BUDGET FOR FISCAL YEAR 2021 - 2022

Town Manager Hewett reviewed the budget schedule. There was a question asked at the last meeting regarding gas charges in the Police Department. Last year it was \$20,448. So far this year it is \$21,455.

The proposed budget reflects the changes resulting from the May 21st workshop. The body cameras were deleted from the Police Department. The Board wanted the Available to Appropriate funds moved over to partner with the American Recovery Plan money for a possible stormwater solution. The \$240,000 from the Governing Body coupled with the \$194,000 that we anticipate being received from the American Recovery Plan would be used to look at solving chronic stormwater problems on Ocean Boulevard.

The proposed budget satisfies all debt services which is approximately \$2.9 million; proposes a 20 cents tax rate; passes through a half a year of the county's \$2.36 per 1,000 wholesale water rate increase; contributes \$500,000 from the General Fund to the Beach and Inlet Capital Reserve Fund; and maintains a General Fund Balance in accordance with our Fiscal Policy, estimated at slightly above 40%. This budget executes a total of four FEMA beach projects, which together are close to \$46 million. It includes a 3% merit pool; provides for Seagull Street paving; procures a sanitation dump truck and an additional person plus a vehicle in inspections; and establishes drone services capabilities in the Inspections Department. The budget converts a part-time police administration position to fulltime; procures two replacement vehicles in the Police Department; and stands up the central square dispatch system. Additionally, it provides funds for a water and sewer replacement vehicle; and fully funds the

Fire Hydrant Replacement and Repair Program. The proposed budget contains funding for a water rate study and evaluation for a second water tower. It provides funding for the lift station 2 upfit, in addition to procuring a replacement generator for lift station 4. It maintains a shovel ready canal dredging project and provides for assorted walkway repairs. The matching share for the grant portion for the Ocean Boulevard bike path is in the proposed budget. The \$500,000 first year Town contribution for the Corps' Coastal Storm Damage Reduction Project is also included. There are funds for the Lockwood Folly maintenance normal sidecaster dredge operations and the crossing sand project.

The public hearing was closed at 5:07 p.m.

DISCUSSION AND POSSIBLE APPROVAL OF AGREEMENT BETWEEN THE TOWN AND GREEN ENGINEERING FOR ENGINEERING SERVICES FOR STRUCTURAL AND MECHANICAL MODIFICATIONS TO VACUUM SEWER PUMP STATION NUMBER 2

Public Works Director Clemmons said the proposed agreement for professional services for structural and mechanical work to sewer lift station #2 is before the Board for consideration. The engineer has proposed an aggressive schedule for the project as reflected in the proposed contract. The total for engineering services is \$255,990. The agreement appears standard and sufficient funds are currently budgeted to allow for its execution. Mr. Green from Green Engineering is in attendance to answer questions.

Commissioner Murdock said he expected the cost to be cheaper if the plans are the same as the previous ones. Mr. Green said it looks the same, but internally it is not (electrical requirements, pump horsepower changes, etc.) The architectural facility will look the same, but the guts will not. He said we have been fortunate with stations 3 and 4 that we had a good contractor. A big part of the proposal is the administration and construction supervision. This phase could be a nightmare. He talked about change orders. The Board thanked Mr. Green and discussed moving forward.

Motion by Commissioner Kwiatkowski that the Board approves the proposed agreement for professional services with Green Engineering PLLC; second by Mayor Pro Tem Brown; approved by unanimous vote.

EXECUTIVE SESSION PURSUANT TO NCGS 143-318.11(A)(5), TO INSTRUCT STAFF OR AGENT CONCERNING THE NEGOTIATION OF THE PRICE AND TERMS OF A CONTRACT CONCERNING THE ACQUISITION OF REAL PROPERTY

Town Clerk Finnell read the reason for Executive Session.

Motion by Mayor Pro Tem Brown to go into Executive Session at 5:19 p.m.; second by Commissioner Murdock; approved by unanimous vote.

OPEN SESSION

The Board went into Open Session at 6:05 p.m.

ADJOURNMENT

Motion to adjourn by Mayor Pro Tem Brown at 6:05 p.m.; second by Commissioner Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
PUBLIC HEARING/REGULAR MEETING
TUESDAY, JUNE 15, 2021 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Public Hearing/Regular Meeting on Tuesday, June 15, 2021 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Gerald Brown; Commissioners Brian Murdock, Mike Sullivan, Pat Kwiatkowski and Rick Smith; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Police Chief Jeremy Dixon; Public Works Director Chris Clemmons; Fiscal Operations Supervisor Margaret Lancaster; Budget & Fiscal Analyst Daniel McRainey; and Town Attorney Katie Madon.

PUBLIC HEARING: ORDINANCE 21-10, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES TO COMPLY WITH REQUIREMENTS OF CHAPTER 160D OF THE NORTH CAROLINA GENERAL STATUTES

Inspections Director Evans said this is for the changes that were made that came down under the 160D guidelines. It encompassed quite a few changes.

No written or oral input was received. The public hearing was closed at 5:04 p.m.

REGULAR MEETING

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Town Manager Hewett asked that the Board move items 11 & 12 to be placed immediately after the Discussion and Possible Approval of the Bond in item 8. In addition, he needs to add end-of-year housekeeping budget amendments, Ordinances 21-14, 21-15, 21-16 and 21-17. He asked that they be added before item 15 (14a).

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

APPROVAL OF MINUTES

Motion by Commissioner Smith to approve the minutes as written (Special Meeting of May 7, 2021, Public Hearing/Regular Meeting of May 18, 2021, Special Meeting of May 20, 2021 and Special Meeting of May 21, 2021); second by Mayor Pro Tem Brown; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made at the meeting. Three written comments were submitted (hereby incorporated into the minutes).

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 21-13, FISCAL YEAR 2021 – 2022 BUDGET ORDINANCE

Town Manager Hewett explained this is the budget ordinance for the upcoming fiscal year, starting July 1st. It is a result of the Board's goal setting, workshops and staff involvement over the course of the last three months. The public hearing was held on June 4th with no comments received at the hearing or tonight regarding adoption as presented. The ordinance complies with the Fiscal Control Act and is ready to be adopted if the Board desires.

Motion by Commissioner Kwiatkowski to approve Ordinance 21-13, Fiscal Year 2021 – 2022 Budget Ordinance as presented; second by Mayor Pro Tem Brown; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF FEMA SPECIAL OBLIGATION BOND

Assistant Town Manager Ferguson introduced Scott Leo, Parker Poe Adams and Bernstein and Andrew Carter, DEC Associates (by telephone). We are in the process of going before the Local Government Commission (LGC) with our application for the bridge loan financing. The documents are needed to complete the application process. The application went in last week. The project will mitigate sand losses from four storms, Florence, Michael, Dorian and Isaias. The bond order authorizes issuance of special obligations bonds of the Town and the pledge of the FEMA and state reimbursement amounts to repay the special obligation bonds.

Motion by Commissioner Smith to approve the bond order related to the issuance of special obligation bonds for the Town of Holden Beach; second by Mayor Pro Tem Brown; approved by unanimous vote.

Assistant Town Manager Ferguson explained the resolution sets the terms of the special obligation bonds. There was a change. The Board was supplied with one sheet with the term differences. She explained the change.

Motion by Commissioner Smith to approve Resolution 21-10, setting forth the terms of special obligation bonds to be issued to the Town of Holden Beach; second by Mayor Pro Tem Brown. They agreed to add as amended to the motion.

Mr. Leo confirmed the 1.64% is good for the first year and if the Town is in the position to pay it in the first year with the reimbursements, then that is it. If all of the reimbursements have not come in yet, PNC would extend it for another year and will offer the market rate at that time. Town Manager Hewett added up to 12%.

Commissioner Sullivan said the amount the Board is authorizing is \$46 million but asked if we intend on borrowing that amount. Town Manager Hewett answered that is what the application package with the LGC put forth. Initially the Town would borrow up to the amount, it depends on what the bids come in at. Mr. Leo said the LGC wants you to take down the full amount you need to finish the project and you pay it back to PNC as the reimbursements come in. Town Manager Hewett confirmed it is his understanding that the interest is reimbursable by FEMA. It is an administrative cost associated with the project. He agreed we anticipate the project being complete, being reimbursed and being able to pay the amount borrowed by 2024 (the maturity date). Commissioner Sullivan asked if a two-year extension was available on the maturity date if that is not possible. Mr. Leo replied that he was mistaken about that. It is not in this document. The anticipation is that the project be done by April so there is already time built in to be reimbursed by FEMA.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 21-10, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES TO COMPLY WITH REQUIREMENTS OF CHAPTER 160D OF THE NORTH CAROLINA GENERAL STATUTES

Inspections Director Evans said this is 160D zoning law consolidation. He provided background of the required changes. The proposed changes were presented to the attorney for her review. The public hearing was held today. He said the Consistency Statement from the Planning & Zoning Board (P&Z) must be considered in making the decision. P&Z approved it 5-0 as being consistent with the Town's Land Use Plan. Town Manager Hewett added that Inspections Director Evans has been working on this for the better part of a year. He coordinated with the School of Government and our attorney. He has gone to great lengths to ensure that all of our stuff is wrapped up tight.

Motion by Commissioner Sullivan to approve Ordinance 21-10, 160D changes as presented; second by Commissioner Smith; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON HOLDEN BEACH CODE OF ORDINANCES, SECTION 95.05, STREET RIGHTS-OF-WAY

Attorney Madon said she reviewed the current ordinance. She wanted to get feedback on what the issues are and what needed to be changed. Mayor Pro Tem Brown described different examples of what he has seen in rights-of-way (ROW). He inquired who would be responsible if something happens in the ROW because of his examples. Inspections Director Evans showed pictures of examples on the island.

Commissioner Sullivan said the idea of implementing the ordinance was to allow people to have control over the ROW adjacent to their property. It allows people to park cars at their house, rather

than drive around to find a space. He thinks the people who live and rent here have a right to protect their property and that is a viable way of doing it. Commissioner Kwiatkowski said she agreed. She thinks it achieves what a majority of the residents want the way it is currently written with the 24" post and rope. The current ordinance was discussed. Mayor Pro Tem Brown stated you are seeing it in different places all over the island. He would like P&Z to look at it again. He wants the post and rope backed off the ROWs. At the minimum it needs to be eight feet off of the asphalt. He said somebody is going to get hurt. The ROW that the Town owns needs to stay Town property.

Motion by Mayor Pro Tem Brown to send it to P&Z to back the ropes up to give a minimum of eight feet off the asphalt.

Inspections Director Evans said this in the regulatory section, it doesn't need to go through P&Z. P&Z didn't have anything to do with the original change, it came out of the Parking Committee and was presented to the Board.

Mayor Pro Tem Brown withdrew his motion.

Motion by Mayor Pro Tem Brown that we back the post and rope up eight feet off the asphalt, keep the ROWs clear a minimum of eight feet; second by Commissioner Smith.

Commissioner Murdock stated he understands people wanting to keep yards neat and keep people off of them. This is a prime example that people want ROW parking done away with. He doesn't want to see it done away with by post and rope. He said we need to find a solution to the parking issue. He said we need to eliminate ROW parking. ROW needs to stay clear. He mentioned there could be some designated ROW parking. Commissioner Murdock said before he would support moving things, he thinks the Town needs to get together and figure out a solution for parking. If we keep waiting, the options we have as a Town to create parking will be gone. If he were going to take action, he would eliminate it completely, but he won't do that because people need a place to park. Until we can come up with a reasonable alternative to the ROW parking, he can't do that. Commissioner Murdock doesn't think 200 spots is reasonable. That is all we have without using ROW parking.

Commissioner Kwiatkowski asked if the Board should revisit this after the Parking Committee reports their findings. She said moving it back eight feet doesn't accomplish what is favorable to the owners. If there are situations that are safety or height issues, those could be dealt with on a regulatory basis. Inspections Director Evans said if it is not in compliance, they will tell them. They are trying to keep it under control, but he thinks it would be better to look at some other way to help citizens and to keep that clear for the Town. Stuff on the ground and in the ROW hinders our ability for maintenance. He said there is no current regulation in the ordinance regarding the distance of the post and the rope from the asphalt. At a certain point he would deem it a safety issue.

Commissioner Smith asked if it is the Town's responsibility if someone is hurt by something someone has in the ROW. Attorney Madon explained that there is a potential, but it would depend. Commissioner Sullivan asked if a municipality in North Carolina is normally held responsible for an injury that arises or could have been stopped by the implementation of an ordinance. Attorney Madon replied no, but it is situational. Commissioner Murdock said he thinks the Town needs to look

at the bigger picture. Property owners should not have people parking by their well-maintained properties in the grass. He thinks there should be another option for parking.

Mayor Pro Tem Brown said he gets that people don't want people parking at that property but doesn't like the post and rope. He thinks we need to get the Parking Committee moving.

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

POLICE REPORT – CHIEF DIXON

- We filled our last vacant position. Officer Cranford has nine years' experience and has her advanced law enforcement certificate. She is in our field training program. Full staff for this year is 10 officers, which includes him. There is no detective position. He doesn't have the clerical position yet. Looked into the training for a detective. Has one person who has several classes under his belt. Will do what they can. You have to be careful about dual duty. He wants his officers to be able to respond to calls, not be doing investigations out in the county.
- We have officially entered hurricane season. The Atlantic tropics are on their second named storm. There are two disturbances out there that the National Hurricane Center is monitoring. Have your plan together.
- NC Governor's Highway Program is running Operation Firecracker. It is a Booze It and Lose It campaign. Expect to see our agency participating.
- Fireworks on the beach are illegal. It is a Class 2 Misdemeanor, which carries up to sixty days in jail and up to \$1,000 fine.
- Have a safe 4th of July weekend.

Commissioner Sullivan inquired about the two B&Es on the report. Chief Dixon said they were dispatched. He hasn't heard any details. It may have been called in like that, but unfounded. Commissioner Sullivan asked about the 35 incidents involving parking. Chief Dixon said he doesn't know the exact number of tickets issued, but he knows there were a lot issued Memorial Day weekend. He can get the actual numbers for that and traffic stops. Commissioner Smith said he would like the number of parking citations. He would like information on the number of golf cart citations/warnings. He said he saw there was an accident involving a golf cart near High Point Street that resulted in injuries. He talked about another one who drove by in violation during that incident. He knows that is something that Chief Dixon is addressing, but it seems the number of golf carts is growing. He talked about modifications and how some are running close to 45 MPH. He is trying to save someone's life, especially a child's. Commissioner Kwiatkowski said the frightening thing she sees is a mom with a young child in her lap. Somehow the message needs to go out that they need to be in car seats in golf carts. Chief Dixon explained they have talked to rental companies and are spreading the word. He asked for people's help in spreading the word.

DISCUSSION AND POSSIBLE ACTION ON THE DRAFT SYSTEM DEVELOPMENT FEES REPORT

Town Clerk Finnell explained the Board has completed all of the items necessary to adopt the draft report. The report does not determine the rate the Town will charge. It establishes the maximum rate

the Town can charge. As discussed last month, staff proposes the report is given an effective date of October 1st. That allows time to determine what the fees will actually be.

Motion by Commissioner Sullivan that we approve (Resolution) 21-11, development fees; second by Commissioner Smith.

Commissioner Kwiatkowski inquired if we could make it for the September meeting. Town Manager Hewett responded that one of the reasons we looked at the October date is to allow plenty of time. There is a lot of interest in what the fees are proposed to be. We want to allow time for people with contracts to be able to take that into consideration. Commissioner Smith asked if the water part includes the investigation of the water tower. Town Manager Hewett replied that the water tower is included in the water calculations.

The motion passed by unanimous vote.

EVALUATION AND DISCUSSION OF THE CURRENT NEED FOR THE INLET AND BEACH PROTECTION BOARD (IBPB) DUE TO CHANGED CIRCUMSTANCES AND POSSIBLE ACTION ON THE INLET & BEACH PROTECTION BOARD STATUS

Commissioner Kwiatkowski said she periodically looks at how committees are run. When she is proposing something for the IBPB, she has no issue with how they operate or what they are producing. When the IBPB was created, we didn't have a lobbyist and we were not where we are today on having made the decision on having a Corps' study done. As she looks at the next two to three years of what the important items would be that the Board would be asking for advice on, she thinks there is not a great deal that is needed from them while the Corps is sorting things out, while we are doing the FEMA nourishment and while we work with our lobbyist. Commissioner Kwiatkowski said knowing that boards take staff time, she believes the Board should suspend the current effort on the IBPB until a board in the future decides we need advice again. Dune health and maintenance could be put into the Parks & Recreation Advisory Board's (PRAB) wheelhouse to continue those efforts. She is asking the Board to release the current board from further duties with thanks for their contributions and to suspend the current ordinance.

Motion by Commissioner Kwiatkowski that the Board release the current board with thanks and to take the necessary steps to suspend or whatever needs to happen to the ordinance.

Attorney Madon stated the Board could suspend or modify. The change would need to do be done through an ordinance. The simpler way would be to remove it.

Commissioner Kwiatkowski clarified that her motion is that the Board gives thanks to the current IBPB, releasing them from their duties and that the current ordinance be removed; second by Commissioner Smith.

Commissioner Smith asked if Assistant Town Manager Ferguson is okay to move some of the responsibilities to the PRAB. Assistant Town Manager Ferguson responded that the PRAB had shoreline duties before the IBPB was formed so they should be able to deal with it. Commissioner

Sullivan said before the IBPB was established it was part of PRAB. When it was raised that they would have a separate board for beach protection, the people in PRAB opposed it. They had the opportunity to discuss it. He thinks before the Board votes on this, they should give the IBPB members the opportunity to express their opinion. Commissioner Kwiatkowski states she did get feedback from one member who said they enjoyed it and to keep up the interaction with UNCW. This was on the agenda; they did have the chance to respond. It is an advisory board at the pleasure of the Board. Adding the item to the next agenda was discussed.

The motion passed by a 4 – 1 vote with Mayor Pro Tem Brown and Commissioners Murdock, Kwiatkowski and Smith voting for the motion and Commissioner Sullivan voting in the negative.

DISCUSSION AND POSSIBLE SETTING OF A DATE TO HOLD INTERVIEWS FOR VACANCIES ON TOWN BOARDS

The Board agreed to hold interviews on July 20th at 4:45 p.m.

END-OF-YEAR HOUSEKEEPING BUDGET AMENDMENTS, ORDINANCES 21-14, 21-15, 21-16 AND 21-17

Town Manager Hewett explained these are housecleaning items that we need to complete before the end of the year. We may need to do some more housekeeping items at the meeting in July. Ordinance 21-14 reflects the increased consumption for sewer treatment in the amount of \$244,134, recognizing revenues that are projected to come in, pay the county and continue the operations of the sewer system. The others are the same circumstances. These are housekeeping events. They don't represent any increased cost; they are all revenue driven.

Motion by Commissioner Kwiatkowski to approve budget related ordinances 21-14, 21-15, 21-16 and 21-17 as written; second by Mayor Pro Tem Brown; approved by unanimous vote.

DISCUSSION AND POSSIBLE SELECTION OF A CHAIRPERSON FOR THE AUDIT COMMITTEE

Commissioner Sullivan explained that the Audit Committee requires that the chair be a member of the Board of Commissioners. Since Woody Tyner resigned, they haven't had a chairman. He would like to fill the vacant spot. Commissioner Smith suggested Commissioner Sullivan be nominated.

Commissioner Sullivan nominated Commissioner Kwiatkowski.

Commissioner Kwiatkowski said she could do this because there is a committee filled with qualified people.

Mayor Pro Tem Brown seconded the motion; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON BOARD OF COMMISSIONERS' REQUEST FOR RECOMMENDATIONS FROM THE PARKING COMMITTEE

Commissioner Kwiatkowski went over her proposed formal request to the Parking Committee. If the Board could agree that the tasker is what they are asking the committee to do, then it clarifies the purpose and the Board is more likely to get something back in the fall based on what they want.

Motion by Commissioner Kwiatkowski that we provide the Parking Committee with this request from the Board; second by Mayor Pro Tem Brown.

Commissioner Murdock said all of this has to be addressed before it can be implemented. He doesn't think it would hurt to have this. The Board talked about timing. Town Manager Hewett said there was a request for proposals for paid parking services that went out last week. Some of the items in it were very similar to the tasker. It will be back in time for the July meeting.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION TO SELECT THE PRIORITY BOARD OF COMMISSIONERS' OBJECTIVES FOR THE UPCOMING FISCAL YEAR

Commissioner Kwiatkowski said the Board has gone through scoring and creating objectives. Generally, the Board decides to draw a line at a certain point. If there is something you want to pursue below the line, you can bring it to the Board, but it wouldn't be the agreed list of priorities to accomplish for the fiscal year. She suggested drawing the line at 13 and above. Town Manager Hewett suggested general, strategic efforts and going to item 17. After discussion, Commissioner Kwiatkowski will list the un-started and strategic items for the Board's review at the next meeting.

PUBLIC COMMENTS ON GENERAL ITEMS

Ashley Royal said when he was on the Board, there were some ordinances that were made based on personal preference. He thinks the Town is best served if we take a look at the cost and real gain of any proposed ordinances. If there is not a clear gain, he thinks the Town should opt to not do something new. He talked about change management. He encouraged getting rid of the ordinance on ROWs. There is a reason for ROWs, so we have access to important utilities. Mr. Royal thinks it goes against what is intended for ROW. He said he thinks the Town needs to look hard at if we want paid parking. It will be an added financial burden for people to have to pay. He encouraged the Board to take a second look at paid parking. Mr. Royal said the more parking we have, the more traffic we have, the more amenities the Town needs to provide. To him, parking is one of the things that can correct itself. He encouraged the Board to look at parking in terms of impact.

TOWN MANAGER'S REPORT

- Elsa, the auditor is onsite this week. There will be some potential scheduling conflicts on some of the borrowings being contemplated. The LGC wants an early audit. Not sure what that means in terms of money. Once the audit is submitted to the LGC, it has to be briefed to the Board within

45 days. Since our contract is for October 31st submittal to the LGC, if we go to the December meeting it will be outside of that. We may need to call a special meeting to accommodate that schedule.

- Seagull Street Paving/Engineer's Schedule - it's approximately eight months. Two months, July & August for surveys and designs. It may take three months to get permits. That timeframe might compress. Looking at a December bidding and contract award date, with construction potentially in January and February. Doesn't recommend we pave in the cooler months. We need to at least get to the Easter timeframe.
- Paid Parking Services – The RFP is out on the street. It should be before the commissioners at the July meeting.
- FEMA – we have one last project worksheet we are waiting for approval on. It is about \$190,000 for administrative purposes for Isaias. Will be proceeding with the LGC. Will not let that hold up the application. It will require a budget amendment to recognize the funds when we receive it. The debris removal for Isaias was approved for \$86,000, but the state has stopped cutting checks for the end of the fiscal year. We don't expect those until mid-late July. The beach strand cleanup efforts request for reimbursement was not approved.
- Corps AIWW/Lockwood Folly Inlet Crossing Maintenance Project – been contacted by the again by the Corps to gage interest about the next dredging cycle of sand coming to Holden Beach. Reaffirmed the Town's intent to participate via the appropriation in the budget that starts July 1st. The Corps is looking to make a contract award at the end of July.
- Corps Inlet Navigation Maintenance – Just three weeks after the sand went to Oak Island, the inlet bar is being reported in the worst shape ever by the Lockwood Folly Inlet Association. The Board has been on record in saying that the sand needs to be placed on the east end of Holden Beach because of littoral drift. The project is a failure. Subsequently, the Corps has scoped a \$900,000 one-time effort for a series of exploratory sorties by the sidecaster to reopen the ocean bar. It would require \$700,000 of MOA funding immediately. The stakeholders (David Kelly from Oak Island, Steve Stone, Deputy County Manager and himself) have cooperated to provide direction for the Corps to proceed with the \$200,000 that they have in hand to see what can be done. Once that happens, we will evaluate the results. Could be back in front of the Board asking for a temporary measure to get across the bar.
- Vegetation Project – the contractor is making good progress. They are currently at 360 OBW.
- Parks & Rec Master Plan is almost complete. Looking at July for presentations to the Parks & Recreation Advisory Board and the Board.
- Tide Dye started today.
- Concerts – first two were well attended. Looking forward to North Tower this Sunday.

MAYOR'S COMMENTS

- Assistant Town Manager Ferguson continues to do a great job putting concerts together. The Police Department has done a great job of being present and monitoring the activities. Crowds seem to be happy and having a great time.
- Receives lots of positive comments about the Padgett Garden at the intersection. Also, on the appearance of Town Hall. ROWs are looking good. The clean-up of the bridge was noticed.
- Beach grass continues to be a discussion. Always good to see a continuation of our efforts to grow our oceanfront.

- We had a boat that turned over in the inlet. Nobody was hurt. Boat was towed in. We had a drowning since the last meeting. A gentleman tried to rescue some children.
- Received positive comments about the playground. Every year it amazes him about the growing amount of people out there. The new paint on the court looks good.
- Proud of this Town. It is a good start to a good summer.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Brown

- Thanked staff. Knows Chief Dixon has a lot going on. Thanked the Police Department and Public Works. Thanked Attorney Madon. Enjoyed Mr. Royal's comments. It is a tough call on a lot of the issues. The goal is to do what is right for the Town. There is a lot to be said about the parking. Hopes it works out in a good positive way for the Town. Thanked Town Manager Hewett for the good work that he does.
- It is good to see people here. Come back and bring a buddy.
- Stay safe for the summer. Looks like we have a good one coming our way.

Commissioner Smith

- Public Works Director Clemmons and his staff do an excellent job in keeping this island looking good. His guys seem to address things immediately when we need them taken care of. Chief Dixon, with the influx of people coming in and his full staff of officers are doing a great job. There is a lot of visibility. We got our vehicles in. It is great to see those on the road. Assistant Town Manager Ferguson with Parks & Recreation, seeing the people with the Tide Dye put a smile on his face. It is good to see Holden Beach getting back to normal. Appreciates Town Manager Hewett and his efforts with the budget.
- We need to make some moves to put some regulations on golf carts, via the rental companies. We need to make sure that what they are bringing to the island is the safest possible with all the DOT requirements at the time they bring them over. We might need to put out some recommendations to them to have safety suggestions that they can give to the people. Make sure we don't let them cause more problems than need be.
- Overall thinks the Town looks the best he has seen it years. Everyone's houses are painted nice. They've done a great job with landscaping. The island is full. Good to see people enjoying this beautiful place.

Commissioner Murdock

- Told Mr. Royal he would be glad to slide another chair up at the Parking Committee meetings. It's a really hard subject. Hopes we can figure it out. There will be a finite number when it's done. We are not Myrtle Beach. We need a reasonable amount of parking spaces. Will come to a happy medium without burdening anyone hopefully. The problem is trying to figure out how to pay for something we don't have. That's why we may have to charge a little bit.
- The concerts are great. Sits on the back of the pontoons and listens to the music.
- Concerning how good it looks on the island. Would like to see it look great at the other end of bridge.

- Glad to see everyone. Would like to see more people at the meeting. Would like more public comment. Wished people would come to speak. We need all the input we can get to make the right decisions.

Commissioner Sullivan

- There are more people here this meeting than last. Hopefully more will come in the future so we can get the benefit of opinions and input.
- After what was said by Mayor Holden and Commissioner Murdock, we should thank the Beautification Club. They did the plantings at the building and at Padgett Garden. They do an excellent job and get very little recognition for it.
- Before the next meeting in July, the filing for a position on the Board is from July 2nd – July 16th. If anyone is interested in being part of the solution and wants to sit on the Board, you need to register.

Commissioner Kwiatkowski

- It is good to see people here. Looking forward to a great summer. Been walking on the strand. There are a lot of happy people. Been pleased to see the beach rangers out interacting with people. Have yet to see a dog on the beach during the hours they are not supposed to be. We are starting out well.
- Hopes people can come to the next meeting. Next meeting will have several interesting items to discuss.
- Have a happy and safe summer.

EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(5), TO INSTRUCT THE STAFF OR AGENT CONCERNING THE NEGOTIATION OF THE PRICE AND TERMS OF A CONTRACT CONCERNING THE ACQUISITION OF REAL PROPERTY

Motion by Mayor Pro Tem Brown to go into Executive Session; second by Commissioner Murdock; approved by unanimous vote.

Town Clerk Finnell read the reason for Executive Session.

OPEN SESSION

The Board went back into Open Session at 8:31 p.m.

ADJOURNMENT

Motion by Mayor Pro Tem Brown to adjourn at 8:31 p.m.; second by Commissioner Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
MONDAY, JUNE 28, 2021 – 9:00 A.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Monday, June 28, 2021 at 9:00 a.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Gerald Brown; Commissioners Pat Kwiatkowski and Rick Smith; Town Manager David W. Hewett; Town Clerk Heather Finnell; and Assistant Town Manager Christy Ferguson. Commissioners Brian Murdock and Mike Sullivan were unable to attend the meeting.

Mayor Holden called the meeting to order.

PUBLIC COMMENTS

No comments were made.

DISCUSSION AND POSSIBLE AWARD OF BID TO APPARENT LOW BIDDER FOR THE CENTRAL REACH NOURISHMENT PROJECT

Town Manager Hewett said this is discussion and possible award of bid to the apparent low bidder for the Central Reach Nourishment Project. Assistant Town Manager Ferguson explained the bid opening was held last week. We received three bids: Weeks Marine, Manson Construction and Great Lakes Dredge and Docks. The Board was sent the engineer's letter with his recommendation on Friday. The apparent low bidder is Weeks Marine. We are supposed to go before the Local Government Commission on July 13th. Our application packet has been submitted. We are waiting on the Corps' permit. Town Manager Hewett said we are looking at a November start for the project. He confirmed that Weeks did work for us in the past. He said for the last project they started out with one dredge and augmented with a second dredge. The total dredge time was 74 days. They are going to start with two dredges this time. They are looking at doing it in 60 days.

Motion by Commissioner Smith to award a contract to Weeks Marine, with the base bid of \$21,105,500, contingent upon the NC Local Government Commission approval of special obligation bond financing which is anticipated by mid-July. The town manager is delegated to complete all paperwork to make notice of award to Weeks and to finalize the contracts after LGC approval; second by Commissioner Kwiatkowski; approved by unanimous vote.

ADJOURNMENT

Motion to adjourn by Mayor Pro Tem Brown at 9:06 a.m.; second by Commissioner Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
WEDNESDAY, JUNE 30, 2021 – 4:00 P.M.**

There was not a quorum present.

Activity Log Event Summary (Totals)

HOLDEN BEACH POLICE DEPT.

(06/01/2021 - 06/30/2021)

<No Event Type Specified>	2	911 Hang Up/Open Line	3
Alarm Activation	5	Animal Control	10
Armed Subject	1	Attempt to Locate-ATL	30
B&E in Progress	4	Business Check	195
Disabled Motorist	8	Disturbance/Fight	6
Domestic Disturbance	2	EMS/Medical Call	20
Escort/Relay	2	Fire Call	5
Fireworks	5	Flare Sighting	1
Incident Report	4	Keep Check	9
Lockout Request	3	Lost/Found Property	8
Meet Complainant	35	Message Delivery	3
Missing Person	3	Motor Vehicle Crash	6
Parking	69	Phone Call Request	34
Public Works/Water Leak	4	Special Assignment	11
Suspicious Activity	6	Traffic Stop	51
Trespassers	1	Welfare Check	8

Total Number Of Events: 554



Date: June 25, 2021

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

From: Christy Ferguson, Assistant Town Manager *CF*

Re: Isaias Budget Amendment

The attached budget amendment (Attachment 1) in the amount of \$198,368.73, recognizes FEMA Cat Z (Administrative) grant funds as related to Isaias. The funds will be housed in Fund 70, the special project fund for FEMA events.

Attachment 1: Budget Amendment

Suggested Motion: Approval of Budget Amendment.



Date: July 13, 2021
To: Commissioners and Mayor Holden
From: David W. Hewett, Town Manager *DH*
Re: Ordinance 21-19

This amendment is retroactive to June 30th to bring the fiscal year 2021 budget for accommodations tax up to the collected amount. The resulting amount represents a 35% increase over last year's collections due to an influx of renters in light of the COVID-19 pandemic and re-opening of the state.

Staff recommends approving Ordinance 21-19, An Ordinance Amending Ordinance 21-10, The Revenues and Appropriations Ordinance for Fiscal Year 2020 – 2021 (Amendment No. 19).

TOWN OF HOLDEN BEACH

ORDINANCE NO. 21-19

**AN ORDINANCE AMENDING ORDINANCE 20-10, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR
2020-2021 (AMENDMENT NO. 19)**

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 20-10 appropriating funds for fiscal year 2020-2021 be amended as of June 30, 2021:

REVENUE

	ACCOM TAX	50.0302.0000	362,648 INCREASE
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TOTAL

362,648

EXPENSE

	TRANSFER COUNTY ACCOM TAX	50.0401.0000	59,629 INCREASE
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	BEACH VEGETATION	50.0710.1700	101,009 INCREASE
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	SAND FENCE PROJECT	50.0710.4700	202,010 INCREASE
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TOTAL

362,648

The Town Manager acting in his capacity as Budget Officer or Finance Officer as may be appropriate is hereby authorized to effect such administrative actions as necessary to ensure compliance with the Local Government Fiscal Control Act and Governmental Accounting standards board .

This is the 20th day of July, 2021.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk



Date: July 13, 2021
To: Commissioners and Mayor Holden
From: David W. Hewett, Town Manager *DH*
Re: Ordinance 21-20

This amendment is to assure the accordance with GASB 87. GASB 87 has recently been implemented and requires accounting for ownership transferring lease purchases to be accounted for essentially as a financing purchase.

Staff recommends approving Ordinance 21-20, An Ordinance Amending Ordinance 21-10, The Revenues and Appropriations Ordinance for Fiscal Year 2020 – 2021 (Amendment No. 20).

TOWN OF HOLDEN BEACH

ORDINANCE NO. 21-20

AN ORDINANCE AMENDING ORDINANCE 20-10, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2020-2021 (AMENDMENT NO. 20)

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 20-10 appropriating funds for fiscal year 2020-2021 be amended as of March 11, 2021:

PART I				
	<u>DESCRIPTION</u>	<u>ACCOUNT NO.</u>	<u>AMOUNT</u>	<u>ACTION</u>
<u>REVENUE</u>	LEASE PROCEEDS	30.0380.0000	323,851.95	INCREASE
<u>TOTAL</u>			<u>323,851.95</u>	
<u>EXPENSE</u>	CAPITAL OUTLAY - VEHICLES	30.0810.7403	323,851.95	INCREASE
<u>TOTAL</u>			<u>323,851.95</u>	

This is the 20th day of July, 2021.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk

Memo to: Board of Commissioners

15 July 2021

RE: Pier Properties' Purchase

The attached budget amendment is prepared to provide funding for the purchase of the Pier properties currently under consideration by the Board. It proposes to fund the acquisition via a combination of loan funds in the amount of \$3,000,000 and cash from BPART fund balance in the amount of \$259,000.

\$50,000 of the cash amount will satisfy the due diligence and earnest money requirements contained in the offer approved by the BOC last Thursday 8 July. The remaining \$9,000 is to obtain a commercial appraisal for the properties which is a requirement for loan approval by the NC Local Government Commission.

Sincerely



David W. Hewett

Town Manager

TOWN OF HOLDEN BEACH

ORDINANCE NO. 21-21

AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021-2022 (AMENDMENT NO. 1)

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 21-13 appropriating funds for fiscal year 2021-2022 be amended as follows:

SECTION I.

Purpose: To provide funds for purchase of properties @ 441 OBW aka "the Pier"

SECTION II.

	<u>Account</u>	<u>Description</u>	<u>Amount</u>	<u>Action</u>
Revenues				
	50.0348.0000	Loan Proceeds	3,000,000	Increase
	50.0399.0000	Fund Balance Appropriated	<u>259,000</u>	Increase
		Total	3,259,000	
Expenses				
	50.0710.0903	Professional Services Recreation	9,000	Increase
	50.0710.7403	Property Acquisition	<u>3,250,000</u>	Increase
		Total	3,259,000	

This is the 20th day of July, 2021.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk

BOC Objectives for Fiscal Year 2021/2022

Priorities

- 18 Ensure funding for hurricane related FEMA projects and proceed with necessary steps for target commencement of sand on beach in Fall 2021
- 17 Ensure contracting, budgeting and funding for sewer lift station 2 to allow completion in 2022
- 17 Make decision on and implement new THB development fees
- 17 Ensure funding for 2022 DOT bike lane project, including any grant money
- 17 Address increasing stormwater issues with a study followed by appropriate actions for recurring problem areas along Ocean Boulevard (in advance of bike lane project)
- 17 Request help from Brunswick County for a second water tower (after completing a needs assessment)
- 17 Ensure advocacy resources are given to limit expansion of the IHA
- 16 Support and participate in beach and inlet related advocacy efforts at local, state and federal level
 - a. Become more involved in and lead where possible regional advocacy groups and committees
 - b. Develop advocacy strategy, plan and material for county and state efforts and implement the plan
 - c. Review and as appropriate amend directions to Poyner Spruill for federal advocacy; ensure funds are designated for the three-year Corps study (1.5 million total)
 - d. Support and participate in advocacy efforts at any level as appropriate
 - e. Greater involvement in coastal community advocacy
- 16 Ensure definition and implementation of new water rates for January 2022
- 16 Determine if paid parking is economically viable; if so, implement paid parking
- 15 Oversee progress on internal control plan for fiscal year 2021/2022 completion
- 14 Ensure adequate resources to undertake enforcement/compliance objectives decided by the Board (Increase enforcement of ordinances)
- 14 Request help from Brunswick County to establish an off-island parking and trolley/bus service to the beach 100 days or more a year
- 14 Purchase all or a portion of Holden Beach Pier
- 14 Maintain an up-to-date strategy to protect the beach and dune system and ensure adequate budget for implementation of plans, including soil sampling and plant modification where appropriate

Evergreens (mostly financial)

- 18 Balance the budget while preserving the minimum fund balance as defined by the Board; Balance the budget without raising taxes
- 18 Ensure the Town meets or exceeds annual financial budget goals
- 18 Work together for the good of Holden Beach
- 17 Raise revenues
- 17 Continue to support LWI access to ocean
- 16 Ensure the Town achieves an unmodified opinion rating on annual fiscal audit and addresses noted deficiencies
- 16 Ensure qualified resources are available to perform audit and accounting procedures to ensure there are no material deficiencies noted in the annual fiscal audit
- 14 Ensure an updated capital project budget sheet is included in final budget documents

**TOWN OF HOLDEN BEACH
ORDINANCE 21-22
AN ORDINANCE DELETING HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 35: INLET &
BEACH PROTECTION BOARD**

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Chapter 35: Inlet & Beach Protection Board be amended as follows.

Section One: Delete Chapter 35: Inlet & Beach Protection Board in its entirety from the Holden Beach Code of Ordinance.

Section

- ~~35.01 Creation, name and number of members~~
- ~~35.02 Powers and duties~~
- ~~35.03 Appointment, terms~~
- ~~35.04 Meetings~~
- ~~35.05 Attendance~~
- ~~35.06 Officers; Legal counsel~~
- ~~35.07 Officers' Duties~~

~~**§ 35.01 CREATION, NAME AND NUMBER OF MEMBERS.**~~

~~There is hereby created an Inlet and Beach Protection Board comprised of five property owners or residents of the Town of Holden Beach.~~

~~**§ 35.02 POWERS AND DUTIES.**~~

~~The Inlet and Beach Protection Board shall:~~

- ~~(A) Serve as an advisory board for the town;~~
- ~~(B) Prepare and recommend to the Board of Commissioners, a comprehensive long-term plan for the Town's role, if any, in the management, dredging and protection of the Lockwood Folly and Shallotte Inlets, including their respective navigational channels, and the management, protection and nourishment of the town's ocean beaches and protective dune systems~~
- ~~(C) Evaluate the feasibility and cost and benefits of proposed dredging projects (excluding canal dredging), beach and/or dune nourishment projects and protective structure projects (excluding canal dredging) to the town and to property owners within the town as a whole, and make recommendations to the Board of Commissioners with respect to such projects;~~
- ~~(D) With the assistance of the Attorney assigned to support the Inlet and Beach Protection Board, make recommendations to the Board of Commissioners for amendments or~~

modifications to the town's ordinances with respect to the "frontal dune" and "protective dune system";

~~(E) With the assistance of the Attorney assigned to support the Inlet and Beach Protection Board, make recommendations to the Board of Commissioners for modifications to the town's ordinances with respect to public and private beach access walkways which promote protection and growth of the town's protective dune systems;~~

~~(F) Serve as a link between the Board of Commissioners, Town Manager and the community on the above described areas;~~

~~(G) Perform such other duties within or related to the general purview of the Inlet and Beach Protection Board which may assigned to it from time to time by the Board of Commissioners.~~

35.03 APPOINTMENT, TERMS.

~~Each member of the Inlet and Beach Protection Board shall be appointed by the Board of Commissioners for staggered terms of three years. Initial appointments shall be as follows: 1. Two members appointed for a two year term; 2. Three members appointed for a three year term. Initial appointments shall be made promptly after the effective date hereof, and, thereafter, appointments shall normally be made as of July 1 of each year, provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. No member shall serve for more than two consecutive terms, and a member having served two consecutive terms shall not be eligible for reappointment until after remaining off the Board for one year. For this purpose, a member appointed to fill a vacancy for more than one half of a term shall be considered as having served a full term. Each member of the Board shall serve at the pleasure of the Board of Commissioners.~~

§ 35.04 MEETINGS.

~~———— The Inlet and Beach Protection Board shall meet at least once monthly, unless there is no business to transact. The Inlet and Beach Protection Board shall comply with provisions of the North Carolina Open Meetings Law, G.S. §§ 143-318.9 et seq. A quorum shall be in attendance before any action of an official nature can be taken. A quorum shall exist when three members of Board are in attendance.~~

§ 35.05 ATTENDANCE.

~~———— An appointed member of the Inlet and Beach Protection Board who misses three or more consecutive regular meetings or four meetings within a 12 month period loses their status as a member. Request for excused absences due to sickness, death or emergencies of like nature shall be approved by the Board of Commissioners as approved absences and shall not affect membership, except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.~~

~~§ 35.06 OFFICERS; LEGAL COUNSEL.~~

~~—(A) There shall be a Chair and a Vice Chair of the Inlet and Beach Protection Board. Upon the initial appointment of members and annually thereafter in July, the Inlet and Beach Protection Board shall elect a Chairperson and Vice Chairperson from among the regular members appointed by the Board of Commissioners for terms of one year. Vacancies of the Chair and Vice Chair created by termination shall be elected from its membership at its earliest convenience. The Town Manager or his or her designee shall serve as the Clerk to the Inlet and Beach Protection Board. The Clerk shall not be a member of the Board.~~

~~—(B) The Board of Commissioners may designate and engage legal counsel, who may be the Town Attorney or other environmental legal counsel otherwise engaged to advise the Inlet and Beach Protection Board, as needed.~~

~~§35.07 OFFICERS' DUTIES.~~

~~(A) The Chair of the Inlet and Beach Protection Board shall preside at all meeting and shall appoint all committees.~~

~~(B) 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.~~

~~(C) The Clerk shall provide all members copies of the agendas, official reports and the official minutes of the regular meetings and special meetings, prior to the next scheduled meeting.~~

~~(D) The Chair of the Inlet and Beach Protection Board shall submit a report in writing of any suggestions, plans, recommendations, and the like to the Town Clerk following each meeting of the Inlet and Beach Protection Board for inclusion in the following month's Board of Commissioners agenda packets.~~

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

Section Three: This ordinance shall be effective the 21st day of July, 2021.

This the 20th day of July, 2021.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

ORDINANCE 21-23
ORDINANCE AMENDING HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 34: PARKS & RECREATION ADVISORY BOARD

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Chapter 34: Parks and Recreation Advisory Board be amended as follows.

Section One: Amend § 34.02 to read as follows (change in red).

§ 34.02 Powers and duties.

The Parks and Recreation Advisory Board shall:

- (1) Serve as an advisory board for the Recreation Department and the town.
- (2) Advise the Board of Commissioners and Town Manager regarding the operations, maintenance, improvement, development and acquisition of Town public spaces.
- (3) Suggest policies and make recommendations concerning recreation programs, plans and facilities to the Board of Commissioners and the Town Manager.
- (4) Serve as a link between the Board of Commissioners, Town Manager and the community on leisure services matters.
- (5) Consult with and advise the Board of Commissioners and Town Manager in matters affecting recreation policies, programs, finances and the acquisition and disposal of lands and properties related to the total community recreation program and to its long-range projected program for recreation.
- (6) Make recommendations to the Board of Commissioners for modifications to the town's ordinances with respect to public and private beach access walkways which promote protection and growth of the town's protective dune systems.
- (7) Make recommendations to the Board of Commissioners regarding dune health and protection.

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

Section Three: This ordinance shall be effective the 21st day of July, 2021.

This the 20th day of July, 2021.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Date: July 12, 2021

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk HF

Re: Membership of Boards

Interviews for people interested in serving on various Town boards are scheduled for July 20th at 4:45 p.m. Below is a breakdown of the vacancies on each board.

Parks & Recreation Advisory Board: There are three vacancies. Also, Suzannah Tucker's term is expiring, however she is eligible and willing to serve another term.

Planning & Zoning Board: There are three regular member terms and one alternate member term expiring. Regular member Tracey Thomas is eligible and willing to serve another term. Alternate member Pete Pallas is also eligible and willing to serve another term. He can be moved to a regular member position if the Board desires. The other two members are not eligible to serve another term. There is also a vacant alternate position that needs to be filled.

Board of Adjustment: One regular member term is expiring. They are not eligible to serve another term. There are also two alternate member vacancies.

As of agenda time, I do not have enough applications to fill all of the vacant positions. The Board may need to revisit the remaining vacancies at a future meeting. Ballots will be supplied at the meeting if the Board desires to vote by ballot.

Parks & Recreation Advisory Board

Parks & Recreation Advisory Board		Term	Term Expires
Vacant	Becky Willis' Position		2023
Vacant	Karen Fleischhauer's Vacant Position		2023
Suzannah Tucker	Appointed to John Legge's Position 07/10/18	1st	2021
John McEntire	Appointed 07/18/17 Reappointed 07/21/20	2nd	2023
Vacant	Dolly Mitchell's Position		2023
Olivia Gomez	Appointed to Melanie Champion's Vacant Position 7/18/17 Reappointed 7/16/19	2nd	2022
Candace Vick	Appointed to Nick Payne's Position February 19, 2019 Reappointed 07/21/20	1st	2023

PLANNING AND ZONING		TERM EXPIRES	TERM
Vicki Myers	Appointed to Ralph Martin's Alternate Position on 8/12/14 Appointed to John Legge's Regular Position 07/14/15 Reappointed to Regular Position 7/19/16 Reappointed to Regular Position 7/16/19	7/1/2022	2nd
Bob Hunter	Appointed to Tiffany Hobb's Alternate Position Appointed to Brayton Willis' Regular Position 07/14/15 Reappointed to Regular Position 07/10/18	7/1/2021	2nd
Mark Fleischhauer	Appointed to Tony Marwitz's Regular Position 7/14/15 Reappointed to Regular Position 07/10/18	7/1/2021	2nd
Tracey Thomas	Appointed to Mike Sullivan's vacant Regular Position resigned December 2017 Reappointed Regular Member 7/10/18	7/1/2021	1st
Greg Shue	Tiffany Hobb's Vacant Alternate Position 8/16/2016 Appointed to Tiffany Hobb's Regular Position 7/18/17 Reappointed 07/21/20	7/2/2023	2nd
Peter Pallas	Appointed to Vicki Myer's Alternate Position 7/14/15 Reappointed 7/19/16 Reappointed 7/18/17 Reappointed 7/10/18 Reappointed 7/16/19 Reappointed 07/21/20	7/1/2021	
Vacant	Stu Atwell's Positon	7/1/2021	

BOARD OF ADJUSTMENT APPOINTMENT & EXPIRATION DATES

NAME	SUMMARY	TERM EXPIRES	Term
Richard Griffin	Appointed to Stephen Veenker's Regular Position 7/16/19	Jul-22	1st
John Kilian	John Kilians's Regular Member Position Vacant as a result of Resolution 15-10 Reinstated March 8, 2016 Reappointed to Regular Position 07/10/18	Jul-21	2nd
Anne Arnold	Anne Arnold's Alternate Member Position Vacant as a result of Resolution 15-10 Reinstated March 8, 2016 Reappointed Alternate Member 07/18/17 Appointed to Larry Reinhart's vacant Regular Member position on August 20, 2019 Reappointed Regular Member July 21, 2020	Jul-23	1st
MaryLou Lahren	Appointed to Cheryl Dellinger's vacant Alternate Position 10/15/19 Appointed to Ben Baker's Regular Position July 21, 2020	Jul-23	1st
Phil Caldwell	Appointed to Anne Arnold's vacant Alternate Position 10/15/19 Appointed to Larry Blume's Vacant Postion July 21, 2020	Jul-23	1st
Jack Lohman	Appointed to Dennis Harrington's Alternate Position 07/18/17 Reappointed Alternate Position 07/21/20	Jul-23	2nd
Vacant	MaryLou's Altnerate Position	23-Jul	
Vacant	Phil Caldwell's Vacant Position	23-Jul	



TOWN OF HOLDEN BEACH

Application for Town Board Membership

Personal Information:

Name: Grace BANNERMAN

Address: 136 Tarpon H. Beach Phone #: 828-230-5098

Email: gcbannerman@gmail.com Occupation: Retired

Interest & Ability:

Board or Committee you are interested in serving on: Recreation

Why are you interested in serving in this capacity? -

What do you feel you can contribute to the position? former Rec board member in
Transylvania Co. N.C. & Retired Physical
Education teacher

Background:

School(s)	Dates	Area of Study	Degree
<u>Western Carolina Univ.</u>	<u>1968-74</u>	<u>Physical Ed.</u>	<u>BS/Ed Masters/PE</u>

Previous Residences:
81 Spruce Pine Lane, Pisgah Forest, NC
Jordan Rd. Greboro, NC

Prior/ current involvement in Town Government or related activities:
Rec. Board Member

Specific experiences, training or interests you have that you feel would be useful in the work of the Board/ Committee: 34 yrs Physical Education teacher
Summer Camp work

Certification of Eligibility:

I am a resident of the Town of Holden Beach.

No person shall be appointed by the BOC or pursuant to any authority delegated by the BOC who is a member of the BOC; the Town Manager, Town Attorney, Town Clerk, Police Chief or any full or part-time employee of the Town who reports to any of the foregoing; a contractor, consultant or other person providing goods or services to the Town in consideration of cash or other thing valued at more than \$1,000 in any one year or an officer or material owner thereof; or the spouse, domestic partner, child, parent or sibling of any of the foregoing. I am not in conflict with this regulation.

Signature of Applicant: Grace C Bannerman Date: 4-4-2021



TOWN OF HOLDEN BEACH
Application for Town Board Membership

Personal Information:

Name: Melanie H Champion
Address: 126 Tarpon Drive Phone #: 910 432 2046 (cell)
Email: Champsortk@att.net Occupation: Retired school teacher

Interest & Ability:

Board or Committee you are interested in serving on: PARKS AND RECREATION

Why are you interested in serving in this capacity? was previously on the Board - have lived here for 24 years and taught and coached for 25 years in Physical Education
What do you feel you can contribute to the position? AND RECREATION FIELD
know the dynamics of our island and its residents and its visitors and think I can help address our needs and concerns.

Background:

School(s)	Dates	Area of Study	Degree
<u>William Peace University</u>	<u>1979-1981</u>	<u>General College</u>	<u>'</u>
<u>Appalachian State University</u>	<u>1981-1985</u>	<u>Physical Education</u> <u>minor in Psychology</u> <u>and Science</u>	<u>BA and Masters</u>

Previous Residences:
120 Lumberton Drive
126 Tarpon Drive

Prior/ current involvement in Town Government or related activities: Parks and Recreation Advisory Committee
Parks and Recreation Board / Volunteer - Races / Special Events

Specific experiences, training or interests you have that you feel would be useful in the work of the Board/ Committee:

National Physical Education Teacher of the Year 2001
Grant Writer
Worked for Sportime Equipment Company / Recreation Facility Equipment

Certification of Eligibility:

I am a resident of the Town of Holden Beach.

No person shall be appointed by the BOC or pursuant to any authority delegated by the BOC who is a member of the BOC; the Town Manager, Town Attorney, Town Clerk, Police Chief or any full or part-time employee of the Town who reports to any of the foregoing; a contractor, consultant or other person providing goods or services to the Town in consideration of cash or other thing valued at more than \$1,000 in any one year or an officer or material owner thereof; or the spouse, domestic partner, child, parent or sibling of any of the foregoing. I am not in conflict with this regulation.

Signature of Applicant: Melanie H Champion Date: 7/16/2001



TOWN OF HOLDEN BEACH
Application for Town Board Membership

Personal Information:

Name: Mark Francis

Address: 119 Brunswick Ave East Phone #: 704/996-5080

Email: markfrancis1959@gmail.com Occupation: Insurance Broker/Real Estate Investor

Interest & Ability:

Board or Committee you are interested in serving on: Parks & Recreation Advisory Board

Why are you interested in serving in this capacity? I own a house at Holden and a lot on which I plan to build a permanent residence in 2022. I'm an avid exercise enthusiast and have time to devote to helping.

What do you feel you can contribute to the position? With an interest in the quality of life on Holden Beach, and someone who makes use of our current parks & facilities I believe I could help our town's efforts.

Background:

School(s)	Dates	Area of Study	Degree
<u>Indiana State University</u>	<u>1979-1982</u>	<u>Insurance & Real Estate</u>	<u>BS Business</u>
<u>University of Texas - Arlington</u>	<u>1983-1984</u>	<u>Business - Finance</u>	<u>MBA</u>

Previous Residences: 8904 Boling Green Drive, Charlotte, NC 28277

Prior/ current involvement in Town Government or related activities: None

Specific experiences, training or interests you have that you feel would be useful in the work of the Board/ Committee: Avid exercise enthusiast, and enjoy having quality parks and play areas for residents & guests.

Certification of Eligibility:

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Signature of Applicant: Mark Francis Date: 7/12/2021

Would Consider P & Z - HF



TOWN OF HOLDEN BEACH
Application for Town Board Membership

Personal Information:

Name: Mike Pearson
Address: 116A Ferry Rd. Phone #: 336-416-4686
Email: mpear2@atmc.net Occupation: Retired

Interest & Ability:

Board or Committee you are interested in serving on: Parks and Rec

Why are you interested in serving in this capacity? Having served 3 yrs on IBPB, I want to continue my involvement in the town.

What do you feel you can contribute to the position? By actively attending all meetings and activities, providing thoughts and input on board items.

Background:

Table with 4 columns: School(s), Dates, Area of Study, Degree. Row 1: A.S.U., 1969-1973, Political Science, B.A.

Previous Residences: Winston-Salem, N.C. 35 yrs.

Prior/ current involvement in Town Government or related activities:

Member of Inlet Beach Protection Board

Specific experiences, training or interests you have that you feel would be useful in the work of the Board/ Committee:

Certification of Eligibility:

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Signature of Applicant: [Handwritten Signature] Date: 6/30/21



TOWN OF HOLDEN BEACH

Application for Town Board Membership

Personal Information:

Name: John Cain
Address: 123-A Cole Street #13 Phone #: 410-688-6433
Email: JHC131@gmail.com Occupation: Retired - Banker

Interest & Ability:

Board or Committee you are interested in serving on: Planning and zoning

Why are you interested in serving in this capacity? As a FT resident interested in the future of Holden Beach.

What do you feel you can contribute to the position? Previous experience as a banker working with clients in the real estate business provides an insight to the push and pull of County needs and industry needs.

Background:

School(s)	Dates	Area of Study	Degree
<u>VA Tech</u>	<u>1979</u>	<u>Finance</u>	<u>BS</u>

Previous Residences:

Prior/ current involvement in Town Government or related activities: see attached.

Specific experiences, training or interests you have that you feel would be useful in the work of the Board/ Committee: Previously served on County zoning, land preservation and budgeting committees. All in Maryland.

Certification of Eligibility:

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Signature of Applicant: John Cain Date: 7-12-2021

Rebuilding Together of Harford County (Non-profit that assists qualified homeowners with repairs)
- Founding board member and President.

Home Partnership (Facilitator of home ownership for low/moderate income families) - Board member and past President.

United Way of Harford County Maryland - County Chair of Annual Campaign.

Piedmont Craftsmen, Inc. (Non-profit guild based organization promoting fine crafts and educational outreach in the Winston-Salem area) - current board member.

Harford County Maryland Spending and Affordability Committee - Committee comprised of County employees and citizens that provided significant input into the County Executive's budget. Served 14 years.

PROFESSIONAL EXPERIENCE

BB&T, Winston Salem, NC

2014 – 2019

Wealth Lending Officer, 2014 – 2019

Identified, expanded, developed, managed, serviced and solicited affluent client relationships in assigned market in concert with all Wealth Advisor teams. Served as credit strategist assisting Wealth Advisors with all aspects of Wealth credit process.

Market President, 2003 – 2014

Oversaw the coordination and promotion of BB&T's image within the community. Managed and optimized all commercial banking functions within defined market area. Served as primary sales manager and relationship manager for assigned market.

EDUCATION / PROFESSIONAL DEVELOPMENT

Bachelor of Arts - Finance

Virginia Polytechnic Institute and State University, Blacksburg, VA

Faith Based Non-Profit Management

Wake Forest University School of School of Divinity, Winston Salem, NC (audited course)

John H Cain
Holden Beach, NC
www.linkedin.com/in/johnhcain

(410) 688-6433

jhc131@gmail.com

DEVELOPMENT AND PHILANTHROPIC PROFESSIONAL

Knowledgeable Banking Professional with extensive experience in non-profit fundraising, with a terrific work ethic, and an engaging personality that draws in teammates and clients alike. Adept at recommending well thought out process improvement suggestions and solutions. Consummate team player and independent thinker who embraces change and demonstrates exceptional client service skills and donor relationship building skills. Expertise includes:

- | Development | Community Relations | Leadership |
|---|--|--|
| <ul style="list-style-type: none"> ● Relationship Builder ● Strategic Planning ● Fundraising ● Problem Solving Skills | <ul style="list-style-type: none"> ● Interpersonal Skills ● Public Speaking ● Team Building ● Public Relations | <ul style="list-style-type: none"> ● Board Management ● Operations ● Financial Controls ● Project Management |

PROVEN ABILITIES AND RESULTS

- Demonstrated success in fundraising, community relations and creation of strong partnerships.
- Adept at managing all aspects of projects from conceptualization to to a successful execution.
- Dedicated professional offering exceptional written, verbal and interpersonal communication skills with a proven ability to lead and interact well with individuals of all ages and cultural/economic backgrounds.
- Continuous learning by using relationship building skills to engage with team members and community members to learn about and learn from.

NON-PROFIT EXPERIENCE

Upper Chesapeake Health System (Northern Maryland Non-profit community hospital system) – Operating System Board member and Foundation board member – 20+ years, 6 years as Foundation Board Vice Chairperson. Participated at a leadership level in 4 capital campaigns, serving as co-chair of two capital campaigns raising over \$35 million in aggregate.

Harford Day School (Northern Maryland K-8 independent private school) – Served 10 years on board. Finance committee member and served on capital campaign leadership committee to expand school's physical campus.

Ladew Gardens (Historic home and garden in Baltimore, Maryland) – Member Board of Trustees; Chair – Finance Committee; Member – Manor Race Fundraising Committee.



TOWN OF HOLDEN BEACH

Application for Town Board Membership

Personal Information:

Name: WADE Coleman

Address: 279 OBW Phone #: _____

Email: wcoleman@ATMC.net Occupation: General Contractor/Developer

Interest & Ability:

Board or Committee you are interested in serving on: PLANNING Board

Why are you interested in serving in this capacity?

want to serve community

What do you feel you can contribute to the position?

VAST Experience; Knowledge

Background:

School(s)	Dates	Area of Study	Degree
<u>Clewiston High School</u>	<u>1967</u>	_____	_____
<u>West Brunswick</u>	_____	_____	_____

Previous Residences:

St. Heloise

Prior/ current involvement in Town Government or related activities:

worked for local town

Specific experiences, training or interests you have that you feel would be useful in the work of the Board/ Committee:

Developer familiar with Town Rules; Resident

Certification of Eligibility:

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Signature of Applicant: Wade Coleman Date: 6/30/21



TOWN OF HOLDEN BEACH
Application for Town Board Membership

Personal Information:

Name: Anne Freeman

Address: 151 Ocean Blvd East Phone #: (860) 201-3061

Email: coachannefreeman@gmail.com Occupation: Self employed

Interest & Ability:

Board or Committee you are interested in serving on: Planning and Zoning Alternate

Why are you interested in serving in this capacity?

see attached

What do you feel you can contribute to the position?

see attached

Background:

School(s)	Dates	Area of Study	Degree
<u>See attached</u>	_____	_____	_____
_____	_____	_____	_____

Previous Residences:

see attached

Prior/current involvement in Town Government or related activities:

see attached

Specific experiences, training or interests you have that you feel would be useful in the work of the Board/Committee:

see attached

Certification of Eligibility:

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Signature of Applicant: [Signature]

Date: 7/15/2021

Interest & Ability:

My interest in serving in this capacity is to get involved in this community, to be a part of preserving and enhancing the integrity of Holden Beach.

What I can contribute to this position is experience in renovating six of our own homes including the house we live in on Holden Beach. I've gone through and learned process of permitting and adhering to the town codes and regulations.

I obtained my Real Estate License in North Carolina in 2018 and am familiar with Holden Beach housing and all the various aspects of wind and water impact.

Background

Schools

University of Montana	1979-1982	Transferred to CT
School of Hard Knocks	1983-1999	Raised a family/divorce
Certified Personal Chef	1999	U.S. personal Chef Assoc
University of Connecticut	2007	BS General Studies
Certified Retreat Coach	2015	Retreat Coach Mastery School
Real Estate School	2018	Century 21, Wilmington NC

Previous Residences

South Dakota, Wyoming, Vermont, Connecticut

Prior/current involvement in Town Government/related activities

Litchfield County Women's Network Board Member- Events Coordinator
2003-2005

Specific experiences, training or interests that would be beneficial to the board committee

I am an entrepreneur, setting up two businesses and being self employed since 1999.

I own, have renovated, and operate my rental business on Holden Beach



TOWN OF HOLDEN BEACH Application for Town Board Membership

Personal Information:

Name: Richard Roberts
Address: 329 Serenity Lane Phone #: 908 577-2850
Email: richard_roberts14@verizon.net Occupation: Retired

Interest & Ability:

Board or Committee you are interested in serving on: Board of Adjustment or Planning Zone

Why are you interested in serving in this capacity? Keeping Holden Beach relevant through community involvement.

What do you feel you can contribute to the position?

Experience; education; outside perspective

Background:

School(s)	Dates	Area of Study	Degree
<u>Westminster College</u>	<u>1980-1984</u>	<u>Business Admin/Econ.</u>	<u>BS</u>
<u>Kean University</u>	<u>1990-1993</u>	<u>Mgmt. Info Sys</u>	<u>MS</u>

Previous Residences: Sandy Utah; Summit New Jersey

Prior/ current involvement in Town Government or related activities: see attached

Specific experiences, training or interests you have that you feel would be useful in the work of the Board/ Committee: see attached

Certification of Eligibility:

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Signature of Applicant: Richard Roberts Date: 7/2/2021

Resume

Richard Roberts

329 Serenity Lane Holden Beach, NC

Professional:

1966 – 1967 US Army 15th Field Artillery, Fort Sill Oklahoma

1967 – 1997 AT&T Operation and Product Management, Basking Ridge NJ

1997 – 2019 R. Roberts & Assoc. Consulting Sarbanes Oxley compliance testing,
Summit NJ

2002 – 2021 Building Manager Tiger Baron Foundation LLC, Summit NJ

Related Activities:

1990 – 1997 Member Board of Trustees Clearwater Swim and Tennis Club

1997 – 2010 Member Board of Trustees Stoney Hill Players Community Theater

Participant (as the building manager) in a successful two year project to obtain a use variance for a church building located in an R5 zone to be used as a multi-tenant community outreach center owned and operated by a philanthropic foundation.



Date: July 12, 2021
To: Commissioners and Mayor Holden
From: Heather Finnell, Town Clerk HF
Re: Parking Management Services Proposals

Parking Management Services Proposals were due to the Town on July 5th. Four companies submitted proposals: Premium Parking, Pivot Parking, Lanier Parking and Otto Connect.

Staff is requesting direction on how the Board would like to proceed.

Rick Smith, Pat Kwiatkowski

Request for Golf Cart Infraction Details

Date of BOC Meeting When Request was Made: July 20, 2021

Issue and Action Requested: Golf cart parking and moving vehicle violations have become highly visible with the increasing number of golf carts being used by renters and property owners. In order to judge whether the Town's increased communication and police department efforts are improving golf cart "safety" and compliance, the Board needs to see golf cart infraction details.

Background and Potential Implications: Golf cart safety has become a major concern of many of our residents-we see frequent cases of underage drivers, unsafe driving, seat belts not used, babies in laps, and illegal parking. One of the justifications for increasing the THB police force last year was to be able to better enforce traffic and parking rules, with golf carts acknowledged as a particular problem. It is hoped that police warnings and, when necessary, ticketing early in the rental week leads to reduced infractions as the week progresses.

Without detailed golf cart infraction data neither the BOC or Town Staff can judge whether ongoing Town communication efforts and Police Department focused activities are reducing unsafe practices and illegal parking of golf carts. The BOC needs a report specific to golf carts that provides for all warnings and tickets. Below is a suggested list of information that would help Town Staff, the Board and our residents measure improvements and determine whether changes in education and/or enforcement activities would be appropriate.

Violation description

Parking

Underage driver

Seat belt infraction

Child seat infraction

Unsafe driving

Unlicensed vehicle

Warning or ticket

Date and day of week

Time of day

Location on island

A summary of findings would be presented at our monthly BOCMs, suggested to start in August.



Town of Holden Beach Board of Commissioner Directives for Town Manager/Attorney Action

1. **Date of BOC Meeting** July 20, 2021
2. **Agenda Item #** 20
3. **Issue:** I would like to ask the rest of the BOC to support my request to ask the Town Attorney to research a proposal at the July 20th BOC meeting. The issue is registration of golf carts, owned or rented, that are operated on the streets in the town of Holden Beach.
4. **Request to:** Attorney
5. **Motion:**
6. **Action Requested:** I would like to ask the Town Attorney if it is legal to require the golf cart rental companies to purchase a Holden Beach yearly permit/sticker and require them to complete a safety/state compliance inspection before each rental and have a rules and regulation form the renters must sign off on when they receive the rental cart.
 Also require Holden Beach residents and property owners to purchase a permanent permit/sticker and allow them to self-inspect their golf carts for safety and state requirements and sign off on the state and Holden Beach rules and regulations.
 My concern is for the safety of the people, especially the kids, that operate and ride on the golf carts at Holden Beach. We do not want anybody injured or worse.
7. **Vote Tally:**
8. **Proposed Deadline:**



Date: July 13, 2021
To: Commissioners and Mayor Holden
From: David W. Hewett, Town Manager *DH*
Re: Wholesale Bulk Water Service Agreement

Attached is the Wholesale Bulk Water Service Agreement between the Town and Brunswick County. The proposed effective date is September 1, 2021, in order to allow time for both boards to consider the agreement.

Staff recommends approval of the agreement.

WHOLESALE BULK WATER SERVICE AGREEMENT
(EXCLUSIVE WITH MINIMUM PURCHASES)

THIS WHOLESALE BULK WATER SERVICE AGREEMENT, (this "Agreement") dated as of the 1st day of September, 2021, by and between the COUNTY OF BRUNSWICK, a political subdivision of the State of North Carolina (the "County"), and the TOWN OF HOLDEN BEACH, a municipal corporation organized under the laws of the State of North Carolina (the "Town") is made pursuant to North Carolina General Statutes, Article 20, Part 1 of Chapter 160A; Article 16, Part 1 of Chapter 160A; and Article 15 of Chapter 153A, and in consideration of the promises made to one another in this Agreement, as follows:

WHEREAS, City desires to obtain an adequate and dependable water supply from the County; and

WHEREAS, County owns and operates a water system with a capacity currently capable of serving the present customers of the County's system and the estimated number of water users to be served by the Town; and

WHEREAS, Town acknowledges and understands that this Agreement establishes a minimum amount of treated water that the Town is obligated to pay for; and

WHEREAS, Town acknowledges and understands that County determines the rates to be paid by the Town; and

WHEREAS, Town is voluntarily entering into this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the County agrees to furnish water, and Town agrees to pay for water, upon the terms and conditions and for the consideration hereinafter set forth, to wit:

SECTION 1
DEFINITION OF TERMS

1.1 Definitions. The following terms and expressions as used in this Agreement, unless the context clearly shows otherwise, shall have the following meanings:

(a) "Monthly Minimum Usage" means the minimum amount of treated water Town must compensate the County for during the Monthly Payment Period, and each month thereafter, regardless of whether Customer actually takes such quantity of water.

(b) "Monthly Payment" means the amount of money to be paid to the County by Town during each Monthly Payment Period.

(c) "Monthly Payment Period" means any calendar month.

(d) "Agreement Date" means the effective date of this Agreement set forth on the first page hereof.

(e) "Customer" means any customer with which the County contracts with to furnish water.

(f) "Daily Average" means the total annual volume delivered to the Town divided by the number of days in the calendar year, provided at the Point(s) of Delivery.

(g) "Emergency Condition" means a condition that threatens the public health, safety, or welfare.

(h) "Town's Peaking Factor" means the annual peak day demand of the Town as determined from the total water volume going through all of the Town's Point(s) of Delivery during the peak day divided by annual average daily demand.

(i) "Point of Delivery" means the metering point(s) between the provision of service by the County to Town, all facilities upstream of which shall be the sole responsibility of the County, and all facilities downstream of which shall be the sole responsibility of the Town. There may be multiple Point of Delivery locations for the Town. The meter, meter vault, associated check valves, and valves are the property of the County.

(j) "System" means, collectively, the water storage, treatment, transmission, distribution, and supply components comprising an entity's potable water infrastructure.

SECTION 2
WATER SERVICE

2.1 Minimum Take-or-Pay Quantity. The County agrees to sell to the Town at the Point(s) of Delivery defined hereafter, and Town agrees to purchase and take at said Point(s) of Delivery, treated water provided at a rate no greater than the Maximum Instantaneous Demand and pressure stated herein. Town agrees to pay the monthly Minimum Usage Charge as indicated on the County’s published rate and fee sheet (with payment required whether or not the actual amount is taken) as consideration for the provision of treated water.

2.2 Minimum meter size. The minimum meter size for new or replacement meters shall be 8”. No meter shall be downsized without mutual agreement from both parties.

2.3 Maximum Instantaneous Demand. The maximum instantaneous demand through any single meter of Town during the term of this Agreement shall not exceed either the maximum instantaneous demand capacity of the meter according to the manufacturer’s meter specifications or the following standard maximum instantaneous demands based on meter size, whichever is less:

<u>Meter Size</u>	<u>Rate</u>
6”	900 gpm
8”	1700 gpm
10”	2200 gpm
12”	3100 gpm

County shall not be obligated to supply water at a rate in excess of the maximum instantaneous demand specified herein. In the event that a meter registers in excess of the maximum instantaneous demand rate three or more times in any thirty-day period, the County shall have the right to install a larger size meter and appurtenances at the Town’s expense. The Town shall be obligated to pay monthly fees based on the new meter size in accordance with the County’s standard rate and fee sheet.

2.4 Daily Demand. In order to provide for the public health and welfare, the County will use its best efforts to develop additional treatment capacity for all customers of the water system as needed to meet the water treatment needs of all customers and will use sound financial planning to provide funds through rates, user fees, and related charges to provide the requisite facilities to meet such needs. The daily supply available to each customer is subject to limitations upon the County’s ability to meet such demands caused by (a) the amount of raw water available to the

County through its wells and from its allocated capacity in the Lower Cape Fear Water & Sewer Authority raw water system, (b) the amount of water available from the Cape Fear River as part of the regulatory-determined "safe yield" or actually available during drought conditions, (c) the obligations of the County pursuant to Water Service Agreements to deliver treated water to other customers, (d) the capacity of the water system, (e) completion of any improvements the County elects to make to enable it to provide additional treated water to its Customers. Upon request by the County, Town shall provide a map detailing areas supplied or to be supplied by the Town as well as updated, estimated peak day demands and annual water system demands for the current year and the next four years at a minimum.

2.5 Quality. The County agrees to furnish the Town, at the Point of Delivery specified herein, potable treated water meeting applicable quality standards of the North Carolina Department of Environmental Quality, Division of Water Resources. It is acknowledged by both parties that currently the County primarily uses chloramines as a residual disinfectant but must change to free chlorine for some period each year and this may result in changes in taste and odor. The County will provide advance notification of these changes to the Town. The Town acknowledges that the water quality and responsibility for flushing downstream of the Point(s) of Delivery is the Town's responsibility.

2.6 Point(s) of Delivery. The Points of Delivery for the Town are located at: 127 Jordan Blvd. under the Holden Beach bridge (8" meter) and the end of Seagull Dr. (8" two-way meter). Town agrees to contract with the County for storage capacity or construct adequate water storage so that the maximum rate of delivery will not exceed the maximum instantaneous demand stated herein and so that the Town's Peaking Factor does not exceed 3.0 (annual peak day demand divided by annual average daily demand).

New points of delivery providing water service to locations within the jurisdiction of the Town may be approved by the County. Town agrees to furnish the site at the Point of Delivery. Town shall design and construct a separate vault for the new Point of Delivery in accordance with County specifications and details. The County will review and approve the design prior to construction. The vault will include the billing meter, control valve, isolation valves, various appurtenances, and appropriate SCADA equipment. The Town shall bear all costs associated with such installation and shall deed and dedicate the facilities to the County upon completion and acceptance by the County.

2.7 Water Pressure. County shall furnish water at operating pressures as required by the North Carolina Department of Environmental Quality, Division of Water Resources at the Point(s) of Delivery. If Town requires a greater pressure than that which meets the regulatory requirements, then Town shall bear the cost of

providing such greater pressure. Emergency failures of pressure or supply due to line breaks, power failure, flood, fire and use of water to fight fire, earthquake, hurricane, unavailability or contamination of raw water, or other catastrophe shall excuse County from this provision for such reasonable period of time as may be necessary to effectuate repairs and restore service.

2.8 Meter Reading. The County shall provide a meter reading at or near the end of each calendar month that may be used in conjunction with the previous reading to approximate the flow through the meter during the calendar month. The Town shall have access to the meter for reading purposes only, but all adjustments and maintenance shall be performed by the County.

2.9 Testing of meters. The County may, at any point, and the Town may request in writing not more than once in any twelve (12) month time period, the County to test or return the meter to the manufacturer for assessment. If upon any test, the percentage of inaccuracy of any billing meter equipment is found to be in excess of three percent (3%), registration thereof shall be corrected for a period extending back to the time when such inaccuracy began, if such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half (1/2) of the time elapsed since the last date of calibration, but in no event further back than a period of twelve (12) months. If for any reason any billing meters are out of repair so that the amount of water delivered cannot be ascertained or computed from the reading thereof, the water delivered through the period such billing meters are out of service or out of repair shall be estimated upon the basis of the best data available. Otherwise, the amount of water delivered during such period may be estimated (i) by correcting the error if the percentage of the error is ascertainable by calibration tests or mathematical calculation, or (ii) estimating the quantity of delivery by deliveries during the preceding periods under similar conditions when the billing meter or meters were registering accurately. The cost of meter testing or assessment performed at the request of the Town shall be borne by the County if the meter is found to be reading in excess of 103% of actual flow amounts through the meter; otherwise these costs shall be paid by the Town.

2.10 County as Exclusive Water Provider. The Town shall not acquire or produce water from any source other than the County; provided however, the Town may at all times without the County's consent obtain treated water from, and maintain, repair and replace treated water systems in existence and owned and operated by the Town at the time the Town first purchased water from the County. Increasing the capacity of these systems is allowed only with written authorization from the County.

2.11 Temporary Interruptions. The County may at any time shut off water due to accident, emergency, for the purpose of making connections, alterations, repairs, and changes to the water system. The County will use its best efforts to give notice in advance of water service interruptions when such interruptions can be reasonably expected. It is the obligation of the Town to protect Town's facilities so that damage will not occur if water is shut off without notice.

2.12 Curtailment. It is recognized by both parties that curtailment measures may have to be implemented to meet an emergency condition. If the County reduces the amount of treated water available to its customers, it will reduce the supply available to each user in accordance with the latest approved Water Shortage Response Plan. The Town agrees to approve and enforce the County's Water Shortage Response Plan and Water Ordinance, or similar Plan and Ordinance no less stringent, for its own ratepayers.

2.13 County Facilities. In the event that the Town annexes or otherwise expands their boundaries into areas served by County facilities, Town acknowledges the County's right to provide service within these areas.

SECTION 3 **PAYMENT AND BILLING**

3.1 Rates and Fees. Rates and fees are determined using the cost of service principles as described in manual M-1 by the American Water Works Association (AWWA), as they may be amended from time to time. The County shall review and amend its rates and fees on an annual basis and shall publish these prior to July 1st of each year. Town agrees to pay applicable wholesale rates, fees, and charges assessed by the County as indicated on the approved Rate and Fee schedule. Current wholesale rates, which are subject to change, include a Base Service Charge, Minimum Usage Charge, and a volumetric rate per 1000 gallons used.

3.2 Billing. On a monthly basis, County shall bill Town for water service provided through each bulk meter. The bills shall be payable within 30 days of the date of the invoice.

3.3 Maximum Daily Demand. It is recognized by the County and the Town that the Town's Water Service Agreement constitutes an essential part of the County's financing plan and Capital Improvement Plan. The Town shall make payment each month throughout the term of this Agreement in accordance with the County's published rates and fees. The size and number of meters (Points of Delivery) impact the revenue available for expansion, operation, and maintenance of the system and may not be altered without the County's consent.

3.4 Limitation on Resale. After the date of this Agreement, unless required to do otherwise by an applicable regulatory authority or a court of competent jurisdiction, Town shall not enter into, renew, or amend with regard to volume of water to be supplied, any agreement to provide wholesale or new retail water for use outside its corporate boundaries unless each such agreement is approved by the County. The Town may continue to provide water service to locations that it currently serves outside of its corporate boundaries as of the date of this agreement. Town shall not become a party to any contract for the sale of water to another water provider ("water-wheeling"). The County will use its best efforts to furnish and remain in a position to furnish water sufficient for all reasonable treated water requirements of Town, but its obligation shall be limited to the amount of treated water available to it from the System during routine operation.

SECTION 4

TERM, TERMINATION, AND RENEWAL OF AGREEMENT

4.1 This Water Service Agreement shall be in full force and effect for a period ending June 30, 2061. Following the term, this Agreement shall automatically renew for one (1) year terms unless a party gives notice to the other party of non-renewal not less than one hundred eighty (180) days prior to expiration of the then-current term.

4.2 This Agreement may otherwise be terminated only by mutual agreement of the parties. A mutually agreeable termination of this Agreement will be on such terms as the parties may agree at the time in question. Each party hereto reserves to itself all legal rights and remedies available at law or in equity in the event of any other breach of this Agreement by the other.

4.3 This Agreement may be renewed or amended by mutual agreement of the parties, adopted with the same formality as the original.

SECTION 5

REPRESENTATIONS AND COVENANTS

5.1 Each party to this Agreement represents to the other party each of the following as of the effective date of this Agreement, and covenants with the other party that each such representation will remain true and correct:

5.1.1 It has full power and authority to enter into this Agreement, and to enter into and carry out the transactions contemplated by this Agreement.

5.1.2 It has by proper action authorized the execution and delivery of this Agreement and is not in default under any provisions of this Agreement.

5.1.3 The execution, delivery, and performance of this Agreement does not violate or conflict with or require any consent or waiver under any of the terms or conditions in its governing documents or any material Agreement to which it is a party or by which any of its assets are bound or affected, or any law, rule, regulation, order, writ, judgment, decree or other legal or regulatory determination applicable to it.

5.1.4 This Agreement constitutes a legal, valid and binding obligation enforceable at law and in equity in accordance with its terms and, to the extent that certain remedies under this Agreement require or may require enforcement by a court, such principles of equity as the court having jurisdiction may impose.

5.1.5 It will comply with all applicable federal, state and local laws with respect to any activities conducted under or pursuant to this Agreement.

5.1.6 No elected or appointed official or employee has any interest (financial, employment, or other) in the transactions contemplated by this Agreement.

5.1.7 It will take no act (or engage in any failure to act) that will prevent, delay, obstruct, frustrate, or otherwise impair or undermine the activities conducted under or pursuant to this Agreement, except as may be necessary to enforce this Agreement or ensure compliance with applicable laws, regulations, and ordinances.

SECTION 6

MISCELLANEOUS PROVISIONS

6.1 Exhibits. All exhibits, if any, referenced in this Agreement are incorporated herein by reference as integral parts of this Agreement.

6.2 Amendment to Agreement. This Agreement may be modified or amended only by written amendments that are approved and signed on behalf of both Parties in the same manner as original adoption.

6.3 No assignment without consent. Neither party shall assign this Agreement (or assign any right or delegate any obligation contained herein whether such assignment is of service, of payment or otherwise) without the prior written consent of the other party hereto. Any such assignment without the prior written

consent of the other party hereto shall be void. An assignee shall acquire no rights, and County shall not recognize any assignment in violation of this provision.

6.4 Governing law and venue. This Agreement shall be governed by applicable federal law and by the laws of the State of North Carolina without regard for its choice of law provisions. All actions relating in any way to this Agreement shall be brought in the General Court of Justice of the State of North Carolina in Brunswick County or in the Federal District Court for the Eastern District of North Carolina, Wilmington division.

6.5 Dispute resolution. Should a dispute arise as to the terms of this Agreement, both parties agree that neither may initiate binding arbitration. The parties may agree to non-binding mediation of any dispute prior to the bringing of any suit or action.

6.6 Governmental Immunity. Each party, to the extent applicable, does not waive its governmental immunity by entering into this Agreement and fully retains all immunities and defenses provided by law with regard to any action based on this Agreement.

6.7 Non-Waiver. Failure by a party at any time to require the performance of any of the provisions of this Agreement shall in no way affect the party's right hereunder to enforce the same, nor shall any waiver by a party of any breach be held to be a waiver of any succeeding breach or a waiver of this Section.

6.8 No Third-Party Beneficiaries. Nothing in this Agreement shall give any person other than the parties any rights to enforce any provision of this Agreement. There are no intended third-party beneficiaries of this Agreement.

6.9 Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter herein. There are no other representations, understandings or agreements between the parties with respect to

such subject matter. This Agreement supersedes all prior agreements, negotiations, representations and proposals, written or oral.

6.10 Headings. The headings in this Agreement are for convenience of reference only and shall not define or limit any of the terms or provisions hereof.

6.11 Severability. The invalidity of one or more of the phrases, sentences, clauses or sections contained in this Agreement shall not affect the validity of the remaining portion of the Agreement so long as the material purposes of this Agreement can be determined and effectuated. If a provision of this Agreement is held to be unenforceable, then both parties shall be relieved of all obligations arising under such provision, but only to the extent that such provision is unenforceable, and this Agreement shall be deemed amended by modifying such provision to the extent necessary to make it enforceable while preserving its intent.

6.12 Notices

- a. Delivery of Notices. Any notice, consent or other communication required or contemplated by this Agreement shall be in writing, and shall be delivered in person, by U.S. mail, by overnight courier, by electronic mail or by facsimile to the intended recipient at the address set forth below.
- b. Effective Date Of Notices. Any notice shall be effective upon the date of receipt by the intended recipient; provided that any notice which is sent by facsimile or electronic mail shall also be simultaneously sent by mail deposited with the U.S. Postal Service or by overnight courier.
- c. Notice Address. Communications that relate to any breach, default, termination, delay in performance, prevention of performance, modification, extension, amendment or waiver of any provision of this Agreement shall be sent to:

- i. For the County: Brunswick County Manager
P.O. Box 249
Bolivia, NC 28422
Fax: 910-253-2022

- ii. For the Town: Town of Holden Beach Manager
110 Rothschild Street
Holden Beach, NC 28462

6.13 Signatures. This Agreement, together with any amendments or modifications, may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall be considered one and the same agreement.

This Agreement may also be executed electronically. By signing electronically, the parties indicate their intent to comply with the Electronic Commerce in Government Act (N.C.G.S § 66-358.1 et seq.) and the Uniform Electronic Transactions Act (N.C.G.S § 66-311 et seq.). Delivery of an executed counterpart of this Agreement by either electronic means or by facsimile shall be as effective as a manually executed counterpart.

BRUNSWICK COUNTY

By: _____

Printed Name:

Title:

Date: _____

TOWN OF HOLDEN BEACH

By: _____

Printed Name: Alan Holden

Title: Mayor

Date: _____

“This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.”

Julie A. Miller, Director of Fiscal Operations
Brunswick County, North Carolina

APPROVED AS TO FORM

Robert V. Shaver, Jr., County Attorney /
Bryan W. Batton, Assistant County Attorney



Memo:

Subject: Text Amendment Swimming Pool Locations

To: Board of Commissioners, Mayor, Town Manager

This text amendment was generated by staff and supported by Commissioner Sullivan, Planning Board Chair, Vicki Myers.

157.060(D)(7) Lot coverage.

(a) Lot coverage of main structure shall not exceed 30% of the platted lot. All impervious structures outside of main structure shall not exceed 30% of buildable land less area of the main structure. All Health Department and CAMA requirements must also be met. Open decks are not considered in the 30% lot coverage of the main structure, but they must meet all setback requirements. Gravel, sand and grassed areas are considered pervious. An approved pervious product shall be allowed to cover 30% of the platted lot in addition to the allowable impervious area. (See definition of APPROVED PERVIOUS PRODUCT.)

(b) Driveways, parking lots, parking spaces, parking areas, patios and other similar areas and surfaces located in the front yard setback, rear yard setback and side yard setbacks adjacent to a street right-of-way shall be gravel, grass or of an approved pervious product.

(c) pools are prohibited within the front yard setback

157.061(D)(6) Lot coverage.

(a) Lot coverage of main structure shall not exceed 30% of the platted lot. All impervious structures outside of main structure shall not exceed 30% of buildable land less area of the main structure. All Health Department and CAMA requirements must also be met. Open decks are not considered in the 30% lot coverage of the main structure, but they must meet all setback requirements. Gravel, sand and grassed areas are considered pervious. An approved pervious product shall be allowed to cover 30% of the platted lot in addition to the allowable impervious area. (See definition of APPROVED PERVIOUS PRODUCT.)

(b) Driveways, parking lots, parking spaces, parking areas, patios and other similar areas and surfaces located in the front yard setback, rear yard setback and side

yard setbacks adjacent to a street right-of-way shall be gravel, grass or of an approved pervious product.

(c) Pools are prohibited in front yard setbacks

Staff has reviewed and recommends consideration by the Board of Commissioners the amendments to sections 157.061(D)(6)(c) and 157.060(D)(7)(c).

Staff believes that the above mentioned text amendments will help insure a healthy safe environment for the town of Holden Beach. While pools have become a staple in the rental business, most lots without exception will not accommodate pools, and it's the staff's beliefs that the town never intended to provide exceptions for pools in the front yard. As a matter of record staff has concluded that the ordinance allowing for such use was meant to keep clear those front yard setbacks of any such amenities to secure best case scenarios for impervious runoff. The Town of Holden Beach has recognized in the past and it is true currently that overflow parking is a must at most rental locations. The state of North Carolina makes it extremely hard to control the number of people located in a dwelling. The town does have a mandatory parking requirement. It is imperative that the town recognize the benefits of keeping as much space open for occupants to use for parking.

Staff believes that there is a real danger in swimming pools located so close to the street rights-of-way as many are in the 25-foot setback area, providing direct access for an amenity that has been declared and identified as an attractive nuisance. Pools are considered so dangerous that the North Carolina Building Code has specific Safety requirements and an independent code section just for pools.

Sections 157.061(D)(6) and 157.060(D)(7), that allows for the unintended exception can be corrected with the above-mentioned text amendment.



Timothy D. Evans