



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

**Tuesday, November 21, 2023
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 21, 2023 - 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 17, 2023 (Pages 1 – 7)
6. Public Comments on Agenda Items
7. Presentation of Fiscal Year 2022 – 2023 Audit Results – Elsa Swenson, Martin Starnes and Associates – (Finance Officer McRainey) (Page 8, Separate Packet)
8. End of Season Parking Update – Jim Varner, Otto Connect (Town Manager Hewett) (Pages 9 – 14)
9. Police Report – Chief Dixon (Pages 15 – 20)
10. Inspections Department Report – Inspections Director Evans (Pages 21 – 23)
11. Discussion and Possible Selection of Lowest Apparent Bidder for Block Q and Associated Paperwork – Town Manager Hewett (Pages 24 – 30)
 - a. Ordinance 23-14, An Ordinance Amending Ordinance 23-11, The Revenues and Appropriations Ordinance or Fiscal Year 2023 – 2024 (Amendment No. 2)
 - b. Letter of Intent
 - c. Ordinance 23-15, Order to Close
12. Discussion and Possible Approval of Resolution 23-12, Water Resources Development Grant – Assistant Town Manager Ferguson (Pages 31 – 32)
13. Discussion and Possible Approval of Ward and Smith, P.A. Engagement Letter – Mayor Holden (Pages 33 – 38)

14. Discussion and Possible Amendment to Quarterly Meeting Dates – Commissioner Dyer
(Page 39)
15. Public Comments on General Items
16. Town Manager’s Report
17. Mayor’s Comments
18. Board of Commissioners’ Comments
19. 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 21, 2023.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, OCTOBER 17, 2023 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, October 17, 2023 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 and Gerald Arnold; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Police Chief Jeremy Dixon; Inspections Director Tim Evans; Finance Officer Daniel McRainey; and Town Attorney Rick Green.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Smith that we remove items 13 & 14 from the agenda and approve the amended agenda; second by Commissioner Arnold; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve the minutes from the August 15th (2023) meeting; second by Commissioner Arnold; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Rick Paarfus suggested scrubbing the budget to see if there is some money in the current budget that could be applied to the \$260,000 for ADA related items. He provided a few suggestions to look at. He said the goal is to minimize dipping into fund balance. He asked for information on the restrooms.

Maria Surprise said in her experience with budgets it is usually difficult to get money approved after the annual budget has been set. She suggested looking at the current budget to see if other items could be reduced or deferred. She has concerns about fiscal responsibility.

Tom Myers provided feedback on spending the \$261,753 from the BPART Fund. He said he was disappointed the Town didn't plan for the expense in April. He is also disappointed the Town is deciding to dip into savings rather than reducing or deferring other expenses.

Jim Bauer said his items were already covered.

ANNUAL BEACH MONITORING REPORT – FRAN WAY, ATM

Mr. Way reviewed his slideshow. ATM has been working with the Town on the beach management plan for about 20 years. The program has been great. There has been a cumulative benefit of the 2017 and 2022 nourishments. Annual monitoring analysis includes volume change and shoreline change. It has occurred annually since 2001. It helps with nourishment planning and FEMA eligibility. This monitoring goes from summer to summer. This monitoring covers what Ian did last year. Ian wasn't a huge storm but it came at king tide and there was about four feet of storm surge above that. The Town did have some issues, but the beach has held up.

Mr. Way said the beach looks great. The dune system looks really good. The sea oats are flowering and seeding. There are mature ones in the back. They are establishing well. The program has been great. It is very successful. The placement of sand fencing needs to be coordinated with CAMA's staff.

Mr. Way explained they do volume analysis three different ways. He reviewed the slide on the cumulative effect of the 2017 and 2022 nourishments. This year we had beach fill equilibration, which is basically the natural redistribution of sand, with it still staying in the system. He provided information on beach fill equilibration and the mean high water shoreline change. The shoreline is much wider and healthier than it was 20 years ago. He provided information on the Lockwood Folly Inlet Ebb Shoal Emergency Dredging Project.

Ongoing beach management activities include the Corps' 50-Year Study, FEMA coordination, Lockwood Folly Inlet crossing and bend widener, Lockwood Folly Outer Channel dredging and navigation, west end analysis and offshore borrow area analysis.

Mayor Pro Tem Smith asked if the Ocean Isle terminal groin is affecting the Town's west end. Mr. Way said they owe us a monitoring report. They are also looking at the use of the borrow area in Shallotte to make sure it doesn't impact the west end. Once he receives the report, he will get his analysis to staff.

POLICE REPORT – CHIEF DIXON

- Playing catchup, trying to finish in-service training.
- Had Run HB last week. Traffic was a nightmare. Appreciates everyone's patience.
- The Festival by the Sea is next weekend. There may be some traffic issues. Be patient. There will a lot of vendors. Thinks it will be a good turnout. Looking forward to it.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Went over numbers.

DISCUSSION AND POSSIBLE ACTION ON ADA RELATED ITEMS

Inspections Director Evans said we have been making progress on the Key Bridge Foundation agreement. He reviewed the site plan for Avenue E. It includes a walkway, which will be ADA compliant and an egress/ingress for emergency vehicles. We got the permit approved with pervious concrete everywhere up to the 60' vegetation line. That gives us the ability to meet the requirements under the agreement. Golf cart parking was marked, but it was revised. We have enough room for those to be turned into ADA compliant parking spaces. We have one bathroom shown there that meets the configuration of a single bathroom design that we have, but we have the capability to put two there if we choose. Inspections Director Evans would recommend two. He explained people will access the bathroom from the ramp. These same bathrooms will be put at 114 Ocean Boulevard East. We are still in the process of finishing that. In the future we will apply for an amendment to have the matting go out a little bit further.

Inspections Director Evans reviewed the site plan for 801 Ocean Boulevard West. The yellow part on the plan will be pervious concrete and the other part will be a Hatteras ramp.

Assistant Town Manager Ferguson provided an overview of the bathroom plans. There are two schematics presented, a smaller and a larger one. They will have breakaway walls. Inspections Director Evans answered questions from the audience. A few members of the audience who live in Dunescape expressed their concerns with the proposed bathrooms. Outdoor showers were discussed. Mayor Holden explained the Town does not want to block anyone's views. We are trying to resolve the ADA matters and still be in compliance with all the other regulations we need to deal with. He said everything will be taken into consideration and the Town will do the best we can. Town Manager Hewett said this is a conceptual design. He would ask the Board to approve it as a conceptual plan and delegate it to the staff to work with the architect to amend it to something that is satisfactory. Commissioner Murdock said he doesn't want to offend anybody but a bathroom is going to be located there. He thinks this is a better option than porta johns. Dunescape property owners would like to see the minimal pitch possible for the roof. The design was discussed. Inspections Director Evans explained why roof height and architectural features are very important.

Motion by Mayor Pro Tem Smith that we accept these deigns conditionally that we send it to the staff to make any adjustments we can make to the roof height and still maintain structural integrity; second by Commissioner Murdock. Assistant Town Manager Ferguson asked for clarification if the motion was for the site plans and bathrooms for both sites. Mayor Pro Tem Smith agreed conceptually. The motion passed by unanimous vote.

Assistant Town Manager Ferguson said the budget amendment is for \$261,753. Of that amount \$198,970 is a combo amount dedicated to the new construction the Board just conceptually approved at 801 and Avenue E. The numbers would not be broken out because it would undermine the procurement process. The remaining amount is for Key Bridge specific items that have already been accomplished this budget year. She explained why the costs can't be taken from line items suggested earlier in the meeting.

Mayor Pro Tem Smith said this is something the Town agreed to during mediation to meet ADA compliance. He realizes how important compliance is. There are very strict rules that must be followed.

We have a timeline to complete the mediation items. He explained why he doesn't think this is money being spent frivolously.

Motion by Mayor Pro Tem Smith to approve Ordinance 23-13, Amending Ordinance 23-11, approving the funds to complete the ADA required improvements; second by Commissioner Arnold.

Commissioner Murdock said a budget is a list of numbers, placeholders sometimes. This was not included in the budget. We didn't have a good handle on what it would entail during the budget. It took time to figure out the specifics. There are current placeholders that will not be used that can in turn retroactively pay for this. The ADA agreement is not an option. An agreement was made that we need to move forward with. Commissioner Arnold said he probably has more experience with this than anyone in the state. Nobody is ever prepared for it. He thinks they did a remarkable job in reaching the agreement. He is impressed with the outcome. He said we are a nation of laws. We follow those laws, those we like and those we don't like. This is something we have to do. He thanked everyone who had a hand in working it out. Commissioner Dyer stated this is a time issue. Staff have worked tirelessly on this. She said we are talking about laws. People who are handicapped should be allowed access to the beach. This is something we need to do so everyone has access to the beach. Commissioner Arnold provided information on a past experience. He said not only are we bound by law, but by decency.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE AMENDMENT TO THE CONTRACT BETWEEN THE TOWN AND SOUTHERN DISASTER RECOVERY

Town Clerk Finnell explained the Town is part of a multijurisdictional disaster debris management contract with Southern Disaster Recovery. The county has informed us that the contract does not include the removal of eligible hazardous trees of less than six inches in diameter. The proposed amendment would add that at \$50 per tree removed.

Motion by Commissioner Murdock motion to approve; second by Mayor Pro Tem Smith.

Mayor Pro Tem Smith explained this is a way to pre-plan to make sure all the debris is out of people's way and the streets.

The motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION ON REGULATIONS FOR REMOVING SAND FROM THE BEACH

Mayor Holden said since the Town has been a town it has always been a concern for property owners to see trucks and trailers loaded with sand from sites on the island and going across the bridge to places unknown. For many years, many people thought we had an ordinance in place clearing stating it was a violation to haul sand off the island because sand is so precious. He is being asked why the Town allows the removal of sand from the island to take place. Mayor Holden would like staff to look into any options the Town may have in considering some kind of control over this kind of activity.

The Board agreed to direct the staff to look into establishing regulations to keep sand on the island.

DISCUSSION AND POSSIBLE ACTION ON PROPOSED REVISION TO THE PERSONNEL POLICY

Town Clerk Finnell provided background on the proposed revision. Staff recommended that any balance of vacation leave exceeding 30 days be transferred to sick leave at the end of each year. The proposed revision was discussed.

Motion by Commissioner Dyer to adopt the attached proposed amendment to the Town's Personnel Policy Section 8; second by Commissioner Murdock; approved by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

Maria Surprise recommended studying the pros and cons and to using data before making any decisions on the parking program. She suggested seeking taxpayers' opinions.

Ron Bristol asked for a status on the bike lanes. Mayor Holden said he or Town Manager Hewett will address that in their report.

TOWN MANAGER'S REPORT

- We held the bid opening today for the potential pier repair project. We did not receive any bids today. The architect will readvertise it this weekend. Particulars and date/time certain have not been determined.
- Block Q Parking Improvements – Phase I bid solicitation has been tendered. Pre-construction meeting is scheduled for October 23rd. The bid opening is scheduled for November 2nd. Phase II, which involves the CAMA Public Access Bathroom Grant, was submitted to the Division of Coastal Management.
- Sewer System Lift Station Improvements – we don't have any news on the EPA workplan that was submitted. Tomorrow will be the end of their 60-day review period. Unknown at this time is what impact the looming November 17th federal impasse will have on EPA's ability to administer the grant. We have not received any guidance from the State Water Resources agencies concerning the \$2 million appropriation for Holden Beach that was in the state budget that just passed.
- Ocean Boulevard Resurfacing and Bike Lane Project – Highland Paving met with Town staff last week. Surveying has been accomplished. Stormwater work, beginning in November, is going to hopscotch around. After the stormwater solutions are made, the paving prep work will start. It will involve removal of the shoulders. We are thinking that will be in the December timeframe. It will be at least three feet on the north side of the road and seven feet on the south side of the road. If you have any rock or material that you do not want hauled off, you are responsible for keeping it on your property. Generic stone will be the replacement material. Mailboxes will be tended to. If it falls apart you will get a generic replacement. Forecasting that paving will start in the March/April timeframe. They will begin on the west end. Work should be completed by Memorial Day.
- Canal Dredging – setting up for a winter dredging of selected areas in Harbor Acres. Our project engineer is currently developing designs, specs and a cost estimate. We believe we will be coming to the Board next month with a NCDWR grant application.

- Lockwood Folly Inlet Crossing and Bend Widener Dredging – the Corps has let the contract for the winter event. It will place about 140,000 cubic yards on the east end.

MAYOR'S COMMENTS

- Hurricane Season – we have passed October 15th. Always say if there is not one on the way, we made it another year.
- Meet the Candidate's Night is Friday at 6:00 p.m.
- Had people ask questions on the Greensboro Street access to the ocean that Mr. Bass allowed the Town to use. The agreement has been extended even though the owners changed.
- Was at a meeting on Monday with the DOT. HB Causeway improvements are moving forward in the planning stages. There is still a long way to go.
- Voting is November 7th. Listen to your candidates and make a decision you think is best for Holden Beach.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked everyone for coming this evening and listening online. It is always nice to see a good group of people here.
- Really wish there was a way we could have an open forum with our citizens more often. Everyone's email addresses are online. Thinks there is a lot of misinformation/recycled information. It would be nice for the citizens to know what the facts really are. As we get into the season, you need to realize how proud he is of the commissioners up here with him. Thinks they have done some really great things. We lost one that passed away and one that moved away. The core has done their best to move Holden Beach forward. We want to continue to be a tourist attraction in North Carolina. To do that, we have to accommodate the people who own the beach. We still need to look out for the property owners first. His mentor stressed the importance of that.
- Nice to see HB calm down after a busy summer. Looking forward to the cooler weather.
- Hopes everyone will get out and vote. Hopes the meeting on Friday is informative.

Commissioner Murdock

- Thanked everyone for coming. Thanked everyone for the support. Commended staff for their effort. He sees people going above and beyond their duties, working really hard to keep the Town alive.
- Apologized for missing the last couple of meetings. When you go through something like he has been through, you realize every little issue isn't as important as you thought. His mom always says every morning to make it a good day. When you get up tomorrow, make it a good day, the best you can. Everyone has opinions, most are different. Sometimes what sounds like the best solution is not an option. There are rules and things you cannot do. Issues come up. Budgets can be changed. Life can be changed at any minute. At the end of the day, he thinks we have the same goal, to take care of the town we live in. Has been here a long time. Has seen more positives in this town than ever. Don't go home thinking we are throwing your money away. If there is a place that can be cut, we will find it. We will make it work.
- Appreciates everyone coming out. Get out and vote and vote with your heart.

Commissioner Dyer

- Reiterated how important it is for all property owners to get out and vote. It seems like in the past it was only a small percentage of people that voted. You need to take a stand for the love of this island and get out and vote.
- Sounds like we will have a lot of vendors at the festival. Everybody stay safe. Be kind to each other when the traffic is bad. Come out and have a good time.
- Had Assistant Town Manager Ferguson provide information on Barktober fest.

Commissioner Arnold

- Was listening to Commissioner Murdock. What we all know is the most important things are not things, they are people. He remembers what one of his mentors told him in the 1950s. He said if you can't assume that the other fella is just as honorable and just as honest as you are, we are in deep trouble. Learned a long time ago that fame is a vapor, popularity an accident, riches take wings, those who cheer you today will curse you tomorrow; only one thing endures and that is character. If you are thinking about this office or another office, you better be prepared to consider the probabilities. Even if you consider the probabilities, it doesn't mean the outcome is going to be what you want it to be. When he thinks about the lift stations. That is something we can't keep kicking down the road. With every passing storm, we are not afraid of winds and hurricanes, it is the flooding. Talked about a past experience with the below the sea level bunker. 700 houses are directly dependent on that lift station. It is an economic disaster. Thinks every Board since 2015 has gone on record about doing something with the lift station. Thinks about what happens to not just those 700 houses, but the property values. People who have mortgages and use rentals to help pay for those mortgages, without thinking if I don't have sewer, I don't have a house. It is something we can't afford to keep kicking the can down the road. It is always the common good that has to be looked at. We are all in the same boat. If my end gets a hole in it, it will put you in jeopardy too.

ADJOURNMENT

Motion to adjourn by Commissioner Murdock at 6:58 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

Date: October 30, 2023

To: Commissioners and Mayor Holden

From: Audit Committee, Jeannine Richman, Vice-Chair

Re: Audit Committee Written Opinion

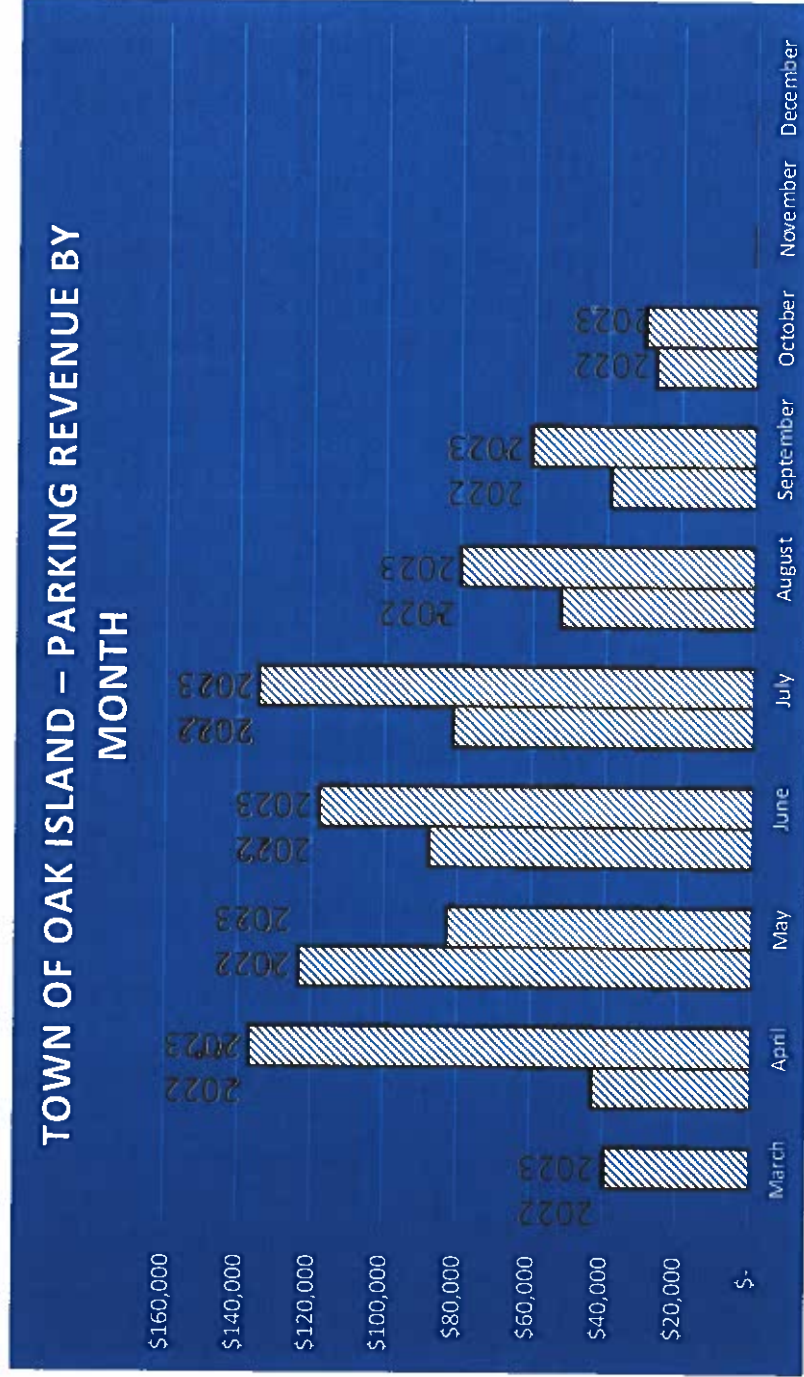
The Town's financial department is to be commended for its great work and timeliness in their successful completion of the audit work for the fiscal year ending June 30, 2023. The auditor's reports state that Holden Beach has received an unmodified opinion, with no findings of concern in the financial statements, compliance and internal controls.

Holden Beach

2023 Parking Summary/Overview

Note: some of the information contained in this report is taken at a point in time and will change over time as additional payments are made.

Parking Revenue



Total Net Revenue:
2022: \$455,841
2023: \$682,933

**Number of Vehicles
Parked:
79,572**

Revenue by Month



Month/Year Trends - Revenue to Holden Beach	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	YTD
2022													
- Cumulative	\$ 49	\$ -	\$ -	\$ 43,175	\$ 123,574	\$ 87,789	\$ 81,659	\$ 52,792	\$ 39,164	\$ 27,028	\$ 607	\$ 52	\$ 455,841
2023													
- Cumulative	\$ 49	\$ 49	\$ 39,501	\$ 136,961	\$ 83,139	\$ 117,899	\$ 134,738	\$ 79,832	\$ 60,812	\$ 30,002	\$ 652,930	\$ 682,933	\$ 682,933

Cumulative \$ 1,138,773

Permits/Violation Payments for 2023

	2023 YTD	
	Count	Net to Town
Permits Purchased		
- 1 hour	9022	\$19,336
- 2 hour	13009	\$91,020
- 3 hour	10857	\$69,162
- 4 hour	5872	\$46,549
- day	11448	\$154,740
- day upgrade	9881	\$60,059
- week	552	\$27,760
- year	1730	\$180,856
- year upgrade	353	\$20,384
Violations Paid		
- Same Day Payment	1478	\$25,141
- Paid within 30 days	519	\$17,911
- Paid with late fee	54	\$2,809
- Special (\$250)	2	\$349
Tickets Issued		
- Violations (paid)	2045	\$45,758
- Violations (unpaid)	462	\$0
Totals	64793	\$682,952

Permits: Revenue Drivers	
Day Permits + upgrades	\$214,799
Season & upgrades	\$201,239
3 Hour	\$69,162
4 Hour	\$46,548
1 Hour	\$19,336
Violation Payment	
Same Day	\$25,140
Within 30 days	\$17,910
Late (after 30 days)	\$2,808
Special	\$349

Violation Payment Rate: 82%
 - Remainder sent to Collections after 30 days

Citation Report



• By Type / By Month

Holden Beach Total Issued By Type	April	May	June	July	August	September	October	YTD
Parking without a valid paid permit in an authorized parking area (Section 72.03(A))	373	348	407	449	365	343	296	2581
Non-registered Trailer pursuant to G.S. §20-50, §20-111 and §20-118.3 and Parking a Trailer without a permit	3	6	8	17	9	18	9	70
Unknown (multiple violations)	0	0	0	14	8	8	7	37
Parking in a No Parking Zone, or within Right-of Way (Section 72.02)(A))	3	7	30	31	19	6	2	98
Parking on any portion of the roadway or travel lane (Section 72.02)(B)(2)	5	2	13	12	10	2	0	44
Parking a Non-LSV vehicle in an authorized LSV location (Section 72.03(C))	1	1	6	4	2	0	0	14
Parking at (Bridgeview Park)(4)) (Townhall)(5)) (Halstead Park)(6) (Sailfish Park(7))(Sand Dollar Park)(8) for	0	0	0	1	0	0	0	1
Parking adjacent to (within 15 feet) or blocking a Fire Hydrant, Fire Lane, or Emergency Access (Section 7.02)(B)(1)	0	1	1	1	0	0	0	3
Parking within 40 feet of a Street Intersection (Section 72.02)(B)(1)	0	0	1	1	0	0	0	2
Parking facing opposing traffic (Section 72.02)(B)(5)	0	6	39	0	0	0	0	45
Number of Parked Vehicles recorded	9986	9695	14687	17462	12235	10209	5298	79572
Violation Rate	3.9%	3.8%	3.4%	3.0%	3.4%	3.7%	5.9%	3.6%

Note: "Parking facing opposing traffic" was suspended in July upon notice of the \$50 citation limit per NC Statute

- Will be reinstated for 2024 with a pro-rated fine structure if they had already paid for their parking and were parked in a valid parking space.
- We may need some informational signs added to existing signs in the affected areas (see suggestions).

Changes Required for 2024

- Violation/Fine for:
 - Parking Opposing traffic.
 - If a paid parking space, then the violation will be pro-rated to the \$50 fine level.
 - Some signage needed for customer education in affected areas.
 - Target only specific streets
 - Can be temporary sign (lower cost)





Holden Beach Police Department

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

Phone: 910-842-6707
Fax: 910-846-6907
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Calls For Service (October '23)

Printed on November 13, 2023

Descriptions	Totals	
Abandoned Vehicle	1	1
Administrative Call	1	1
Alarm (SIG45 Signal 45)	7	7
Animal Control Call	6	6
Assault [Bravo]; Domestic Disturbance (10-82 x82)	1	1
Assist Other Agency (EMS)	1	1
Assist Other Agency (Law) (10-77 x77)	1	1
Attempt to Locate (ATL)	4	4
Breathing Problems (COPD) [Delta]	2	2
Breathing Problems [Delta]	2	2
Call By Phone (10-21Law x21L)	15	15
Call By Phone (10-21Law x21L); Animal Control Call	1	1
Call By Phone (10-21Law x21L); Take Written Report (10-92 x92)	1	1
Careless & Reckless (C&R)	1	1
Chest Pain or Discomfort [Charlie]	1	1
Chest Pain or Discomfort [Delta]	1	1
Coastal Water Rescue [Delta]	1	1
Collapsed Structure [Bravo]	1	1
Convulsions or Seizures [Charlie]; Assist Other Agency (Fire)	1	1
DCI Transaction	1	1

Descriptions	Totals	
Disabled Motorist (10-87 x87)	4	4
Disturbance or Disorderly Subject	4	4
Disturbance or Disorderly Subject; Assist Other Agency (EMS)	1	1
Escort or Convoy (10-59 x59)	1	1
Falls [Alpha]	3	3
Falls [Bravo]	1	1
Falls [Bravo]; Assist Other Agency (Fire)	1	1
High Life Hazard Fire Alarm [Charlie]	1	1
Hit and Run (Property Damage Only 10-54 x54)	1	1
Improperly Parked Vehicle (10-70 x70)	14	14
Investigation (Law)	1	1
Lost or Found Property	9	9
Meet with Complainant (10-83 x83)	28	28
Missing or Abandoned Person	2	2
Noise Complaint	2	2
Open Door	2	2
Open Door; Special Check - Business - Residence (10-79 x79)	1	1
Psychiatric or Abnormal Behavior or Suicidal (Violent) [Bravo]	1	1
Shoplifter (10-93 x93)	1	1
Sick Person [Alpha]	1	1
Sick Person [Bravo]	1	1
Sick Person [Delta]	1	1
Single Residential Fire Alarm [Bravo]	3	3

Descriptions	Totals	
Special Check - Business - Residence (10-79 x79)	456	456
Special Operations Assignment (Signal 55 SIG55)	6	6
Stopping Vehicle (10-61 x61)	3	3
Suicidal [Bravo]	1	1
Suspicious Vehicle or Subject (10-60 x60)	4	4
Take Written Report (10-92 x92)	1	1
Traffic Accident (Property Damage Only 10-50PD x50PD)	1	1
Traffic Control (10-58 x58)	1	1
Trespassers	2	2
Unconscious or Fainting [Alpha]	1	1
Unconscious or Fainting [Delta]	1	1
Water or Sewer Problems	1	1
Welfare Check	3	3
	1	1
Totals	616	616



Holden Beach Police Department

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HBPD Monthly Report (October '23)

Printed on November 13, 2023

Reported	Case Number	Address	Offenses	Disposition
10/03/23 15:02	HBP23-00112	S SHORE DR AND	20-166(C)(1) - HIT/RUN LEAVE SCENE PROP DAM	Closed - Leads Exhausted
10/08/23 18:11	HBP23-00113	377 OCEAN BLVD W	CALL FOR SERVICE	Closed - Forward to Other Agency
10/11/23 04:43	HBP23-00116	134 OCEAN BLVD E	2 - SUICIDE-ATTEMPTED	Closed - By Other Means
10/11/23 12:24	HBP23-00114	207 BRUNSWICK AVE	14-33(A) - SIMPLE ASSAULT	Closed - Resolved by Parties
10/11/23 14:12	HBP23-00115	108 BURLINGTON ST	Larceny	Closed - Unfounded
10/13/23 08:19	HBP23-00117	114 OCEAN BLVD E	MEDICAL CALL	Closed - Forward to Other Agency

Total Records: 6



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State Citation (October '23)

Printed on November 13, 2023

Date	Defendant	Statutes/Charges
10/02/23	MOORE, MCKENZIE ELIZABETH	20-313(A) - OPERATE VEH NO INS; 20-111(2) - EXPIRED REGISTRATION CARD/TAG

Total Records: 1

LSV = 0



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Ordinance Violations (October '23)

Printed on November 13, 2023

Date	Defendant	Citation/Warning	Ordinance
10/04/23	KIKER, JASON	Warning-Compliant	Parking - Right-of-Way Violation
10/04/23	AVIS RENTAL	Warning-Compliant	Parking - Right-of-Way Violation
10/04/23	AVIS RENTAL	Warning-Compliant	Parking - Right-of-Way Violation
10/19/23	MARR, PATRICK	Warning-Compliant	Parking - Right-of-Way Violation
10/27/23	CHAMBERLAIN, ADAM	Warning-Compliant	Parking - Block Crosswalk/Sidewalk/Pedstrian Accessway
10/28/23	PROUSE, DEBORAH	Citation	Parking - Roadway/Travel Lane
10/28/23	WALTON, JANICE	Warning	Parking - All Other No Parking Zones

Total Records: 7

LSV = 0

CONSTRUCTION TYPE REPORT

TOWN OF HOLDEN BEACH

10/11/2023 TO 11/11/2023

Construc Type	Statu -	Description	Date Applied	Permit class/ Number	Occupan Group	Valuation(\$)	Permit Fee(\$)
Add	10	Additions	10/11/2023	BP-019486	G1	30,000.00	395.00
Add	10	Additions	10/18/2023	BPCL-019504	G1	9,000.00	125.00
Add	10	Additions	10/30/2023	BPCL-019533	G1	30,000.00	395.00
Add	10	Additions	10/31/2023	BP-019539	G1	120,000.00	1,925.00
Add	10	Additions	11/03/2023	BP-019551	G1	113,444.00	2,026.00
Subtotal for Additions:					5	\$302,444.00	\$4,866.00
Decks	10	Decks	10/11/2023	BP-019488	G1	10,000.00	125.00
Decks	10	Decks	10/30/2023	BP-019532	G1	15,000.00	160.00
Decks	10	Decks	10/30/2023	BP-019534	G1	15,000.00	160.00
Decks	10	Decks	10/30/2023	BP-019535	G1	15,000.00	160.00
Subtotal for Decks:					4	\$55,000.00	\$605.00
Demoli	10	Demolishin	10/27/2023	DM-019527	G1	349,850.00	375.00
Subtotal for Demolishin:					1	\$349,850.00	\$375.00
Elect	13	Electrical	10/11/2023	EL-019484	G1	3,000.00	100.00
Elect	13	Electrical	10/13/2023	EL-019493	G1	950.00	100.00
Elect	13	Electrical	10/16/2023	EL-019494	G1	1,000.00	100.00
Elect	13	Electrical	10/17/2023	EL-019499	G1	950.00	100.00
Elect	13	Electrical	10/18/2023	EL-019505	G1	1,000.00	100.00
Elect	10	Electrical	10/19/2023	EL-019508	G1	500.00	100.00
Elect	10	Electrical	10/24/2023	EL-019515	G1	18,000.00	100.00
Elect	10	Electrical	11/01/2023	EL-019541	G1	800.00	100.00
Elect	12	Electrical	11/02/2023	EL-019546	G1	500.00	100.00
Elect		Electrical			17		
Subtotal for Electrical:					26	\$26,700.00	\$900.00
Mech	13	Mechanical	10/11/2023	MEC-019487	G1	9,740.00	200.00
Mech	10	Mechanical	10/17/2023	MEC-019495	G1	16,903.00	200.00
Mech	13	Mechanical	10/17/2023	MEC-019496	G1	19,325.00	200.00
Mech	13	Mechanical	10/17/2023	MEC-019500	G1	10,170.00	200.00
Mech	13	Mechanical	10/17/2023	MEC-019502	G1	10,175.00	200.00
Mech	13	Mechanical	10/17/2023	MEC-019503	G1	9,125.00	100.00
Mech	13	Mechanical	10/19/2023	MEC-019509	G1	11,944.08	175.00
Mech	13	Mechanical	10/19/2023	MEC-019510	G1	4,550.00	100.00
Mech	13	Mechanical	10/19/2023	MEC-019511	G1	7,125.00	100.00
Mech	10	Mechanical	10/25/2023	MC-019517	G1	950.00	100.00
Mech	10	Mechanical	10/26/2023	MEC-019518	G1	20,000.00	200.00
Mech	10	Mechanical	10/26/2023	MEC-019519	G1	9,623.00	100.00

Mech	10	Mechanical	10/26/2023	MEC-019520	G1	5,208.00	100.00
Mech	13	Mechanical	10/27/2023	MEC-019529	G1	9,290.00	200.00
Mech	10	Mechanical	10/30/2023	MC-019536	G1	500.00	100.00
Mech	10	Mechanical	11/01/2023	MEC-019540	G1	9,420.00	100.00
Mech	10	Mechanical	11/02/2023	MEC-019544	G1	12,000.00	300.00
Subtotal for Mechanical:					17	\$166,048.08	\$2,675.00
Pools	10	Swimming Pools	10/18/2023	SP-019507	G1	63,000.00	792.00
Pools	10	Swimming Pools	10/19/2023	SP-019512	G1	56,000.00	779.00
Pools	10	Swimming Pools	10/26/2023	BP-019521	G1	77,000.00	968.00
Pools	10	Swimming Pools	11/02/2023	SP-019545	G1	60,000.00	815.00
Subtotal for Swimming Pools:					4	\$256,000.00	\$3,354.00
Remod	10	Renovation/Repair	10/11/2023	BP-019485	G1	18,000.00	187.00
Remod	10	Renovation/Repair	10/11/2023	BP-019489	G1	24,500.00	245.50
Remod	10	Renovation/Repair	10/12/2023	BP-019490	G1	700,000.00	7,035.00
Remod	10	Renovation/Repair	10/17/2023	BP-019498	G1	44,000.00	731.00
Remod	10	Renovation/Repair	10/17/2023	BP-019501	G1	51,452.34	898.89
Remod	10	Renovation/Repair	10/18/2023	BP-019506	G1	25,000.00	550.00
Remod	10	Renovation/Repair	10/20/2023	BP-019513	G1	15,000.00	210.00
Remod	10	Renovation/Repair	10/23/2023	BP-019514	G1	48,000.00	767.00
Remod	10	Renovation/Repair	10/26/2023	BP-019522	G1	29,425.00	339.82
Remod	10	Renovation/Repair	10/26/2023	BP-019523	G1	18,500.00	491.50
Remod	10	Renovation/Repair	10/26/2023	BP-019525	G1	78,000.00	1,037.00
Remod	10	Renovation/Repair	10/27/2023	BP-019528	G1	20,000.00	205.00
Remod	10	Renovation/Repair	10/27/2023	BP-019531	G1	50,000.00	475.00
Subtotal for Renovation/Repair:					13	\$1,121,877.34	\$13,172.71
SFC	10	Single Family Constructio	10/25/2023	BP-019516	G1	950,000.00	19,255.44
SFC	10	Single Family Constructio	10/31/2023	BP-019538	G1	410,000.00	9,215.81
SFC	10	Single Family Constructio	11/02/2023	BP-019542	G1	275,000.00	7,055.21
SFC	10	Single Family Constructio	11/03/2023	BP-019552	G1	400,000.00	5,852.85
Subtotal for Single Family Constructio:					4	\$2,035,000.00	\$41,379.31
Walk	10	Walkway	10/12/2023	BP-019491	G1	6,000.00	125.00
Walk	10	Walkway	11/02/2023	BPM-019547	G1	200.00	125.00
Walk	10	Walkway	11/02/2023	BPM-019548	G1	200.00	125.00
Walk	10	Walkway	11/03/2023	BPM-019549	G1	200.00	125.00
Walk	10	Walkway	11/03/2023	BPM-019550	G1	200.00	125.00
Subtotal for Walkway:					5	\$6,800.00	\$625.00
Zoning	13	ZONING	10/26/2023	Zoning-019524	G1	50.00	50.00
Zoning	10	ZONING	10/30/2023	Zoning-019537	G1	0.00	50.00
Zoning	10	ZONING	11/02/2023	Zoning-019543	G1	50.00	50.00
Zoning	13	ZONING	11/06/2023	Zoning-019553	G1	50.00	50.00
Zoning	13	ZONING	11/06/2023	Zoning-019554	G1	50.00	50.00

Zoning	13	ZONING	11/06/2023	Zoning-019555	G1	50.00	50.00
		Subtotal for ZONING:			6	\$250.00	\$300.00
		GRAND TOTAL:			68	\$4,319,969.42	\$68,252.02

ACTIVE NEW HOME PERMITS = 33
OTHER ACTIVE PERMITS= 227
PERMITS ISSUED OVER \$30,000 = 29 (AMOUNT INCLUDED IN ACTIVE TOTAL)
PERMITS ISSUED OVER \$100,000 = 3 (AMOUNT INCLUDED IN ACTIVE TOTAL)
PERMITS ISSUED WAITING PICK UP = 18
TOTAL PERMITS= 278

PERMITS IN REVIEW= 8
CAMA ISSUED= 6
ZONING ISSUED = 14

PERMITS SERVICED FOR INSPECTIONS FROM 10/11-11/11 = 84
TOTAL INSPECTIONS MADE= 381



Date: November 15, 2023

To: Mayor Holden and Board of Commissioners

From: David Hewett, Town Manager

Re: Consideration of Selecting Contractor for Block Q

The Town received two bids at the second scheduled bid opening for Block Q Phase I stormwater work, J.P. Russ and Sons and Wells Brothers Construction Co. The most responsive bid appears to be Wells Brothers Construction Co. at \$325,831.91. This has been certified by the architect (Attachment 1). If the commissioners want to move forward with awarding the contract to Wells Brothers Construction Co. there will need to be a budget amendment (Attachment 2). The Letter of Intent (Attachment 3) and the Order to Close Carolina Avenue (Attachment 4) will also need to be adopted.

If the Board elects to move forward with the selection of Wells Brother Construction Co, the suggested motion is to approve Ordinances 23-14 and 23-15 and to instruct the town manager to complete the associated contract documents.

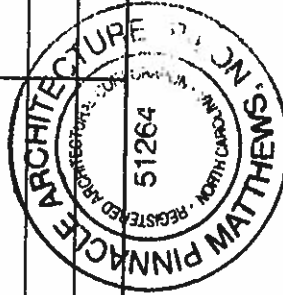
Attachment 1: Bid Tabulation Sheet
Attachment 2: Budget Amendment
Attachment 3: Letter of Intent
Attachment 4: Order to Close

GENERAL CONTRACTOR'S BID TABULATION SHEET
 THE TOWN OF HOLDEN BEACH
 HOLDEN BEACH, BLOCK Q - NEW PARKING AREA

TABULATION SHEET

DATE: NOVEMBER 14, 2023 3:30 PM

CONTRACTOR	J.P Russ & Sons	Wells Brothers Co.
BOND	V	V
BASE BID	\$399,053.00	\$325,831.91
DAYS	120	90
<u>SUBCONTRACTORS LIST</u>		
General	J.P Russ & Sons N/A	Wells Brothers Co. \$325,831.91
Site Work	J.P Russ & Sons N/A	N/A
<u>UNIT PRICES</u>		
Dirt Excavation (/CY)	\$16.00	\$8.50
Compacted Fill (/CY)	\$22.00	\$33.00
Unsuitable Soil (/CY)	\$19.00	\$29.00
Off-Site Borrow Fill (/CY)	\$22.00	\$33.00
Heavy-Duty Asphalt Paving (/SF)	\$540.00	\$4.00
Light-Duty Asphalt Paving (/SF)	\$450.00	\$3.50



Attachment 2

TOWN OF HOLDEN BEACH

ORDINANCE NO. 23-14

AN ORDINANCE AMENDING ORDINANCE 23-11, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2023-2024 (AMENDMENT NO. 2)

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 23-11 appropriating funds for fiscal year 2023-2024 be amended as follows:

Part I

Purpose - to revise parking revenue estimates, provide additional Block Q phase I construction funding and reduce fund balance appropriation.

Part II

REVENUES			
DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
PARKING REVENUE	50.0393.6001	95,000	INCREASE
FUND BALANCE APPROPRIATED	50.0399.0000	(49,000)	DECREASE
	<u>TOTAL</u>	<u>46,000</u>	

EXPENDITURES			
DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
BEACH EQUIPMENT	50.0710.1601	20,000	INCREASE
BLOCK Q PROJECTS	50.0710.6002	26,000	INCREASE
	<u>TOTAL</u>	<u>46,000</u>	

The 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 21st day of November, 2023.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk

Attachment 3



November 22, 2023

Rock Wells, President
Wells Brother Construction Co., Inc.
34 Summerhill Road
Turkey, NC 28393

Re: Holden Beach Block Q- Letter of Intent

Dear Mr. Wells,

On behalf of myself and the Holden Beach Board of Commissioners, we are pleased to inform you that your company has been selected to enter into a Contract to construct the above referenced project located in Holden Beach, North Carolina.

We will have Pinnacle Architecture, PA process the draft Standard Form of Agreement Between Owner and Contractor (AIA® Document A101™-2017, AIA® Document A101™-2017 Exhibit A, and AIA® Document A201™-2007) which will be emailed to you. Once we have agreed on any/all revisions, you will be emailed the finalized Contract.

At that time, you will sign the Contract and forward it to me with a copy emailed to the Architect's Office Manager, to include your Payment/Performance Bonds, Certificate of Insurance and Schedule of Values.

During the Contract process, please accept this letter as a Letter of Intent. By notice of this letter, you may begin subcontract negotiations and commitments.

If you have any questions, please contact me at (910) 842-6488.

Sincerely,

David W. Hewett
Holden Beach Town Manager

Attachment 4

**ORDINANCE 23-15
TOWN OF HOLDEN BEACH
ORDER TO CLOSE**

WHEREAS, pursuant to North Carolina General Statute §160A-299, the Town of Holden Beach Board of Commissioners has proposed to permanently close a portion of Carolina Avenue as shown on the attached survey titled "Right of Way Reversion Map for Town of Holden Beach, NC" and as described below:

LEGAL DESCRIPTION:

Being all that certain tract or parcel of land lying and being in Lockwood Folly Township, Brunswick County, North Carolina and being particularly described as follows: Beginning at a new rebar set in the western right of way line of Quinton Street (50' Public Right Of Way); said rebar being near the southwestern intersection of the right of way lines of Quinton Street and Carolina Avenue (40' Right Of Way) as shown on a map recorded in Map Book 4, Page 2, Brunswick County Registry; said beginning point also being located N80°04'53"W, 1869.11 feet from N.C.G.S. Monument "Ferry", having NAD 83-2011 Grid Coordinates: N=60842.17 feet, E=2224472.19 feet. Thence from the beginning point and with the southern right of way line of Carolina Avenue, S74°27'10"W, 317.84 feet to a new rebar set in the eastern right of way line of NC 130 Holden Beach Road; NC 130 right of way line established using existing physical evidence found that agreed with N.C.D.O.T Plans recorded in DOT Map Book 1, Pages 191-195; thence with said right of way line of NC 130 Holden Beach Road and with a curve to the left having a radius of 632.96 feet and a chord bearing and distance of N21°42'30"E, 50.25 feet to a new rebar set in the northern right of way line of Carolina Avenue projected to the eastern right of way line of NC 130 Holden Beach Road aforesaid mentioned; thence N74°27'10"E, 87.03 feet to a new rebar set at the approximate point of curvature with South Shore Drive (40' Public Right of Way); thence continuing with the northern right of way line of Carolina Avenue, N74°27'10"E, 206.72 feet to a new rebar set in the eastern right of way line of Quinton Street; thence with the right of way line of Quinton Street, crossing Carolina Avenue, S 06°32'50"E, 40.50 feet to the place and Point of Beginning. Containing 0.28 acres (12,215 square feet) as shown on a survey titled "Right of Way Reversion Map for Town of Holden Beach, NC", as prepared by Christopher D. Stanley, PLS dated July 6, 2022, to which reference is hereby made for a more full and accurate description.

WHEREAS, a public hearing on the question of such closing was held on September 20, 2022 at which time the proposed closure was explained and all persons were given an opportunity to be heard; and

WHEREAS, notice of said closing was given in accordance with the requirements of the law; and

WHEREAS, it has been found to the satisfaction of the Town of Holden Beach Board of Commissioners after the public hearing that closure of the portion of the street is not contrary to the public interest and that no individual owning property in the vicinity of the street would be deprived of reasonable means of ingress or egress to their property.

NOW, THEREFORE, IT IS ORDERED by the Holden Beach Board of Commissioners as follows:

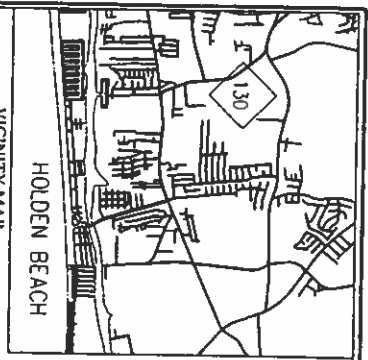
1. That the portion of Carolina Avenue as described above is hereby closed effective immediately.
2. That a certified copy of this Order be filed in the office of the Register of Deeds for Brunswick County, North Carolina.

Adopted this 21st day of November, 2023.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



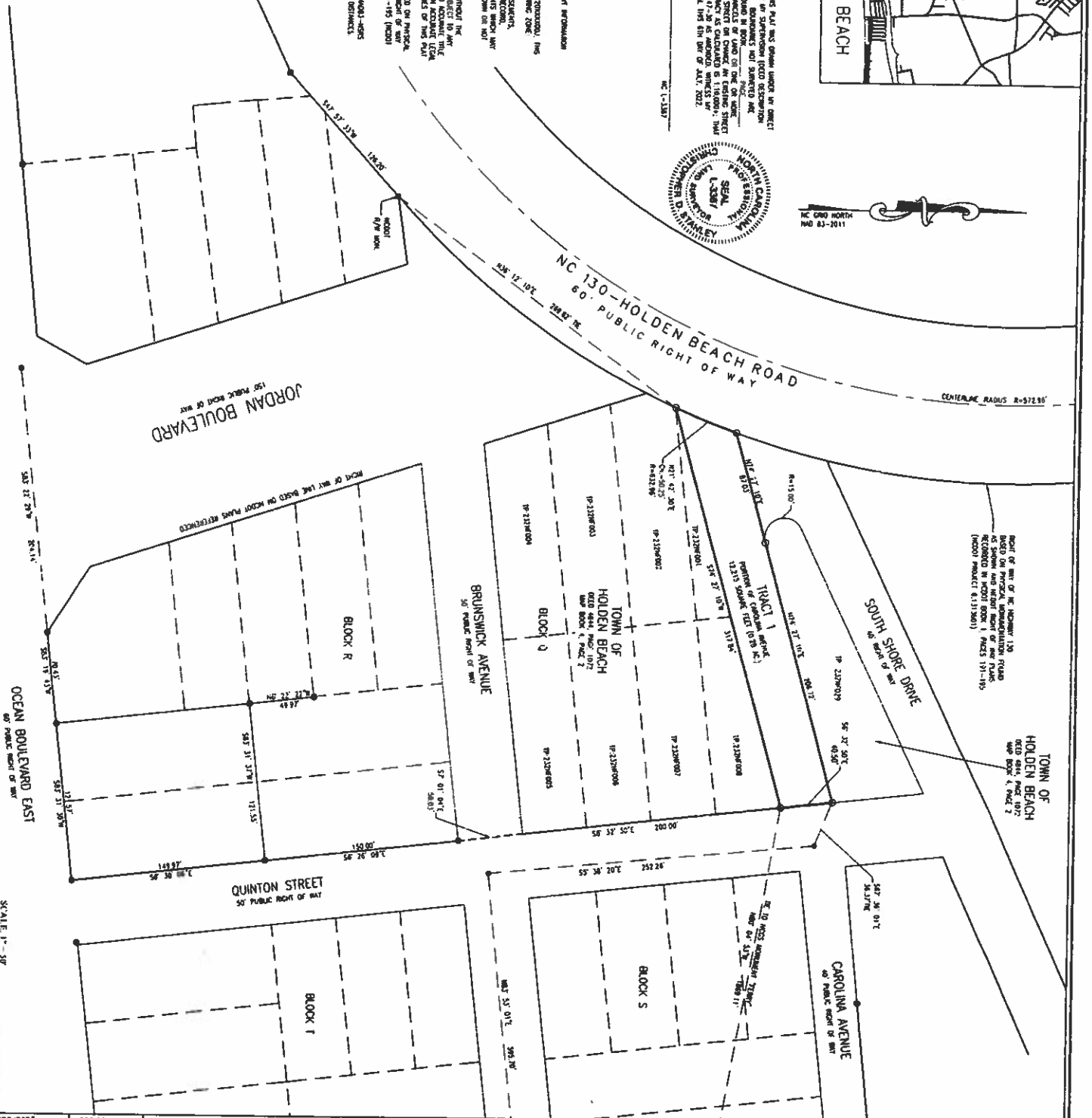
VICINITY MAP
NO SCALE



GENERAL NOTES:

1. ADVISORY: THIS SURVEY IS BASED ON THE BEST AVAILABLE INFORMATION AND IS NOT A GUARANTEE OF ACCURACY. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
2. THIS SURVEY IS BASED ON THE BEST AVAILABLE INFORMATION AND IS NOT A GUARANTEE OF ACCURACY. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
3. THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, ENCUMBRANCES, RESTRICTIONS, RIGHTS-OF-WAY, AND OTHER INTERESTS THAT MAY AFFECT THE PROPERTY. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
4. THIS SURVEY IS BASED ON THE BEST AVAILABLE INFORMATION AND IS NOT A GUARANTEE OF ACCURACY. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
5. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
6. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
7. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.
8. THE USER OF THIS SURVEY SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

LEGEND	
SYMBOL	DESCRIPTION
—	PROPERTY BOUNDARY
- - -	ADJACENT PROPERTY BOUNDARY
---	RIGHT-OF-WAY BOUNDARY
---	ADJACENT RIGHT-OF-WAY BOUNDARY
---	ADJACENT EASEMENT BOUNDARY
---	ADJACENT ENCUMBRANCE BOUNDARY
---	ADJACENT RESTRICTION BOUNDARY
---	ADJACENT RIGHT-OF-WAY BOUNDARY
---	ADJACENT ENCUMBRANCE BOUNDARY
---	ADJACENT RESTRICTION BOUNDARY
---	ADJACENT RIGHT-OF-WAY BOUNDARY
---	ADJACENT ENCUMBRANCE BOUNDARY
---	ADJACENT RESTRICTION BOUNDARY



PROJECT# 4300.28
DATE: 07-06-2022
TOWNSHIP: LOCKWOOD FLY
COUNTY: BRUNSWICK
STATE: NC
SCALE: 1"=50'
DRAWN BY: COS



COASTALGEOMATICS
LAND SURVEYING • MAPPING • PLANNING


Physical Address: 5041-J Main Street, Shallotte, NC 28470
Mailing Address: Post Office Box 1560, Shallotte, NC 28459
Telephone: 910-356-1800 ~ www.coastalgeomatics.com

RIGHT OF WAY REVERSION MAP FOR
TOWN OF HOLDEN BEACH, NC
SURVEY OF A PORTION OF THE RIGHT OF WAY OF CAROLINA AVENUE



Date: November 3, 2023

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

From: Christy Ferguson, Assistant Town Manager 

Re: Resolution for Water Resources Development Grant

The Town is applying for grant funding through the NC Division of Water Resources to assist with navigation maintenance dredging of the Harbor Acres entrance canal. To complete the grant process, the granting agency requires a resolution from the BOC. The engineer's estimate for project cost is \$343,800 with the grant request being \$257,850 and the remaining obligation to the Town totaling \$85,950. The local share would be achieved through previous assessments of Harbor Acres lots in the canal dredging fund.

Attachment: Resolution 23-12



**Water Resources Development Grant
Resolution 23-12**

WHEREAS, the Town of Holden Beach desires to sponsor the Harbor Acres Canal Maintenance Dredging Project in an effort to provide safe, reliable, and efficient transportation for the public.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Board of Commissioners requests the State of North Carolina to provide financial assistance to the Town of Holden Beach for the Harbor Acres Canal Maintenance Dredging in the amount of \$257,850.00 or 75 percent of project construction cost, whichever is the lesser amount;
- 2) The Town of Holden Beach assumes full obligation for payment of the balance of project costs via the Canal Dredging Maintenance Fund;
- 3) The Town of Holden Beach will obtain all necessary State and Federal permits;
- 4) The Town of Holden Beach will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- 5) The Town of Holden Beach will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Town of Holden Beach will assure that the project is open for use by the public on an equal basis with no restrictions;
- 7) The Town of Holden Beach will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 8) The Town of Holden Beach accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Board of Commissioners this _____ day of 20_____.

Clerk to the Council/Board

Mayor / Chairperson of Council / Board



TO: J. ALAN HOLDEN, MAYOR
TOWN OF HOLDEN BEACH

FROM: MIKE McINTYRE

SUBJECT: FEDERAL ADVOCACY ACCOMPLISHMENTS IN 2022 AND 2023

DATE: NOVEMBER 15, 2023

CC: DAVID HEWETT, TOWN MANAGER
TOWN OF HOLDEN BEACH

Throughout the two most recent contract cycles (2022 and 2023), Ward and Smith—with assistance from The Ferguson Group—have helped Holden Beach secure \$4,819,867 in appropriations with an estimated \$1,350,000 pending between two funding requests that support the Brunswick County Beaches (Holden Beach) General Reevaluation Report. Other successes are more difficult to quantify since they do not come in the form of a federal award but are nonetheless of great value and importance to the Holden Beach community.

Priorities accomplished on behalf of the Town of Holden Beach in 2022 and 2023 include:

- \$1,050,000 for Lockwood Folly Maintenance Dredging, which was approved in the FY 2022 federal budget (the Consolidated Appropriations Act, 2022) under Energy and Water Development Appropriations (3/15/2022).
- \$1,000,000 for the Brunswick County Beaches (Holden Beach) General Reevaluation Report, which was approved in the FY 2023 federal budget (the Consolidated Appropriations Act, 2023) under Energy and Water Development Appropriations (12/29/2022).
- \$2,669,867 for the Greensboro Street Lift Station Hazard Mitigation Upgrade Project, which was approved in the FY 2023 federal budget (the Consolidated Appropriations Act, 2023) under Interior and Environment Appropriations (12/29/2022).
- \$100,000 for the Ocean Boulevard Stormwater Mitigation Project, which was approved in the FY 2023 federal budget (the Consolidated Appropriations Act, 2023) under Energy and Water Development Appropriations (12/29/2022).
- We are still awaiting Congressional approval of FY 2024 appropriations, but we successfully worked on behalf of the Town this year to submit another earmark request for the GRR. Senator Tillis and Congressman Rouzer both submitted Holden Beach's \$425,000 earmark request for the GRR, and due to our continued advocacy, the GRR request has been included in both the House and Senate appropriations bills. As a reminder, Senator Tillis only submitted two requests under the Energy and Water Development account for the entire State of North Carolina. Congressman

Rouzer submitted only fifteen requests and selected the GRR request as one of the fifteen. We are very optimistic that the Town's GRR request will be included in the final FY 2024 federal budget.

- Throughout 2022 and 2023, we stayed in regular contact with Holden Beach's Congressional delegation and the U.S. Army Corps of Engineers regarding Holden Beach's request for funding through Public Law 116-20, the *Additional Supplemental Appropriations for Disaster Relief Act, 2019* (DRA) to fund the remaining study costs for the Brunswick County Beaches (Holden Beach) General Reevaluation Report. Our collective efforts to maintain regular communication with the Wilmington District of the Corps over the years resulted in their recommendation in 2022 that the Corps use reprogrammed funds approved in the DRA to complete the GRR at 100 percent federal cost. The Town's Congressional delegation fully supported these efforts, and on November 29, 2022, they sent a letter at our urging to the U.S. Army Corps of Engineers asking that Holden Beach's request for funding through the DRA be promptly approved. We remain optimistic about the DRA request and expect a decision to be made shortly after FY 2024 appropriations are approved, which will hopefully occur in early 2024.
- Throughout 2022 and 2023, we also stayed in regular contact with Holden Beach's Congressional delegation and the U.S. Army Corps of Engineers regarding a decision the Corps made in 2017 that disallowed non-federal interests like municipalities and marina owners to dispose of dredge spoil in federally designated dredge spoil disposal sites out of concern that space would run out at these sites for federal projects. However, as you know, this is not a practical concern at many disposal sites. Some designated disposal sites in North Carolina, for example, have never been used. On June 6, 2023, Holden Beach's Congressional delegation jointly submitted a letter we prepared to the Corps of Engineers concerning the disposal sites issue. After several years of advocacy, this is an incredibly encouraging step forward, and we are optimistic that the delegation's involvement will result in increased cooperation from the Corps on this matter.
- We continue to advise the Town regarding the application process it must complete to receive the appropriations approved in the FY 2023 federal budget for the Greensboro Street Lift Station Upgrades Project. We understand that the application must be approved as soon as possible for the project to proceed on schedule. At our strong urging, Congressman Rouzer's office reached out to the EPA in July to convey the Town's concerns about needing this project approved as soon as possible.
- After several years of persistent advocacy, on September 18, the Wilmington District of the Army Corps of Engineers finally responded to the 103-page "LWFIX Nourishment and Sediment Transport Analysis Engineering and Modeling Report" completed by Applied Technology and Management, Inc. (ATM), which was provided to the Wilmington District in 2019. The Town commissioned the ATM report to provide objective information and data on the most beneficial placement of sand material from Lockwood Folly Inlet Crossing (LWFIX) navigation dredging projects. The ATM report concludes that the most beneficial placement of this dredged material is on the east end of Holden Beach. However, the Wilmington District's 2-page response failed to appropriately acknowledge the findings of the ATM report regarding the beneficial placement of LWFIX dredged material. Accordingly, we assisted Manager Hewett and Assistant Manager Ferguson in drafting a reply to the Wilmington District that discussed the inadequacies of the

district's response and asked several follow-up questions, which was sent to the Wilmington District on September 22. We are still awaiting a response from the Wilmington District.

As you are aware by reviewing our monthly reports to the Board of Commissioners, these accomplishments are the result of persistent advocacy efforts over several months or years and carried out both with and on behalf of the Town of Holden Beach. We stay in close contact with the Town's Congressional delegation, Congressional committee staff, and relevant administration officials and staff regarding your federal priorities, and we use all available resources at our disposal to support these efforts. Our monthly reports also provide important updates on federal matters that are of interest to Holden Beach, even if they are outside our agreed-upon contractual obligations, such as providing updates on rules and regulations published by federal agencies. We are pleased that our efforts have resulted in so many successes for the Town of Holden Beach over the years and we are confident that our proven approach will result in even more success for the Town in the future.



MIKE McINTYRE, Attorney at Law

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 mmcintyre@wardandsmith.com

November 14, 2023

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 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 contract period, as mutually agreed upon by the parties, as well as a monthly status report,

ASHEVILLE

GREENVILLE

NEW BERN

RALEIGH

WILMINGTON

www.wardandsmith.com

WARD AND SMITH, P.A.

David W. Hewett, Manager
November 14, 2023
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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 through June 30, 2024. The retainer will be \$9,725 per month effective July 1, 2024, through June 30, 2025. Unless either of us terminates this engagement, this agreement will remain in place from January 1, 2024 through June 30, 2025. 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 it 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.

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.

WARD AND SMITH, P.A.

David W. Hewett, Manager
 November 14, 2023
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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)
 Christy Ferguson (via email: christy.ferguson@hbtownhall.com)

Read and agreed.

Town of Holden Beach

By:

 David W. Hewett, Manager

 Date

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

 Finance Officer

ND:4883-0238-9392, v. 1



Date: January 5, 2023

To: Commissioners and Mayor Holden

From: David W. Hewett, Town Manager

Re: Budget/Quarterly Meeting Dates

Per the Board of Commissioners' direction at the December meeting, I have established a preliminary calendar for budget and quarterly meetings. It is proposed that the meetings be held at 5:30 p.m. on the suggested dates.

Please review the dates below and be prepared to discuss alternate dates at the meeting if you are not available during the proposed dates.

- Thursday, February 23rd Goals & Objectives Workshop
- Thursday, March 16th Budget Meeting #1/Quarterly Meeting
- Thursday, April 20th Budget Meeting #2
- Thursday, June 1st Budget Meeting #3
- Thursday, June 15th Budget Public Hearing/Quarterly Meeting
- Thursday, September 21st Quarterly Meeting
- Thursday, December 21st Quarterly Meeting