



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

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Public Hearing/Regular Meeting on Tuesday, September 15, 2020 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 and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Public Works Director Chris Clemmons; Inspections Director Tim Evans; Assistant Town Manager Christy Ferguson; and Police Chief Jeremy Dixon. Commissioner Woody Tyner was unable to attend the meeting. The meeting was streamed on the Town’s Facebook page and an opportunity for comments was provided prior to the meeting due to the restrictions in place for COVID-19.

**PUBLIC HEARING: TO HEAR PUBLIC COMMENTS REGARDING AMENDMENTS TO THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 157 – ZONING CODE (ORDINANCE 20-04)**

Mayor Holden called the public hearing to order. No comments were submitted for the public hearing.

*Motion by Commissioner Murdock to close the public hearing at 5:02 p.m.; second by Commissioner Sullivan; approved by unanimous vote.*

Mayor Holden announced the Board would take a five-minute recess.

**REGULAR MEETING:**

Mayor Holden called the regular meeting to order at 5:07 p.m. and asked for a moment of silence.

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

*Motion by Commissioner Sullivan to approve the agenda as presented; second by Commissioner Murdock; approved by unanimous vote.*

## **APPROVAL OF MINUTES**

*Motion by Commissioner Kwiatkowski to approve all of the minutes as written (Special Meeting of July 21, 2020, Special Meeting of August 7, 2020, Special Meeting of August 18, 2020 and Regular Meeting of August 18, 2020); second by Commissioner Murdock; approved by unanimous vote.*

## **PUBLIC COMMENTS ON AGENDA/GENERAL ITEMS**

Town Clerk Finnell and Assistant Town Manager Ferguson read public comments (comments from Earl Baker and Mack Tucker are hereby incorporated into the minutes).

## **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 20-04, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 157: ZONING CODE**

Inspections Director Evans explained the background of the proposed ordinance. Commissioner Kwiatkowski would like to recess at the end of the meeting until Friday to get together to approve the ordinance. The Board agreed 11:00 a.m. is a good time.

## **DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT BETWEEN THE TOWN AND RAFTELIS (SYSTEM DEVELOPMENT FEES STUDY)**

Town Manager Hewett explained Raftelis has provided an engagement letter for the Board's consideration. The cost is \$23,858. The previous study cost the Town \$11,500. The Town has enough money in the Professional Services line in the Water and Sewer Fund, however this does exceed our budget estimate. We had included funds for the second water tower study and GIS location of utilities in the line item. We will come up short when moving forward on those items.

*Motion by Commissioner Kwiatkowski to accept this engagement letter and that the Town goes forward to finalize the contract; second by Commissioner Sullivan.*

Commissioner Sullivan said he is not thrilled that the cost has more than doubled. He thinks it is odd to have to accept a company and then discuss money, but explained why he feels the study needs to be done.

*The motion passed by unanimous vote.*

## **REPORT AND POSSIBLE ACTION ON SPEED LIMIT ON OCEAN BOULEVARD**

Chief Dixon said part of the general statutes requires a traffic engineering study for speed limits in city limits to be in excess of 35 MPH. He talked to the Department of Transportation (DOT) and asked for a copy of the study. DOT's response is they don't have a copy of it because it was done so long ago. As a result, the DOT has started a study on the boulevard of the traffic flow. The study will probably run into

the spring. Chief Dixon will stay in contact with them. The way the current ordinance is written is okay. Nothing needs to be changed until a study is completed.

## **REPORT IN RESPONSE TO WILD DUNES SPEED BUMP PETITION**

Chief Dixon provided the Board with a detailed packet and background on the petition from Wild Dunes property owners. He talked about speed bumps. He provided information on the department's traffic study for Wild Dunes and traffic statistics. The intersection of Brunswick Avenue at Halstead is the heaviest traveled in that area. Carolina and Quinton is the lowest traveled in the area. Of the total 216 motor vehicles, there was 17 violations, which is about 8%. All the stop signs at the intersections are visible, except the one at the intersection of Halstead and Brunswick Avenue East. There is shrubbery that inhibits visibility. Town regulations pertaining to line of sight and items in the rights-of-way were discussed. Chief Dixon summarized that there was eight stop sign violations observed. Nine vehicles were clocked in excess of 25 MPH. The fastest vehicle clocked was at 31 MPH. The average vehicle speed for those speeding was 27 MPH. The average speed was 17 MPH. Chief Dixon said based on the study, the installation of speed bumps is not supported. Possible solutions are clean shrubbery, paint the roadway and/or add reflectors. That would be the cheapest option. You could do an ordinance adoption of a four-way intersection. Flashing or LED signs could be added, but can be costly to implement. Chief Dixon talked about two-way versus four-way stop intersections. He showed slides with possible options for the six intersections in the area.

Chief Dixon said that you do not have to do the same thing in each intersection, but he thinks it will be confusing if it is not consistent. Four-way stops were discussed. Chief Dixon explained while the study was being completed, he didn't make traffic stops. He believes if people start getting ticketed, we will find it is homeowners and construction workers that are the violators. Commissioner Murdock said the Town needs to at least deal with the trees and anything else in violation. Commissioner Kwiatkowski suggested a period of enhanced police presence at this time. Then it can carry forward to see if it makes a difference next season. Public Works Director Clemmons suggested adding another sign. Commissioner Sullivan said speed bumps don't compliment the stop signs. He reviewed Chief Dixon's statistics. With enforcement, the word will get out and it will remedy the situation. Commissioner Sullivan said if that doesn't remedy it, the Board can look at it in the future.

## **STATUS OF BEACH AND INLET PROJECTS**

Assistant Town Manager Ferguson said the Central Reach Project (CRP) is proof that beach nourishment is key to protecting valuable resources. Projects are long-lived; we just received the last Matthew reimbursement on July 15<sup>th</sup> and the last Irene payment in February. Both storms were tied to the CRP. FEMA can audit you three years after project closeout.

Assistant Town Manager Ferguson provided information on losses and the status of the projects from Florence, Michael and Dorian. Two new portal systems were introduced, one with the federal government and one with the state.

Our CRP renewal submission went in on Friday. We need a handful of easements based on a slightly expanded template. It will be about 45 easements. Assistant Town Manager Ferguson said we have a question on how we plan on tying the projects together. We know we have approved project worksheets for Florence and Michael, but we are not sure if we will be able to tie Dorian in, based on the timing. We have weekly interface with the portal system at a minimum and monthly reports.

The engineer estimates a loss of 60,000 cubic yards in the engineered beach area from Isaias. We are looking at a little over \$5 million in Category G losses for early estimates. Assistant Town Manager Ferguson said staff met with officials from the NC Division of Public Safety and one of the FEMA Beach TAC. The Beach TAC talked about how he encourages the bundling of storms because it saves on mobilization. We currently don't have enough sand with the new requirement from the new storm. We will need to do a new sand search. There is a change in FEMA regulations; no sand losses are counted in the initial designation of a federal declaration. Information was provided on debris, broken sand fence and damaged plants.

Assistant Town Manager Ferguson said the Town is looking at bid documents going out in May and a project start date of winter 2021 or 2022, depending on the bid climate. She talked about steps to move forward with the project.

A letter of intent was sent to the Corps regarding the Coastal Storm Damage Mitigation Project. The Town is at the table for the South Atlantic Coastal Study Discussion. We will participate in the upcoming virtual hill meetings that Poyner Spruill mentioned the last time they were here. The Town will continue outreach with the Wilmington District on least cost method of disposal and will continue discussions with state and federal agencies regarding projects.

Assistant Town Manager Ferguson talked about opportunities and additional challenges.

Commissioner Kwiatkowski heard that last week a decision was supposed to be made about a federal declaration for Isaias. Town Manager Hewett stated just because there is a federal declaration, it doesn't mean we will get an approved project worksheet. We do not know when it will happen. Commissioner Kwiatkowski inquired if the bid documents should be put out earlier based on prior experience. She also asked if the Town can make the decision that we are going to stop at Flo/Mike or if it is FEMA's decision. Assistant Town Manager Ferguson responded that Fran Way from ATM seems comfortable with the timeline, but she will doublecheck. Town Manager Hewett said when the Town gets ready to put bid documents out, if Dorian isn't ready to go, we will be forced to move forward because of the dredge windows. Depending on the bid climate and if we can't do the work in 2021, perhaps it can be amended later. Commissioner Sullivan asked if we found any other sand sources during the recent search that was completed. Assistant Town Manager Ferguson replied that Mr. Way did not think so.

## **DISCUSSION AND POSSIBLE SELECTION OF A COASTAL ENGINEERING FIRM**

Assistant Town Manager Ferguson explained the Town sent out a request for qualifications to select a coastal engineering firm. ATM has been the Town's engineer since 2001. She provided information on the process.

*Motion by Commissioner Sullivan to accept Resolution 20-08 for the selection of ATM as the coastal engineering firm for the Town; second by Commissioner Kwiatkowski.*

Commissioner Sullivan said the reason he is in favor of retaining ATM is we weren't just lucky when the recent storm hit and severely damaged Oak Island and Ocean Isle, we were prepared. The reason we were prepared was the work done by the town manager, assistant town manager and ATM.

*The motion passed by unanimous vote.*

## **DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 20-09, RESOLUTION ESTABLISHING A POLICY FOR DISASTER DEBRIS LOCATED INSIDE GATED COMMUNITIES**

Town Manager Hewett explained when Isaias hit us, we were left with a situation that we needed to make a decision about picking up debris by a contractor inside the Town's gated communities. The Board chose to do that, regardless of reimbursement from FEMA. The resolution proposes that this be the Town's position going forward, whether or not FEMA provides reimbursements. This resolution also attempts to establish the Town's support of a policy that would allow us to advocate the removal of debris from inside of gated communities so perhaps we would be able to influence federal policy to that end. The Board discussed the proposed resolution. Commissioner Sullivan said he is in favor of advocacy, but suggested that two paragraphs could be removed and the Town can decide on a case by case basis if the debris should be picked up in the gated communities. Town Manager Hewett agreed to break the resolution into two separate ones for the Board's consideration.

## **DISCUSSION AND POSSIBLE ACTION ON REVIEW OF EMPLOYEE BENEFITS**

Commissioner Sullivan explained about a year and a half ago, the Town had a study done where all positions were evaluated and compared to other municipalities. The Board adopted the monetary part of the report, then did some changes with some of the fringe benefits, but never addressed the health plans. He reviewed the information in the packets. He said the Town pays 80% of family coverage, most others are less. Commissioner Sullivan questioned if the Town will continue at 80%.

Commissioner Sullivan asked that Town Manager Hewett have staff make a table showing the current cost of family coverage at 80% and the cost at 60%, 40% and 20%. Town Manager Hewett agreed.

## **DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT FOR LANDSCAPING SERVICES**

Assistant Town Manager Ferguson stated the current landscaping and irrigation contract with Champion Maintenance expires October 6<sup>th</sup>. Staff conducted an informal bid solicitation. Three bids were received, with Carolina Creations submitting the most responsive bid. The most responsive is \$26,681.04 higher than the existing appropriation. Currently, the service is sourced equally between BPART and the General Fund. Continuing this method of paying for the service would require \$13,340.52 from both funds. This can be done with the reprogramming of \$13,340 from the Concert line in the BPART Fund. The General Fund contribution would come from reprogramming funds from the Available for Appropriation line.

Commissioner Kwiatkowski asked if it would be possible to have the Town do the mowing and hire the contractor to have the landscaping maintained, the chemicals applied and complete the more landscaping oriented items. Town Manager Hewett explained the Town has continually added improvements over the years. If we want to keep up this kind of service, this is what the market reflects to take care of these kinds of things in the community. This is just maintenance on the existing items. Further improvements are not entertained in this amount. Commissioner Murdock said he knows it is a DOT project across the way; in his opinion it is an impractical installation to keep up. He asked if it is a lot of money associated with maintaining it because of the way it was installed. He inquired if there is a chance to improve the installation over there. Assistant Town Manager Ferguson explained the Beautification Club has mentioned a few things they want to do over there. The agreement was between DOT and the county. Any changes have to go back through them. She is not sure how much can be done without going through the agreement. Carolina Creations has some ideas and they offer design services. That will cost more money. Mayor Holden said other islands have more welcoming entrances. Commissioner Murdock said he thinks more effort should be put forth in improving the area so it is easier to maintain. Town Manager Hewett said he would need to look at the cost of the water bill for that area. He thinks it is about \$7,000 annually. That would be in addition to the contract numbers being discussed.

Commissioner Sullivan stated Carolina Creations included their contract that has a hold harmless where the Town agrees to hold them harmless. They should be holding the Town harmless and the Town should be listed as additional insured on their insurance policy. He read from the contract. He would like them to strike that, then for them to add the Town as additional insured to their insurance policy.

*Motion by Commissioner Sullivan to accept the contract pending the suggested revisions to the contract second by Commissioner Murdock; approved by unanimous vote.*

*Motion by Commissioner Kwiatkowski to approve Ordinance 20-15, Amending 20-10, Revenues and Appropriations Ordinance for the Fiscal Year; second by Commissioner Murdock; approved by unanimous vote.*

## **PAVING ASSESSMENT SLIDESHOW**

Town Manager Hewett explained last month the Board directed to initiate the petition process for three streets for a special assessment. We have the petition for Sea Gull drafted and prepared. We are waiting

on the tax scroll listing. It will be the template for the other two streets. He reviewed a slideshow on the assessment process. He thinks we are looking at a July project. \$300,000 is the total cost. That would be about \$150,000 from the General Fund. The Board can take it into consideration during their budget deliberations.

## **TOWN MANAGER'S REPORT**

- The genset unit has been installed. We are awaiting the testing. The rental unit is with us through the end of the month.
- Hurricane Debris – pickups finished the week of August 25<sup>th</sup>. The debris is staged at Turkey Trap. Transport to Sampson County is underway. We anticipate that will be done by the end of the week.
- Had several questions about the letter of intent. That has been done. With the Corps' concurrence it was submitted last month. We could be eligible to be included as early as next spring if we are selected for the work plan. Will hold off submitting the 7001 application depending on how the letter of intent is received. We are looking at January or February to see if the Town made it into the Corps' workplan for 2021.
- Inlet Status – have confirmed the Coast Guard wants to pull the buoys. They are on record as stating that the inlet is not adequately maintained. There is a meeting tomorrow with the Corps and Coast Guard; hopefully we can gather more details.
- Looks like the bridge rail project finished this afternoon.
- Sewer Lift Station – contractor appears to be ahead of schedule. Anticipates startup being mid-October. Looks like we will need to put a small retaining wall on the western property line. It is outside the scope of the contract.

## **MAYOR'S COMMENTS**

- Oyster Festival has been postponed. Still unclear about the Festival by the Sea. Hurricane season is still with us. We have another month to go.
- Talked to the chief about dogs on the beach. Believes September 10<sup>th</sup> allows people to have dogs back on the beach.
- Rentals across the island are looking extremely improved for September and well into October. In regards to occupancy taxes, if the storms stay away we may pick up and be ahead of last year.
- Sales are still strong. Construction is strong. Island wide overall, the future for the fall looks good. Complaints on his end has been reduced.

## **BOARD OF COMMISSIONERS' COMMENTS**

Mayor Pro Tem Brown

- Remember Commissioner Tyner is at home. He went through bypass surgery. If you have a moment, give him a call. About seven years ago he had to do the same thing and a phone call can do a lot to help your spirit. Has a road to recovery.
- Been very fortunate as far as COVID goes. Keep the masks on. Keep doing like we are doing.

- Great to hear good news about rentals.
- Hopefully the storms will stay away.

Commissioner Murdock

- Keep Commissioner Tyner in your prayers.
- Thanked staff for their hard work.
- To the general public if there are any concerns, or requests, now is a good time to do it.
- Extremely happy with the rental season we have managed to pull off with everything we have needed to deal with.

Commissioner Sullivan

- In today's world, with all the turmoil, last Friday was the anniversary of 9/11. As a country we promised to never forget, but it gets harder and harder to find a memorial service. He reminded the Town to do something next year for 9/11. He suggested that a memorial service be held here as a community.

Commissioner Kwiatkowski

- Thanks to the Town for getting everything back to looking normal. Thanked homeowners who stepped up quickly to get things cleared up. There was a lot of mess that needed to be taken care of.

**EXECUTIVE SESSION PURSUANT TO N.C.G.S 143-318.11(A)6) TO DISCUSS A PERSONNEL MATTER AND N.C.G.S. 143-318.11(A)(1) TO APPROVE MINUTES**

Town Clerk Finnell read the reason for Executive Session.

*Motion by Commissioner Kwiatkowski to go into Executive Session at 6:59 p.m.; second by Commissioner Sullivan; approved by unanimous vote.*

**OPEN SESSION**

The Board went back into Open Session at 7:51 p.m.

**RECESS**

*Motion by Commissioner Kwiatkowski to recess until 11:00 a.m. Friday, September 18, 2020 to take action on Ordinance 20-04; second by Mayor Pro Tem Brown; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk