



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

**Tuesday, November 15, 2022
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, NOVEMBER 15, 2022 - 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 Regular Meeting of October 18, 2022 (Pages 1 – 11)
6. Public Comments on Agenda Items
7. Annual Monitoring Report – Fran Way, Applied Technology Management (Assistant Town Manager Ferguson) (Page 12)
8. Presentation of Fiscal Year 2021 – 2022 Audit Results – Elsa Watts, Martin Starnes and Associates (Town Manager Hewett) (Separate Packet)
9. Audit Committee Message to the Board of Commissioners on the External Audit for the Year Ending June 30, 2022 – Commissioner Kwiatkowski (Pages 13 – 15)
10. Audit Committee Recommendation to the Board of Commissioners to Authorize the Town Manager to Issue a Request for Proposals as Soon as Practicable for Contracting with an External Audit Firm – Commissioner Kwiatkowski (Page 16)
11. Department of Transportation Ocean Boulevard Resurfacing/Bike Path Construction Update – Caitlin Marks (Town Manager Hewett)
12. Discussion and Possible Action on the North Side Right-of-Way After Bike Lane Construction – Commissioner Kwiatkowski (Page 17)
13. Police Report – Chief Dixon (Pages 18 – 23)
14. Inspections Department Report – Inspections Director Evans (Pages 24 – 26)

15. Discussion and Possible Action on the Planning & Zoning Board's Response to the Board's Tasker Concerning Frontal Dunes (Code of Ordinances Section 94.03 Frontal Dune Policies and Regulations) – Inspections Director Evans (Pages 27 – 50)
16. Condition and Safety Issues with Town-Owned Property at 796 Ocean Boulevard West – Joel Ehle, Homeowner 798 Ocean Boulevard West (Mayor Holden) (Pages 51 – 72)
17. Ian After Action Report – Town Manager Hewett (Pages 73 – 86)
18. Discussion and Possible Approval of Ward and Smith, P.A. Engagement Letter – Assistant Town Manager Ferguson (Pages 87 – 91)
 - a. Ordinance 22-25, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 4)
19. Discussion and Possible Approval of Ordinance 22-26, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 5) – Assistant Town Manager Ferguson (Pages 92 – 93)
20. Discussion and Possible Approval of Ordinance 22-27, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 6) – Budget and Fiscal Analyst McRaney (Pages 94 – 95)
21. Discussion and Possible Action on Sewer Station Planning – Commissioner Kwiatkowski (Page 96)
22. Request for Staff for Expanded Financial Reporting of Professional Services and Recently Purchased Pier Projects – Commissioner Kwiatkowski (Page 97)
23. Request for Owner Input on Retaining Rights-of-Way Parking in Non-Designated Parking Areas Outside Paid Parking Hours During Season and in Offseason Months Next Year – Commissioner Kwiatkowski (Page 98)
24. Request for Staff for Status of Coastal Storm Damage Reduction Study Information Request to the Corps of Engineers – Commissioner Kwiatkowski (Page 99)
25. Public Comments on General Items
26. Town Manager's Report
27. Mayor's Comments
28. Board of Commissioners' Comments
29. Closed Session Pursuant to North Carolina General Statute 143-318.11(a)(3), Consult with the Attorney – Commissioner Kwiatkowski
30. Adjournment

* Visit <https://www.facebook.com/holdenbeachtownhall/> to watch the livestream of the meeting. Public comments can be submitted to heather@hbtownhall.com prior to 12:00 p.m. on November 15, 2022.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, OCTOBER 18, 2022 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, October 18, 2022 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock, Page Dyer, Pat Kwiatkowski and Gerald Arnold; Town Manager David W. Hewett; Town Clerk Heather Finnell; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Police Chief Jeremy Dixon; Budget & Fiscal Analyst Daniel McRaney and Town Attorney Rick Green. Assistant Town Manager Christy Ferguson participated via conference call.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Town Manager Hewett requested that 7b, Consideration of the Parks and Recreation Trust Fund Grant (PARTF) Contract be added to the agenda. Commissioner Kwiatkowski would like to add Discussion of the Situation that Occurred During Hurricane Ian with the Sewer System Shutdown and Consideration of Remediation Moving Forward as item 11b.

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

APPROVAL OF MINUTES

Motion by Commissioner Kwiatkowski to approve (minutes of the Public Hearing/Regular Meeting of September 20, 2022 and the minutes of the Special Meeting of September 28, 2022); second by Mayor Pro Tem Smith; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Jim Bauer provided details on why he opposed the Board approving the PARTF grant contract. He said to ransom a \$3.3 million purchase for \$500,000 that allows no commercial development for 25 years and handcuffs the Town to a white elephant is ridiculous. He added to spend \$1 million on it to make it "safe" is also ridiculous. He said parking is not going to pay for it. He inquired what the cost to insure

the pier is and what the plan is. Mr. Bauer talked about the flooding from Ian. He said to go forward with the bike path without thinking about the impermeable surface area of what it will do to exasperate our already terrible flooding condition is ludicrous.

Town Clerk Finnell said one comment was submitted online. It has been provided to the Board and is available online for the public to view.

The Board agreed to let Irvin Woods speak. He was late to the meeting so he did not sign up for public comments. Mr. Woods said if the vinyl siding item being discussed is about strip vinyl siding, he fully agrees it should be banned at Holden Beach. His house is made with large sections of vinyl material that looks like shingles. His house was built in 2008 and he never had a piece of that siding come loose. He suggested if you are dealing with vinyl, you specify the things that are an issue.

LEGISLATIVE AND ADVOCACY UPDATE – MIKE MCINTYRE, WARD AND SMITH

Town Manager Hewett introduced Mike McIntyre. Roger Gwinn, Joonsoo Yi and Earl Stockdale from the Ferguson Group joined via audio connection. Mr. McIntyre explained Congress has gone home but will go back after the elections in November and will be there until Christmastime to finish up the business of this year. The federal fiscal year starts October 1st. Having not come to a full agreement by September 30th, they passed the Continuing Resolution (CR) to keep the federal government operating. When they return, not only will they need to deal with finalizing the overall federal budget, but they will have some specific issues to closeout the calendar year and the two-year Congressional term. One of the items of note in the CR was to put disaster relief money in it, to the tune of \$19 billion. Other provisions included Ukraine and some other technical things that are currently happening. When Congress comes back, the National Defense Authorization Act will be handled right away. WRDA, the Water Resources Development Act authorizes much needed investments in programs and projects of the Corps across the country. There is general consensus that it will be moved with bipartisan support. The Supreme Court just convened on October 3rd and heard arguments in the Sackett versus EPA case. He provided information on the case. He also explained the status of the bipartisan infrastructure law. Mr. McIntyre talked about a hearing held by the House and Infrastructure Committee regarding lessons learned in the 50 years since the passage of the Clean Water Act. With the Inflation Reduction Act, the EPA and Interior Department are having to ramp up staff.

Mr. McIntyre said back in the spring they worked with the town manager, assistant town manager and the mayor. They had meetings and discussions with the Town's Congressional representatives. He explained Congress has gone back to having earmarks. In that process, we got three. There is no other community in this region and it would be hard to find any in North Carolina that got three direct Congressionally appropriated projects approved. He thanked Congressman Rouzer. All three of them have made it through the House and have gotten all the way to the finish line almost, Congress has to pass the budget. He thanked Senator's Burr's office. They got behind one of them in a strong way to make sure it would pass on the Senate side. They had the cooperation of both senators, Burr and Tillis. They feel very good about the position of these. They are talking about \$1 million for the Brunswick County Beaches Project as it was originally known. They are talking about the Holden Beach section. It would be included in the General Revaluation Report (GRR) for what the Corps has to provide to make sure it is doing its part in the GRR for the Holden Beach Project. There is \$2,669,867 for the Greensboro

Street Lift Station #2 Hazard Mitigation Project. That was included in both the House Interior and the Environment Appropriations bills. There is also the \$100,000 request for the Ocean Boulevard Stormwater Mitigation Project. That was included in the House Energy and Water Development Appropriations bill. They are optimistic that all three projects should go through. For the GRR, they are doing everything they can to advocate for the Town to be treated fairly by the Corps. They spent almost two hours on the phone yesterday to talk about every angle that could be considered to convince the Corps to continue with the project the Town has committed to. If the Disaster Relief Act of 2019 funds can be accessed, it can be applied for 100% federal cost. They are making sure the awareness is strong in terms of what our Congressional delegation can do to make sure the project continues. He knows the Corps offered to come back if the Board has further questions. He encouraged the Board to bring them back to answer any questions if they need clarification. Mayor Holden thanked them for their services.

CONSIDERATION OF THE PARKS AND RECREATION TRUST FUND GRANT (PARTF) CONTRACT

Town Manager Hewett said based on the Board's direction to pursue grant opportunities to assist with land acquisition related to the pier property, staff submitted a PARTF application earlier this summer which was approved by the state in the amount of \$500,000, the maximum amount eligible for award. The contract is before the Board for consideration. It was the number one ranked application by the regional consultants scoring the applications.

Motion by Mayor Pro Tem Smith that we move forward with this grant and execute the contract; second by Commissioner Murdock.

Commissioner Kwiatkowski said this is a \$3.3 million piece of property that for \$500,000 you are seeding it over for in-perpetuity use for only recreation. She does not see \$500,000 is enough against \$3.3 million to give up the right to control the property. Mayor Pro Tem Smith said it was his understanding when we talked to the people who were going to give us the grant, that it didn't tie our hands to do what the Board wants to do. Commissioner Kwiatkowski said that is today, she is talking 25 – 30 years from now. It can only be for things designated as recreational uses. She said whatever is recreational use today by one authority or agency could be changed 25 – 30 years from now. She doesn't think it is enough money to tie the hands of the Town in-perpetuity.

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

POLICE REPORT – CHIEF DIXON

- There is not much of concern in the September report. It is pretty much normal operating volumes for this time of the year. Crowds are decreasing, call volume is going down a little bit. Spending time trying to get caught up with in-service training. It needs to be completed by the end of the year.
- Reminded everyone the speed limit did not change to 45 MPH this year. The speed limit will remain 35 MPH on the west end of the island for the entire year.

- Pets on the Strand – as of September 10th, the 9:00 a.m. – 5:00 p.m. restriction for pets on the strand is no longer in place. The leash law is still in place.
- Festival by the Sea is in two weekends, October 29th – 30th.

Commissioner Kwiatkowski said the Board did designate that there could be parking from 2:00 -5:00 a.m. in the Jordan Boulevard area. She asked if it was a pretty quiet area over the summer. Chief Dixon said they did not have any cause for concern that stands out to him.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Went over numbers on the report. They have 44 active new home permits, 282 other active permits, two permits issued for over \$30,000, 18 permits waiting to be picked up, for a total of 344 permits. There are 11 permits in review, four CAMA permits in review and five zoning permits in review. There were six CAMA permits issued. There were 120 permits serviced for the month and 525 inspections.
- It is time for the contractors' informational meeting. He provided information on the meeting. It is November 10th this year. Have a representative from every contractors' board at the meeting. It gives electricians six hours of continuing education.

Mayor Pro Tem Smith asked about the time of the meeting. Inspections Director Evans replied 8:00 a.m. – 5:00 p.m. They find it is very beneficial. When he first came here, they had a real high turndown rate. They use the meeting to educate the contractors. Mayor Pro Tem Smith said what the Inspections Department is doing over there is working. Inspections Director Evans said a part of that is they are fully staffed now. They made a couple of real good hires.

DISCUSSION AND POSSIBLE ACTION ON THE PLANNING AND ZONING BOARD'S RESPONSE TO THE BOARD'S TASKER CONCERNING FRONTAL DUNES (CODE OF ORDINANCES SECTION 94.03 FRONTAL DUNE POLICIES AND REGULATIONS)

Inspections Director Evans reviewed the tasker. The Planning & Zoning Board (P&Z) researched five options. The one before the Board is the one that P&Z chose. The option was advertised so the public could have some input. It ended up being some minor changes and to leave it in Section 94.03. It is not recommended to relocate it into the land usage section. Commissioner Kwiatkowski said she didn't see a write-up on the examinations of what other beaches are doing. She would like a one-page summary of how they came to the decision or minutes for the Board to review.

The consensus of the Board is for Inspections Director Evans to bring more background information on how the decision was arrived at next month.

DISCUSSION AND POSSIBLE ACTION ON THE UPGRADING OF THE GREENSBORO STREET LIFT STATION

Public Works Director Clemmons said he is seeking the Board's approval for Green Engineering to advertise bids for the Greensboro Street Pump Station #2 Upgrade Project.

Motion by Mayor Pro Tem Smith to approve Green's Engineering to advertise for bids for lift station #2 which is at Greensboro Street; second by Commissioner Kwiatkowski.

Town Manager Hewett commented that we need to move that project forward. There is going to be some integration with funding streams that is required. There is some juggling that needs to go on with timing that will need to be worked into the equation. We will communicate that with Leo Green. The bid will only be good for a certain number of days so we do not want to do it too early. Mr. Green may not be aware there is a Congressional earmark.

The motion passed by unanimous vote.

DISCUSSION OF THE SITUATION THAT OCCURRED DURING HURRICANE IAN WITH THE SEWER SYSTEM SHUTDOWN AND CONSIDERATION OF REMEDIATION MOVING FORWARD

Public Works Director Clemmons said you can't run a system like the Town's underwater. They started work at 6:30 a.m. that Friday. At noon it was high tide and he thought it would be okay. 45 minutes later, he had never seen water come that fast. God forbid if there would have been high winds too. He feels like they got the system running fairly quick, there was a lot of stormwater. We raised the stations to prevent wiping out all of the equipment and for the length of time it would take to rebuild the station back. It was never said when the stations were elevated that we would be able to stay on the island with two – three feet of water on the street. Public Works Director Clemmons thanked the Fire Department for their help. He is the license holder of the permit. When you are in that type of situation, you have no choice but to shut it down.

Commissioner Kwiatkowski inquired if there are areas on the island that are prone to flooding that a reexamination of altering candy canes would be beneficial. Town Manager Hewett mentioned the Town conducted that exercise three to four years ago and the price was \$1 million. Commissioner Kwiatkowski said she is asking about specific areas, not islandwide. Public Works Director Clemmons replied yes. When they find ones that are damaged, he is working with Inspections Director Evans and they will make them fix it when they are putting them back. He talked about the damage to his truck from the saltwater. Commissioner Kwiatkowski asked about protecting Station 4. Public Works Director Clemmons explained that he has a couple of ideas that he is working on.

Commissioner Dyer said when the sewer was shutdown, there was an email blast sent out. She asked if there is another way to notify people. Mayor Holden responded that is something we can try to come up with. Commissioner Kwiatkowski said there were a couple of people who thought there wasn't a lot of update messages. Public Works Director Clemmons stated they are spread very thin. He tried to get the information out as he could, but in that type of situation he needed to focus on the work.

DISCUSSION AND POSSIBLE ACTION ON VINYL SIDING AS IT RELATES TO STORM DAMAGE AND SAFETY ISSUE

Mayor Holden said the purpose of adding the item to the agenda is not to prevent vinyl siding from being used on Holden Beach. It is more of an educational attempt. Vinyl siding is a wonderful invention. He put it on his son's house when they built it about 10 years ago. It was the thick kind and it does well

if it is applied properly. The builder grade lap siding continues to prove it is not worth the money you pay. It doesn't last in high winds. It is up to the contractor to educate someone. A lot of owners find out it is cheaper to do it right the first time than with cheaper materials. Mayor Holden talked to Inspections Director Evans about this subject and is sure the commissioners know as well that the Town has no authority to change the building code in North Carolina. We need to work within the guidelines and to educate our homeowners to please not use the cheap grades of vinyl siding. After every storm, we have siding in the canals. That impacts the dredging work that is being done. It also affects cleanup after a storm. Inspections Director Evans said they will go over that at the contractors meeting. He provided details on siding and information from the building code. Mayor Pro Tem Smith added it is an eyesore and affects the appearance of the island.

DISCUSSION AND POSSIBLE ACTION ON BULKHEADS FROM 796 OCEAN BOULEVARD WEST THROUGH THE 800 BLOCK (PARCOURSE AREA)

Commissioner Murdock said he would like to discuss protecting the Town properties in the 800 block, towards 796 Ocean Boulevard West and possibly the parcourse. The Town just paid to have the wetlands delineated in the 800 and 700 blocks. He inquired how long that is good for. Inspections Director Evans replied it is good for three years. Commissioner Murdock said he thinks every storm we lose land. He asked the Board's thoughts for putting out a request for proposals to see what it would cost to bulkhead the properties and protect them for future use. Commissioner Kwiatkowski agreed she would like to see a cost for bulkheading the 800 block lots and the 700-block lot. Those are pieces of property we want to make use of. She agreed there is a problem in the exercise area. She asked if bulkheading is possible to save it. Inspections Director Evans recommended the Town use the delineation to obtain a permit and it will be good for three years. We can't issue permits to ourselves; they will come out of Wilmington. He said the first step would be to go ahead and get permits. The parcourse was not part of the delineations. Moving forward was discussed. Commissioner Murdock asked if the Town could get proposals and permits in unison. Inspections Director Evans said you could use the delineated line for a proposal.

Motion by Commissioner Murdock to pursue the CAMA permit and to also put out a RFP (Request for Proposals) based on the delineation we have, the footage of the bulkhead to get a price for actually putting it in those areas.

Inspections Director Evans explained the height and depth will determine if you need an engineer. Town Manager Hewett stated the Town does have an engineer of record, Right Angle Engineering, that could be directed to provide the Board with a probable cost of construction. As a simultaneous, parallel effort you could get the CAMA permit, separate and apart from obtaining the engineer's probable cost. Before you go to construction you would need to bid the project, but you could get an answer from the engineer on the probable cost of construction. Inspections Director Evans explained his guess is you would need an engineer.

Commissioner Murdock would like his motion to be to get an engineer for pursuing the CAMA permit down to the pricing of the construction of the bulkhead. Inspections Director Evans clarified it would be for the areas delineated in the 700 and 800 block.

Town Clerk Finnell read the motion as she understood it: Motion by Commissioner Murdock to get the engineer to pursue the CAMA permit and pricing of construction of the bulkead for what we have delineated in the 700 and 800 block. Commissioner Kwiatkowski seconded the motion after verification that it was phrased right. The motion was approved by a 4 – 1 vote with Commissioners Murdock, Dyer, Kwiatkowski and Arnold voting for the motion and Mayor Pro Tem Smith voting in the negative.

DISCUSSION AND POSSIBLE ACTION TO SOLICIT ENGINEERING FIRMS TO EVALUATE THE POTENTIAL NEED AND COST FOR ADDITIONAL WATER STORAGE CAPACITY FOR HOLDEN BEACH

Commissioner Kwiatkowski stated the Board had on a priority list for a couple of years reevaluating the question of a second water tower. She proposed that the Board should proceed with a study to evaluate the need and if the need is confirmed, the options for moving forward. Issuing a Request for Qualifications (RFQ) would be the first step.

Motion by Commissioner Kwiatkowski for the town manager to put together a RFQ for a study to evaluate the need and options for moving forward for a second water tower; second by Mayor Pro Tem Smith.

Mayor Pro Tem Smith would like everyone to understand that the Board is not just wanting to put up a second tower for pressure issues. Public Works has explained if we are in the peak of the summer, we spend all night trying to fill ours up. By the end of the day, we are pumping water as fast as we use it. We still have another 700 – 1,000 homes that can be built on the island. One aspect is to look towards the future to make sure we have enough water to run the island. It is also for fires. He added it is for our own protection more than anything else.

The motion passed unanimously.

CONSIDERATION OF EARLY END TO PAID PARKING THIS YEAR

Town Manager Hewett has been in conversation with Mr. Varner with Otto Connect regarding the possibility of ending paid parking a little early, October 28th and allowing free parking for the festival weekend, October 29th and 30th. Mr. Varner explained his system does not have the capability to stop paid parking in just one area. He said the other consideration is if the Town wants his company to continue monitoring parking violations in other areas. The Board and staff discussed how to move forward.

Motion by Commissioner Kwiatkowski to suspend the paid parking season and Otto enforcement as of the 28th of October; second by Mayor Pro Tem Smith.

Mayor Pro Tem Smith stated Otto Connect has done a great job this summer. Everyone was very professional. He added we appreciate their efforts. Mr. Varner said with over 60,000 parked vehicles throughout the summer, there was a violation rate of less than 3.5%. From his perspective that is fabulous.

The motion passed by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

Marti Arrowood thanked Mr. Varner and the Police Department. The east end was so much more pleasant this year as far as parking goes. For the PARTF grant she sees it as the lots are being saved in-perpetuity for the people who live here. She never saw it as saving a pier, but as we are saving land that cannot be built on, that the people who live on Holden Beach could use. She thanked the Board for accepting the grant.

Irvin Woods stated he was here for Ian. He commended the people who built the beach with the last nourishment. The fact there was a crown on the east end was extremely helpful in protecting the dune. He thinks that end of the beach has as much sand now as it did prior to Ian. Mr. Woods would like the Town to consider using three 2 x 4s when installing sand fencing next time. He talked about his experience with vinyl siding.

Jim Bauer said there was a huge area canvassed where the majority of the people didn't want to purchase the pier, but it was done anyway. He said the grant was a last-minute addition to the agenda. He reminded the Board about the United States and North Carolina constitutions and said they are not supposed to make decisions by themselves. He said decisions should be made based on the opinions of the majority of the people that live here. Mr. Bauer pleaded with the Board to reconsider. The grant is tying the Town for a small amount of money, for a long time and you never know when rules will change.

TOWN MANAGER'S REPORT

- Hurricane Ian – Believes we had little to no damages sand-wise on the east end and the engineered beach. Along the whole span of the island, our vegetation got a pretty good rinsing and we took a pretty good amount of sand fence hits. The event was more of a repositioning of the sand by pushing the sand from seaward to up on the hill. His guess is it would be in the \$300,000 range to repair the sand fence and vegetation to an as before condition. We are still working on evaluating that. The west end did have damages caused by erosive processes. Many dunes and private walkways were adversely impacted to the extent that they had to be condemned. Does not intend to survey for strand losses. Will not be a FEMA declaration for Category G. Will defer to the long-term trend analysis that is laid out in our Beach Management Plan. ATM will be presenting the annual status as of spring 2022 at the November meeting. There has been a declaration for Categories B and Z damages. Won't mean much for us. We are evaluating the costs to see if we meet the thresholds for reimbursement. We see strand equilibrium actively in process. Thanked Chief Doug Todd, Todd Robbins, Tyler Johnson, and Ken Hall of Tri-Beach Engine 872 whose mobile stormwater management assistance greatly contributed to the Town's full and rapid restoration of the island's sewer services.
- Budget Report – reviewed slides (hereby incorporated into the minutes). We are not at the point in time that we collect the main collections like ad valorem tax, canal dredging, etc. so those values are almost nothing, which is normal at this time. Occupancy tax is strong at or near 70% for the first quarter. Depending on the time of year, our capital debts have to be paid. At this time, we have only paid less than 10%. Our capital debt, notwithstanding the FEMA projects, is collectively about \$3.69 million. We just made the first few debt payments of \$364,000. From a centralized

cash perspective, we are about \$500,000 ahead. Went over numbers in the chart on the slides. The numbers are normal for this time of year. General Fund, Water and Canal funds are in the red, which is a typical performance for the time of year. It underscores the need for healthy fund balances. We do post the full report at hbtownhall.com.

- Have been informed by DOT that they have run into some issues with permitting of the resurfacing of Ocean Boulevard and the bike lanes with CAMA. Will require additional work to obtain the permit and execute the contract. Conversations with them were inconclusive on the impact on the spring paving schedule. They are attempting to get it reconciled so we can do it before Memorial Day, but it is an issue they will need to deal with. Specifically, we are talking about the hydraulics of the road resurfacing bike lane project. Commissioner Kwiatkowski asked if we mentioned to DOT that we reduced our speed limit so we can start negotiating getting more walkways. Town Manager Hewett replied the hang-up is CAMA related. Has not had a conversation with them on specifics of where the locations will be.
- The storm canceled Run HB that was supposed to happen October 1st. Working on a new date.
- NC Mountains to Coast Bike Ride ended on Saturday October 8th without event.
- The Veterans Day Luncheon will be held November 10th. Specific information will be forthcoming. Mayor Pro Tem Smith mentioned that is the date of the contractors' meeting.

MAYOR'S COMMENTS

- Thanked the Good Lord for letting us get through hurricane season without the damage we could have received. Pray for the people in Florida. Said over and over if there is not one in sight on October 15th, we are probably okay.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Was his first experience with the Emergency Management Team. Learned a lot. Learned how ready the Town gets, that nobody knows about. Staff does a great job of getting things together. We were a little late on getting the information on how bad it will be, but thinks under the circumstances we did a good job. During observations of the storm, the pier persevered well.
- Had a lot of people ask when we can get the pier open for fishing again. It gives the people who don't have the blessing to live here a place to come and enjoy the beach.
- Thanked Public Works Director Clemmons, Public Works Supervisor Cunningham and staff. The guys who have come aboard seem to pitch in and help out. They worked tirelessly to make sure the island got back to operating normal. We couldn't do it without dedicated employees like we have in our maintenance department.
- Thanked Chief Dixon for the safety message for low-speed vehicles.
- Received a lot of calls about moving forward on the projects we are working on, some with hesitation. Thinks as a town we are moving forward and have a great group of commissioners. Glad Judge Gerald Arnold is with us. Thinks he will be an asset to the group.
- Thanked Jim Varner. One of his greatest fears is we were going to run people off. People still came and had a good time. Changed the chaos we had with parking into some part of normalcy.

- Thanked our attorney for doing the hard work he did to end the ludicrous shark fishing tournament. How can we promote the Town as a family friendly beach if we have a shark tournament. We took the brunt of the cost.
- Going to have a pancake breakfast Saturday morning of the festival. Please come by and support the Chapel.

Commissioner Murdock

- Thanked everyone for coming out tonight. Thanks to everyone listening.
- Public Works Director Clemmons- amazing job; you and your guys, long hours, no way to overcome that situation. It was totally unexpected. There is absolutely no way you could keep that system running under conditions like that, with bike lanes or without bike lanes, it will not matter. The waterway and the ocean in some places did connect. Had a couple breaches in the dunes. Knows the candy canes were breached, saw several of them. The system was inundated. Proud to live here. During that storm and after people were helping others. This island got put back together pretty fast. Never saw people pitch in quite like that in a long time. It was good to see people picking up \$200 RPZ covers and valve boxes, getting trash out of the street and vinyl siding off the street. It is a great place to live.
- With Mrs. Arrowood and a lot of other people on the pier. It is not just the pier. It is a property. He and one of his best friends, Gerald Brown who is no longer with us, grew up here and have been around this beach for a long time. They weren't about to let that piece of property go. Will fight the fight that it takes to maintain that piece of property. Hopes anybody who follows this board or any board in the future will have a little compassion for that piece of property. We saved it not only for us, but everybody on the other side. That parking lot is full all the time. If the Town hadn't bought it, you wouldn't have a place to park in. Parking was an evil that came out of that, but it afforded us the opportunity to have the money without putting the burden on the taxpayers. Commended Jim Varner.
- Advised Inspections Director Evans that the Inspections Department is still doing an awesome job.
- Wished Chief Dixon luck. Going to try to get some incentives or whatever we need to do to get the Town running.
- Take care of yourself Public Works Director Clemmons. We will do what we need to do to get this thing under control.
- Festival is coming up. Glad to see cooler weather. Enjoyable time of year for him.

Commissioner Dyer

- Thanked Public Works Director Clemmons, Public Works and the first responders. They did a fabulous job. Thinks a lot of people took for granted that the storm wouldn't be bad, but when it turned back and came towards us, it was a pretty impressive storm surge. Living on the canal, we have learned to get flood ready. Thinks we need to stress in situations like this where it turned and got worse, it is better to be ready and pick all that stuff up, than to have it floating everywhere. We get a lot of nice things in the canals, but we also have to pick up a lot of trash. Everyone is pretty good. We try to get stuff out and get it back to the owners, but it is best not to see all that trash floating around. Get storm ready. Instead of spring cleaning, we do fall hurricane cleaning. It was good to see neighbors working together. That storm surge was a heck of a storm surge and she appreciates all the work they did.
- Looking forward to the festival. Let's enjoy our wonderful beach and have a great weekend.

Commissioner Kwiatkowski

- Appreciates how many people came out and stayed through the meeting today. It is nice to see at the end of the meeting almost everybody is still here.
- To the people complaining that we don't have plans. We put out RFQs for the pier and Block Q. The engineering firms were picked. There was a special meeting to talk about the pier property with the engineering firm. They will be bringing things to us in the upcoming weeks/months. You have to get the firms in place, then we will see things that people can look at and appreciate. It is not that there aren't plans. There are not documents to look at, but they are in progress. On the pier property, there is the document the Board endorsed from earlier this year that goes through how the Board made the decision and what the premises were for moving forward. Thinks it probably won't look much different than that, except for how long it will take. Concepts were already there. Let's be patient for a little while and let these firms get going and get things on paper so the citizens can start seeing how this is going to look. We will have a stormwater RFQ out soon. We will be getting a project done. Infrastructure is important. All of these things are piling on top each other and it will be put into the perspective of a long-term Town plan as the pieces come together overnight. Doesn't happen overnight, but we are working on it.

Commissioner Arnold

- Honored to be part of this board and to have a voice in the collective decision making in which he has been very impressed with for some time. There are lots of good things happening and that have happened at Holden Beach. It stands out because of all of the good things he has heard spoken here, things the staff does. Concurs on the comments he has heard. It is a great place to live, it is a blessing.

CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), CONSULT WITH THE ATTORNEY AND NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6), PERSONNEL

Motion by Commissioner Murdock to go into Executive Session at 7:07 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.

CLOSED SESSION

No action was taken.

ADJOURNMENT

Motion by Mayor Pro Tem Smith to adjourn at 8:45 p.m.; second by Commissioner Murdock; approved by unanimous vote.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk



Date: November 7, 2022

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

From: Christy Ferguson, Assistant Town Manager *CF*

Re: ATM Annual Update

Fran Way, our coastal consultant engineer with Applied Technology Management, will present the results from the yearly monitoring of the shoreline. Surveys were conducted in the spring and the firm has been analyzing results to evaluate shoreline changes over the past year.

November 2, 2022

To: Holden Beach Board of Commissioners

From: Holden Beach Audit Committee

Re: Audit Committee Message to the Board on the External Audit Report for the Year Ending June 30, 2022

The independent auditor's report presents the audit of the financial statements of the governmental activities, the business type activities and each major fund of the Town of Holden Beach as of and for the year ending June 30, 2022. In addition, audits of the Town's compliance with federal and state requirements for programs funded by grants were performed.

In the auditor's opinion, the individual fund financial statements, budgetary schedules, and other schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole. No material or significant deficiencies identified with respect to internal controls over financial reporting were found.

For both Federal and State awards, there were no audit findings required to be reported under either federal or state regulations, nor were any material or significant deficiencies identified with respect to internal controls.

The Town's financial department is to be commended for its diligence and attention to detail in the fiscal year ending June 30, 2022, which has resulted in no findings of concern in any of the financial statements or internal controls audited as summarized below.

1. Summary of Auditor's Results

Financial Statements

Type of auditor's report issued on whether the financial statements audited were prepared in accordance to GAAP:	Unmodified
--	------------

Internal control over financial reporting:

<input type="checkbox"/> Material weakness(es) identified?	No
<input type="checkbox"/> Significant deficiency(ies) identified?	None reported

Non-compliance material to financial statements noted?	No
--	----

Federal Awards

Internal control over financial reporting:

- | | |
|--|---------------|
| <input type="checkbox"/> Material weakness(es) identified? | No |
| <input type="checkbox"/> Significant deficiency(ies) identified? | None reported |

Type of auditor's report issued compliance for major federal programs	Unmodified
---	------------

Any audit findings disclosed required to be reported in accordance with 2 CFR 200.51(a)	No
---	----

State Awards

Internal control over financial reporting:

- | | |
|--|---------------|
| <input type="checkbox"/> Material weakness(es) identified? | No |
| <input type="checkbox"/> Significant deficiency(ies) identified? | None reported |

Type of auditor's report issued compliance for major state programs	Unmodified
---	------------

Any audit findings disclosed required to be reported in accordance with Single State Audit Implementation Act	No
---	----

2. Financial Statement Findings	None reported
---------------------------------	---------------

3. Federal Award Findings and Questioned Costs	None reported
--	---------------

4. State Award Findings and Questioned Costs	None reported
--	---------------

Financial Highlights of Import from the Audit Report

☐ The assets and deferred outflows of resources of the Town of Holden Beach exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$33,701,211 (net position).

☐ The government's total net position increased by \$575,818, primarily due to an increase in the governmental activities of \$558,562 and increases in the business-type activities of \$17,256.

☐ As of the close of the current fiscal year, the Town of Holden Beach's governmental funds reported combined ending fund balances of \$40,486,383, an increase of \$26,618,438 in comparison with the prior year. The large increase was due to the FEMA beach storm repair project, which was funded by FEMA reimbursement of a \$27.7

million Special Obligation Bond. Of this amount, \$3,761,091 is available for spending at the government's discretion.

┐ At the end of the current fiscal year, unassigned fund balance (available for appropriation) for the General Fund was \$3,761,091 or 83%, of total General Fund expenditures for the fiscal year. The Town's policy is for the available fund balance to be equal to or greater than 40% of budgeted expenditures.

Overall Long-Term Debt

As of June 30, 2021, the Town of Holden Beach had total debt of \$42,462,890, (excluding compensated absences). There was a net increase in total debt of \$32,362,119 The key factors of this increase were the issuance of the obligation bond for FEMA and additions of debt for Block Q and Pier property acquisitions and the sewer lift station 3 project.

Governmental Fund Balances (million \$)

	General.	BPART.	Canal.	Beach Renourishment & Inlet Management	FEMA Fund
July 1, 2021.	4.012.	5.225.	2.709.	2.130	(0.209)
June 30,2022	4.568	3.495	3.032	2.287	27.104

Proprietary Fund Cash and Cash Equivalents (million \$)

	Water Sewer
July 1, 2021	1.393
June 30,2022	4.311

Restricted Assets by Fund for the year ended June 30, 2022 (million \$)

BPART	1.492
FEMA	23.962
Canal	3.032
Water Sewer	2.658

Audit Committee Recommendation to BOC to Authorize the Town Manger to Issue an RFP as Soon as Practicable for Contracting with an External Audit Firm

The 3-year contract with the current external audit firm is expiring. With the heavy workload being experienced by external audit firms, it is important to move quickly to secure a firm for the upcoming 3 years.

Discussion and Possible Action on the North Side ROW After Bike Lane Construction

Bike lane construction on Ocean Blvd is projected to use approximately 3 ft of the current semi vegetated area between the road's edge and the sidewalk. I have received questions from a few citizens on what is being planned to "fill in" the empty space between the edge of the bike lane and the sidewalk as well as whether some sidewalk modifications might be needed/warranted in areas already subject to significant flooding.

Specifically

- i. Is it DOT or the Town that will designate what "landscape material" will be used to fill in area between bike lane edge and the sidewalk?
- ii. If DOT, do we know what is planned?
- iii. If THB, has Staff considered possibilities and preferences?
- iv. Is there an approved NC DOT pervious sidewalk option that would provide better drainage and if so could it be beneficial to replace existing sidewalk in areas already subject to flooding?



Holden Beach Police Department

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

Phone: 910-842-6707
Fax: 910-846-6907
help@holdenbeachnc.com



Monthly Activity Log (Oct '22)

Printed on November 9, 2022

Descriptions	Totals	
911 Hang Up (911HU)	2	2
911 Open Line (OL)	2	2
Alarm (SIG45 Signal 45)	31	31
Animal Carcass in the Roadway (10-86 x86)	1	1
Animal Control Call	8	8
Animal Control Call; Call By Phone (10-21Law x21L)	1	1
Armed with Gun Knife or Other Weapon (10-84 x84)	1	1
Attempt to Locate (ATL)	3	3
Attempt to Locate (ATL); Call By Phone (10-21Law x21L)	1	1
Breaking and Entering in Progress (10-62 x62)	1	1
Breathing Problems (Asthma) [Delta]	1	1
Breathing Problems [Delta]	1	1
Call By Phone (10-21Law x21L)	9	9
Call By Phone (10-21Law x21L); Take Written Report (10-92 x92)	1	1
Careless & Reckless (C&R)	3	3
Chest Pain or Discomfort [Charlie]	1	1
Chest Pain or Discomfort [Delta]	1	1
Civil Papers (SIG63 Signal 63)	1	1
Confirmed Structure Fire	2	2
Disabled Motorist (10-87 x87)	2	2
Disturbance or Disorderly Subject	3	3

Descriptions	Totals	
Disturbance or Disorderly Subject; Traffic Accident (Property Damage Only 10-50PD x50PD)	1	1
Domestic Disturbance (10-82 x82)	6	6
Domestic Disturbance (10-82 x82); EMD In Progress; Assault [Bravo]	1	1
Drunk Driver (10-55 x55)	1	1
Escort or Convoy (10-59 x59)	3	3
Falls [Delta]	1	1
Fight in Progress (10-40 x40); EMD In Progress; Assault [Bravo]	1	1
Fire Alarm Activation	2	2
Fireworks	1	1
Good Intent Call (Fire)	1	1
Hit and Run (Property Damage Only 10-54 x54)	1	1
Illegal Burn	1	1
Improperly Parked Vehicle (10-70 x70)	15	15
Keys In Vehicle or Lockout	3	3
Lost or Found Property	2	2
Medical Alarm [Bravo]	1	1
Meet with Complainant (10-83 x83)	13	13
Mental Patient or IVC Service (10-73 x73)	1	1
Missing or Abandoned Person	1	1
Noise Complaint	4	4
Open Door	3	3
Power Line Down or Arcing	2	2
Prowler (10-76 x76)	2	2
Psychiatric or Abnormal Behavior [Alpha]	3	3

Descriptions	Totals	
Shots Fired (10-96 x96)	1	1
Shots Fired (10-96 x96); Animal Control Call	1	1
Sick Person [Alpha]	1	1
Sick Person [Alpha]; Suspicious Vehicle or Subject (10-60 x60)	1	1
Special Check - Business - Residence (10-79 x79)	410	410
Special Operations Assignment (Signal 55 SIG55)	2	2
Stopping Vehicle (10-61 x61)	9	9
Stopping Vehicle (10-61 x61); Chase or Pursuit (10-43 x43)	1	1
Stroke or TIA [Charlie]	1	1
Suspicious Vehicle or Subject (10-60 x60)	7	7
Traffic Accident (Property Damage Only 10-50PD x50PD)	2	2
Traffic Control (10-58 x58)	1	1
Traffic Incident [Alpha]	1	1
Trespassers	2	2
Unconscious or Fainting [Alpha]	1	1
Unconscious or Fainting [Charlie]	2	2
Unconscious or Fainting [Delta]	3	3
Water or Sewer Problems	3	3
Welfare Check	1	1
Totals	596	596



Holden Beach Police Department

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Fax: 910-846-6907
hbp@hbtownhall.com



HBPD Monthly Report (Oct '22)

Printed on November 9, 2022

Reported	Case Number	Address	Offenses	Disposition
10/01/22 16:05	HBP22-00069	105 FRIGATE DR	FIRE - NO CRIME	Closed - Unfounded
10/01/22 21:53	HBP22-00070	123 COLE ST	FIRE - NO CRIME	Closed - Unfounded
10/02/22 10:59	HBP22-00071	700 OCEAN BLVD W	14-318.2 - MISDEMEANOR CHILD ABUSE	Closed - Forward to Other Agency
10/23/22 19:14	HBP22-00072	110 ROTHSCCHILD ST	14-33(A) - SIMPLE ASSAULT	Closed - Resolved by Parties
10/28/22 20:07	HBP22-00073	3408 HOLDEN BEACH	WARRANT SERVICE	Closed - Cleared By Arrest

Total Records: 5



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State Citation (Oct '22)

Printed on November 9, 2022

Date	Defendant	Statutes/Charges
10/04/22	ALAN, LOCKAMY BRETT	20-309 - NO LIABILITY INSURANCE, 20-7(A) - NO OPERATORS LICENSE
10/08/22	RUFFNER, LONDA J	20-140(A) - RECKLESS DRVG-WANTON DISREGARD
10/22/22	MICHAEL, TROLLINGER JACK	20-154(A) - IMPROPER BACKING
10/26/22	PRESCOTT, DUNCAN DEVYN MARSHALL	20-141(B) - SPEEDING

Total Records: 4

LSV = 0



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Ordinance Violations (Oct '22)

Printed on November 9, 2022

Date	Defendant	Ordinance/Warning	Violation
10/29/22	ANDERSON, KELLY	Ordinance Violation	Parking - Roadway/Travel Lane
10/29/22	INSLEY, LAWRENCE	Ordinance Violation	Parking - Roadway/Travel Lane
10/29/22	BANKOVICH, FRANK	Ordinance Violation	Parking - Roadway/Travel Lane
10/29/22	YOUNT, SHARON	Warning Citation	Parking - Roadway/Travel Lane
10/29/22	HUSS, STEPHEN	Ordinance Violation	Parking - Roadway/Travel Lane
10/29/22	HAYES, SUSAN	Ordinance Violation	Parking - Roadway/Travel Lane
10/30/22	BLUE SAIL BEACH OUTFITTERS, LLC	Ordinance Violation	Parking - Right-of-Way Violation

Total Records: 7

LSV = 1

CONSTRUCTION TYPE REPORT

TOWN OF HOLDEN BEACH

10/11/2022 TO 11/07/2022

Construc Type	Sta tus	Descripti on	Date Applied	Permit class/ Number	Occupancy Group	Square Feet	Valuation(\$)	Permit Fee(\$)
BH	10	Bulkhead	10/12/2022	BPM-018633	G1	0.00	14,000.00	141.00
Subtotal for Bulkhead:					1	0.00	\$14,000.00	\$141.00
Decks	10	Decks	10/28/2022	BPM-018680	G1	0.00	4,700.00	80.00
Subtotal for Decks:					1	0.00	\$4,700.00	\$80.00
Elect	12	Electrical	10/11/2022	EL-018630	G1	0.00	2,300.00	75.00
Elect	13	Electrical	10/12/2022	FI-018635	G1	0.00	3,000.00	75.00
Elect	10	Electrical	10/14/2022	EL-018639	G1	0.00	800.00	75.00
Elect	10	Electrical	10/17/2022	EL-018646	G1	0.00	1,200.00	75.00
Elect	12	Electrical	10/17/2022	EL-018649	G1	0.00	1,000.00	75.00
Elect	13	Electrical	10/18/2022	EL-018651	G1	0.00	1,000.00	75.00
Elect	13	Electrical	10/27/2022	EL-018670	G1	0.00	1,800.00	75.00
Elect	10	Electrical	10/27/2022	EL-018671	G1	0.00	1,000.00	75.00
Elect	13	Electrical	11/01/2022	EL-018684	G1	0.00	1,000.00	75.00
Elect	10	Electrical	11/07/2022	EL-018691	G1	0.00	2,200.00	75.00
Elect	10	Electrical	11/07/2022	EL-018692	G1	0.00	2,200.00	75.00
Elect	10	Electrical	11/07/2022	EL-018694	G1	0.00	1,800.00	75.00
Elect		Electrical			22			
Subtotal for Electrical:					34	0.00	\$19,300.00	\$900.00
Mech	13	Mechanical	10/13/2022	MC-018637	G1	0.00	8,000.00	75.00
Mech	10	Mechanical	10/14/2022	MEC-018645	G1	0.00	8,850.00	150.00
Mech	13	Mechanical	10/17/2022	MEC-018647	G1	0.00	7,764.00	75.00
Mech	10	Mechanical	10/17/2022	MEC-018648	G1	0.00	7,100.00	75.00
Mech	10	Mechanical	10/18/2022	MC-018650	G1	0.00	12,152.00	150.00
Mech	10	Mechanical	10/18/2022	MEC-018652	G1	0.00	8,436.00	150.00
Mech	10	Mechanical	10/18/2022	MEC-018653	G1	0.00	7,045.50	75.00
Mech	10	Mechanical	10/18/2022	MEC-018654	G1	0.00	7,365.00	75.00
Mech	10	Mechanical	10/19/2022	MEC-018656	G1	0.00	13,080.00	150.00
Mech	10	Mechanical	10/20/2022	MEC-018661	G1	0.00	4,141.00	75.00
Mech	10	Mechanical	10/21/2022	MEC-018662	G1	0.00	14,069.00	150.00
Mech	10	Mechanical	10/21/2022	MEC-018664	G1	0.00	7,155.00	75.00
Mech	10	Mechanical	10/25/2022	MC-018665	G1	0.00	25,000.00	225.00
Mech	10	Mechanical	10/25/2022	MEC-018667	G1	0.00	25,000.00	150.00
Mech	10	Mechanical	10/26/2022	MEC-018668	G1	0.00	19,334.00	150.00
Mech	10	Mechanical	10/26/2022	MEC-018669	G1	0.00	8,708.00	150.00
Mech	10	Mechanical	10/27/2022	MEC-018676	G1	0.00	6,500.00	75.00

Mech	10	Mechanical	10/31/2022	MEC-018681	G1	0.00	4,829.00	75.00
Mech	10	Mechanical	11/01/2022	MEC-018682	G1	0.00	7,032.00	75.00
Mech	10	Mechanical	11/02/2022	MEC-018687	G1	0.00	9,580.00	150.00
Mech	10	Mechanical	11/04/2022	MEC-018688	G1	0.00	4,599.46	75.00
Mech	10	Mechanical	11/07/2022	MEC-018693	G1	0.00	7,075.00	75.00
btotat for Mechanical:					22	0.00	\$222,814.96	\$2,475.00
Pools	10	Swimming Pools	10/27/2022	BPM-018673	G1	0.00	36,000.00	1,139.00
Pools	10	Swimming Pools	10/27/2022	BPM-018674	G1	0.00	37,000.00	1,148.00
I for Swimming Pools:					2	0.00	\$73,000.00	\$2,287.00
Remod	10	Renovation/Repair	10/11/2022	BPM-018632	G1	0.00	28,547.00	1,349.62
Remod	10	Renovation/Repair	10/12/2022	BPM-018634	G1	0.00	4,000.00	80.00
Remod	13	Renovation/Repair	10/12/2022	MC-018636	G1	0.00	7,800.00	75.00
Remod	10	Renovation/Repair	10/14/2022	BPM-018640	G1	0.00	7,812.73	85.32
Remod	10	Renovation/Repair	10/14/2022	BPCL-018641	G1	0.00	15,000.00	225.00
Remod	10	Renovation/Repair	10/14/2022	BPM-018642	G1	0.00	24,500.00	235.50
Remod	10	Renovation/Repair	10/14/2022	BP-018644	G1	0.00	38,146.00	518.31
Remod	10	Renovation/Repair	10/19/2022	BPM-018658	G1	0.00	10,000.00	155.00
Remod	10	Renovation/Repair	10/20/2022	BP-018659	G1	0.00	90,000.00	1,110.00
Remod	10	Renovation/Repair	10/20/2022	BPM-018660	G1	0.00	400.00	80.00
Remod	10	Renovation/Repair	10/27/2022	RDR-018672	G1	0.00	23,730.00	228.57
Remod	10	Renovation/Repair	10/27/2022	BP-018677	G1	0.00	150,000.00	1,600.00
Remod	10	Renovation/Repair	10/27/2022	BP-018678	G1	0.00	189,000.00	1,876.00
Remod	10	Renovation/Repair	10/27/2022	BP-018679	G1	0.00	185,000.00	1,840.00
Remod	10	Renovation/Repair	11/02/2022	BP-018686	G1	0.00	21,730.00	210.57
Remod	10	Renovation/Repair	11/04/2022	RDR-018689	G1	0.00	8,100.00	379.50
or Renovation/Repair:					16	0.00	\$803,765.73	\$10,048.39
Walk	10	Walkway	10/14/2022	RDR-018643	G1	0.00	15,000.00	150.00
Walk	10	Walkway	10/27/2022	BPM-018675	G1	0.00	24,637.00	236.73
Subtotal for Walkway:					2	0.00	\$39,637.00	\$386.73
Zoning	12	ZONING	10/11/2022	Zoning-018631	G1	0.00	50.00	50.00
Zoning	13	ZONING	10/13/2022	Zoning-018638	G1	0.00	50.00	50.00
Zoning	13	ZONING	10/25/2022	Zoning-018666	G1	0.00	50.00	50.00
Zoning	10	ZONING	11/01/2022	Zoning-018683	G1	0.00	50.00	50.00
Zoning	10	ZONING	11/07/2022	Zoning-018690	G1	0.00	50.00	50.00
Zoning		ZONING		10			500.00	500.00
Subtotal for ZONING:					15	0.00	\$750.00	\$750.00
GRAND					93	0.00	\$1,177,967.69	\$17,068.12

INSPECTIONS DEPT. FROM 10/11-11/07

ACTIVE NEW HOME PERMITS = 39

OTHER ACTIVE PERMITS= 305

PERMITS ISSUED OVER \$30,000 = 7 (AMOUNT INCLUDED IN ACTIVE TOTAL)

PERMITS ISSUED WAITING PICK UP = 13

TOTAL PERMITS= 357

PERMITS IN REVIEW= 29

CAMA IN REVIEW= 2

ZONING PERMITS ISSUED = 15

CAMA PERMITS ISSUED= 6

PERMITS SERVICED FOR INSPECTIONS (FROM 10/11-11/07)=94

TOTAL INSPECTIONS MADE= 374



Wednesday, October 12, 2022

Memo: Amendments to 94.03

To: Town Commissioners, Mayor and Town Manager

From: Planning and Inspections Director

Subject: Amendments to 94.03 Specifically Exceptions to walkways with over 300 feet to the Last line of Natural Stable Vegetation.

The Board tasked the Planning Board with review of the 94.03, The TOHBPB reviewed and discussed Ordinance 94.03 and asked the staff to return with options, Planning staff presented 5 options to the Planning Board at the next scheduled meeting. The Planning Board advertised the proposed changes to the public and then voted to send the approved changes forward to the Board.

Note: Town staff supports these changes.

Heather Finnell

From: Rhonda Wooten
Sent: Tuesday, September 27, 2022 4:09 PM
To: Heather Finnell
Cc: Tim Evans
Subject: FW: PLanning Board Meeting
Attachments: Option 5 .docx

The Planning & Zoning Board voted unanimously on September 27, 2022 to send forward option 5 (see attached), to the Board of Commissioners for approval.

See attachment.

Option 5

Staff recommended changes to remain 94.03

Staff Input: Assistant Town Manager Christy Ferguson, Development Service Officer, Rhonda Wooten, Planning and Inspections Director Timothy D. Evans, Public Works Director, Chris Clemmons

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the ~~N.C. State Building Code~~ North Carolina Residential Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6-foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune. ~~or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.~~

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~ North Carolina Residential Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. ~~The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune.~~ In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

- 6. No structure other than ~~the one~~ four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the ~~one~~ four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

**TOWN OF HOLDEN BEACH
PLANNING & ZONING BOARD
AUGUST 23, 2022 – 3:30 P.M.**

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, August 23, 2022 at 3:30 p.m. in the Town Hall Public Assembly. Present were Chair Pete Pallas; Vice Chair Greg Shue; Regular Member Wade Coleman, Sylvia Pate and John Cain; Alternate Members Mark Francis and Aldo Rovito; Planning Director Tim Evans; CZO Rhonda Wooten; Plan Reviewer Carey Redwine; Public Works Director Chris Clemmons; and Fire Chief Doug Todd.

CALL TO ORDER

The meeting was called to order at 3:33 p.m.

ROLL CALL

All members were present.

PUBLIC COMMENTS ON AGENDA ITEMS

Planning Director Evans asked to amend the agenda and add item #8, lots situated off of OBW in the 800 & 900 block.

APPROVAL OF MINUTES

Vice Chair Shue made a motion to approve the minutes of June 22, 2021; seconded by Member Pate and approved by unanimous vote.

Member Cain made a motion to approve the minutes of July 27, 2021; seconded by Vice Chair Shue and approved by unanimous vote.

Member Pate made a motion to approve the minutes of June 28, 2022; seconded by Vice Chair Shue and approved by unanimous vote.

ELECTION OF CHAIR AND VICE CHAIR

Vice Chair Shue made a motion to nominate Pete Pallas as Chair; seconded by Member Pate and approved by unanimous vote.

Member Coleman made a motion to nominate Greg Shue as Vice Chair; seconded by Chair Pallas and approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 94.03, FRONTAL DUNE POLICY AND REGULATIONS

Planning Director Evans stated that the frontal dune is the most substantial dune to protect the structure. The town has a frontal dune designation and CAMA has a frontal dune designation. There is a possibility that the CAMA frontal dune and the town's frontal dune may be the same or the town's frontal dune could be more landward.

Staff recommends option #5, of the 5 options, it does not allow the ordinance to be moved in the code book or be changed, but recommends some minor text changes.

Planning Director Evans stated that he is only aware of one person that has even asked for a walkway extension beyond what is allowed in the ordinance now. All of our rules and regulations get looked at by the CRS program. We have more restrictive regulations that protect our structures and are a primary part of the CRS point system for the town. This ordinance was written shortly after Hurricane Floyd.

Public Works Director Clemmons stated that he understands homeowners wanting to construct walkways further out but there is a lot more negatives than positives to let this happen. He started working here in the 90's, when the walkways were far out. It was a massive pile of debris field after a storm. As far as FEMA, back in the day anything that was on the beach strand contributed to the threshold that we had to meet for the county to qualify for FEMA assistance. All of that has changed now and everything that happens on that beach strand is not eligible to help get to that threshold. If we let them start extending the walkways all the way out that far it will be on the town to pay for the cost of cleaning it up. We will not be getting any reimbursements. This could also delay you from returning after a storm until the beach is cleaned up, with all the debris and lumber strung around. The massive structures floating around could cause damage to people's homes. If you look at the beach in the last 10 years, I don't think that anyone can say that were not making headway in keeping it the way that it is.

Fire Chief Doug Todd is present and Public Works Director Clemmons stated the emergency people for life saving measures cannot get on the beach if needed with debris strung everywhere.

Public Works Director Clemmons stated that there are so many negatives to allowing these walkways to extend back out. Years ago, he remembers having to chainsaw walkways so that a dredging project could occur because all the homeowners would not move them. As many people as we see on the beach in July, I can't imagine how tight it would be if they have less room to sit, if walkways are extended out further. I am highly opposed to extending the walkways. If we need trucks for cleanup, it is a whole lot more difficult to get trucks and approval for the hauling off and cleaning up of the debris. We are required to go through the county now.

Planning Director Evans stated that the rules do not state that the property owners cannot walk over their dune. The exception that was written for the west end of the beach was to get the property owners over the water area. Option #5 is the recommendation from the staff.

The Planning Board discussed the item and options.

Vice Chair Shue made a motion for option #5 to be presented for public comments; seconded by Chair Pallas and approved by unanimous vote.

LOTS SITUATED OFF OF OBW 800-900 BLOCK

Planning Director Evans stated that if some of these houses want to do improvements, we may have a problem based on where the property lines and street are located. This has caused some of these homes to be nonconforming and forced them to go before the Board of Adjustment for variance. The right-of-way is not the same within some of those areas.

Chair Pallas made a motion for Planning Director Evans to put together information on this item and bring it back to the Planning Board to review; seconded by Member Coleman and approved by unanimous vote.

COMMENTS

Property owner Ann Arnold, 124 Salisbury Street, wanted clarification on what the walkways can be constructed to, is it for 300 feet only. Planning Director Evans stated that the ordinance is the same.

Planning Director Evans stated that when you rent a home you are the owner at that time.

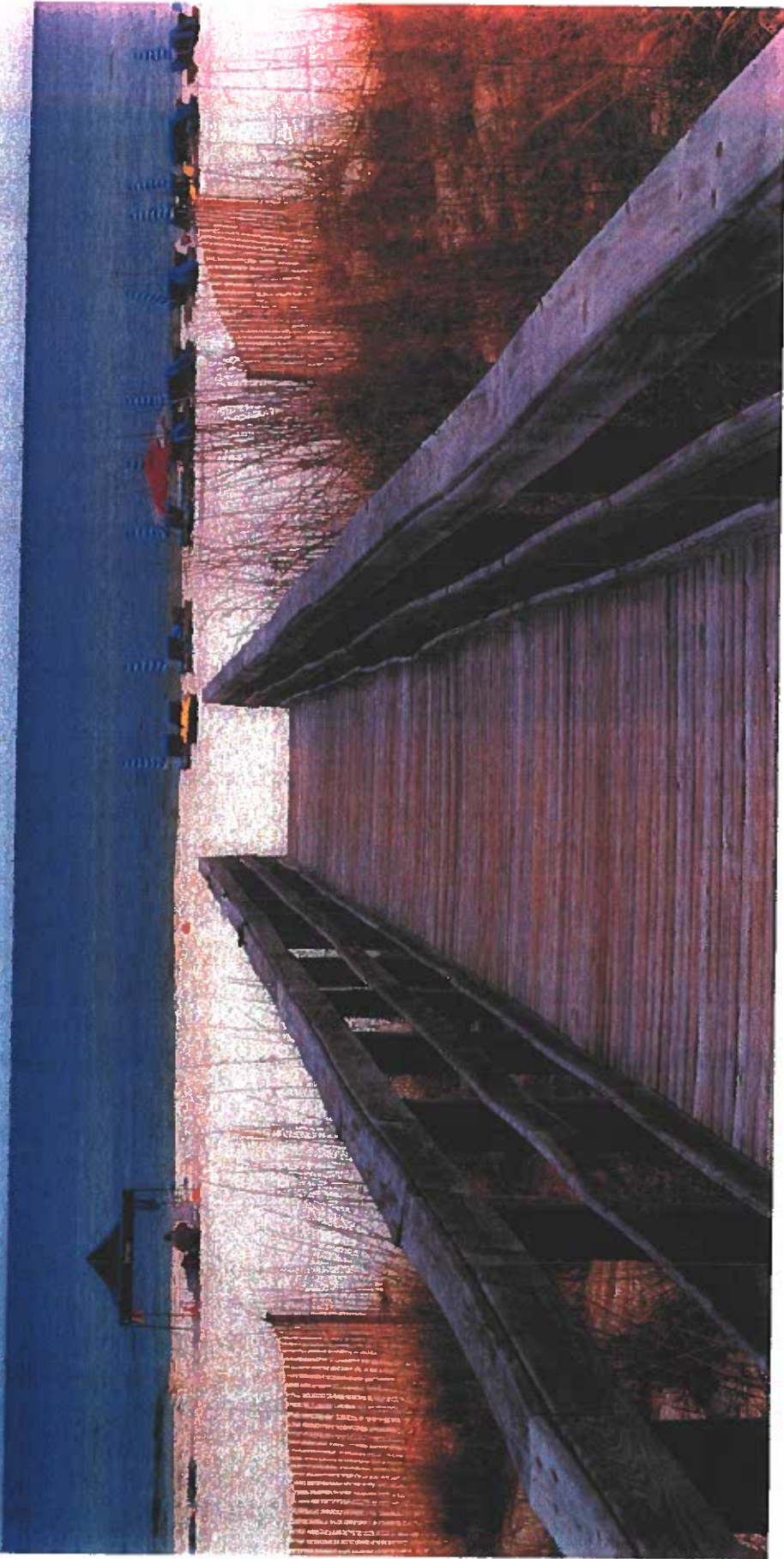
ADJOURNMENT

Chair Pallas made a motion to adjourn at 4:16 PM.; seconded by Vice Chair Shue and approved by unanimous vote.

Rhonda Wooster

Ocean Front Walkway Structures

August 23, Planning
Board Meeting



Planning Board Considerations 94.03 Frontal Dune Policy and Regulation's

Options:

- 1. No Changes ordinance to remain in 94.03**
- 2. Ordinance Change To Remain in 94.03**
- 3. Staff's preliminary changes based on input moved to 157.024**
- 4. Moved to 157.024 with no changes**
- 5. Staff recommended changes to remain in 94.03**

Option One
remain in 94.03
no changes

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the N.C. State Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6-foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune, or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the N.C. State Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than the four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet, and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built in accordance with all federal, state and local building requirements.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

Option two
ordinance
change to
remain in
94.03

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the ~~N.C. State Building Code~~ *North Carolina Residential Building Code*. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6-foot walkway.
2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune ~~or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.~~
3. Steps shall be of open tread construction with a maximum riser height of 8-25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~ *North Carolina Residential Building Code*.
4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. ~~The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune.~~ In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than the ~~one~~ *one* four foot wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the ~~one~~ *one* four foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. ~~It is the intent of this section to require property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the line of natural stable vegetation, as determined by the N.C. CAMA, to have their initial multiple walkways with a minimum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the first line of natural stable vegetation. A single walkway allowed to extend to the seaward toe of the most oceanward dune as located by Planning Director or designee, but in no case shall it extend beyond the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements.~~

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

(4) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the ~~N.C. State Building Code~~ *North Carolina Residential Building Code*. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6-foot walkway.

Option three
Staff's
preliminary
changes based
on input moved
to 157.024

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune, ~~on the existing toe of the dune as determined by averaging the downward slope or vertical parent line for the property in question and those properties directly adjacent.~~

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~ *North Carolina Residential Building Code*.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. ~~The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.~~

5. Except for hand cap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than the ~~the~~ four foot wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the ~~the~~ four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. ~~Exception: Property owners with lots that have more than 400 feet from the seaward toe of the frontal dune to the foot line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a minimum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet and shall terminate at the foot line of natural stable vegetation. A single walkway allowed to extend to the seaward toe of the most oceanward dune as located by Planning Director or designee, but in no case shall it extend beyond the land line of natural stable vegetation. Walkways shall be permitted and built in accordance with all federal, state, and local building requirements.~~

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the N.C. State Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6- foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune, or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the N.C. State Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than the four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway.

Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state and local building requirements.

Option four
move to
157.024 with
Section no
changes

Staff Input Assistant Town Manager Christy Ferguson, Development Service Officer, Rhonda Woolen, Planning and Inspections Director Timothy D. Evans, Public Works Director, Chris Clemmens,

(a) Whenever property owners elect to construct a walkway across the littoral zone on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: The same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

- 1 The walkway shall be constructed only of building materials approved by the ~~Local~~ Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CANA Accessways may utilize a 6-foot walkway.
- 2 The first step down to the beach ~~is and~~ shall be placed no farther seaward than the beginning of the downward slope of the dune ~~on the walking line of measurement determined by averaging the downwind edge of the vegetation line for the property in question and those adjacent to the dune~~.
- 3 Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~Local~~ Building Code. ~~Public's use of a recreational facility~~

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune should be conclusively presumed to be a critical navigable alteration of the dune. *This walkway should be removed and the dune should be returned to its natural state and a modification of the beach should be made to the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.*

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.
6. No structure other than the four foot wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to add to the allowed walkway. Structures other than the four foot wide walkway that exist when this section is adopted may remain in place temporarily, however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. A building permit is required if there are any repairs needed to walkway load bearing CMAA accessories may utilize a 6 foot wide walkway. Exception: Property owners with lots that have more than 100 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CMAA officer, may install a single walkway with a maximum width of four feet. The walkway shall be a minimum of three feet high with a maximum height not to exceed four feet and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built in accordance with all federal, state and local building requirements.
7. Showers shall not be located on walkways over the dune south of the landward toe. Showers runoff must not drain onto any portion of the frontal dune or south of the landward toe.
8. In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

Option 5 staff recommended changes to remain in chapter 94.03

Option 1

No Changes Remain in 94.03

**THESE ARE COPIES OF THE OPTIONS
IN THE POWERPOINT. THESE HAVE
LARGER FONTS SO THAT THEY ARE
LEGIBLE.**

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the N.C. State Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6- foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune, or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the N.C. State Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than the four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to

be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state and local building requirements.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

Option 2

Ordinance change to remain in 94.03

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the ~~N.C. State Building Code~~ North Carolina Residential Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6- foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune. ~~or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.~~

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~ North Carolina Residential Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. ~~The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into~~

~~the dune.~~ In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

- 6. No structure other than ~~the~~ **one** four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the **one** four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. ~~Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation.~~ A single walkway allowed to extend to the seaward toe of the most oceanward dune as located by Planning Director or designee, but in no case shall it extend beyond the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

Option 3

Staffs Preliminary changes based on input to be moved to 157.024

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the ~~N.C. State Building Code~~ North Carolina Residential Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6- foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune. ~~or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.~~

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code.~~ North Carolina Residential Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. ~~The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into~~

~~the dune.~~ In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

- 6. No structure other than ~~the~~ **one** four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the **one** four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. ~~Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation.~~ A single walkway allowed to extend to the seaward toe of the most oceanward dune as located by Planning Director or designee, but in no case shall it extend beyond the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

Option 4

Move to 157.024 With No Changes

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the N.C. State Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6- foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune, or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the N.C. State Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than the four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to

• be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state and local building requirements.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

Option 5

Staff recommended changes to remain 94.03

Staff Input: Assistant Town Manager Christy Ferguson, Development Service Officer, Rhonda Wooten, Planning and Inspections Director Timothy D. Evans, Public Works Director, Chris Clemmons

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the ~~N.C. State Building Code~~ North Carolina Residential Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6-foot walkway.

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5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than ~~the one~~ four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the ~~one~~ four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements.

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(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

**TOWN OF HOLDEN BEACH
PLANNING & ZONING BOARD
SEPTEMBER 27, 2022 – 3:30 P.M.**

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, September 27, 2022, at 3:30 p.m. in the Town Hall Public Assembly. Present were Chair Pete Pallas; Vice Chair Greg Shue; Regular Members Wade Coleman, Sylvia Pate and John Cain; Planning Director Tim Evans; CZO Rhonda Wooten and Plan Reviewer Carey Redwine.

PUBLIC COMMENTS

No public attended the meeting.

CALL TO ORDER

The meeting was called to order at 3:30 p.m.

ROLL CALL

Aldo Rovito and Mark Francis were excused members.

APPROVAL OF MINUTES

Member Cain made a motion to approve the minutes of August 23, 2022. Minutes were approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 94.03 FRONTAL DUNE POLICY AND REGULATIONS

Chair Pallas stated that Public Works Director Chris Clemmons attended the last meeting and spoke about all the debris the long walkways create and why the ordinance was changed to how it reads now. Planning Director Evans stated that public advertisement was not required but they wanted it done to allow the public to have an opportunity to comment.

Regular Member Cain made a motion to adopt option 5 and send it to the Board of Commissioners; seconded by Vice Chair Shue and approved by unanimous vote.

DISCUSSION OF PROPERTIES LOCATED ON OCEAN BOULEVARD BETWEEN SWORDFISH AND SAILFISH DRIVE.

Planning Director Evans stated that he is still working on the proposed amendment to the ordinance for the structures that are located north and adjacent to Ocean Boulevard between Swordfish and Sailfish Drive. Some of these structures were made nonconforming when the street was moved. When the draft is brought to the Planning & Zoning Board, if they approve it

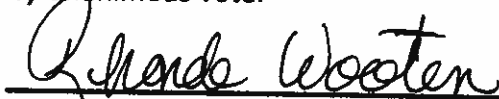
a public hearing will be advertised, then a consistency statement will be brought to the Planning and Zoning Board for review. If it is approved, it will be then sent to the Board of Commissioners. The staff will prepare a text amendment and bring back for next meeting for review.

COMMENTS

No comments.

ADJOURNMENT

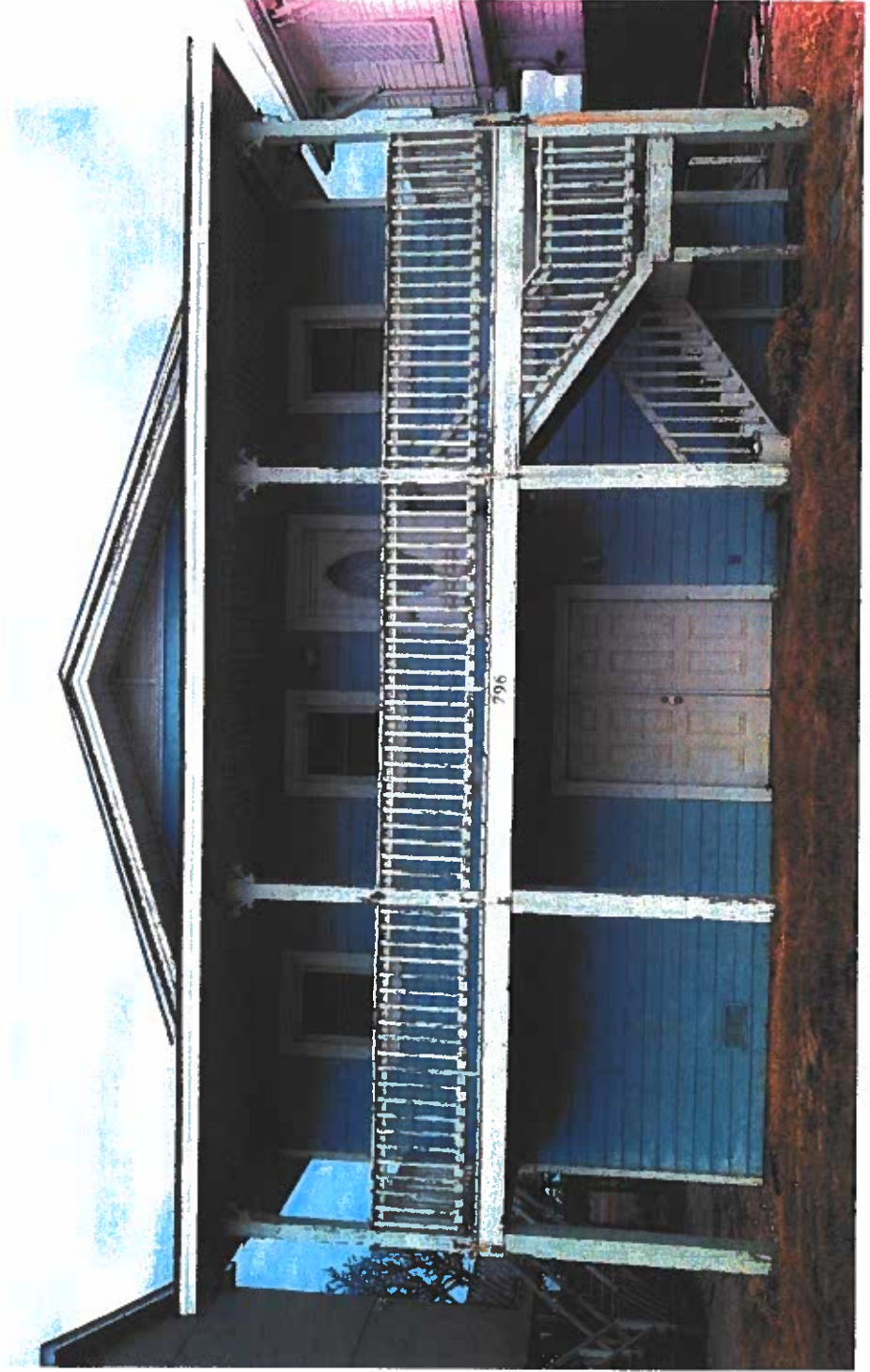
Member Pate made a motion to adjourn the meeting; seconded by Member Cain and approved by unanimous vote.

A handwritten signature in cursive script, reading "Rhonda Wooten", is written over a horizontal line.

Rhonda Wooten

796 Ocean Blvd West

Formally Sandy Side and Two Views



Who are the Ehle's – Why Do We Care?

- Bob and Peggy Ehle built 798 OBW – “Double Happiness” right at 40 years ago. They have...
 - Three Sons and their wives
 - Six Grand Children and their spouses
 - Ten Great Grand Children
 - 4th Generation Coming to Holden Beach each year from Texas!



Why I am I here – What is my ask?

- June 8, 2021, Letter to the Board of Commissioners (attached in Appendix)
- Letter was included in the June 15, 2021, Commissioner's Meeting Packet
- Letter stated, "My request is for the Town of Holden Beach to allocate funds to bring this property up to a common standard of maintenance and appearance and to complete the repairs as soon as possible."
- Fast Forward almost 18-Months to this evening:
 - No response from the Board of Commissioners
 - Nothing of substance has been done to maintain 796 OBW
 - Building is continuing to deteriorate
 - Lawn / Lot overgrowth and lack of proper maintenance continue
 - Property continues to be a health and safety hazard
 - Breeding ground for rodents, snakes, and other pests
 - My family and my guests must look at this eyesore
- This time, I am here in person to make the ask.
- Please, please, please take responsibility for the proper maintenance of 796 OBW
 - Prep, Prime, and Paint exterior surfaces
 - Repair / Replace damaged wood
 - Remove or replace exterior rusting HVAC units
 - Remove or replace exterior HVAC stands
 - Clear overgrowth in landscape
 - Clear trash and storm damage materials from lot
 - Remove TV Antenna and wire hanging from back of building
 - Remove or replace torn screens

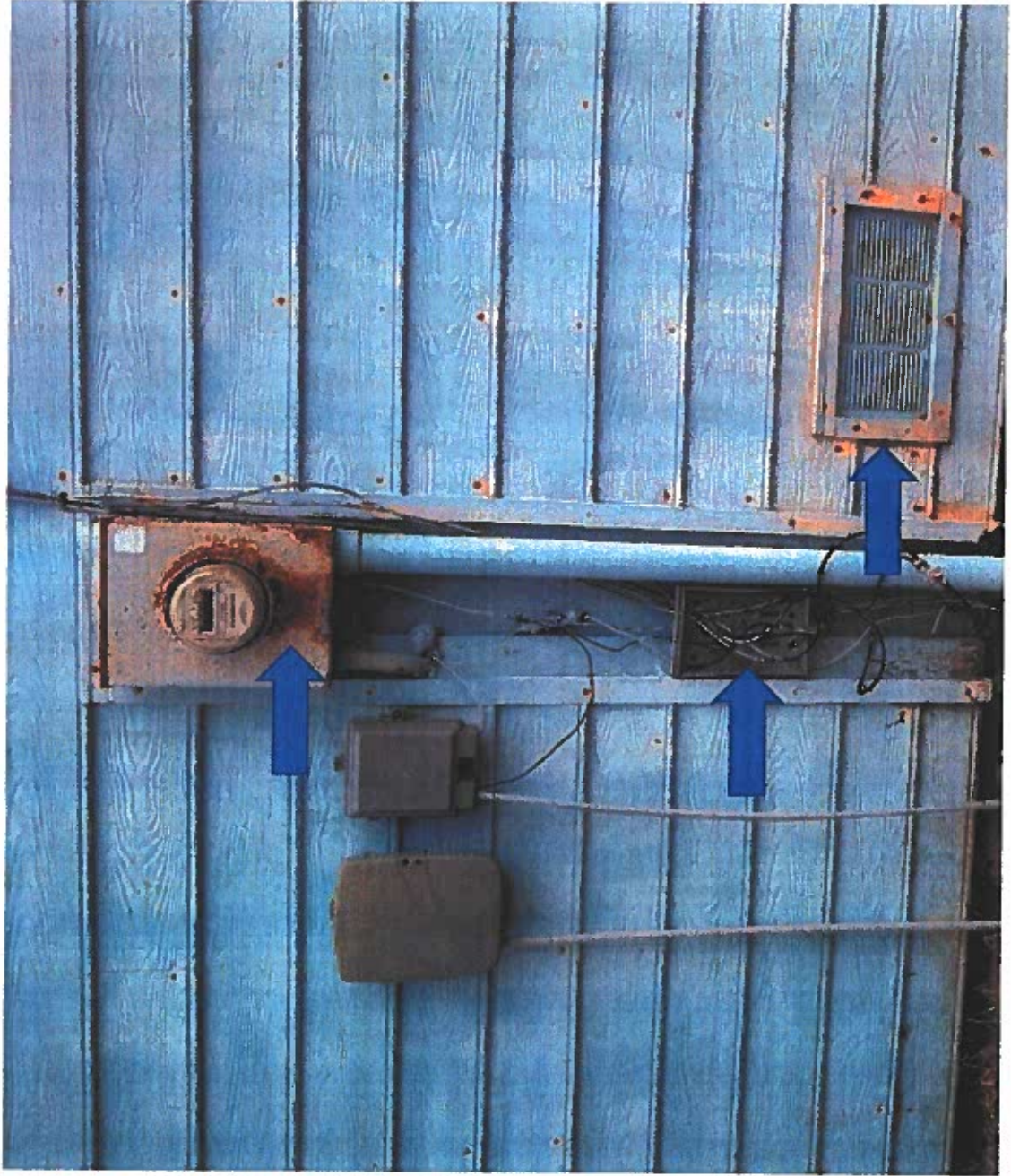
View from Double Happiness



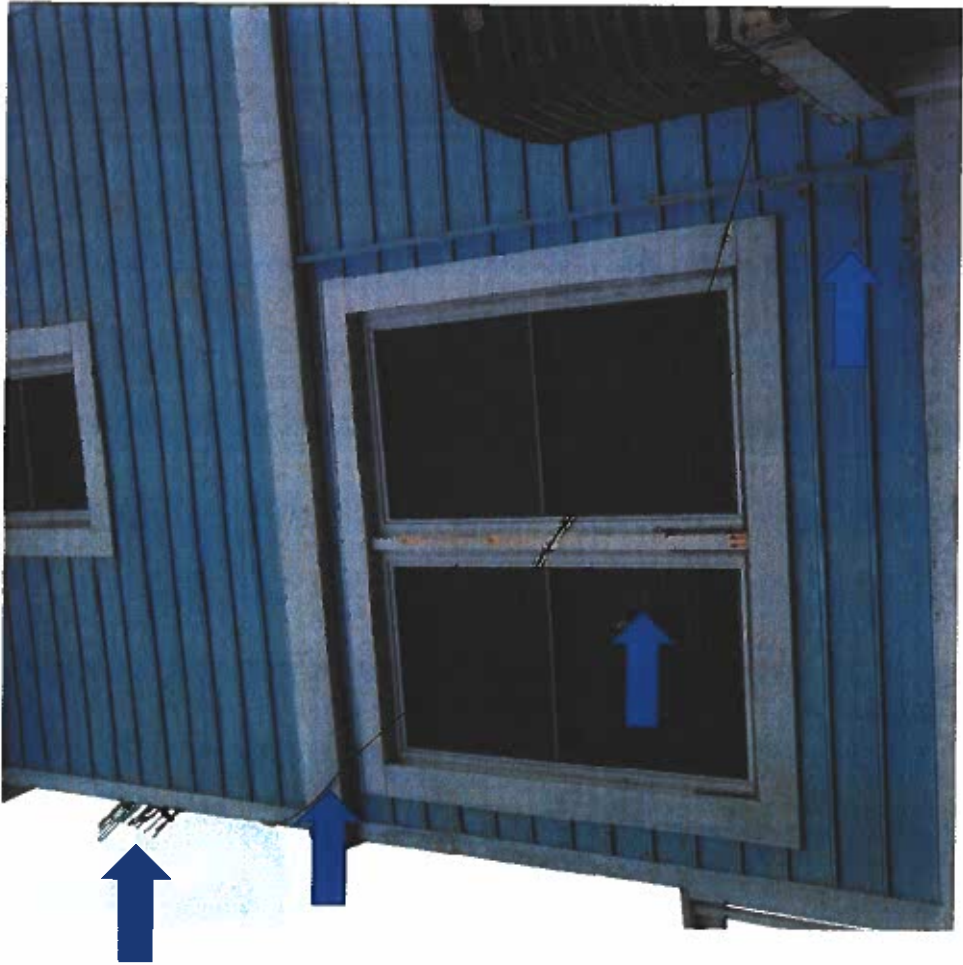
View from Double Happiness Deck



View from Double Happiness



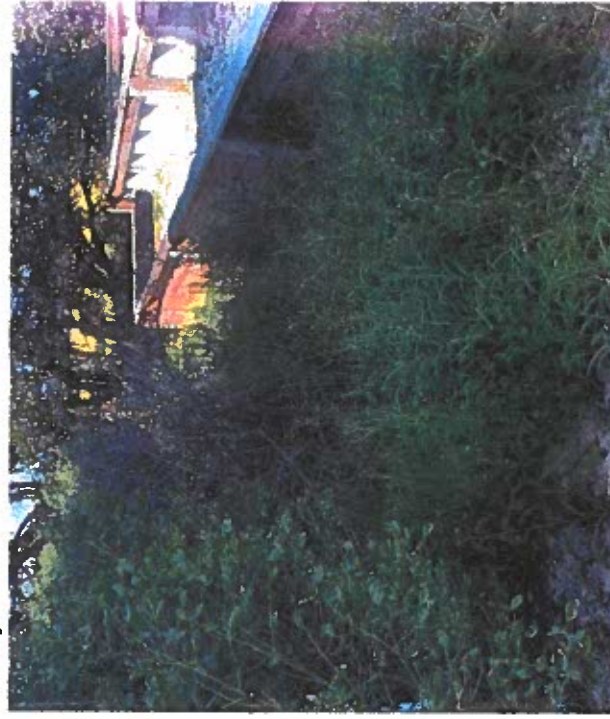
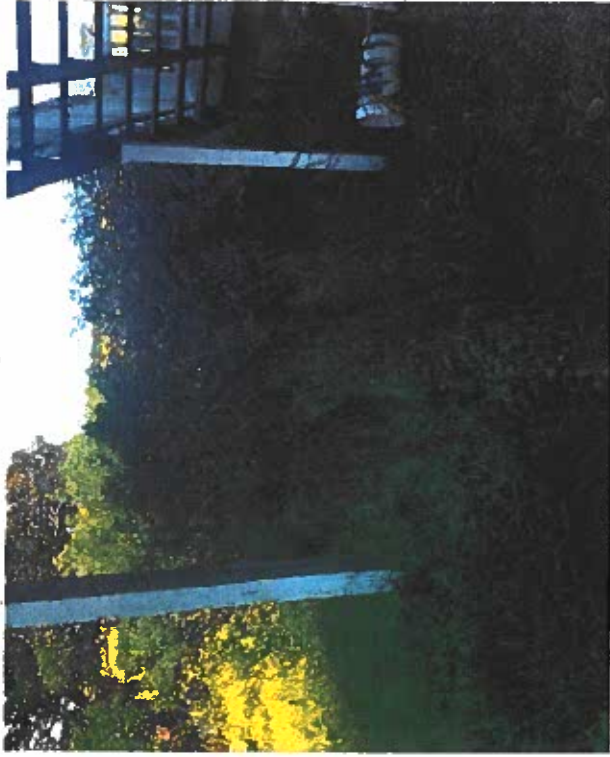
View from Double Happiness



View from Double Happiness



Yard Overgrowth – Late September before Ian



Back Yard Overgrowth – After Jan



Steps to Back and Front Door



Storm Debris and Landscape Overgrowth



Conclusion - What is my ask again?

- Please, please, please take responsibility for the proper maintenance of 796 OBW and bring it up to an acceptable standard as soon as possible
 - Prep, Prime, and Paint exterior surfaces
 - Repair / Replace damaged wood
 - Remove or replace exterior rusting HAVC units
 - Remove or replace exterior HAVC stands
 - Clear overgrowth in landscape
 - Clear trash and storm damage materials from lot
 - Remove TV Antenna and wire hanging from back of building
 - Remove or replace torn screens

Appendix - 2021 Letter to Commissioners

Tuesday, June 8, 2019

To:

Mayor Alan Holden
Mayor Pro Tem Gerald Brown
Commissioner Brian Murdock
Commissioner Mike Sullivan
Commissioner Pat Kwiatkowski
Commissioner Rick Smith
Town Manager David W. Hewett

REF: Town of Holden Beach owned property at 796 Ocean Blvd West

My name is Joel Ehle. My parents built their dream home at 798 OBW in 1983. Our family has come to Holden Beach and "Double Happiness" every year since. We now have four generations of Ehle's regularly coming to Holden Beach and Double Happiness.

I would have like to have come and make a presentation in person at the June 15th meeting, but I live in Texas and have just returned from two weeks at Double Happiness. Therefore, I am asking my letter to be read into the record for the meeting and for the Town of Holden Beach to take quick actions to address the deteriorating conditions of 796 Ocean Blvd West, formally Sandy Side and more recently Two Views.

Since the City began using 796 OBW as a base for the construction of the new pump station, it does not appear any basic maintenance has been done on the exterior of the house. Screens are torn and flapping in the wind, green mold and mildew is prevalent on the siding, the siding is fading and in need of replacing or repainting, the AC stands are in disrepair, the ACs leaning and rusting, the painted trim is peeling and bare wood exposed with rusted nail stains, and there has been an antenna installed at the back of the house and a wire strung from the antenna to a connection point on the side of the house. That is a verbal picture of what we, our guests, and our renter see first as the start up the stairs to our home.

Without quick and decisive action on the part of the Town, 796 OBW will continue to deteriorate and be not just an eyesore, but a safety hazard. It will also be a detriment to the reviews and returning guest rentals for Double Happiness.

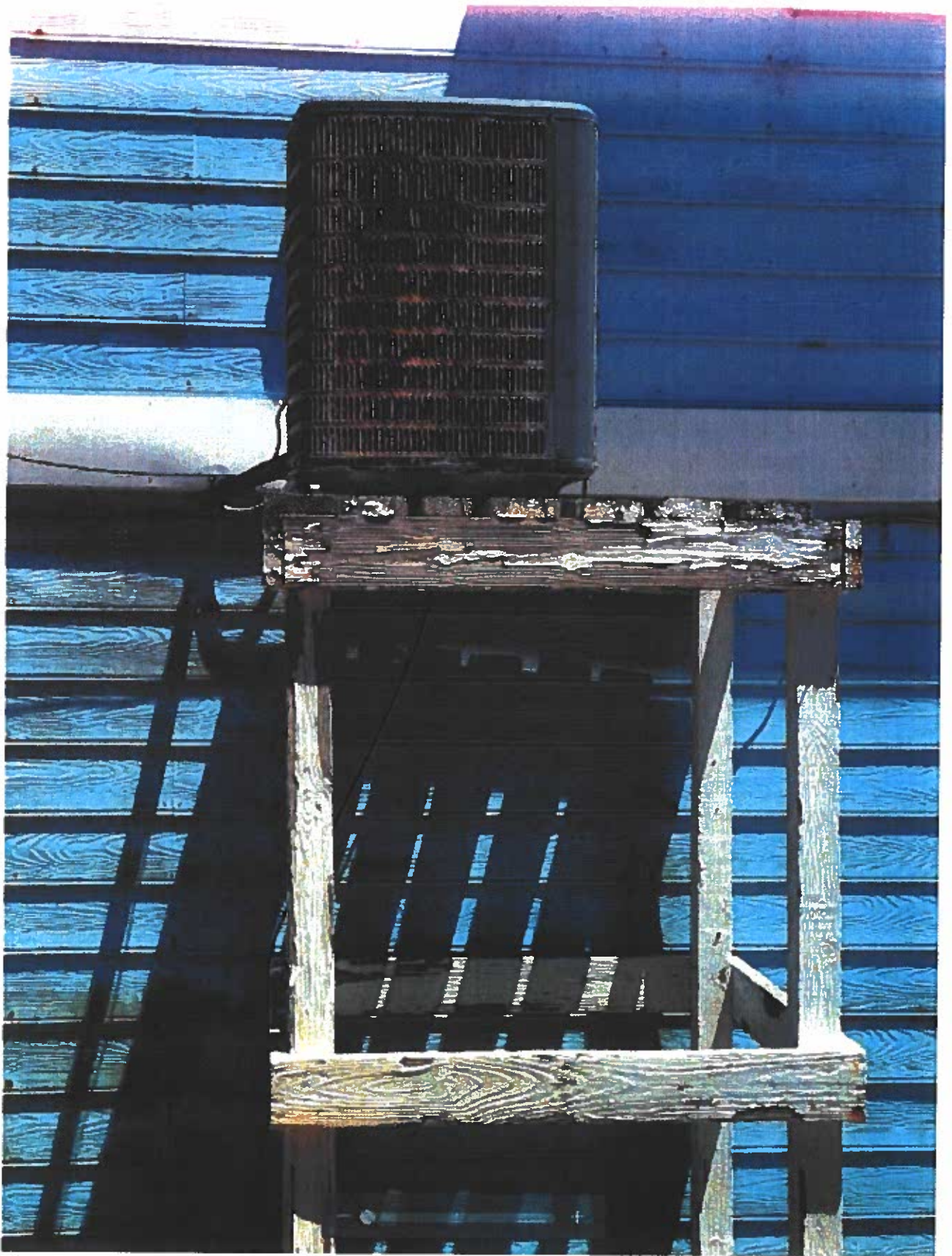
My request if for the Town of Holden Beach to allocate funds to bring this property up to a common standard of maintenance and appearance and to complete the repairs as soon as possible.

I am attaching pictures of 796 OBW so that the Mayor, Commissioners, and the City Manager can see for themselves how this house has fallen into major disrepair.

Respectfully,

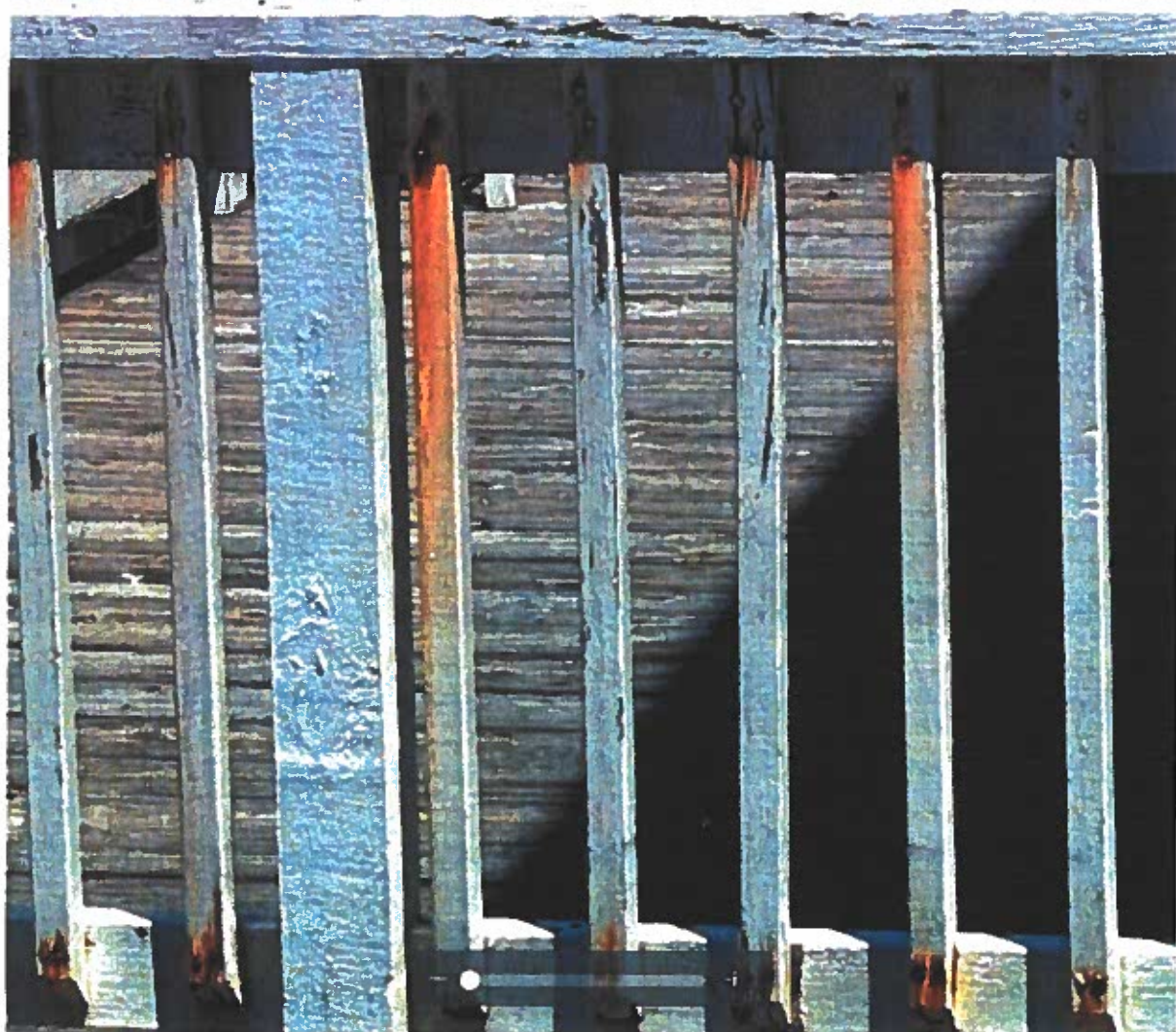
Joel Ehle
210-268-2994







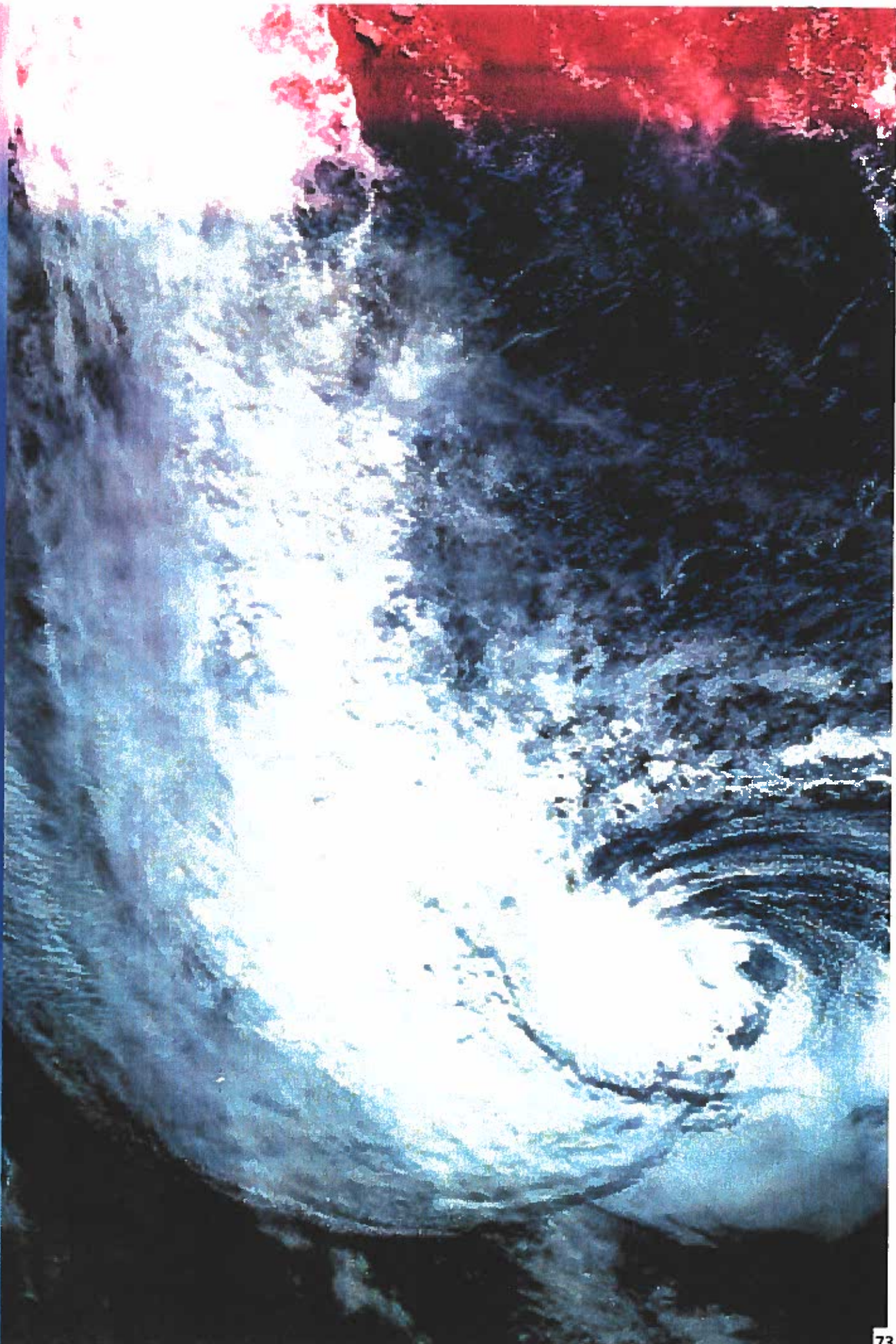








Hurricane Ian After Action Report



Purpose

- Quick Rinse to review and evaluate:
 - Expectations
 - Reality
 - Outcomes
 - Review

Expectations

- Prelims actions- Meetings with Emergency Management Director to scope the threat
- beach mats, shade sails, fuel vehicles, gensets, pre position hose/pumps, coordinate with FD, drop TH shutters etc
- Low grade Cat 1; probability of canal flooding
- Uncertainties, track false sense

Realities

No evacs min impacts surf watching Fri am

Tide chart, flooding pics, wind gauge bridge
Hurricane track Charleston, G'town then
Conway = surge

No issues of power or potable water

Sewer system lift stations performance

Tidal surge not stormwater in traditional
sense –canals, 300 block, west end



AA

dashboard.hohonu.io



P



to SLC, 1

P

SLC, Roun...



Your Own...



24/7 Wate...



Hohonu



Notion - T...



Hohonu



Hohonu

New Site Location

Height in feet (MLLW)

10

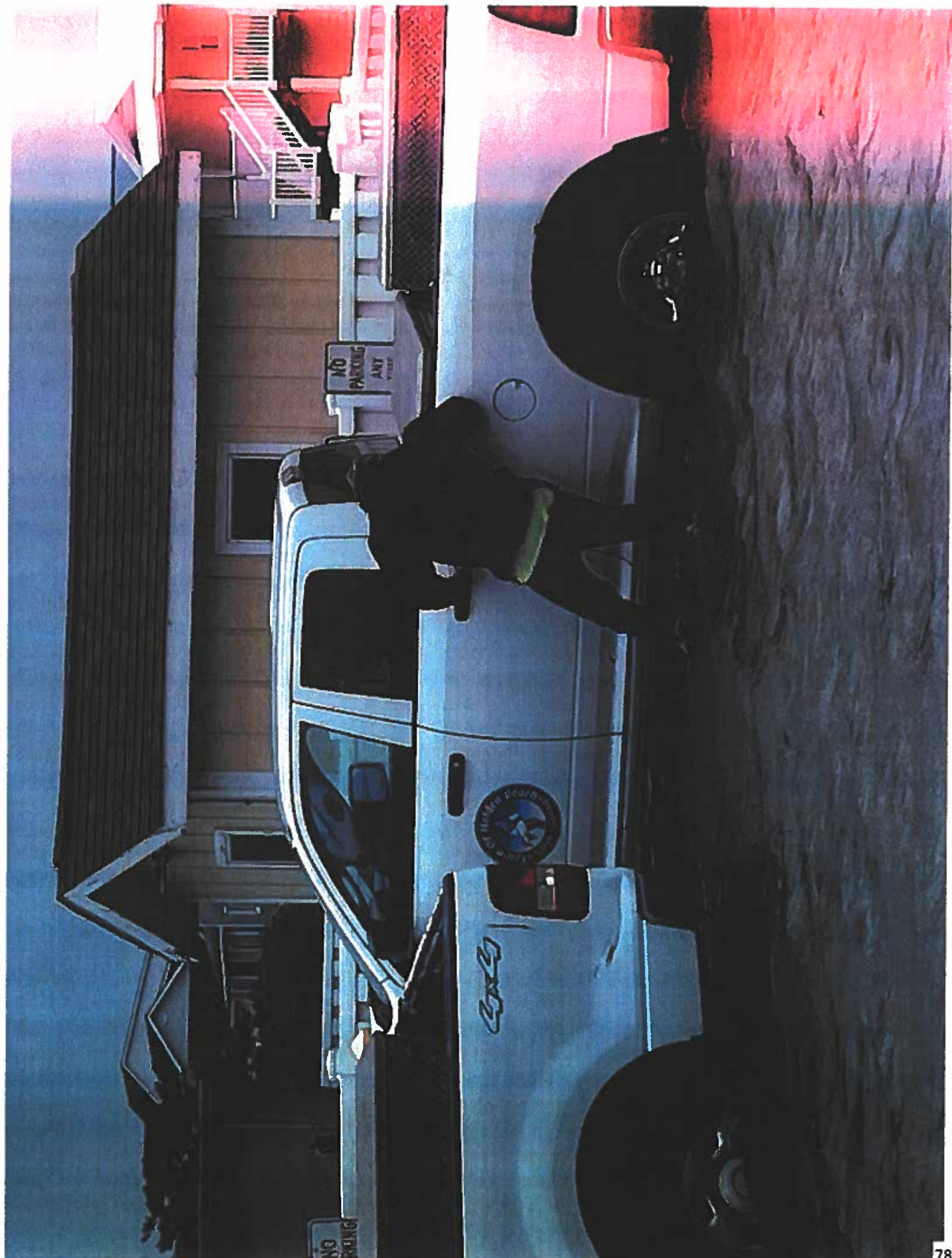
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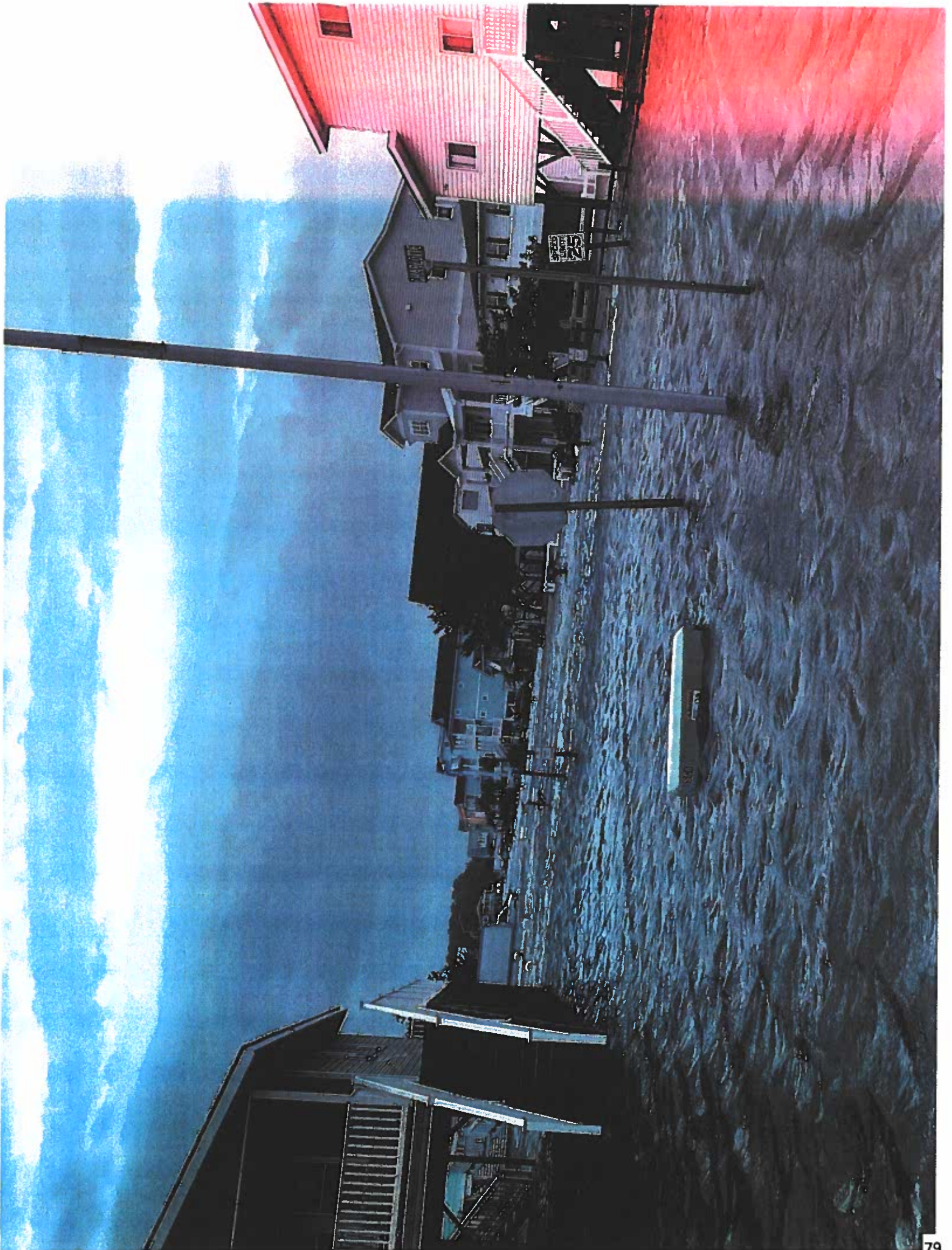
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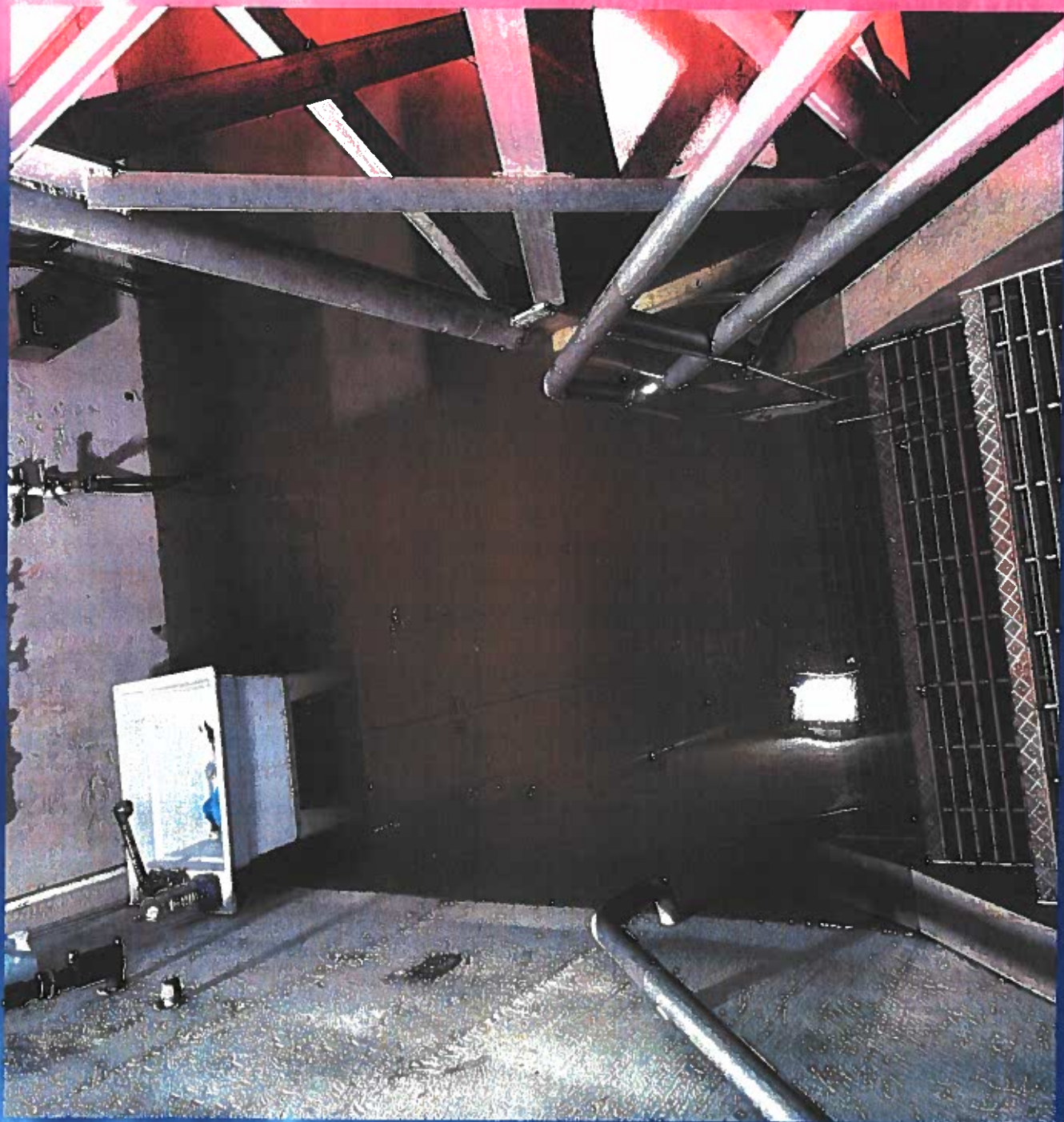
-5



Oct 02, 2022, 11:06 PM EDT
• MLLW : 2.99 feet
-- NOAA TEC2869 Prediction : 4 feet











Outcomes

- Lost a truck
- Fire Department personnel kudos
 - Engine 872; Chief Doug Todd, Todd Robins, Tyler Johnson, Ken Hall
- LS #4 Water over top slab and wet well
- Station #4 Basement needs water tight hatch
- Station 4 wet well needs 24 inches added to top
- Greensboro Lift Station 2 needs upgrade asap

Outcomes

- Perfect setup for minimum structural damage and catastrophic pump station damage
- Impossible to operate sewer collection system under water
- Need island wide emergency drainage
- Pumping water impossible with tidal flooding
- Public works dept worked 17 hour day to speed recovery: operational by noon Saturday

Outcomes

- Ransom ware
- Food
- Sea oats harvest timely
- Inspections damage assessments windshield
canals docks
- 8\$mm

Review

Strand performance

Communications not a real time omnipotency

Debris – scale of disaster debris contract


Declaration status -

Evaluate “walk away” point of service delivery
Employee endangerment, realistic service levels



Date: November 1, 2022

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

From: Christy Ferguson, Assistant Town Manager 

Re: Ward and Smith, P.A. Contract

Ward and Smith, P.A. in conjunction with the Ferguson Group represents the town in advocacy matters at the federal level as related to beach renourishment, Lockwood Folly Inlet maintenance, and dredge material disposal sites. Their contract also includes three additional areas to be determined based on town needs. We received their contract for 2023 (attachment 2) and the monthly retainer will be \$9225.00 per month, plus out-of-pocket expenses that typically total approximately \$2000 per month for The Ferguson Group. Approval of the contract would require a budget amendment (attachment 1), to increase BPART Professional Services expenses by \$44,900 funded by a Fund Balance Appropriated increase of \$44,900. The remainder of the contract will be executed through existing funds in the Canal Dredging Budget specific to the item on dredge material disposal sites.

Suggested Motion: Approval of Ward and Smith contract for 2023 and associated budget amendment, including directing the manager to execute the contract.

Attachment 1: Budget Amendment
Attachment 2: Ward and Smith Contract

Attachment 1

TOWN OF HOLDEN BEACH

ORDINANCE NO. 22-25

AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022-2023 (AMENDMENT NO. 4)

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 21-14 appropriating funds for fiscal year 2022-2023 be amended as follows:

REVENUES

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
FUND BALANCE APPROPRIATED	50.0399.0000	44,900	INCREASE
	<u>TOTAL</u>	<u>44,900.00</u>	

EXPENDITURES

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
PROFESSIONAL SERVICES	50.0710.0400	44,900	INCREASE
	<u>TOTAL</u>	<u>44,900.00</u>	

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 amendment is effective the 15th day of November, 2022.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk

751 Corporate Center Drive, Suite 300 (27607)
Post Office Box 33009
Raleigh, NC 27636-3009

P: 919.277.9191
F: 919.277.9177
mmcintyre@wardandsmith.com

October 24, 2022

VIA EMAIL (david.hewett@hbtownhall.com)

David W. Hewett, Manager
Town of Holden Beach
110 Rothschild Street
Holden Beach, NC 28462

RE: Town of Holden Beach

Dear David:

Reference is made to our recent discussion regarding renewal of our firm's services for the Town of Holden Beach. We are certainly pleased that you have been satisfied with our services, and we have enjoyed working with you, Mayor Holden, the Town Commission, the Town staff, and your wonderful community. During our recent conversation, you indicated that you would like for us to continue to represent the Town of Holden Beach for the next year with regard to its government relations work.

Nature and Scope of Representation

We have agreed to advise and assist you with governmental matters and legal services issues that arise, and the Town of Holden Beach hereby engages Ward and Smith, P.A. to perform the following services in accordance with the terms and condition set forth in this agreement including working with the Town of Holden Beach to secure federal assistance in project management regarding: (1) federal issues related to any beach renourishment opportunities at Holden Beach, North Carolina, (2) federal issues related to Lockwood Folly Inlet maintenance along with beach renourishment efforts for placement of beach-quality sand on the east end of Holden Beach, (3) federal issues related to a potential change in Army Corps of Engineers policy on federally-designated dredge material disposal sites, and (4) up to three additional federal advocacy priorities as mutually agreed upon, such as and by way of example, water-related environmental infrastructure improvements, pre-disaster mitigation/resiliency, public safety and/or community facilities, where and when appropriate. In addition, we may undertake to represent you on such other matters as we mutually agree. The Town of Holden Beach acknowledges and agrees that Ward and Smith, P.A. does not have control over third-party decision makers, and that Ward and Smith, P.A. makes no representations, warranties or guarantees that it can achieve any particular results. Ward and Smith, P.A. shall act in good faith and with the necessary due diligence in connection with its performance of the services

WARD AND SMITH, P.A.

David W. Hewett, Manager

October 24, 2022

Page 2

described herein. Two local meetings or events, virtually or in person, with the Town of Holden Beach, whether with the Town staff and/or Mayor and/or Commission, and up to two trips to Washington, DC, as necessary, virtually or in person, per 12-month period (based upon certain contingencies otherwise allowed or prohibited by law, or as otherwise mutually agreed upon by the parties), as well as a monthly status report, are included in the services to be provided. Our work for this engagement will be on the federal level. It is understood that The Ferguson Group will be assisting our firm on your behalf. As the need arises for specialized assistance, such as grant writing or for legal monitoring/research, then fees and costs incurred for such services will be billed separately to the client.

We have not identified any conflicts of interest with our other clients. However, it is possible that conflicts will occur, especially because of the unpredictability of legislative policy and politics. In such cases, we will disclose the conflict, or potential conflict, and Town of Holden Beach will need to retain its own independent legal counsel for that matter as well as make a good faith effort to waive any conflict that is waivable under the North Carolina State Bar's Rules of Professional Conduct.

Retainer and Fees

The retainer for services will be \$9,225 per month. Unless either of us terminates this engagement, this retainer will remain in place from January 1, 2023 through December 31, 2023. Out-of-pocket expenses and costs relating to our representation are not included in the monthly fee, but will be billed separately as incurred. Our work under this new contract will commence after we receive authorization from you. The monthly retainer in any event will be the minimal fee for our services rendered during any portion of the month for which is paid.

Ward and Smith, P.A. will carry out its duties in compliance with all of the applicable federal, state and local laws and regulations, particularly those laws applicable to lobbying.

File Retention

At or before the conclusion of this matter, we will return to you any original documents you have given to us. Upon conclusion of this matter, we will close our active file for this matter, but keep an inactive file containing a copy of all pertinent documents for a minimum of six (6) years, as required by the professional rules of practice for attorneys. At the end of that period, we will dispose of the contents of the inactive file unless you request possession of the file contents.

WARD AND SMITH, P.A.

David W. Hewett, Manager
October 24, 2022
Page 3

Electronic Signature


The parties hereto consent to the use of electronic signatures and electronic transmittal of this Engagement Letter. As such, the parties hereto acknowledge and agree as follows: (1) facsimile or electronic signatures to this Engagement Letter shall be considered original signatures, (2) this Engagement Letter may be executed in one or more counterparts, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties hereto and delivered to the other parties hereto, whether exchanged physically or via electronic means, and (3) the exchange of a fully executed Engagement Letter (in counterparts or otherwise) by facsimile or electronic delivery in .pdf format shall be sufficient to bind the parties hereto to the terms and conditions of this Engagement Letter.

Acceptance

If the terms of this Engagement Letter are satisfactory, please execute the Engagement Letter via DocuSign. By these actions, and in consideration of our agreeing to undertake this representation, we will understand that the terms and conditions in this Engagement Letter are accepted.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,



Mike McIntyre
Attorney | Member of Congress, 1997-2015

cc: Mayor Alan Holden (via email: holden@atthebeachnc.com)

Read and agreed.

Town of Holden Beach

By:

David W. Hewett, Manager

Date



Date: November 9, 2022

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

From: Christy Ferguson, Assistant Town Manager CF

Re: Budget Amendment

The attached budget amendment recognizes the CAMA grant funds for the pier acquisition that were previously accepted through contract by the board. The funds in the amount \$166,484 will be placed in a line titled CAMA Grants-Pier and will result in a decrease to the accommodations tax line in the same amount. Since the decrease in occupancy tax revenue will result in a \$27,448 decrease in remittance to the county, a corresponding decrease in fund balance appropriated will be used to equalize revenues and expenses.

Suggested Motion: Approval of Budget Amendment

Attachment 1: Budget Amendment

TOWN OF HOLDEN BEACH

Attachment !

ORDINANCE NO. 22-26

AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022-2023 (AMENDMENT NO. 5)

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 22-14 appropriating funds for fiscal year 2022-2023 be amended as follows:

Revenues

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
CAMA GRANTS - PIER	50.0350.0100	166,484	INCREASE
ACCOM TAX	50.0302.0000	(166,484)	DECREASE
FUND BALANCE APPROPRIATED	50.0399.0000	(27,448)	DECREASE
	<u>TOTAL</u>	<u>(27,448)</u>	

Expenses

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
TRANSFER COUNTY ACCOM TAX	50.0401.0000	(27,448)	DECREASE
	<u>TOTAL</u>	<u>(27,448)</u>	

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 amendment is effective the 15th day of November, 2022.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk



Date: November 7, 2022

To: Commissioners and Mayor Holden

From: Daniel McRainey, Budget & Fiscal Analyst

Re: Ordinance 22-27, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 6)

This amendment adds interest accounts for the town's various debt services. Adding these accounts was suggested by the auditor to streamline end of year entries and financial statement preparation. This amendment will also aid in the implementation of the town's new debt tracking software.

The recommended motion is approve Ordinance 22-27.

TOWN OF HOLDEN BEACH

ORDINANCE NO. 22-27

AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022-2023 (AMENDMENT NO. 6)

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 22-14 appropriating funds for fiscal year 2022-2023 be amended as follows:

EXPENSES

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
NEW TOWNHALL DEBT SERVICE	10.0410.7401	(37,793.45)	DECREASE
DEBT INTEREST	10.0420.9000	37,793.45	INCREASE
CTY CAPITAL COST SEWER	30.0810.2100	(127,232.26)	DECREASE
DEBT SERVICE SEWER	30.0810.9301	(55,642.44)	DECREASE
EOC DEBT SERVICE	30.0810.9306	(3,460.91)	DECREASE
DEBT INTEREST	30.0810.9000	186,335.61	INCREASE
DEBT SERVICE CENTRAL REACH	50.0510.0100	(117,720.00)	DECREASE
DEBT SERVICE BLOCK Q	50.0710.6000	117,720.00	DECREASE
DEBT SERVICE 441 OBW	50.0710.6200	(86,888.02)	DECREASE
DEBT INTEREST	50.0710.9000	86,888.02	INCREASE
	<u>TOTAL</u>	<u>-</u>	

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 amendment is effective the 15th day of November, 2022.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk

Discussion and Possible Action on Sewer Station Planning

Background

A. Several months ago the Town Manager indicated there were issues at Station 1 that might require work. What is the status of the evaluation and is additional capital budget going to be required in the upcoming 18 months to perform repairs/upgrades.

B. Some citizens have had questions regarding the resiliency of our sewer system given the recent impact of Hurricane Ian. The 2017 McGill sewer system report suggests an option for lift station construction that would improve flood resistance (option 3). Questions I have received follow (current program engineer's opinion could be useful)

i. would option 3 have prevented the Ian shutdown?

ii. If yes, should lift station 2 be built to option 3 and

iii. If yes, should planning put in place to remediate stations 3 and 4?

Request to Staff for Expanded Financial Reporting of Professional Services and Recently Purchased Properties Projects

The BOC requested details on professional service expenses and creation of a pier project plan (Block Q should be done as well) with cost categories to be able to follow revenues and expenses by categories. Professional service costs have reached a % of budget where details are warranted, and the pier project is showing first changes so it is an appropriate time to add line items and begin categorization of expenses.

Request for Owner Input on Retaining ROW Parking in Non-Designated Parking Areas Outside Paid Parking Hours During Season and in Offseason Months Next Year

The BOC decided to allow ROW parking outside designated paid parking times after some residents indicated they did not realize when answering a survey question on disallowing parking in the ROW that it would be illegal for owners and their guests to park in ROW adjacent to their homes. Before proceeding with trying to come up with possible solutions for owners, I would like to understand whether a significant number of owners on impacted residential streets (not OB, not in gated communities) believe they want/need ROW parking in their vicinity.

Request to Staff for Status of CSDR Study Information Request to ACE (minutes of year 1 meetings, further cost details by month), discussion and action as needed.