



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

**Tuesday, October 17, 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, OCTOBER 17, 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 Public Hearing/Regular Meeting of August 15, 2023 (Pages 1 - 6)
6. Public Comments on Agenda Items
7. Annual Beach Monitoring Report – Fran Way, ATM (Page 7)
8. Police Report – Chief Dixon (Pages 8 – 13)
9. Inspections Department Report – Inspections Director Evans (Pages 14 – 16)
10. Discussion and Possible Action on ADA Related Items – Assistant Town Manager Ferguson and Inspections Director Evans (Pages 17 – 18, Separate Packet)
 - a. Avenue E Site Plan
 - b. 801 Ocean Boulevard West Site Plan
 - c. Conceptual Approval of Bathrooms
 - d. Ordinance 23-13, An Ordinance Amending Ordinance 23-11, The Revenues and Appropriations Ordinance or Fiscal Year 2023 – 2024 (Amendment No. 1)
11. Discussion and Possible Amendment to the Contract Between the Town and Southern Disaster Recovery, LLC – Public Works Director Clemmons (Pages 19 – 20)
12. Discussion and Possible Action on Regulations for Removing Sand from the Beach – Mayor Holden (Pages 21 – 24)

13. Discussion and Possible Action on Extending the Paid Parking Program Year-round – Mayor Pro Tem Smith (Pages 25 – 31)
14. Discussion and Possible Action on 796 Ocean Boulevard West - Mayor Pro Tem Smith
15. Discussion and Possible Action on Proposed Revision to the Personnel Policy – Town Clerk Finnell (Pages 32 – 35)
16. Public Comments on General Items
17. Town Manager’s Report
18. Mayor’s Comments
19. Board of Commissioners’ Comments
20. 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 October 17, 2023.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
PUBLIC HEARING/REGULAR MEETING
TUESDAY, AUGUST 15, 2023 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Public Hearing/Regular Meeting on Tuesday, August 15, 2023 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Page Dyer and Gerald Arnold; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Police Chief Jeremy Dixon; Lieutenant Frank Dilworth; Finance Officer Daniel McRaney; and Town Attorney Rick Green. Commissioner Brian Murdock was unable to attend the meeting.

PUBLIC HEARING: FINAL APPLICATION FOR THE BLOCK Q RESTROOM FACILITY AS PART OF THE 2023 – 2024 PUBLIC BEACH AND WATERFRONT ACCESS GRANT

Assistant Town Manager Ferguson explained the Board reviewed the pre-application for the grant for Block Q several months ago. The Town was invited to submit a final application. It is due by August 28th. The site plan previously was approved by the Board in the past. During the pre-application process, the Board asked if the deed restrictions would apply to the entire property or only the parts of the property where the grant funding would pertain. That would include the bathroom, the parking lot connected to the bathroom and the landscaping on that side that is in the grant application. They said the Town could do that. If you look on GIS, it looks like it would involve 232NF004, 232NF003 and 232NF002. That would not need to be defined in the application. It would come along when we file the deed restrictions if the Town gets the grant.

No public comments were made.

Mayor Holden closed the public hearing at 5:02 p.m.

REGULAR MEETING

Mayor Holden asked for a moment of silence and then called the meeting to order. He announced Commissioner Murdock was under the weather and unable to attend the meeting.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Mayor Holden asked the Board to consider moving item 11 to 8a and removing item 12, unless someone would like to take over Commissioner Murdock's item.

Motion by Commissioner Arnold to accept the changes; second by Commissioner Dyer. The amended agenda was unanimously approved.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve the minutes for our regular meeting and the public hearing on July 18th; second by Commissioner Dyer; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Comments submitted online are posted on the Town's website.

Clayton Robinson provided the reasons he would like to change the hours of Section 94.06: Placing Obstructions on the Beach.

Tracey Thomas said she hopes someone will explain how it turned into a \$5 million loan application. She asked the Board to not be rushed into making a decision.

Tom Myers read his written comments (hereby incorporated into the minutes).

Brent Shaver suggested looking at things like the improvements to Sailfish Park when looking into identifying sources for funding the lift station.

POLICE REPORT – CHIEF DIXON

- July was a busy month. Went over numbers. The biggest issue we saw was an increase of criminal incident reports, which include B&Es, larcenies. They took a total of 23. Officers did an amazing job of tracking down leads and working the cases as they could. They closed out seven of the cases. We have 16 open. We really need an investigator. They are doing what they can with the resources available. Also saw an increase in parking complaints and violations.
- Something that came to their attention is the fine for prohibited vehicles on the strand. The fine is \$50. He suggested the Town may want to look at increasing that fine. Sunset Beach and Ocean Isle both have \$100 fines.

Mayor Pro Tem Smith has noticed this past month that officers have been more diligent with responding to LSV violations, especially when children are involved. They are doing a good job of weighing out how to respond.

INSPECTIONS REPORT – INSPECTIONS DIRECTOR EVANS

- Went over the numbers. It is very busy. People's rentals are slowing down so they are now preparing to make repairs. Numerous lots have been sold; permits will be issued.
- When the world fell apart between 2008 – 2011 last time, Holden Beach held steady. Seeing a trend and thinks it will continue to hold steady.

DISCUSSION AND POSSIBLE ACTION ON IDENTIFYING ADDITIONAL SOURCES OF FUNDING FOR SEWER LIFT STATION

Mayor Holden reassured the public that the commissioners are aware of the concerns the public has. If you look in the past, there seems to be an ebb and flow of needs for funds for various projects. It comes in bunches. The Board and staff are continuously seeking funding and making contacts with the powers to be in Washington and Raleigh. The state's budget has not passed yet. We have done a lot of communication with our state and federal representatives and have some things we are hopeful of. All the money is not going to be borrowed. We need to have multiple avenues of funding in case things get worse. He said if you have a credit card with a \$25,000 limit, it doesn't mean you borrow \$25,000 on your credit card just because you have the ability to do that. Mayor Holden explained we are trying to have a source to cover our needs if we have to. Please don't think that just because we have the ability to go get money, that we are going to do it. In the near future, the state budget will be passed. Mike McIntyre and our Washington contacts that represent us have some things going on as well to provide some funds for us. Mayor Holden is asking people to understand that just because funds may be available, we are not planning on using all the money that is available. He asked the public to hang in there.

DISCUSSION AND POSSIBLE ACTION ON THE FINAL APPLICATION FOR THE BLOCK Q RESTROOM FACILITY AS PART OF 2023 – 2024 PUBLIC BEACH AND WATERFRONT ACCESS GRANT (BLOCK Q)

Assistant Town Manager Ferguson said she covered most of the information during the public hearing. It is a reimbursement grant. We would pay for it up front and get reimbursed by the state. The deed restrictions are for 25 years. She read an email from the state confirming that you can limit the deed restrictions to only the parcels that have improvements through grant funding.

Motion by Mayor Pro Tem Smith to instruct staff to submit the application for the Public Beach and Waterfront Access Grant before the August 28th deadline; second by Commissioner Arnold; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 23-11, RESOLUTION AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

Assistant Town Manager Ferguson stated the resolution was prepared by our bond attorney. The bond attorney and the financial advisor are on standby if the Board would like to contact them. The resolution is necessary in our process of documents that have to go to the Local Government Commission (LGC) to obtain financing for Sewer Lift Station 2. The required public hearing notice is

also in the packets. The public hearing date has been updated to September 19th in the documents provided tonight since a quorum of the Board was not available on September 12th. The Notice to the Joint Legislative Committee needs to go out today. Assistant Town Manager Ferguson explained the not to exceed amount of \$5 million is the ceiling. That is for the worst-case scenario. The engineer is saying it would not be out of the ballpark to have the bids come in at \$4.5 million or more. It is also a strained bid climate. This is a limit. We cannot go back a second time to the LGC. The Town doesn't intend it to be a \$5 million number, but we do not know until the bids come in. Assistant Town Manager Ferguson explained at the last meeting the Board was under the impression that we were going to cut off the grant. We talked to the EPA. The ball was in their court, we had done everything we could. We said while we are running this calendar, we will let them play catchup, maybe the trains will align. We did not tell them we didn't want the money and we are still running both trains simultaneously and hoping they will come in by our deadline. The \$5 million gives the Town flexibility and is the prudent choice when we talked to our financial advisors. It doesn't take into account any of the cash on hand the Board would like to apply. This is a maximum number. She provided an example of a credit card limit. The \$5 million is if the grant doesn't come through, the bid climate is high and if the Board can't use cash on hand. Staff doesn't think the Town will need to use that much, but we won't know until bids are awarded. Assistant Town Manager Ferguson said to take action the Board would need to approve Resolution 23-11, as well as Exhibit A to set the public hearing and direct the town manager to notify the Joint Legislative Committee of the Town's intentions through execution of Attachment 3. She explained the LGC understands we are still trying to get the EPA grant and they hope to see it come through, but they know we need wiggle room in case it doesn't come through in time. She said we are basically proceeding at our own risk, following our own construction and financial calendars. If the EPA catches up, hopefully we can recoup some of the money. On Friday we were advised the Town doesn't need a full NEPA review.

Commissioner Arnold said it seems like we are in the deadline business, whether we want to be or not. In order to get the process started, we need to approve the application and other appropriate documents. He thinks it has been very well explained tonight. Looking at the success we had in the past, he knows the Town will make our best effort.

Motion by Commissioner Arnold that we get started with it, process it and go forward; second by Commissioner Dyer.

Mayor Pro Tem Smith said he is still having trouble with not being able to receive over \$2.5 million. He asked at what point the Town loses hope of having the funding available to us. Assistant Town Manager Ferguson said we will continue to try to push to try to get the money.

The motion passed by a 2-1 vote, with Commissioners Dyer and Arnold voting for the motion and Mayor Pro Tem Smith voting in the negative.

Assistant Town Manager Ferguson reminded the Board the public hearing is September 19th.

PUBLIC COMMENTS ON GENERAL ITEMS

Beverly Compton provided information on Candidate's Night.

Tracey Thomas doesn't buy into the analogy of a credit card. That is what a savings account is for and she thinks that is how the Town should be running their budget.

TOWN MANAGER'S REPORT

- Canal Dredging in Harbor Acres – we are setting up for a winter event, dredging of some selective areas. There are some high spots in there. Since it is a relatively small-scale project, it is probably going to be a bucket dredge operation, instead of a traditional hydraulic pipeline dredge. Our engineer is developing those specs.
- Lockwood Folly Inlet Crossing and Bend Widener Dredging Project – The Corps is going to be paying for about 80,000 cubic yards of sand. There is another 60,000 in the bend widener. The Town through the long-term MOA, along with Brunswick County helping out a little, is going to fund the \$535,000 project for the bend widener sand. All the sand together is about 140,000 cubic yards. It will be placed on the east end in the area of Amazing Grace back to the Winding River Clubhouse area. The state picks up 75% of the \$535,000 and the town and the county will split the residual 75/25%. For about \$100,000, we will receive 140,000 cubic yards of sand on the east end. Those funds have already been transferred. It will be a wintertime project. Hopefully that will dovetail nicely with the private firm's dredging through the Civil War historic district earlier this June.
- Ocean Boulevard Resurfacing and Bike Lane Project – based on the latest meeting with DOT from the contractor, the survey work for that project will begin as soon as September 11th, with construction starting in November. The GSATS Committee meets Friday and the project manager should be there so we can get more details.

MAYOR'S COMMENTS

- On GSATS Committee, doesn't have anything different than what was just reported on the resurfacing and bike paths.
- There are a couple of hurricanes out there. We are at the end of the summer. Be ready and be reassured the Town will do its best to do what's best for the Town to protect properties. We are as prepared as we can be.
- Warned people about the heat.
- Don't forget buses as school starts. Hard to believe the summer has almost ended. Looking forward to the fall weather.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked staff, Inspections Director Evans, Town Manager Hewett and everybody for moving forward with the ADA work. Seems to be coming along nicely. Doesn't know how anyone can expect it to get done quickly if you don't get started. Thinks work they have done seems to be a cohesive effort to get this taken care of. It is appreciated.
- We are blessed with the miracle of being able to find four divers 60 miles offshore. It was a traumatic Sunday evening. Thank goodness they were highly qualified divers. If it wasn't for the

actions of the Navy and Coast Guard, they wouldn't be back on Starfish today. We are blessed to have such wonderful equipment that could be deployed that quickly.

Commissioner Dyer

- Thanked everyone for attending the meeting.
- Appreciates the staff, all they have done. We have a lot going on. Appreciates them helping move forward on some of these projects.
- Heat index has been terrible for humans. Keep in mind that animals need to be cool. Bring them inside, watch the asphalt and sand. If you aren't walking barefoot on it, you don't need to let them walk barefoot on it. Stay hydrated, safe and have a wonderful Labor Day.

Commissioner Arnold

- Agreed it was a blessing. It was a miracle to rescue all of them.
- Appreciates the staff. We do have deadlines we need to meet. You go through your best thinking, give your best hunches and expertise and we make the best judgement calls we can make. Thanked everyone for that effort.
- Respects everybody's opinions.
- Thanks for coming.

ADJOURNMENT

Motion to adjourn by Mayor Pro Tem Smith at 5:59 p.m.; second by Commissioner Arnold; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Date: October 2, 2023

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

From: Christy Ferguson, Assistant Town Manager 

Re: Annual Beach Monitoring Report

The Town participates in annual beach monitoring to maintain a healthy beach and dune system and to keep our engineered beach status. These reports are also instrumental in serving as a baseline account of sand volume as compared to post-storm surveys. Mr. Fran Way with ATM is here to present data from the annual report and highlight changes since last year.



Holden Beach Police Department

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

Phone: 910-842-6707
Fax: 910-846-6907
hbp1@hbtownhall.com



Calls For Service (September '23)

Printed on October 9, 2023

Descriptions	Totals	
911 Hang Up (911HU)	2	2
Alarm (SIG45 Signal 45)	11	11
Animal Control Call	5	5
Armed with Gun Knife or Other Weapon (10-84 x84); Assist Other Agency (EMS)	1	1
Assist Other Agency (EMS); Suspicious Vehicle or Subject (10-60 x60); Welfare Check	1	1
Attempt to Locate (ATL)	5	5
Attempt to Locate (ATL); Coastal Watercraft Rescue [Delta]	1	1
Breaking and Entering in Progress (10-62 x62); Special Check - Business - Residence (10-79 x79)	1	1
Breathing Problems (COPD) [Charlie]	1	1
Breathing Problems [Delta]	2	2
Call By Phone (10-21Law x21L)	21	21
Careless & Reckless (C&R)	1	1
Chest Pain or Discomfort [Charlie]	1	1
Choking [Delta]	1	1
Coastal Watercraft Rescue [Delta]	1	1
Coastal Watercraft Rescue [Delta]; Call By Phone (10-21Law x21L)	1	1
Coastal Water Rescue [Delta]	1	1
Coastal Water Rescue (Multiple) [Delta]	1	1
Convulsions or Seizures [Bravo]	1	1
Crime in Progress (10-64 x64)	1	1

Descriptions	Totals	
Diabetic Problems [Delta]	1	1
Disabled Motorist (10-87 x87)	6	6
Disturbance or Disorderly Subject	5	5
Domestic Disturbance (10-82 x82)	2	2
Drunk Driver (10-55 x55)	1	1
Elevator Stuck or Problems [Alpha]	2	2
Escort or Convoy (10-59 x59)	1	1
Falls [Alpha]	1	1
Falls [Alpha]; Assist Other Agency (Fire)	1	1
Falls [Bravo]	1	1
Good Intent Call (Lift Assist)	2	2
Good Intent Call (Lift Assist); Assist Other Agency (EMS)	1	1
Hit and Run (Property Damage Only 10-54 x54)	2	2
Improperly Parked Vehicle (10-70 x70)	22	22
Intoxicated Person (10-56 x56)	1	1
Investigate Narcotics Activity (Signal 49 SIG49 10-98 x98)	1	1
Investigation (Law)	3	3
Keys In Vehicle or Lockout	2	2
Lift Assist (No Injury) [Alpha]	1	1
Lift Assist (No Injury) [Alpha]; Assist Other Agency (EMS)	1	1
Lost or Found Property	7	7
Meet with Complainant (10-83 x83)	25	25
Meet with Complainant (10-83 x83); Keys In Vehicle or Lockout	1	1

Descriptions	Totals	
Missing or Abandoned Person	1	1
Missing or Abandoned Person; Assist Other Agency (Fire)	1	1
Noise Complaint	5	5
Open Door	4	4
Overdose or Poisoning (Intentional) [Delta, Arrest]	1	1
Single Residential Fire Alarm [Bravo]	2	2
Special Check - Business - Residence (10-79 x79)	397	397
Special Operations Assignment (Signal 55 SIG55)	3	3
Stopping Vehicle (10-61 x61)	9	9
Suspicious Vehicle or Subject (10-60 x60)	7	7
Take Written Report (10-92 x92)	5	5
Traffic Control (10-58 x58)	1	1
Traffic Light Out (10-88 x88)	1	1
Trespassers	2	2
Unconscious or Fainting [Charlie]	1	1
Unconscious or Fainting [Delta]	1	1
Unit Busy at Location (10-6 x6)	1	1
Water or Sewer Problems	1	1
Welfare Check	4	4
Welfare Check; 911 Cell Hang-Up or Open Line	1	1
	3	3
Totals	601	601



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HBPD Monthly Report (September '23)

Printed on October 9, 2023

Reported	Case Number	Address	Offenses	Disposition
09/04/23 11:55	HBP23-00105	111 SKIMMER CT	14-127 - Damage to Property; 20-166(C)(1) - HIT/RUN LEAVE SCENE PROP DAM	Closed - By Other Means
09/11/23 08:09	HBP23-00106	105 SWORDFISH DR	14-72(A) - MISDEMEANOR LARCENY	Closed - Unfounded
09/13/23 03:25	HBP23-00107	107 DUNESCAPE DR	14-56 - BREAK OR ENTER A MOTOR VEHICLE	Closed - Leads Exhausted
09/21/23 12:23	HBP23-00108	721 OCEAN BLVD W	14-72(A) - MISDEMEANOR LARCENY	Closed - Leads Exhausted
09/27/23 15:05	HBP23-00109	BOYD ST /	14-277.1 - COMMUNICATING THREATS	Further Investigation

Total Records: 5



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State Citation (September '23)

Printed on October 9, 2023

Date	Defendant	Statutes/Charges
09/02/23	BALL, WILLIAM PATRICK	20-137.1 - FAIL TO SECURE PASSEN UNDER 16
09/11/23	BUCHANAN, MICHAEL LLOYD	20-137.1(A1) - CHILD NOT IN REAR SEAT
09/12/23	PEDLOW, JOHN WESLEY	20-137.1 - FAIL TO SECURE PASSEN UNDER 16

Total Records: 3

LSV = 2



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Ordinance Violations (September '23)

Printed on October 9, 2023

Date	Defendant	Citation/Warning	Ordinance
09/03/23	EAN, HOLDINGS LLC	Citation	Parking - Roadway/Travel Lane
09/03/23	GERSCHUTZ, ANDREW	Citation	Parking - Right-of-Way Violation
09/03/23	FINSERVUSALLC, DAIMLER	Citation	Parking - Right-of-Way Violation
09/03/23	PRUITT, DONALD	Citation	Parking - Right-of-Way Violation
09/03/23	MASTERSON, JONATHAN	Citation	Parking - Roadway/Travel Lane
09/03/23	LEACH, TRISTA	Warning-Compliant	Parking - All Other No Parking Zones
09/04/23	TRUST, DONLEN	Warning-Compliant	Parking - Right-of-Way Violation
09/08/23	GORI, GEORGE	Warning-Compliant	Parking - Handicap Violation
09/10/23	KLINE, ELIZABETH	Warning-Compliant	Parking - Roadway/Travel Lane
09/25/23	TRUST, UNION	Warning-Compliant	Parking - Right-of-Way Violation

Total Records: 10

LSV = 0

CONSTRUCTION TYPE REPORT

TOWN OF HOLDEN BEACH

09/07/2023 TO 10/06/2023

FY 2023-2024

Construc Type	St	Descriptio	Date Applied	Permit class/ Number	Occup Group	Valuation(\$)	Permit Fee(\$)
Add	10	Additions	10/02/2023	BPCL-019457	G1	16,100.00	269.90
Subtotal for Additions:					1	\$16,100.00	\$269.90
BH	10	Bulkhead	10/05/2023	BP-019474	G1	12,000.00	133.00
Subtotal for Bulkhead:					1	\$12,000.00	\$133.00
Decks	10	Decks	09/20/2023	BP-019436	G1	29,500.00	556.00
Decks	10	Decks	09/25/2023	BP-019449	G1	25,000.00	300.00
Subtotal for Decks:					2	\$54,500.00	\$856.00
Demoli	10	Demolishin	09/22/2023	HM-019441	G1	1,500.00	1,525.00
Demoli	10	Demolishin	10/05/2023	HM-019469	G1	70,000.00	0.00
Subtotal for Demolishin:					2	\$71,500.00	\$1,525.00
Elect	13	Electrical	09/13/2023	EL-019427	G1	1,000.00	100.00
Elect	10	Electrical	09/22/2023	EL-019438	G1	12,900.00	175.00
Elect	13	Electrical	09/25/2023	EL-019447	G1	1,200.00	100.00
Elect	13	Electrical	09/28/2023	EL-019454	G1	1,600.00	100.00
Elect	10	Electrical	10/04/2023	EL-019462	G1	950.00	100.00
Elect	10	Electrical	10/05/2023	EL-019466	G1	1,000.00	100.00
Elect	10	Electrical	10/05/2023	EL-019467	G1	950.00	100.00
Elect	10	Electrical	10/05/2023	EL-019468	G1	950.00	100.00
Elect		Electrical			20		
Subtotal for Electrical:					28	\$20,550.00	\$875.00
Mech	13	Mechanical	09/08/2023	MEC-019417	G1	24,000.00	200.00
Mech	13	Mechanical	09/08/2023	MEC-019418	G1	16,264.24	200.00
Mech	13	Mechanical	09/08/2023	MEC-019421	G1	7,735.00	100.00
Mech	13	Mechanical	09/11/2023	MEC-019423	G1	7,850.00	100.00
Mech	13	Mechanical	09/11/2023	MEC-019426	G1	8,450.00	100.00
Mech	13	Mechanical	09/13/2023	MEC-019428	G1	7,900.00	100.00
Mech	13	Mechanical	09/14/2023	MEC-019430	G1	9,300.00	100.00
Mech	13	Mechanical	09/15/2023	MEC-019431	G1	8,238.66	100.00
Mech	13	Mechanical	09/19/2023	MEC-019435	G1	4,929.00	100.00
Mech	10	Mechanical	09/22/2023	MEC-019439	G1	20,000.00	100.00
Mech	10	Mechanical	09/22/2023	MEC-019440	G1	8,224.45	100.00
Mech	13	Mechanical	09/22/2023	MEC-019443	G1	5,147.00	100.00
Mech	10	Mechanical	09/25/2023	MEC-019448	G1	14,075.00	200.00
Mech	10	Mechanical	09/27/2023	MEC-019452	G1	10,368.00	100.00
Mech	10	Mechanical	10/02/2023	MEC-019455	G1	5,071.00	100.00
Mech	13	Mechanical	10/02/2023	MEC-019456	G1	8,075.00	100.00

Mech	10	Mechanical	10/04/2023	MEC-019461	G1	8,500.00	100.00
Mech	10	Mechanical	10/05/2023	MEC-019465	G1	6,700.00	100.00
Mech	10	Mechanical	10/05/2023	MEC-019471	G1	3,500.00	100.00
Mech	10	Mechanical	10/05/2023	MEC-019475	G1	6,341.00	100.00
Subtotal for Mechanical:					20	\$190,668.35	\$2,300.00
Plumb	13	Plumbing	09/08/2023	PL-019422	G1	1,800.00	100.00
Subtotal for Plumbing:					1	\$1,800.00	\$100.00
Pools	10	Swimming Pools	10/06/2023	BP-019476	G1	102,504.00	1,047.54
Subtotal for Swimming Pools:					1	\$102,504.00	\$1,047.54
Remod	10	Renovation/Repair	09/08/2023	BP-019419	G1	5,000.00	125.00
Remod	10	Renovation/Repair	09/08/2023	BP-019420	G1	15,000.00	160.00
Remod	10	Renovation/Repair	09/13/2023	BP-019429	G1	50,000.00	525.00
Remod	10	Renovation/Repair	09/19/2023	BP-019433	G1	80,688.00	751.19
Remod	10	Renovation/Repair	09/19/2023	BP-019434	G1	34,642.00	386.78
Remod	10	Renovation/Repair	09/22/2023	BP-019442	G1	29,000.00	286.00
Remod	10	Renovation/Repair	09/22/2023	BP-019444	G1	40,000.00	385.00
Remod	17	Renovation/Repair	09/25/2023	BP-019445	G1	110,000.00	1,515.00
Remod	10	Renovation/Repair	09/26/2023	BPM-019451	G1	0.00	595.00
Remod	10	Renovation/Repair	10/03/2023	BP-019459	G1	68,880.00	794.92
Remod	10	Renovation/Repair	10/03/2023	BP-019460	G1	11,300.00	126.70
Remod	10	Renovation/Repair	10/05/2023	BP-019470	G1	14,000.00	151.00
Remod	10	Renovation/Repair	10/05/2023	BP-019472	G1	7,000.00	125.00
Remod	10	Renovation/Repair	10/05/2023	BP-019473	G1	2,000.00	125.00
Subtotal for Renovation/Repair:					14	\$467,510.00	\$6,051.59
SFC	10	Single Family Constructio	09/19/2023	BP-019432	G1	794,000.00	7,078.50
SFC	10	Single Family Constructio	09/25/2023	BP-019446	G1	500,000.00	5,768.54
SFC	10	Single Family Constructio	09/28/2023	BP-019453	G1	650,000.00	19,612.06
SFC	10	Single Family Constructio	10/02/2023	BP-019458	G1	825,000.00	10,366.51
Subtotal for Single Family Constructio:					4	\$2,769,000.00	\$42,825.61
Zoning	13	ZONING	09/11/2023	Zoning-019425	G1	50.00	50.00
Zoning	13	ZONING	09/21/2023	Zoning-019437	G1	50.00	50.00
Zoning	13	ZONING	10/04/2023	Zoning-019463	G1	50.00	50.00
Zoning	13	ZONING	10/04/2023	Zoning-019464	G1	50.00	50.00
Subtotal for ZONING:					4	\$200.00	\$200.00
GRAND TOTAL:					58	\$3,706,332.35	\$56,183.64

INSPECTIONS DEPT. FROM 9/07/23-10/06/23**ACTIVE NEW HOME PERMITS = 30****OTHER ACTIVE PERMITS= 189****PERMITS ISSUED OVER \$30,000 = 29 (AMOUNT INCLUDED IN ACTIVE TOTAL)****SUBSTANTIAL IMPROVEMENTS OVER \$100,000= 4****PERMITS ISSUED WAITING PICK UP = 23****TOTAL PERMITS = 242****PERMITS IN REVIEW=10****PERMITS SUBMITTED INCOMPLETE = 23****ZONING PERMITS ISSUED = 10****CAMA PERMITS ISSUED= 4****PERMITS SERVICED FOR INSPECTIONS (FROM 9/10-10/06)= 92****TOTAL INSPECTIONS MADE=337**



Date: October 2, 2023

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

From: Christy Ferguson, Assistant Town Manager 

Re: ADA Projects

The Town has been working diligently to complete projects outlined in the Keybridge agreement. The board will have a chance to review project plans for Avenue E and 801 OBW as described by Planning and Inspections Director Evans and Town Manager Hewett. Also included are conceptual drawings for restroom facilities at 114 OBE, Avenue E, and other town owned property as feasible in the future.

With the specificity of costs unavailable at the time of the current year budget ordinance adoption and changes that have occurred based on cost of supplies, there is a need for a budget amendment (attachment 3) in the amount of \$261,753 to tackle the remaining outlined projects on the list and reimburse the access and recreation line for projects completed to date.

Attachments:

1. Site Plans Ave E and 801 OBW
2. Restroom Drawings-114 OBE and Ave E
3. Budget Amendment

TOWN OF HOLDEN BEACH

ORDINANCE NO. 23-13

AN ORDINANCE AMENDING ORDINANCE 23-11, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2023-2024 (AMENDMENT NO. 1)

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:

REVENUES

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
FUND BALANCE APPROPRIATED	50.0399.0000	<u>261,753</u>	INCREASE
	<u>TOTAL</u>	<u><u>261,753</u></u>	

EXPENDITURES

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
Access and Recreation	50.0710.4300	<u>261,753</u>	INCREASE
	<u>TOTAL</u>	<u><u>261,753</u></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 17th day of October, 2023.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk



Date: September 11, 2023

To: Mayor Holden & Commissioners

From: Chris Clemmons, Public Works Director C.C.

Re: Southern Disaster Recovery, LLC Contract

The County has informed the Town that the Multijurisdictional Disaster Debris Management contract with Southern Disaster Recovery, LLC does not include the removal of eligible hazardous tress of less than six inches in diameter. The proposed amendment to the contract adds this service to the fee schedule in the contract.

The recommended motion is to approve the second amendment to the contract between Southern Disaster Recovery, LLC and the Town of Holden Beach.

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

THIS SECOND AMENDMENT TO CONTRACT, made and entered into this 19th day of September, 2023, by and between **SOUTHERN DISASTER RECOVERY, LLC**, a South Carolina limited liability company, hereinafter referred to as "Contractor" and the **TOWN OF HOLDEN BEACH**, a duly chartered municipal corporation and body corporate and politic of the County of Brunswick, hereinafter referred to as "Activating Entity".

WITNESSETH:

THAT WHEREAS, Contractor and Activating Entity previously entered into a Multi-Jurisdictional Disaster Debris Management contract with an effective date of September 12, 2019; and

WHEREAS, it now appears there was an omission in the fee schedule for removal of eligible hazardous trees with work consisting of removing hazardous trees; and

WHEREAS, Contractor and Activating Entity have agreed to amend the original contract to set forth the facts for said additional services.

NOW THEREFORE, Contractor and Activating Entity hereby agree:

1. That ATTACHMENT 1 – FEE SCHEDULE to the above-referenced contract is hereby amending by adding to Section 11 of said attachment the following additional removal of eligible hazardous tree category:

11f	Less than six-inch diameter	per tree	\$50.00
-----	-----------------------------	----------	---------

2. Except as specifically set forth herein, all other terms and conditions of the original contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this contract to be executed in duplicate originals on the day and year first written.

SOUTHERN DISASTER RECOVERY, LLC

BY: _____

TOWN OF HOLDEN BEACH

BY: _____

"This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act".

Daniel McRainey, Finance Officer

§ 92.03 REMOVAL OF SAND.

No person, firm or corporation shall remove or cause to be removed any beach sand from its natural state, except necessary excavation in preparation for building, remodeling, or repairing the premises; provided that any beach sand so removed shall be placed nearer the road adjoining the premises or, at the option of the owner of the premises, hauled to another suitable location within the town limits, provided also that the sand dunes lying adjacent to the ocean front shall not be lowered below six feet in height above the abutting street elevation, and that in making such excavation no vegetation shall be destroyed which is growing on the front slope of the ocean front sand dune. Provided further that under no circumstances shall any quantity of beach sand be transported to a location outside the town limits.

('75 Code, § 3-12-1) Penalty, see § 10.99

Sec. 38-33. Removal of sand.

- (a) No person shall remove or cause to be removed any beach sand from its natural state, except necessary excavation in preparation for building, remodeling or repairing the premises; provided that any beach sand so removed shall be placed nearer the road adjoining the premises or, at the option of the owner of the premises, hauled to another suitable location within the town limits; provided also that the sand dunes lying adjacent to the oceanfront shall not be lowered below six feet in height above the abutting street elevation, and that in making such excavation no vegetation shall be destroyed which is growing on the front slope of the oceanfront and sand dune. Provided further that under no circumstances shall any quantity of beach sand be transported to a location outside the town limits.
- (b) Bulldozing, pushing of sand by mechanical means or other mechanical change of the topography is prohibited except in the following situations:
- (1) When such work is performed as a part of a hurricane or erosion protection project or beach nourishment project sponsored by the town or any local, state or federal governmental agency;
 - (2) When such work is performed at the direction of the town for the purpose of beach maintenance;
 - (3) When such work is performed by any nongovernmental person or entity to protect primary structures (not including walkways to the ocean beach, swimming pools, or accessory use structures), that are imminently threatened as a result of severe erosion of the ocean beaches or the sand dune structure, but only upon receipt of a permit for such work from the local CAMA permitting officer after a finding by such officer that the structure is imminently threatened ("imminently threatened" means that the foundation of the structure is less than 20 feet from the tow of the erosion scarp and/or the sewer system is exposed); or
 - (4) When such work is authorized by the board of commissioners following a natural disaster or other extreme weather event. The property owner shall file an application with the town setting forth the reasons why this action is necessary to protect the property of the owner or is in the public interests. In the event that the board authorizes the requested action, the board may place any conditions or requirements upon the authorization that it deems to be in the best interest of the town and public.
- (c) Any person who violates this section shall be subject to a civil fine of \$500.00 and each day that the property is not restored to its prebulldozed condition shall be a separate violation. Collection and enforcement of the civil penalty shall be in accordance with section 1-6 of the town's Code of Ordinances.

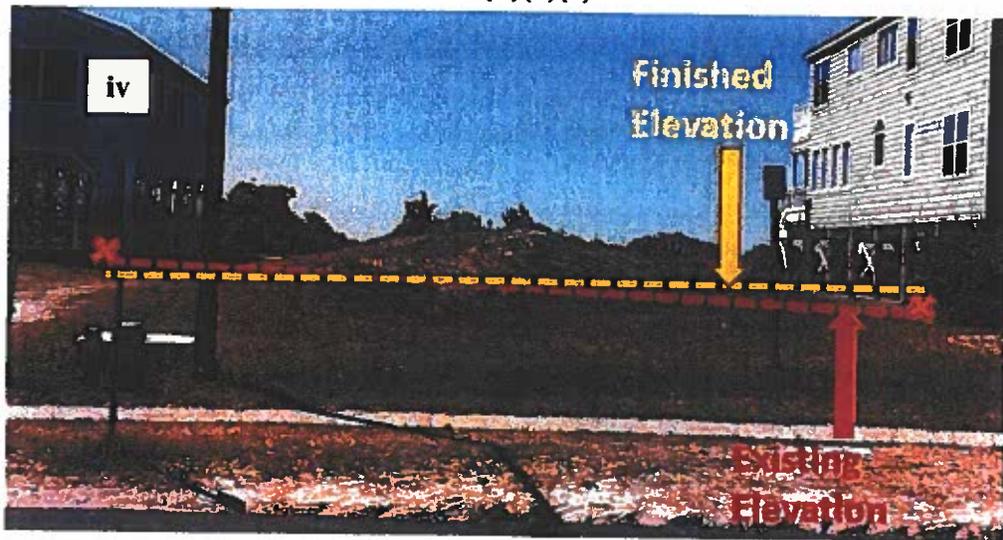
(Code 1983, § 6-5-8; Ord. of 3-13-2007, §§ 1—3; Res. No. 2015-25, § 1, 11-10-2015)

State law reference(s)—Damages and other offenses to land and fixtures, G.S. 14-127 et seq.

ARTICLE 2. GENERAL REGULATIONS

ground level shall be no greater than one foot above the crown of the road.

- iv. For **lots** whose average grade is above the adjacent road, the established **finished ground level** shall be determined by measuring the average elevation of the ground. The average elevation shall be measured in accordance with Section 2.18 (A)(a)(ii).



- v. Sand will not be taken from the island nor shall it be removed from the CAMA Area of Environmental Concern (AEC) from which it originated.
- vi. In no instance shall the construction of a **street** result in a change in elevation at any point along said **street** that exceeds one foot above the existing grade at the time of applying for a Town issued permit for Fill and Grade.
- b. For **lots** on the mainland:
When grading or filling of a lot is proposed, the **finished ground level** of any **lot** shall be measured in accordance with Section 2.18 (A)(a)(ii).
- c. In instances whereby the **finished ground level** cannot be obtained as specified herein due to natural topography, existing development adjacent to the **lot**, or other factors relative to site conditions, the **Planning Board** shall determine the **finished ground level** upon review and approval of a proposed grading plan.

ARTICLE 2. GENERAL REGULATIONS

- (D) All fill shall be established at a slope not to exceed 3:1 (three feet horizontal run for every one-foot vertical rise) and shall be stabilized to prevent erosion. Alternatively, construction of a retaining wall, bulkhead, or other engineered containment device to prevent fill and surface water from running onto adjacent *lots* may be permitted.
- (E) The builder and/or owner shall be responsible for grading the *lot* in such a manner as to absorb surface runoff and/or provide a stormwater catchment system for runoff.
- (F) A silt fence must be erected around that portion of a *lot* being disturbed that causes erosion onto adjacent property, waterbodies, and/or street right of ways. Exception: Only the portion of the *lot* adjoining golf course greens or fairways or a portion of a *lot* for construction access is exempt.
- (G) This section does not alleviate any property owner from adhering to nor from obtaining required permits from any County, State or Federal authority.

Site work in accordance with the approved Town Fill and Grade permit must be complete within 90 days of issuance. Upon expiration and provided that substantial progress has occurred, the Town Fill and Grade permit may be extended for a period of 90 days.

SECTION 2.19 Alteration of Sand Dunes or Ocean Front Vegetation

- (A) It shall be unlawful to alter, disturb, or relocate any sand, sand dune, or cut or remove vegetation on any lot except under the following circumstances, whichever is most restrictive, after proper application to the Town and the issuance of a zoning permit:
 - (1) Alteration needed to accomplish CAMA approved activities;
 - (2) Vegetation exceeding the height of the first, habitable floor level of the house on the lot. In such case, the vegetation may be trimmed down no lower than the first habitable floor level.
- (B) Exemptions. The Town, County, State or Federal governments shall be exempt from this section in the normal upkeep, construction, or maintenance of Town or other approved governmental facilities and infrastructure and in compliance with all applicable CAMA regulations.
(Am. Ord. of 04/19/16)

CHAPTER 72: PARKING REGULATIONS

Section

- 72.01 Definitions
- 72.02 Parking prohibited on public streets and rights-of-way
- 72.03 Parking authorized by permit only
- 72.04 Tow-away zones
- 72.99 Penalty

§ 72.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONSTRUCTION OR MAINTENANCE VEHICLE. Any vehicle, as defined herein, that is being used for any legitimate service to a private or public facility or residence. Private contractors' vehicles, delivery vehicles, animal assistance organization vehicles (excluding spectators) and any other vehicle with pre-authorization from the town or police, on a case-by-case basis, shall be considered CONSTRUCTION OR MAINTENANCE VEHICLES.

DAWN. A time one-half hour before sunrise.

DRIVEWAY. An area of the public right-of-way intended for ingress and egress to private residences and the parking thereof, or an area of the public right-of-way allowing ingress and egress to businesses and commercial properties open to public vehicular traffic.

DUSK. A time one-half hour after sunset.

FIRE LANE and/or EMERGENCY VEHICLE ACCESS. Any area marked with signage and/or other markings indicating the area is restricted to emergency vehicle parking and/or access only.

FULL-SIZE VEHICLE. Any registered vehicle as defined in this chapter excluding those vehicles defined as low-speed vehicles herein.

HANDICAPPED AND/OR DISABLED VETERAN. Individuals with disabilities as determined by a medical practitioner in accordance with the Americans with Disabilities Act and all current federal guidelines and state laws.

HANDICAPPED PARKING SPACE. A parking space designated by signage for the exclusive use of individuals with disabilities as defined above. G.S. § 20-36(e)(1) authorized vehicles displaying disabled veteran registration plates to utilize these spaces without a handicapped placard.

LOADING ZONE. A specific area designated by signage for temporary parking to load or unload passengers and/or equipment.

PARK and/or PARKING. The act of leaving any vehicles standing, whether attended or unattended, in a stationary position for any amount of time, except when in obedience to traffic control devices when in the normal flow of vehicular traffic.

PARKING PERMIT. An instrument, either physical or digital, authorizing the holder to park and/or occupy a designated parking area.

PEDESTRIAN CROSSWALK. Any area marked with signage and/or other markings designed to safely allow pedestrian foot traffic to cross the roadway.

PUBLIC RIGHT-OF-WAY. A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway, and which includes areas adjacent thereto which may be used for, without limitations, sidewalks, planting strips, traffic circles, utilities, and/or medians.

STREET or HIGHWAY. G.S. § 20-4.01(13) and (46) define a STREET and/or HIGHWAY as the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms HIGHWAY and STREET, and their cognates, are synonymous.

STREET INTERSECTION. The physical location in which two streets connect. A measurement from this location shall be from the right-of-way connection point of the streets closest to the adjacent private property line.

TRAILER. Any trailer required to be registered in accordance with North Carolina General Statutes shall be considered a vehicle as defined herein. Whether attached or not to a towing vehicle, for the purposes of parking, trailers shall be considered a separate vehicle.

VEHICLE. Any registered motor conveyance as defined in G.S. § 20-4.01, including but not limited to: passenger motor vehicles, commercial motor vehicles, recreational vehicles, electric vehicles, low speed vehicles, motorcycles, utility vehicles and golf carts.

(Ord. 22-02, passed 3-8-22; Am. Ord. 22-07, passed 4-19-22; Am. Ord. 22-16, passed 6-21-22)

§ 72.02 PARKING PROHIBITED ON PUBLIC STREETS AND RIGHTS-OF-WAY.

(A) Parking shall be prohibited at all times within the corporate limits of the town on all public streets, rights-of-way, and on town-owned property unless specifically authorized in this chapter.

(B) Parking shall not be authorized in any of the following locations:

(1) Street intersections or adjacent right-of-way, within 40 feet.

- (2) Any portion of the roadway, pavement or travel lane.
- (3) Pedestrian crosswalks, sidewalks, or pedestrian access ways.
- (4) Blocking access to driveways or mailboxes.
- (5) Facing opposing traffic.
- (6) Blocking or adjacent to fire hydrants and emergency beach accessways, within 15 feet, and blocking or within fire lanes.
- (7) Designated handicapped or disabled veteran space without placard or registration plate.
- (8) From 2:00 a.m. to 5:00 a.m. in all public authorized parking areas included in the table below.

Parking Prohibited from 2 a.m. to 5 a.m.

<u>Location</u>	<u>Parking Zone</u>
<u>792-788 Ocean Blvd West</u>	<u>H20</u>
<u>441 Ocean Blvd West</u>	<u>H28</u>
<u>Davis St</u>	<u>H39</u>
<u>120 Davis St</u>	<u>H40</u>
<u>Ferry St (South)</u>	<u>H55</u>
<u>Holden St</u>	<u>H55</u>
<u>Ranger St</u>	<u>H56</u>
<u>Elizabeth St</u>	<u>H58</u>
<u>220 Ocean Blvd East</u>	<u>H60</u>
<u>Bendigo St</u>	<u>H61</u>
<u>McCray St (All Zones)</u>	<u>H63, H69, H70</u>
<u>Ocean Blvd East</u>	<u>H64</u>
<u>Ave A</u>	<u>H66</u>
<u>Ave B</u>	<u>H67</u>
<u>Dunescape Dr</u>	<u>H68</u>
<u>Ave D</u>	<u>H71</u>

(C) When an authorized or permitted parking area's access is conspicuously and obviously restricted or blocked by signs, barricades, barrier tape or any other traffic control device(s), parking shall be prohibited for the duration of the time that area remains blocked.

(D) Exceptions.

(1) The prohibitions in divisions (A), (B) or (C) above shall not apply to the temporary parking of any of the following:

- (a) Emergency or government vehicles.

- (b) Public and private utility vehicles.
- (c) Private vehicles, when being used during the provision of an emergency.
- (d) Private vehicles, when being used for any other bona fide governmental purpose.

(2) The prohibitions in division (A) above shall not apply to the temporary parking of any of the following:

(a) Private contractor or maintenance service vehicles while performing legitimate services at a specific location receiving services, except:

- 1. No vehicle may be left parked overnight (from dusk to dawn); and
- 2. All vehicles must be as far off the public street rights-of-way as possible; and
- 3. No vehicle may be left parked on any portion of any roadway; and
- 4. No vehicle may be parked on any portion of the sidewalk.

(3) The prohibitions in division (A) above shall not apply to the temporary parking of any of the following, but shall still require a valid parking permit as defined in this chapter:

(a) Parking shall be permitted in the rights-of-way for customers of businesses immediately adjacent to such location, except:

- 1. Shall not be within 25 feet of any intersection in any direction; and
- 2. Shall not be on any portion of the sidewalk; and
- 3. Shall not impede the flow of traffic.

(4) Parking is authorized without a permit in Bridgeview Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Davis Street, Rothschild Street, and Brunswick Avenue West.

(5) Parking is authorized without a permit at the Holden Beach Town Hall when conducting official business in the Town Hall. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the Town Hall on Davis Street, Rothschild Street, and Brunswick Avenue West.

(6) Parking is authorized without a permit at the Holden Beach Pavilion located on Jordan Boulevard when actively participating in Town sponsored recreation programs and rentals. This applies to the parking area(s) immediately adjacent to the Pavilion.

(7) Parking is authorized without a permit at the Halstead Park for direct use of the park and its facilities only. This applies to the parking area on the lot located at 125 South Shore Drive only.

(8) Parking is authorized without a permit at Sailfish Drive Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Sailfish Drive only.

(9) Parking is authorized without a permit at Sand Dollar Drive Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Sand Dollar Drive only.

(10) Parking is authorized without a permit in any designated handicap space in accordance with the definition(s) in § 72.01, when said vehicle displays a valid placard or registration plate.

(11) Parking is authorized without a permit on street rights-of-way in accordance with the following:

(a) In accordance with all of the provisions of divisions (B) and (C) above, and

(b) Only between 5:00 p.m. and 9:00 a.m., April 1 through October 31, and

(c) Anytime between November 1 and March 31, and

(d) On all streets except Ocean Boulevard West and Ocean Boulevard East between Jordan Boulevard and the intersection with McCray Street.

(Ord. 22-02, passed 3-8-22; Am. Ord. 22-07, passed 4-19-22; Am. Ord. 22-16, passed 6-21-22) Penalty, see § 70.99

§ 72.03 PARKING AUTHORIZED BY PERMIT ONLY.

(A) No person shall park a vehicle in any designated parking area or location without first obtaining a valid parking permit in accordance with the following, unless a specific exemption exists in § 72.02:

(1) Parking permits will be required from April 1 through October 31 between the hours of 9:00 a.m. and 5:00 p.m. each day.

(2) Separate rates will be available for hourly, daily, weekly, and annual permits.

(a) Hourly permits: per hour rate, up to four hours.

(b) Daily permits: per day rate, valid for the date of purchase only.

(c) Weekly permits: per week rate, valid for seven consecutive days including the date of purchase.

(d) Annual permits: annual rate covers one or two vehicles. Valid for the calendar year of purchase only.

(3) All rates associated with parking permits are listed in the Fee Schedule adopted by the Board of Commissioners, which shall be available at the office of the Town Clerk.

(4) Permits are valid only for the specific vehicle assigned during initial purchase and are non-refundable.

(5) Hourly, daily and weekly permits are non-transferable.

(6) Transferring of an annual permit is authorized only under the following circumstances:

- (a) When the assigned vehicle is sold; and
- (b) Only once per calendar year; and
- (c) Only to the original purchaser; and
- (d) Proof of sale documentation shall be required.

(B) Signage.

(1) Proper signage may be installed and maintained by the town or its authorized agent to:

(a) Designate authorized parking areas in accordance with the table in division (E) below.

(b) Designate parking for low-speed vehicles in accordance with the table in division (E) below.

(c) Designate loading/unloading zones and stop locations for mass transit vehicles.

(d) Designate handicap parking spaces.

(e) Indicate no parking areas.

(f) Provide the manner of obtaining a parking permit:

- 1. At each designated parking area; and
- 2. Including the required hours.

(2) Signage will only be placed in accordance with the provisions of this chapter.

(C) No person may park or cause to be parked, any full-size vehicle in any space designated for low-speed vehicle parking.

(D) Parking is authorized without a permit outside the specified hours in division (A)(1) above, but only in designated authorized parking areas pursuant to this chapter unless otherwise exempted in § 72.02(D).

(E) The following table includes the specific locations in which parking is authorized. Parking in these areas shall be in accordance with all the provisions of this chapter.

**TOWN OF HOLDEN BEACH
PARKING ZONE AND AREA TABLE**

The following table shall indicate the specific areas within the corporate limits of the town where parking is specifically authorized pursuant to Ordinance 72 and its counterparts and references. Changes and/or modifications to this table are restricted to actions by the Board of Commissioners.

INSERT TABLE

(Ord. 22-02, passed 3-8-22; Am. Ord. 22-07, passed 4-19-22; Am. Ord. 22-16, passed 6-21-22) Penalty, see § 70.99

§ 72.04 TOW-AWAY ZONES.

Vehicles may be towed at the discretion of any law enforcement officer in accordance with all current North Carolina General Statutes.

(Ord. 22-02, passed 3-8-22; Am. Ord. 22-07, passed 4-19-22; Am. Ord. 22-16, passed 6-21-22)

§ 72.99 PENALTY.

(A) Criminal. In accordance with G.S. § 14-4(b), SL 2021-138 (effective December 1, 2021), violation of a parking ordinance is an infraction and may carry a maximum fine of \$50.

(B) Civil. In accordance with § 10.99(B), Any person who violates any provision of this traffic code shall be subject to a civil fine of \$50 per offense, unless a different amount is specifically stated herein.

(C) When a civil fine is assessed in accordance with division (B) above, and the violation is for parking in a lawful parking area, and the fine is paid by mid-night of the same date it was assessed, it shall be \$25 per offense, for the first three offenses per vehicle, per calendar year. All subsequent violations shall be \$50 per offense unless a higher amount is required in this chapter. This division (C) shall not apply to violations of § 72.02(B)(6) or (7).

(D) Civil. In accordance with § 10.99(B), any person who violates § 72.02 (B)(6) or (7) of this traffic code shall be subject to a civil fine of \$250 per offense.

(E) A late fee in the amount of \$25 shall be assessed when all fines levied by divisions (B) or (C) above are not paid in full within 30 days of the issuance of a citation for a violation.

(Ord. 22-02, passed 3-8-22; Am. Ord. 22-07, passed 4-19-22; Am. Ord. 22-16, passed 6-21-22)



Date: September 27, 2023

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk HF

Re: Personnel Policy – Vacation Leave: Maximum Accumulation

In the Personnel Policy Recommendations made by the Management and Personnel Services Group (MAPS) in 2019, Maps recommended that any employee with a vacation balance exceeding 30 days at the end of the year shall have the excess accumulation transferred to sick leave so that only a balance of 30 days is carried forward to January 1st (Attachment 1). When the Board approved the policy in January 2020, the verbiage was changed to reflect that any employee with a balance exceeding 30 days shall have up to half of the amount accumulated during the year transferred to sick leave and the remainder shall be removed (Attachment 2).

The Board’s Objectives for Fiscal Year 2023/2024 include an overall review of personnel policies with the intent to propose changes that will improve staff retention and development. Based on this review, staff is requesting that the Board amend the Personnel Policy to reflect MAP’s original recommendation that any vacation balance exceeding 30 days at the end of the year be transferred to sick leave. Due to heavy workloads and other circumstances, it is not always possible for employees to utilize accumulated leave. Employees should not be penalized and lose their earned leave for contributing to the Town’s daily operations. Management and department heads will monitor employees to ensure the vacation leave policy is adhered to in a proper manner if the amendment is approved.

The suggested motion is to adopt the attached proposed amendment to the Town’s Personnel Policy, Section 8. Vacation Leave: Maximum Accumulation (Attachment 3).

- Attachment 1 MAPS Version
- Attachment 2 Current Personnel Policy
- Attachment 3 Proposed Version

Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective department directors. The department director will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave or accrued compensatory time for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Section 7. Vacation Leave: Accrual Rate

Each full-time general employee of the Town will accrue vacation on the following schedule. Sworn law enforcement officers will earn a prorated amount based on the average number of hours in the work week. (See Section 16 of this Article for more information.)

<u>Years of Service</u>	<u>Days Accrued per Year</u>
0 - 5	10
5 - 10	15
10 plus	20

A "day" is defined by the formula ratio determined in Section 15 of this article.

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until the pay period containing December 31 of each fiscal year. During the pay period containing December 31, any employee with a balance exceeding 30 days shall have the excess accumulation transferred to sick leave so that only a balance of 30 days is carried forward to January 1.

Employees are cautioned not to retain excess accumulated vacation leave until late in the calendar year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

Section 9. Vacation Leave: Manner of Taking

Employees shall be granted the use of accrued vacation leave upon request in advance at those times designated by the department director which will least obstruct normal operations of the Town. Department directors are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. Vacation may be taken in quarter hour increments. Failure to request or take vacation leave without prior approval may result in disciplinary action. Notwithstanding the procedures described in this Article, employees will use accrued compensatory time before using accrued vacation leave.

Section 10. Vacation Leave: Payment upon Separation

An employee who has successfully completed the established probationary period for his/her position will normally be paid for accumulated vacation leave upon separation not to exceed 30 days provided notice is given to the supervisor at least two weeks in advance of the effective date of resignation, thirty days for department directors.

Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective department directors. The department director will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave or accrued compensatory time for religious observance may be denied only when granting the leave would create an undue hardship for the Town.

Section 7. Vacation Leave: Accrual Rate

Each full-time general employee of the Town will accrue vacation on the following schedule. Sworn law enforcement officers will earn a prorated amount based on the average number of hours in the work week. (See Section 16 of this Article for more information.)

<u>Years of Service</u>	<u>Days Accrued per Year</u>
0 - 5	10
5 - 10	15
10 plus	20

A "day" is defined by the formula ratio determined in Section 15 of this article.

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until the pay period containing December 31 of each fiscal year. During the pay period containing December 31, any employee with a balance exceeding 30 days shall have up to half of the amount accumulated during the year transferred to sick leave and the remainder shall be removed so that only a balance of 30 days is carried forward to January 1.

Employees are cautioned not to retain excess accumulated vacation leave until late in the calendar year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If an employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation.

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Proposed Amendment

Section 8. Vacation Leave: Maximum Accumulation

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