



**Town of Holden Beach
Board of Commissioners
Public Hearing/Regular Meeting**

**Tuesday, September 21, 2021
5:00 PM**

**Holden Beach Town Hall
Public Assembly**



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS' PUBLIC HEARING/REGULAR MEETING
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY
TUESDAY, SEPTEMBER 21, 2021 - 5:00 P.M.**

PUBLIC HEARING: Consideration of Entering into an Installment Financing Contract for the Remodeling and Improvement of Lift Stations for the Town's Utilities Systems and Purchasing Property Located at 441 Ocean Boulevard West, Including the Pier

REGULAR MEETING:

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 17, 2021 (Pages 1 – 11)
 - b. Minutes of the Special Meeting of September 1, 2021 (Pages 12 – 13)
6. Public Comments on Agenda Items
7. September Monthly Report and Washington Legislative and Advocacy Update - Mike McIntyre, Ward and Smith, Roger Gwinn, the Ferguson Group (Assistant Town Manager Ferguson)
8. Discussion and Possible Action on Resolution 21-13, Resolution Approving an Installment Financing Contract and Delivery Thereof and Providing for Certain Other Related Matters – Assistant Town Manager Ferguson, Scott Leo, Parker Poe and Andrew Carter, DEC Associates (Pages 14 – 20)
9. Discussion and Possible Award of Contract for Vacuum Sewer System #2 Upgrade – Leo Green, Green Engineering (Public Works Director Clemmons) (Page 21)
10. Discussion and Possible Action on Draft Parks & Recreation Master Plan – Assistant Town Manager Ferguson & McGill Representative (Pages 22 – 25, Separate Packet)
11. Police Report – Lieutenant Dilworth (Page 26)

12. Discussion and Possible Action on Revised System Development Fees – Town Manager Hewett (Pages 27 – 29)
 - a. Resolution 21-14, Resolution Amending the Holden Beach Fee Schedule
13. Discussion and Possible Selection on Parking Firm – Town Manager Hewett (Page 30)
14. Discussion and Possible Action on Division of Coastal Management, North Carolina Public Beach and Coastal Waterfront Access Grant Application – Assistant Town Manager Ferguson (Pages 31 – 63)
15. Discussion and Possible Action on Ordinance 21-29, An Ordinance Amending Ordinance 21-13, The Revenues and Appropriations Ordinance for Fiscal Year 2021 – 2022 (Amendment No. 5) – Town Manager Hewett (Pages 64 – 65)
16. Discussion and Possible Action on Ordinance 21-30, An Ordinance Amending Ordinance 21-13, The Revenues and Appropriations Ordinance for Fiscal Year 2021 – 2022 (Amendment No. 6) – Assistant Town Manager Ferguson (Pages 66 – 67)
17. Discussion and Possible Action on Limiting Meeting Time – Mayor Pro Tem Brown and Commissioner Murdock
18. Public Comments on General Items
19. Town Manager's Report
20. Mayor's Comments
21. Board of Commissioners' Comments
22. Executive Session Pursuant to North Carolina General Statute 143-318.11(A)(5), To Instruct the Staff or Agent Concerning the Negotiation of the Price and Terms of Contracts Concerning the Acquisition of Real Property – Commissioners Murdock and Kwiatkowski
23. Adjournment



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
PUBLIC HEARING/REGULAR MEETING
TUESDAY, AUGUST 17, 2021 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Public Hearing/Regular Meeting on Tuesday, August 17, 2021 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Gerald Brown; Commissioners Brian Murdock, Mike Sullivan, Pat Kwiatkowski and Rick Smith; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson, Inspections Director Tim Evans; Public Works Director Chris Clemmons; Police Chief Jeremy Dixon; and Town Attorney Katie Madon.

PUBLIC HEARING: ORDINANCE 21-24, AN ORDINANCE AMENDING HOLDEN BEACH CODE OF ORDINANCES CHAPTER 157: ZONING CODE (POOLS)

Mayor Holden called the public hearing to order. Inspections Director Evans said this is the public hearing on a possible amendment to the location of swimming pools. He provided background on the proposed change. The amendment would keep pools out of the front yard setbacks.

No comments were made. Mayor Holden closed the public hearing at 5:02 p.m.

REGULAR MEETING:

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Commissioner Smith to approve the agenda as written; second by Mayor Pro Tem Brown.

Town Manager Hewett requested that Consult with the Attorney be added to Executive Session.

Commissioner Smith, with Mayor Pro Tem Brown in agreement amended his motion to approve the agenda with the revisions. The motion was approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Smith to approve the minutes from the Special Meeting on July 8th, the Special Meeting on July 20th and the Regular Meeting on July 20th; second by Commissioner Murdock.

Commissioner Sullivan asked that the vote for Suzannah Tucker in the last sentence on page 12 in the next to last paragraph where it is talking about the selection of the Parks & Recreation Board be changed to Commissioner Sullivan instead of Smith. Commissioner Sullivan and Commissioner Smith both thought they voted for Suzannah Tucker. Town Clerk Finnell said she would look at the vote.

The vote on approving the minutes as corrected was 4 -1 with Mayor Pro Tem Brown and Commissioners Murdock, Sullivan and Kwiatkowski voting for the motion and Commissioner Smith voting in the negative.

Note: Ballots show the vote for Suzannah Tucker were made by Mayor Pro Tem Brown and Commissioners Murdock, Kwiatkowski and Smith and the vote for Rosemarie Rovito was Commissioner Sullivan.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made.

POLICE REPORT - CHIEF DIXON

- We had a few more incidents than normal. We had some bicycles walk off and some tools removed from jobsites. Looking into those matters. We had 83 parking calls and issued 70 parking citations. We had six fireworks calls and issued five citations. We had 94 traffic stops, resulting in 49 state citations and 62 charges (15 child restraint, 16 for moving violations, 23 for registration/drivers' license/window tint and six marijuana).
- Been looking at doing a bicycle style program, not a fulltime program, but to have them for festivals, 5ks and events. Reached out to the Charlotte Police Department and they donated two bicycles. Still working on policies and procedures.
- Labor Day is September 6th. Expecting big crowds. Expect to see the left turn lane closed. So far that has been a big success.
- There is a Booze it or Lose it Campaign August 30th – September 12th.
- Worked with the Highway Patrol on some low-speed vehicle enforcement and education. They have had a heavier presence in our area. Have been diligently working with them.
- September 20th – 26th there is a child passenger safety week. It is one of the Governor's Safety Programs that we will participate in.
- We are in peak hurricane season. Hopes everyone has their plans ready. Hopes we will not be impacted or need to do an evacuation, but have your stickers and plans together.

Chief Dixon believes a majority of the missing bikes are from under houses. They have been reported by the rental companies. Bikes are usually located a couple of weeks after being reported stolen.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 21-24, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 157: ZONING CODE (POOLS)

Inspections Director Evans said we had the public hearing and the proposed change has been through the Planning & Zoning Board (P&Z). The consistency statement is before the Board. P&Z was unanimous

in sending it forward for the Board to review. Staff feels it will be a benefit to public safety if we can get pools removed from the front yard setbacks. Staff feels it was an unintended exemption that allowed them in the setback.

Motion by Commissioner Kwiatkowski that we accept the modifications to part 157 as represented in Ordinance 21-24, which adds the specification that pools are prohibited within the front yard setbacks; second by Commissioner Sullivan.

Inspections Director Evans confirmed that with the proposed change a pool could be located in the front yard if it meets the setback requirements. The Board discussed the proposed change. Discussion included parking requirements, potential safety issues of pools being located in the front yard, when to make the ordinance effective in order to accommodate people who intended to install a pool in the setback and the permitting process.

Town Clerk Finnell read the motion.

Commissioner Kwiatkowski would like to add the wording "to be effective March 1, 2022" to her motion. Commissioner Sullivan did not agree to the amendment to the motion.

The Board discussed the proposed effective date and the number of pools in the front yard setback currently.

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

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 21-25, AN ORDINANCE AMENDING ORDINANCE 20-10, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2020 -2021 (AMENDMENT NO. 21)

Town Manager Hewett explained in his memo in the reference line it should read Fund 30 Debt Service Amendment. On the amendment, the Account Number for Debt Service – Capital Outlay should read 30.0810.7404. This is the budget amendment to reclassify the down payment on the vector truck to a more appropriate line as requested by the auditor. It is no new money, no new expenses.

Motion by Commissioner Sullivan that we accept Ordinance 21-25; second by Mayor Pro Tem Brown; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 21-26, AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021 – 2022 (AMENDMENT NO. 2)

Town Manager Hewett advised the Board that last month he reported that the Local Government Commission (LGC) had approved the loan with PNC for almost \$27.7 million. The proposed ordinance amendment establishes the sinking fund budget lines necessary to accept and disperse money from the sinking fund.

Motion by Commissioner Smith that we approve amending Ordinance 21-26; second by Mayor Pro Tem Brown; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF MARTIN STARNES ENGAGEMENT LETTER ADDENDUM AND RELATED BUDGET ADJUSTMENT

Town Manager Hewett explained that we have an addendum to the original engagement letter with Martin Starnes. The letter is to acquire supplemental funds related to the services to be offered outside of the scope of the audit for the fiscal year ending June 30, 2021. Per the auditor, the LGC said this should be an addendum to their agreement, rather than a contract amendment since it is not directly related to the audit and is outside the scope of the audit contract. The budget adjustment provides the funding for the additional services in the amount of \$2,000 from within existing resources. It realigns funds from the Boards' Available to Appropriate Funds line to the Professional Services line. This is for the auditor to out brief to the Audit Committee.

Motion by Commissioner Smith that we accept the additional charges and pay to have them come in and brief our Audit Committee; second by Commissioner Murdock.

Town Manager Hewett said this is the function of having an Audit Committee. It is not part of the standard LGC contract. Last year the Audit Committee didn't meet because of COVID. Prior to that it was a different auditor and there was not a charge for the service.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON REVISED SYSTEM DEVELOPMENT FEES (SDF)

Town Manager Hewett explained that the SDF report that was prepared by Raftleis and approved by the Board has an effective date of October 1, 2021. Based on that, the chart in the packets has been developed and shows the current and proposed fees. Currently the water fee is \$100 per bedroom and the sewer fee is \$2,700. The maximum amounts that can be charged for water is \$960 per bedroom and \$2,240 for sewer. The proposed rates for water are \$460 per bedroom and \$2,240 per bedroom for sewer. In the existing fee schedule, there is a protocol for crediting people who paid previous sewer share fees. This proposal would follow that protocol. The intent was not to adopt the fees tonight, but to introduce it for public consumption so the fee schedule could be revised accordingly for consideration at the September meeting.

Commissioner Kwiatkowski asked the rationale for \$460 for water. She said if you haven't bought in prior, the new fees reflect a decrease in the fee structure compared to what was charged before. Town Manager Hewett explained how he came up with the proposed fees. Commissioner Sullivan said looking at the maximum proposal, the proposed numbers are less than fifty percent of what could actually be charged. That is a huge break if you are building a five- or six-bedroom house. Commissioner Kwiatkowski said from the research she had done in the past, it seems 60% of the maximums was a number that was being picked. She didn't think there would be a reduction in the added up fees for properties that didn't already buy into the sewer. She said a neutral number would be \$2,800, which would add \$100 to the water. That was her starting point. Commissioner Murdock explained there was

a lot of push back on this topic last time, a lot of people who were affected spoke up. He thinks this is fair. Commissioner Kwiatkowski said the development fees are there for a reason for future savings.

DISCUSSION AND POSSIBLE ACTION ON STAFF'S RANKING OF PARKING FIRMS

Town Manager Hewett explained at the last meeting, the Board directed staff to evaluate and rank the parking firms that had submitted proposals. We received four responses, Lanier, Otto, Premium and Pivot. We prepared a decision selection matrix. He went over the process and scoring. We ended up with Otto Connect having a total score of 245, Premium was 242, Lanier at 215, with Pivot at 112. Since Otto and Premium are close, the Board may want to consider having Otto come in to speak with the Board like Premium did. *After discussion, the Board came to a consensus to have staff make a recommendation to the Board at the next meeting.*

PARKING COMMITTEE STATUS AND POSSIBLE ACTION

Commissioner Kwiatkowski stated that in June the Board unanimously approved the remit to the Parking Committee. She provided background and suggested that the report for the Board to help make a decision that is outlined in the tasker could be handed to staff. She asked if staff would have resources to put a report together. Town Manager Hewett said staff could put something together. The Board reviewed the directive and how to move forward. Commissioner Kwiatkowski suggested having an E-version of a map that can be maintained. She asked if staff could create part 1 by October. Commissioner Smith added that once that is finished and a vendor is chosen, the committee can look at the rest. Commissioner Kwiatkowski said we would need the provider for part 2. Town Manager Hewett said staff can come up with a map and parking spaces. He said staff can make some assumptions that would be subject for debate on the other items.

Motion by Commissioner Kwiatkowski that we ask the town manager to have staff prepare the map and the formal numbers of what currently exists, what the Town owns that they can convert and then add what is expected to come out of the pier property and potentially Block Q because that is everything that has been on the table as she understands it; second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PROPOSED DIRECTIVE TO HAVE THE POLICE CHIEF PROVIDE A MONTHLY REPORT ON THE AMOUNT OF GOLF CART TICKETS ISSUED

Commissioner Smith proposed the Board ask Chief Dixon to add to his monthly report the number of golf cart citations that are given. Chief Dixon provided information on the difficulties associated with producing that information. *After discussion, the Board would like Chief Dixon to provide the requested information to the Board.*

LEGAL OPINION ON SCHOOL OF GOVERNMENT BLOG RELATED TO REMOTE MEETING PARTICIPATION POST-COVID EMERGENCY AND DISCUSSION AND ACTION ON STREAMING MEETINGS UNTIL THE STATE OF EMERGENCY IS OFFICIALLY CLOSED

Attorney Madon explained before COVID and when they dictated all of the remote meeting requirements and what it means, the statutes were pretty silent when it came to remote meetings. It

said towns had the broad authority to determine their meetings, but when it came to remote meetings, there is nothing black or white in the book. She thinks because of the gray areas that were created during COVID that the legislature will hand down some better direction. Assuming we are going back to pre-COVID, you can participate in remote meetings; it becomes hairy when the presence of the person participating remotely would be necessary to constitute a quorum or if you give the person the ability to vote remotely and they are the deciding vote. She thinks the best way to move forward without any further direction is to allow remote participation and to not allow that person to vote or count towards a physical quorum. Commissioner Kwiatkowski said if she remembers the Board's Rules of Procedures, we do not allow them to vote or count towards the quorum so when we get out of the emergency, we can go back to our Rules of Procedure. Attorney Madon agreed she thinks those are the best practices. She added the amount of people who are allowed to call in should be limited.

Commissioner Kwiatkowski said the second part of this is to go back to broadcasting meetings until the state of emergency is over.

Motion by Commissioner Kwiatkowski that we go back to broadcasting the meetings.

Commissioner Kwiatkowski said with COVID things are constantly fluid. She thinks there is a chance that any member could test positive and need to quarantine. The only way they could participate in cases like that is if the Town is broadcasting meetings. She added more people might be uncomfortable in crowds if the numbers keep going up. She said when the emergency is done, we can stop doing it. She stated a number of citizens have asked to go back to broadcasting.

Motion by Commissioner Kwiatkowski that we start broadcasting meetings again until the emergency is officially over.

Attorney Madon said the Board can broadcast, but when it comes to participating remotely, they are adding more requirements to what broadcasting means. She thinks it would be a best practice to be able to see who is speaking or have a procedure to identify yourself before speaking. She suggested it may be worth looking into some additional considerations other than just audio stream. Commissioner Kwiatkowski said at the moment it would just be going back to what we were doing to meet the minimum standard. She said the Board could focus on identifying themselves.

The motion was seconded by Commissioner Sullivan.

Town Clerk Finnell said it is possible to post on Facebook again, but it is also posted on YouTube a day or two later. Commissioner Kwiatkowski said if we don't broadcast, the Board can't participate remotely during the emergency. Attorney Madon said the Board can also amend a meeting notice to change the meeting to a remote meeting with the six-hour regulation.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 21-12, RESOLUTION AUTHORIZING THE NEGOTIATION OF ONE OR MORE INSTALLMENT FINANCING CONTRACTS AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERERO

Assistant Town Manager Ferguson said the resolution was prepared by our bond attorney firm, Parker Poe Adams and Bernstein. It is a necessary component for the installment financing application to the LGC and to negotiate one or more installment financing contracts to pay the costs of remodeling and improvements of lift stations for the Town's sewer utility system and to pay the cost of purchasing the pier properties located at 441 Ocean Boulevard. It anticipates applying for amounts up to \$5.2 million for the two lift station upgrades and up to \$3.3 million for the pier properties. Actual amounts procured via installment financing contracts will be subject to bank RFPs, construction contracting response to the sewer lift station 2 bid solicitation and Board/LGC approvals. The amount proposed to be financed for the lift station upgrades includes the repayment to the Water/Sewer Fund of costs previously incurred with lift station 3 as approved by the Board as well as estimated costs for lift station 2 currently under design and anticipated to be ready for bid review/consideration at the September meeting.

Motion by Commissioner Smith to approve authorizing you (Assistant Town Manager Ferguson) for the finance contract negotiations; second by Mayor Pro Tem Brown.

Commissioner Kwiatkowski questioned the whereas on page 40 that starts with the Town does not anticipate an increase in taxes to pay for the installment payments. She said this is written for both of them and she does not see how we do not anticipate an increase in taxes for the lift station work. She views an assessment as an increase in tax. Town Manager Hewett explained the lift station is in the enterprise fund and is not tax supported. You can't raise taxes to pay for the Water/Sewer Fund. He said assessments are specific legislation that's authorized by the General Assembly, it's not qualified as a tax. Commissioner Kwiatkowski stated when the Board talked about reimbursing all of the lift station 3 costs, we didn't have other things like the pier property and bike lanes in front of the Board. She is uncomfortable with everything wrapping together and she thinks the Board needs to have a discussion when it comes to defining the real number. Town Manager Hewett said the \$5.2 million amount is an up to amount and it will be subject to what the proposals come back with. It would be easier to come down with an approval from the LGC with the amount borrowed.

The motion passed by unanimous vote.

HOLDEN BEACH PROMOTIONAL VIDEO

Assistant Town Manager Ferguson introduced the video.

PUBLIC COMMENTS ON GENERAL ITEMS

No comments were made.

TOWN MANAGER'S REPORT

- Tide Gauge – we have a local tide gauge out at the dock. That is in partnership with the University of Hawaii, University of Chicago, Sea Grant and the National Science Foundation. It allows us to

gather real time data that is uploaded to the cloud every six minutes. In addition to identifying long-term trends and assisting in emergency management decisions, it will also be useful in our disaster recovery efforts.

- Merritt – has been on station since last week. Dredge Operations relays to us that the project is going very well. They should be able to start working through all tides within the next couple of days which will improve productivity. They anticipate working through the end of August to reach the project depth, which is eight feet. There is a progress survey scheduled for tomorrow. The cost to have the Merritt perform annual maintenance is \$1 million.
- Federal Cost Share Agreement Status – received the Atlanta Region Corps' approval to execute and are in the process of arranging a signing ceremony with the Wilmington District commander and the mayor.
- Status of East End Shore Protection Project – the bid documents are scoping about 100,000 cubic yards to be taken from the bend widener due to federal budget constraints. We have been advised of a potential opportunity that may allow us to piggyback another 100,000 cubic yards onto that contract.
- Seagull Street – surveys have been obtained. The engineer design is in the works.
- State Demographer New Population Count – we are up to about 675, from our previous 575. That does reflect in the state distributed revenues that are made on the per capita basis.
- The Brunswick County Wholesale Water Agreement has been signed by the county.
- The summer is racing by. There are only three concerts left and Tide Dye is over.
- Hurricane Preparations – we are in the process of reviewing our operations manual and procedures. Our goal is to ensure optimum readiness posture. Encouraged everyone to get their decals and to do an inventory on your evacuation bag. Take into consideration the changes that you may need to make in the context of sheltering needs in mass location because of COVID (masks, sanitizer, etc.).

MAYOR'S COMMENTS

- Between the chief and town manager, hurricanes have been mentioned a lot tonight, but we will have the necessary meetings with staff and involved parties in plenty of time to be prepared.
- Been fortunate with attendance for the concerts. Assistant Town Manager Ferguson and staff has done a great job. Seems this year has received the most compliments for the way the Town operates the function. Seems like this year we have had more children on the dance floor having a good time with the parents. It is the family beach.
- Town Manager Hewett mentioned the Merritt expenses of \$1 million a year. Not too long ago, Holden Beach made a decision not to continue with the efforts for a terminal groin. Since then, we continue to see the taxpayers spend more money down there in the Lockwood Folly Inlet for maintenance. Prices continue to rise. Somewhere along the way we will need to look somewhere else. He just can't see the money as an endless supply. We will have to revisit and look at financial sources.
- From the west end of Yacht Watch to the marker just east of LuLu's is a no wake zone. Sees the jet skis daily going wide open in the area. There is a lot of boat traffic. Somebody is going to get hurt. Nobody appears to be enforcing the no wake zone. Mentioned it to state, federal and other officials. Unless the commissioners tell him otherwise, he is going to start making a little more noise about it. Even sees enforcement people get passed by jet skis and other boats.
- The sunken shrimp boat is gone.

- Captain Pete's is for sale. The property around the bridge is officially on the open market. Doesn't know how long it will be there.
- Looking at the end of summer. Hasn't been a bad summer but wouldn't mind if it cooled off.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Brown

- Mayor gave a good report, will pass it on to the next person.

Commissioner Smith

- Thanked staff for taking time to review the proposals for parking. Knows that took a long time. To come back with pretty much what we had thought was the best is commendable. If we can do as well deciding between the two that would be great.
- Thanked Assistant Town Manager Ferguson for her hard work on the Parks & Recreation programs this summer (Tide Dye, Tai Chi, yoga, concerts). There are smiles on people's faces and the sheer numbers from what he has seen in the past to the numbers now is a testament to her hard work.
- Thanked the Police Department for the right turn only on Saturdays. Absolutely amazed on how it works. Wished there was a permanent solution for year-round, but most of the time, the stop sign works.
- Would like to see golf cart enforcement. We all talk about safety. Once people see it is being enforced, thinks it will curtail most of the bad habits.
- As a whole, feels the Town is running smoothly and everyone is as calm as he has heard in some time. Thanked staff and fellow commissioners for their hard work.

Commissioner Murdock

- If anything could have gotten anybody killed it is the shrimp boat. It is awesome to see it gone. That property is under contract so maybe something good will become of the whole piece of property.
- Thanked the Board and staff for always a job well done.
- The concerts are awesome. There are a lot of people there that really enjoy it, some good bands too.
- Thanked everyone for attempting to stay awake. Encouraged people to come. Welcomes everyone's input. Send an email or call.

Commissioner Sullivan

- Thanked everybody for coming and anyone who listens to the audio. There are a lot of important issues that we need to discuss and make decisions on. Try to encourage people to give their input and positions on the issues being discussed. The decisions we make today are going to affect people well into the future. Thinks we all realize that and want as much assistance from the community as we can get.
- Have a great rest of the summer. See you in September.

Commissioner Kwiatkowski

- Thanked Public Works Director Clemmons. Is a biker. There has been a couple of times in the past month that she came across a significant divot in the road. She sends those messages to Town Clerk

Finnell who sends them along to Public Works Director Clemmons and within a few days they are taken care of. Thinks drivers appreciate that because some of them were getting pretty deep.

- Echoed what Commissioner Sullivan said, we have some big decisions coming up in the next couple of months. We really want to hear from people. Silence is consent. It is appreciated to get everyone's perspective to understand what you are expecting from us as we move forward. Thinks it is important that everybody has their say. Send it to the commissioners and Town Clerk Finnell so it can be part of the public record.
- Thanks for coming. Hope to see you in September.

EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(5), TO INSTRUCT THE STAFF OF AGENT CONCERNING THE NEGOTIATION OF THE PRICE AND TERMS OF CONTRACTS CONCERNING THE ACQUISITION OF REAL PROPERTY AND TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), TO CONSULT WITH THE ATTORNEY

Town Clerk Finnell read the reason for Executive Session.

Motion by Commissioner Sullivan to go into Executive Session at 7:32 p.m.; second by Commissioner Murdock; approved by unanimous vote.

OPEN SESSION

Motion by Mayor Pro Tem Brown to come out of Executive Session at 8:50 p.m.; second by Commissioner Smith; approved by unanimous vote.

Motion by Mayor Pro Tem Brown to add Consideration of Ordinance 21-27 to the agenda; second by Commissioner Smith; approved by unanimous vote.

Town Manager Hewett explained that the amendment proposes to add \$25,000 in funding for an inspection of the pier properties out of the BPART Fund, in accordance with the standards from the American Society of Civil Engineers for those types of properties.

Motion by Commissioner Sullivan that we pass Ordinance 21-27; second by Commissioner Murdock.

Commissioner Kwiatkowski asked if the Board would like to include money for the building. Town Manager Hewett confirmed the amount was for the property, not the building.

Commissioner Sullivan said he thinks the \$25,000 should be allocated for the inspection of the pier as stated, and the building. Commissioner Murdock agreed.

The motion passed by unanimous vote.

ADJOURNMENT

Motion by Mayor Pro Tem Brown to adjourn at 8:53 p.m.; second by Commissioner Murdock; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
WEDNESDAY, SEPTEMBER 1, 2021 – 4:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Wednesday, September 1, 2021 at 4:00 p.m. in the Town Hall Public Assembly. Present were Mayor Pro Tem Gerald Brown; Commissioners Brian Murdock, Mike Sullivan and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; and Town Attorney Katie Madon. Commissioner Rick Smith participated remotely via telephone call. The meeting was livestreamed on the Town's Facebook page. Mayor J. Alan Holden was unable to attend the meeting.

Mayor Pro Tem Brown called the meeting to order and took roll call.

PUBLIC COMMENT

Beverly Compton questioned the proposed increased. She doesn't think the public has enough information.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 21-28, AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021 – 2022 (AMENDMENT NO. 4)

Commissioner Sullivan said at the last meeting the Board allocated \$25,000 to conduct an inspection under the due diligence aspects of the contract that we are negotiating to purchase the pier property. On Friday, the Board received notification from the town manager that the inspection of the pier would cost \$46,000, a lot more than was allocated at the last meeting. In order to fund the \$46,000, we need to have this meeting to allocate more money for the inspection. He thinks it is an obligation of the Board to conduct the inspection under the due diligence aspect of the contract. Commissioner Kwiatkowski stated she has a reservation about only increasing it \$31,000. That is only to cover the cost of the underwater and above water inspection of the pier, that is if no additional time is necessary. She added the Board was originally going to have the pier and the building inspected and there is no money allocated for the building inspection. She said she thinks the Board should increase it by approximately \$45,000 so we would have money for the estimate, an extra three days if needed and for a commercial inspection of the building.

Commissioner Murdock agreed with appropriating the money, but has some reservations about the conditions. If the contractor dives on three pilings at the end of the pier, three in the middle and three up close to the bank and they are not in good condition, he would assume the inspection could be cut

short. If it is going satisfactorily, he thinks the money needs to be appropriated for the whole thing. Commissioner Murdock asked if we could change the terms of the inspection if they are finding the whole thing is rotten or faulty. We want the pier to be safe for the public. Town Manager Hewett explained they perform a level 1 inspection on the whole pier, an underwater visual inspection. Then based on that they will do scrapings and testing of 10% of them, the level 2 inspection. Based on that they would inspect a portion of any metal. If it looks like everything is bad after the level 1 inspection, we will pull back and bill for time and materials at that point and time. Having the Town building inspector inspect the building was discussed. Town Manager Hewett said the \$31,000 represents the increased cost of the marine survey, it doesn't include money for the building. Commissioner Smith agreed with inspecting just a certain number of the pier pilings to get a good idea of the whole structure.

Motion by Commissioner Kwiatkowski that we actually appropriate an additional \$45,000 to allow for enough money for a full inspection, with extra days for the pier if necessary and then allowing another \$9,000 to do the inspection of the building; second by Commissioner Sullivan.

Commissioner Kwiatkowski confirmed she meant that the appropriation goes from \$31,000 to \$45,000, not an additional \$45,000.

Inspections Director Evans explained it is best for him to be left out of inspections because it would be a conflict of interest. He recommended obtaining an outside independent inspector. Mayor Pro Tem Brown stated he thinks the right thing to do is to check a few of them and from that point we would have something to base it on. If it is looking good, keep going. The Board agreed that is the way to proceed. Commissioner Kwiatkowski said the increase is to have sufficient funds to do it, if it doesn't get spent it will go back into the BPART Fund. Town Manager Hewett doesn't have a quote for the building yet. He wanted a decision on this first. Commissioner Murdock suggested checking the pier first. Town Manager Hewett stated his intent was to do the inspections sequentially. If the pier comes back bad, he will probably come back to the Board to see if they still want to have the building inspected.

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

ADJOURNMENT

Motion by Commissioner Murdock to adjourn at 4:24 p.m.; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Date: September 9, 2021

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

From: Christy Ferguson, Assistant Town Manager (CF)

Re: Resolution for Installment Financing for Lift Stations Improvements and the Purchase of Property

The attached resolution (Attachment 1), prepared by our bond attorney firm, Parker Poe Adams & Bernstein LLP, is a necessary component for the application to the Local Government Commission (LGC) to obtain financing for the improvement/remodeling of lift stations, including adjacent property acquisition, and the acquisition of the pier properties. The resolution approves the terms of the financing agreement between the Town of Holden Beach and Truist Bank and authorizes Town officials to execute the financing documents on behalf of the Town and take any other actions necessary for the financing of the projects.

Attachment 1: Resolution 21-13-- RESOLUTION OF THE TOWN OF HOLDEN BEACH, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

Suggested Motion: Approval of Resolution # 21-13

RESOLUTION 21-13

RESOLUTION OF THE TOWN OF HOLDEN BEACH, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the Town of Holden Beach, North Carolina (the "*Town*") is a municipal corporation of the State of North Carolina (the "*State*"), validly existing under the Constitution, statutes and laws of the State;

WHEREAS, the Town has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the Town (the "*Board*") has determined that it is in the best interest of the Town to enter into an installment financing contract (the "*Contract*") with Truist Bank (the "*Bank*") pursuant to which the Town will receive an advance of funds under which the Town will make certain installment payments, in order to (1) (a) pay the costs of the remodeling and improvement of lift stations for the Town's utilities systems, including the acquisition of adjacent property (the "*Utilities Project*"), and (b) pay a portion of the costs associated with entering into the Contract, collectively in an aggregate amount not to exceed \$5,200,000, and (2) (a) pay the costs of purchasing certain real property located in the Town, including the pier (the "*Pier Acquisition*" and together with the Utilities Project, the "*Projects*"), and (b) pay a portion of the costs associated with entering into the Contract, collectively in an aggregate amount not to exceed \$3,300,000;

WHEREAS, the obligation of the Town to make Installment Payments under the Contract is a limited obligation of the Town payable solely from currently budgeted appropriations of the Town and does not constitute a pledge of the faith and credit of the Town within the meaning of any constitutional debt limitation;

WHEREAS, to provide security for the Town's obligations under the Contract, the Town will grant to the Bank a security interest under a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") in the Town's fee simple interest in the sites of the Utilities Project, together all improvements and fixtures located thereon (collectively, the "*Mortgaged Property*");

WHEREAS, to provide for the financing proceeds of the advance to be deposited and disbursed to pay for the Projects as set forth under the Contract, the Town will enter into a project fund agreement (the "*Project Fund Agreement*") with the Bank and, to prevent unauthorized or fraudulent wire transfers through cyber fraud and other means, the Town and the Bank will enter into a wire transfer agreement (the "*Wire Transfer Agreement*");

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and the Board conducted such public hearing at this September 21, 2021 meeting;

WHEREAS, there has been made available to the Board the form of the Contract, the Deed of Trust, the Project Fund Agreement and the Wire Transfer Agreement (collectively, the "*Instruments*") which the Town proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing; and

Attachment 1

WHEREAS, it appears that each of the Instruments is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HOLDEN BEACH, NORTH CAROLINA, AS FOLLOWS:

Section 1. Approval, Authorization and Execution of Instruments. The Board hereby approves the financing of the Projects in accordance with the terms of the Instruments, which will be valid, legal and binding obligations of the Town in accordance with their respective terms. The Board hereby approves the amount to be advanced by the Bank to the Town pursuant to the Contract in an aggregate principal amount not to exceed \$8,500,000, comprised of a tax-exempt advance at an interest rate of 1.92% per annum, the proceeds of which will be used to finance a portion of the Utilities Project, and a taxable advance at an interest rate of 2.29%, the proceeds of which will be used to finance the Pier Acquisition and a portion of the Utilities Project, such amounts to be repaid by the Town to the Bank as provided in the Contract. The form, terms and content of the Instruments are in all respects authorized, approved and confirmed, and each of the Mayor, the Town Manager, the Assistant Town Manager, and the Town Clerk, or their respective designees (the "*Authorized Officers*") are authorized, empowered and directed to execute and deliver the Instruments for and on behalf of the Town, including necessary counterparts, in substantially the forms presented to the Board, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Instruments, each of the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Instruments as executed.

Section 2. Further Actions. Each of the Authorized Officers are hereby designated as the Town's representatives to act on behalf of the Town in connection with the transactions contemplated by the Instruments, and each of the Authorized Officers are authorized and directed to proceed with the financing of the Projects in accordance with the terms of the Instruments and to seek opinions on matters of law from the Town Attorney, which the Town Attorney is authorized to furnish on behalf of the Town, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. Each of the Authorized Officers are hereby authorized to designate one or more employees of the Town to take all actions which each of the Authorized Officers are authorized to perform under this Resolution, and each of the Authorized Officers, including their designees, are in all respects authorized on behalf of the Town to supply all information pertaining to the transactions contemplated by the Instruments. Each of the Authorized Officers are authorized to execute and deliver for and on behalf of the Town any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

Section 3. Related Actions. All acts and doings of officers, employees and agents of the Town, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 4. Repealer. All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 5. Severability. If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. Effective Date. This Resolution is effective on the date of its adoption.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk

STATE OF NORTH CAROLINA)
)
 COUNTY OF BRUNSWICK) ss:

I, HEATHER FINNELL, Town Clerk of the Town of Holden Beach, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE TOWN OF HOLDEN BEACH, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**” adopted by the Board of Commissioners of the Town of Holden Beach, North Carolina at a meeting held on the 21st day of September, 2021.

WITNESS my hand and the corporate seal of the Town of Holden Beach, North Carolina, this the ____ day of September, 2021.

[SEAL]

 Heather Finnell
 Town Clerk
 Town of Holden Beach, North Carolina

Financing Contracting Comments for BOCM – Commissioner Kwiatkowski

General Considerations

There are two immediate town projects that require funding: 1. Remodeling and improvement of lift stations for the Town's sewer utility system and 2. To pay the cost of purchasing the pier properties at 441 Ocean Blvd West.

Financing projects when interest rates are low should always be considered, but it needs to be remembered there is a long term annual cost for debt service that falls on all property owners. While it is stated in the August 2021 resolution 21-12 that the Town does not anticipate an increase in taxes but if an increase is necessary it will not be excessive, annual assessments (such as are currently paid for the sewer system) are not defined as taxes, and "not excessive" will always be open to interpretation.

Also in resolution 21-12, it is stated "Whereas the Board will consider entering into either separate installment financing contracts or a single installment financing contract...". My opinion is we should have separate contracts, in part because the definitive decision on the pier purchase will not occur until October, but also because from my perspective it is more appropriate and transparent to have separate contracts when projects are managed from different cost centers.

I comment on each project individually below.

Sewer

In October 2020 the Board approved resolution 20-12, referring to the remodeling and improvement of lift stations and the requisition and installation of a water tower. In the official declaration of intent, the approximate cost was given as 5 million dollars. In resolution 21-12, the financing of the utilities project, now expressed as only sewer lift stations (referring to lift stations 3 and 2), will be for up to 5.2 million dollars, 200,000\$ more than approximated in resolution 20-12.

The cost of lift station 3 was more than the estimate from the McGill 2017 Holden Beach Sewer Study, and we are currently awaiting a bid on lift station 2 (expecting it to be more than for lift station 3). It is probable the estimated total of 5.2 million dollars is reasonably accurate. However, when the Board of Commissioners passed resolution 20-12 in October 2020, there was no anticipation of additional projects requiring financing in the same time frame. Since then, the Town has added a bicycle lane project which will require approximately 700,000 dollars of financing and the proposed pier property purchase requiring an estimated 3.25 million dollars financing. There has also been considerable discussion by some commissioners to invest in property for additional parking which could total over 1 million dollars.

While borrowing 5 million dollars for both lift station improvements seemed acceptable when it was the only financing foreseen, borrowing the full amount for two stations when confronted with another 4 or possibly 5 million dollars in projects also requiring financing should be reconsidered. In my opinion, the Town should finance the full cost for lift station 2

but only the amount for lift station 3 that is in excess of the 2017 McGill report estimate. If needed, an amended resolution can be written.

Pier Property Purchase

Unlike for the sewer lift station project, the purchase of the pier property is not in my opinion "essential to the Town's proper, efficient and economic operation and to the general health and welfare of its inhabitants, that the Project will provide an essential use and will permit the Town to carry out public functions that it is authorized by law to perform" (quoted from resolution 21-12). The Town should not execute financing until 1. due diligence inspection results are received 2. estimates of improvement costs and anticipated annual revenues vs expenditures demonstrate a reasonable certainty that Town purchase and ownership of the pier property will not impose additional taxes or assessments on property owners.



Date: September 10, 2021
To: Commissioners and Mayor Holden
From: *DH* David W. Hewett, Town Manager
Re: Lift Station #2

The bid opening for the Lift Station #2 upfit was held at 2:00 p.m. on September 9th. There was only one bid submitted. Since three are required, Leo Green will rebid for opening on the 20th of September with the intent to present to the Board at the September 21st regular meeting.



Date: September 9, 2021

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

From: Christy Ferguson, Assistant Town Manager (1x)

Re: Parks and Recreation Master Plan Update

The Town is conducting a Comprehensive Parks and Recreation Master Plan Update with McGill Associates, PA as the consulting firm. The plan has been through the extensive review of the Parks and Recreation Advisory Board, monthly, since their July meeting. The document will serve as a guide for the growth and development of the department over the next 10 years. Based on the dedication and commitment of the PRAB to produce a user-friendly document that will serve as a resource for the Town, several rounds of revisions have been suggested to culminate in the final document before you this evening (Attachment 1). The PRAB passed the plan unanimously at their special meeting held September 9, 2021. It will be very beneficial in the pursuit of grants that fund parks and recreation facilities. The next step is for the BOC to consider approving the plan.

Attachment 1: 2021 Comprehensive Parks and Recreation Master Plan

Parks & Rec Master Plan Initial Comments from Commissioner Kwiatkowski

The efforts of the Parks and Rec Board to prepare an update of the 10 year master plan would be appreciated at any time but are particularly so considering the difficulty of gathering information during the pandemic as well as dealing with meeting restrictions during a sizable portion of the project schedule. The inventory of existing facilities with recommendations for improvement is an excellent compilation; it serves as a reminder of what we already have and the need to keep facilities fresh and current so they continue to be a source of enjoyment to our community. And of course we must have adequate staff, dedicated volunteers and funding to move ahead.

My initial thoughts of the document (in no particular order) compared to my personal expectations are below. They are based on only one fairly thorough read and I look forward to engaging with members of the Parks and Rec Board to better my understanding of the current contents and scope of the proposed Master Plan. Again, many thanks to the Parks and Rec Board for their efforts and proven dedication to serving our community.

General Comments

While the document may provide what is generally accepted for a Parks and Rec master plan according to accepted standards, I am missing what I will call overarching themes for future development of parks and rec facilities and programs. We live in a time of particular concern about the effects of sea level rise and climate change; I expected recognition of these factors for our island's plan (prioritizing facilities less prone to flooding/water damage needs to become a factor when justifying funding, and demonstrating a reduction in fossil fuel use, either by reducing the need to drive or using alternative energy technologies for facilities, should be a consideration). AARP livable community concepts could bring benefit to this plan. When the land use plan was finalized I asked that more AARP livable community specifics be included; I was told expanded discussion would be more appropriate in a Parks and Rec plan, but there is no mention in this document. Review of AARP livable community concepts that can be incorporated in the plan is an appropriate ask.

Existing Parks/Facilities

Holden Beach is an island with 8 miles of beach and many points of access and water views to the AIWW and inlets; the beach already receives more "attention" than it can handle during peak use periods, which is to be expected since people vacation on an island to go to the beach (by the way, I find it curious that in section 3.4 on evaluation of park land needs our acres of beach are not included or at least commented on) . However, families don't expect to spend 12 hours a day at the ocean; they look for other family activity opportunities. We need to provide easily reached (without always having to drive) activity locations and entertaining options away from the strand to "spread the love" over more of the island as an alternative to loading the family into the car to drive off island every day. The proposed walking trail to connect points is an excellent idea as are exploiting points of interest for bikers (who will not have bike lanes). A park at Scotch Bonnet, including but not limited to a dog park, seems a sound proposal.

Proposed facility proposals and recommendations Facilities need to be used for the majority of the year to be a worthwhile investment They also need to be managed and monitored. I

question the need for tennis courts (just because recommended guidelines suggest a community this size should have one doesn't translate to it's a high priority need), and considering the Sunshine private court which frequently floods, has limited parking and would require driving almost the length of OBW to access doesn't appear attractive to me.

Regarding comments on providing an outdoor performance area not so close to the bridge that provides visitors a more enjoyable experience, the question becomes where such a site exists on island that can handle the parking needs for concerts and whatever other productions are envisioned. Perhaps collaboration with the county on use of mainland county owned properties near THB could provide a solution.

Programs

We need some suggestions for more programs for children, teens and adults (including the elderly) that include physical, educational and social opportunities. The plan includes very little detail on existing programs/events other than tide dye Tuesday and no real recommendations for new possibilities other than to say they are needed. This should be the document that captures ideas; this should be the time to think outside the box. Consider today's available technology (e.g., smart phones)-what can be designed to educate on local nature and barrier island dynamics while walking trails or taking bike rest stops?

Community Input

I realize the difficulty getting in person input due to pandemic restrictions; initial community input sample sizes for resident and visitor "wants" are smaller than hoped for, although the input coupled with subsequent virtual focus group interviews, the survey conducted and land use plan survey results can provide direction. That being said, I believe it is important to seek additional input and community confirmation on this draft to ensure the recommendations made specific for Holden Beach are indeed what our owners want/expect. The virtual focus group citizen interview priority list (in order, programs and classes, bike path/lane, trails, dog park, launches, fishing, tennis, pickle ball, fitness) could be the starting point for discussion. I particularly note from the on line survey getting dedicated pickle ball courts (not shared with basketball) was frequently mentioned.

The 8 mile long problem

Due to the length and increasing narrowness of the island as one goes west, it is not realistic to assume every part of the island can be equally served (beyond Sailfish there simply aren't options for to create a park. The western portion of the island will benefit from the bike lanes- more will be accessible (without driving), but some preferably shaded rest points (benches, gazebos on side streets or OBW) and some permanent restroom facilities along the way (it's not just a seasonal, beachgoer want to be met with port a pots) are needed for those who are able and like to "marathon" bike or walk alone or with family members (particularly for children). The town owned building at 796OBW has community use as well as restroom possibilities and it's future needs to be defined. There are a number of possibilities given in the document but no project plan; I expected to see some specific recommendations in this master plan.

Costs

Everything sounds attractive when there's no price attached. Each Project Task needs an estimated total cost and anticipated amount that will require HB dollars. Our Occupancy Tax revenue stream appears fully committed for the next several years (central reach debt service uses approximately half the revenue thru 2027 or 8).

Question on a particular section of the document Emphasizing private facilities "near" Holden Beach (Section 2), particularly golf courses and parks that require driving 20 miles or more (most if not all of them) as well as public schools doesn't fit my definition of readily accessible opportunities for residents and vacationers. But if they are considered acceptable opportunities, doesn't it diminish the likelihood HB specific parkland expansion should be a high priority?

Activity Log Event Summary (Totals)

HOLDEN BEACH POLICE DEPT.

(08/01/2021 - 08/31/2021)

| | | | |
|-------------------------|----|--------------------|----|
| 911 Hang Up/Open Line | 1 | Alarm Activation | 16 |
| Animal Carcass | 5 | Animal Control | 8 |
| Attempt to Locate-ATL | 20 | Business Check | 97 |
| Disabled Motorist | 10 | Disturbance/Fight | 5 |
| Domestic Disturbance | 7 | EMS/Medical Call | 22 |
| Escort/Relay | 7 | Fire Call | 7 |
| Flare Sighting | 2 | Incident Report | 9 |
| Keep Check | 23 | Lockout Request | 3 |
| Lost/Found Property | 16 | Meet Complainant | 79 |
| Message Delivery | 2 | Missing Person | 4 |
| Motor Vehicle Crash | 6 | Open Door | 1 |
| Parking | 34 | Phone Call Request | 35 |
| Public Works/Water Leak | 6 | Special Assignment | 18 |
| Suspicious Activity | 3 | Traffic Stop | 31 |
| Trespassers | 1 | Welfare Check | 5 |

Total Number Of Events: 483



Holden Beach Police Department

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

*Phone: 910-842-6707
Fax: 910-846-6907
Email: hbpolicy@atmc.net*

September 10, 2021

To: Holden Beach Board of Commissioners


Ref: August 2021 BOC Agenda Item #15 Response

Police Chief to provide the total number of "golf cart" tickets issued as part of the Police Report.

August 2021 LSV citations

- 5 state citations
- 2 parking citations (town ordinance)



Date: September 10, 2021
To: Commissioners and Mayor Holden
From:  David W. Hewett, Town Manager
Re: System Development Fees

Resolution 21-14, Resolution Amending the Holden Beach Fee Schedule (Attachment 1) has been prepared based on the fees proposed at the August meeting.

Recommended motion is to approve Resolution 21-14.

Attachment 1: Resolution 21-14

**RESOLUTION 21-14
RESOLUTION AMENDING THE HOLDEN BEACH FEE SCHEDULE**

WHEREAS, the Board of Commissioners of the Town of Holden Beach adopted the Calculation of Water and Sewer System Development Fees for FY 2022 Report created by Raftelis, dated February 4, 2021, on June 15, 2021; and

WHEREAS, the Board of Commissioners of the Town of Holden Beach adopted an effective date of October 1, 2021 for the Report; and

WHEREAS, the Holden Beach Fee Schedule needs to be updated based on the recommendations in the Report.

NOW THEREFORE BE IT RESOLVED, that effective October 1, 2021, the Board of Commissioners of the Town of Holden Beach hereby amends the Holden Beach Fee Schedule, Water and Sewer System Development Fees as listed below.

WATER AND SEWER SYSTEM DEVELOPMENT FEES

| <u><i>Development Fees</i></u> | |
|--------------------------------|---------------------|
| Water System Development Fee | \$460 per bedroom |
| Sewer System Development Fee | \$2,240 per bedroom |

*Credit for those who have paid already the sewer share fee previously authorized by Town of Holden Beach Ordinance 02-13 dated 10-14-02 "Chapter 52-04 - Share Fees" will be given on a per bedroom basis in an amount equal to \$2,240 per bedroom, up to a maximum five-bedroom house. Houses with more than five bedrooms will be assessed the \$2,240 per bedroom sewer system development fee for each additional bedroom.

This the 21st day of September, 2021.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

Development Fee Comments for BOCM – Commissioner Kwiatkowski

While I understand development fees should be approached so as not to discourage development, they are also an important revenue stream for future water and sewer system maintenance or expansion. Three years ago various commenters were concerned that adding any significant amount to then current building costs would discourage building and growth on Holden Beach because new properties would not appraise for enough to cover any increase in price and therefore potential purchasers would not be able to borrow enough to cover their building costs. The resulting fees that were put in place were largely based on that consideration.

While the concern expressed 3 years ago may have been true at that time, it is less likely in the current market. New construction and renovation as well as sales on Holden Beach have been robust for the past 2 years, and overall property values have increased significantly. While concerns have been expressed this year about the negative impact the spike in lumber and other building material costs may have on new construction, over the past months prices have moderated and it is expected prices and supply will be more predictable as we move forward into 2022. A modest increase in fee costs should not negatively impact the island's growth potential.


In my opinion, the Board should not lower the total development fee for water plus sewer for any type of "building activity". Current fees are 100\$/bedroom for water and 2700\$/bedroom for sewer, with 5 bedrooms credited for sewer for properties that are already paid into the sewer system. The Town Manager has proposed fees of 460\$/bedroom for water and 2240\$/bedroom for sewer, again with the 5 bedroom sewer credit. While construction on lots with the sewer credit will see a 360\$/bedroom increase in total fees due to the water fee increase (1800\$ for a 5 bedroom house), the fee total for renovations that add bedrooms to existing 5 or more bedroom properties and the fee for new construction on lots that haven't bought into the sewer system will be lower by 100\$/bedroom than under the current fee schedule. It would also cost 100\$/bedroom less on bedrooms 6 and more for new construction than under the current fee schedule.

The water system development fee should be increased to 560\$/bedroom and the sewer development fee 2240\$/bedroom as proposed in order to ensure no building activity under the new fee schedule is lower cost than under the existing schedule.



Date: September 10, 2021

To: Commissioners and Mayor Holden

From:  David W. Hewett, Town Manager

Re: Parking Firm Recommendation

Per the Board's direction at the August meeting, staff met with Premium Parking and Otto Connect to determine which firm would be better suited to implement a paid parking program for the Town. Six staff members participated in the process, which included looking at price, user interface and program implementation logistics.

Otto Connect was unanimously selected as staff's recommendation to the Board. The next step is for the Board to consider approving Otto as the Town's parking vendor and to have a contract prepared.



Date: September 9, 2021

To: Mayor Holden and Board of Commissioners
 7H Town Manager-IN TURN

From: Christy Ferguson, Assistant Town Manager 

Re: NC Public Beach and Coastal Waterfront Access Grant Application

Based on the BOC's direction to pursue grant opportunities to assist with the pending purchase of the pier properties, the staff submitted a final grant application (Attachment 1) to the Division of Coastal Management on August 18, 2021. The application was for the 50-foot-wide oceanfront lot (Parcel # 246DB002) only based on the lack of clarity DCM has in the current funding policy regarding public purposes for paid parking. DCM has previously approved a pre-application submitted in April that allowed for a final application package in the amount of \$180,460.00. The Town Manager and I have been in continuous dialogue with DCM regarding updates and changes as they emerged. They advised us to submit the application with as much information as we had available at the time in August and then complete additional areas as they come to fruition. One of the requirements is that the application be on the agenda of a public meeting. While we submitted draft minutes of the public hearing that was held on the potential purchase, the provision in the application is for the grant package itself to be placed on the agenda for consideration. If awarded the grant, the BOC would still have to choose to accept or decline funds.

Attachment 1: Final Grant Application

Suggested Motion: Motion to have grant application considered for funding by DCM.



NORTH CAROLINA PUBLIC BEACH AND COASTAL WATERFRONT ACCESS

PROGRAM FINAL APPLICATION 2021-2022 CYCLE

Please complete a separate application for each proposed project and submit one (1) electronic copy and with digital files to your DCM District Planner.

Application Deadline: August 16, 2021

Project Name: Holden Beach Pier Property

Provide a brief description of the proposed project:

The Town of Holden Beach has been presented with the opportunity to purchase the Holden Beach Fishing Pier which includes the ocean pier located on one 300-foot-wide oceanfront lot and an additional adjacent 50-foot-wide oceanfront lot.

Is this an ongoing project (Phase II of a previously funded project, or improvements to an existing project)? ☐ Yes ☒ No

| | | |
|--|-----------------------------|---|
| Government Name: Holden Beach | Fed ID#: 56-09449977 | Type of project: <input checked="" type="checkbox"/> Land Acquisition <input type="checkbox"/> Site Improvement |
| Lead Elected Official: J. Alan Holden | Title: Mayor | Demand for Access: <input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low |
| Address: 110 Rothschild Street | | Site Control: |
| Project Administrator | | <input checked="" type="checkbox"/> Land acquisitions with this application |
| Name: David W. Hewett | Title: Manager | <input type="checkbox"/> Ownership |
| Address: 110 Rothschild Street | | <input type="checkbox"/> Lease (25 years of more) |
| City/State/Zip: Holden Beach, NC 28462 | | <input type="checkbox"/> Easement (25 years of more) |
| Telephone: (910) 842-6488 | | <input type="checkbox"/> Joint Use Agreement |
| E-mail: david.hewett@hbtownhall.com | | |
| Previous DCM Access Grant Recipient: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | If yes, When? FY 2018-2019; 2007 |
| Budget Totals and Financial Assistance Requested: DCM funds requested: \$ 180,460.00 Total Local Contribution: \$ 361,206.67 Local Cash: \$ 361,206.67 Local Cash (Grant): Funding Source: Local Cash (Grant): Funding Source: Local In-Kind: TOTAL PROJECT COST: \$ 541,666.67 | | Additional Project Costs/Funding Sources NOT included in the proposal (if applicable): Source: Installment Financing Cost: \$ 2,708,333.33 Source: Cost: Source: Cost: |

Signature: David W. Hewett

Name (print): David W. Hewett

Date: 16 August 2021

Attachment 1

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM
N. C. Division of Coastal Management

FINAL APPLICATION
2021-22 Cycle

Provide the following ATTACHMENTS and NARRATIVE:

- A. Project location maps:** Provide a regional location map and a detailed vicinity map (street map) showing the project location. *(Suitable for copying and insertion into grant contract)*
- B. Parcel Information:** Provide the following information for each parcel:
- 1) Name and address of owner
 - 2) Project site address
 - 3) Lot dimensions
 - 4) Applicable setbacks (zoning, CAMA, DOT, other) and local zoning and Future Land Use Map designation(s)
 - 5) Deed number, book, page and date
 - 6) Assessed value- *(Only necessary for land or easement acquisition)*
 - 7) An evaluation of its appropriateness for public access
 - 8) Title opinion including Attorney's NC Bar number
 - 9) Easement agreement, if applicable
 - 10) List of required permits or certifications or permits issued (CAMA, zoning, etc.).
- C. Site description:** Provide a description of the site, including natural features and existing improvements. Also include NC Division of Water Resources [Surface Water Classification\(s\)](#).
- D. National Flood Insurance Program Floodways & Non-encroachment areas:** Indicate if the project site or improvements are located in Floodway or Non-encroachment area per 40 C.F.R. § 60.3(d)(3). If the project or improvements are located in one of these areas, additional engineering studies may be needed.
- E. For Land Acquisition:** Provide a boundary survey indicating land area, along with a preliminary appraisal and a letter of intent to sell from the property owner. Provide a "Plan for Future Development" to include: a description of how the public will be able to use the site until improved access facilities are in place; a conceptual site plan showing proposed future development; and a timeline for developing the site.
- F. Project description:** Provide a description of the project, including information on features, materials, and proximity to closest/other access sites.
- G. ADA requirements:** Does this project meet ADA requirements? N/A - Land Acqui
If yes, describe the handicapped accessible features of this project. If no, describe why a handicapped accessible facility is impracticable and outline how handicapped accessibility needs are met within the area.
- H. Exceeding ADA requirements:** Does this project exceed ADA requirements? N/A - Land Acqui
If yes, describe the handicapped accessible features that exceed ADA requirements.
- I. Project site plan:** Provide a to-scale site plan showing property lines, proposed construction, significant natural features, and existing uses on adjacent lots. Include a north arrow and graphic scale and dimensions for site improvements. *Improvements shown as an overlay on aerial photos also may be submitted as a supplement to but not in lieu of a site plan.* Provide to-scale building elevations and floor plans as applicable.

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM
 N. C. Division of Coastal Management

FINAL APPLICATION
 2021-22 Cycle

- J. **Pre-project tasks**: Identify tasks that must be completed prior to starting the project.
- K. **Local Government Approval**: Each grant application must be reviewed and approved by the local governing board at a duly advertised public hearing or meeting. Provide a memorandum resolution, or copy of the minutes indicating the board's action on the application.
- L. **Is all or a portion of this project under consideration by other programs for funding?** YES
If so, indicate which program(s) and which fiscal year(s). Does the funding requested from another program duplicate or complement the funding requested from the Access Program? How viable is the project if complementary funding from another program is not secured?
- M. **Is this project identified as high local priority in your certified Future Land Use Plan or local Access Plan?** YES
If so, attach a brief description of the plan and a statement of the extent to which the project implements the policies of the plan.
- N. **Is this project reflected in other policy documents or ordinances?** YES
If so, attach a brief description of the document or ordinance and a statement of the extent to which the project implements goals of the document or ordinance.
- O. **Proposed Local Match and Cost Assumptions**: Provide narrative indicating the source of cash match and availability of funds. Provide narrative explaining the relevance of proposed in-kind match to the project. *If other state and/or federal funds are to be used as local match, indicate the amount, the funding source, when the funding source will be awarded/available, and the specific project elements that will qualify for joint funding.*
- P. **List the types and sources of utilities proposed; and identify associated costs.** *Note above ground utilities must be identified.*

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM
N. C. Division of Coastal Management

FINAL APPLICATION
2021-22 Cycle

Q. Proposed Summary Budget: The form below must be completed and included with your application.

| | Grant Assistance Requested | Local Cash Contribution | Local In-Kind Contribution | TOTAL |
|--------------------------------------|---------------------------------------|------------------------------------|---------------------------------------|----------------------|
| Land Acquisition Costs: | | | | |
| 50 foot lot | \$ 180,460.00 | \$ 361206.67 | \$ | \$ 541666.67 |
| | \$ | \$ | \$ | \$ |
| Subtotal | \$ | \$ | \$ | \$ |
| Permit and Design Fees: | | | | |
| | \$ | \$ | \$ | \$ |
| | \$ | \$ | \$ | \$ |
| Subtotal | \$ | \$ | \$ | \$ |
| Site Improvement Costs: | | | | |
| Materials | | | | |
| | \$ | \$ | \$ | \$ |
| | \$ | \$ | \$ | \$ |
| Subtotal | \$ | \$ | \$ | \$ |
| Site Improvement Costs: Labor | | | | |
| | \$ | \$ | \$ | \$ |
| | \$ | \$ | \$ | \$ |
| Subtotal | \$ | \$ | \$ | \$ |
| Local Administrative Costs: | | | | |
| In-kind | | | | |
| | \$ | \$ | \$ | \$ |
| | \$ | \$ | \$ | \$ |
| Subtotal | \$ | \$ | \$ | \$ |
| | | | | |
| TOTAL BUDGET | \$ 180,460.00 | \$ 361206.67 | \$ | \$ 541,666.67 |

| | |
|---|----------------------------|
| Additional Project Tasks NOT Included in this Proposal | Additional Project Cost |
| | \$ |
| | \$ |
| TOTAL ADDITIONAL COST | \$ 0 |

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM
N. C. Division of Coastal Management

FINAL APPLICATION
2021-22 Cycle

R. **Proposed Budget:** If available, attach a detailed breakdown of the cost assumptions upon which the Summary Budget is based. Proposals that include this information increase their likelihood of funding.

S. **Project Timeline:** The purpose of the timeline is to establish benchmarks during the project period to ensure timely completion. Progress monitoring is to occur at 6-month intervals for the duration of an 18-month contract. We recognize that unexpected events may require adjustments to the timeline. The schedule is meant to be an aid for measuring the progress of the project and a guide to making adequate contract adjustments when necessary.

| Task \ Month | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
|--------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Return Contract | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Land Acquisition | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Permitting Process | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Land Preparation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Construction | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Landscaping | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Final Inspection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Close-Out | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PUBLIC BEACH AND COASTAL WATERFRONT ACCESS PROGRAM
N. C. Division of Coastal Management

FINAL APPLICATION
2021-22 Cycle

- T. **Project Reporting Periods:** The form below only illustrates grant and local cash match totals. Local funds must be spent before grant funds. Non-cash match is not illustrated or represented in the table; however it must still be reported.

Grant: \$ 180,460.00

Cash Match: \$ 361,206.67

Total: \$ 541,666.67

Non-cash Match: \$

PROJECT SCHEDULE AND ACTIVITIES CHART

| | |
|--|--|
| % of total work to be completed <u>100,0</u> Grant funds to be spent \$ 180,460.00 Local funds to be spent \$ 361,206.67 | Period 1 <ul style="list-style-type: none"> • sign contract • obtain financing approval • purchase property • |
| % of total work to be completed <u>0%</u> Grant funds to be spent \$ Local funds to be spent \$ | Period 2 <ul style="list-style-type: none"> • • • • |
| % of total work to be completed <u>0% *</u> Grant funds to be spent \$ Local funds to be spent \$ | Period 3 <ul style="list-style-type: none"> • • • • |

* The final reporting period shall include a holdback of 10% of the total grant award, which is retained until a closeout packet is received by the District Planner/Contract Administrator.

Public Beach and Coastal Waterfront Access Program
N.C. Division of Coastal Management

Final Application
2021-22 Cycle

- A. Program location maps: See attached.
- B. Parcel Information: Provide the following information for each parcel:
 1. Name and address of owner: Holden Beach Fishing Pier, Inc.
through President Guilford Bass Sr. -
441 Ocean Boulevard West Holden Beach, NC 28462
 2. Project Site Address- 441 Ocean Boulevard West Holden Beach, NC 28462
 3. Lot dimensions- Lot 1: 2.5 acres Lot 2: .30 acres
 4. Applicable setbacks- no setbacks
 5. Deed number, book, page and date- Lot 1: book 150 Page 179
Lot 2: book 174 Page 182
 6. Assessed Value-\$421,400 (tax value); appraisal forthcoming
 7. An evaluation of its appropriateness for public access-

The Town of Holden Beach has been presented with the opportunity to purchase the Holden Beach Fishing Pier which includes the ocean pier located on one 300-foot-wide oceanfront lot and an additional adjacent 50-foot-wide oceanfront lot. Collectively, these two lots have 350 continuous feet of oceanfront real estate and total almost 2 acres. **This grant application will apply to the 50-foot-wide lot only.** The property is located in the center part of the island and provides access to 400+ canal properties, as well as the many day trippers, that visit the beach daily and park at the pier. The current owner of this commercial property is looking to sell and if it goes to a private buyer all the above-mentioned attributes would be lost. The town is in a situation that requires immediate attention as time is of the essence. We are in the process of negotiating and have agreed to \$25,000 in due diligence and \$25,000 in earnest money. Due diligence ends October 1, 2021. This requires immediate attention as private buyers are extremely interested in the property. The town is currently finalizing a Parks and Recreation Master Plan Update with McGill Associates, P.A. as the consultant. While documents are still in draft form, additional access for fishing and public water access were common high priorities from focus group and survey participants. One of the recommendations listed in the plan for future park development is the purchase of the Holden Beach Fishing Pier for a future community park.

8. Title Opinion including Attorney's NC Bar number- Bar Number 44584
9. Easement agreement, if applicable- N/A
10. List of required permits or certifications or permits issued (CAMA, zoning, etc.)-None to date
- C. Site description:

We are seeking grant assistance for land acquisition of a 50-foot lot that will be used for public access. It currently consists of natural dune and vegetative grasses. The public access is important for not only pedestrian access to the beach but also emergency vehicular access and as an entry point for equipment during beach nourishment projects.
- D. No
- E. The Town will not be obtaining a survey or preliminary appraisal until we have an executed

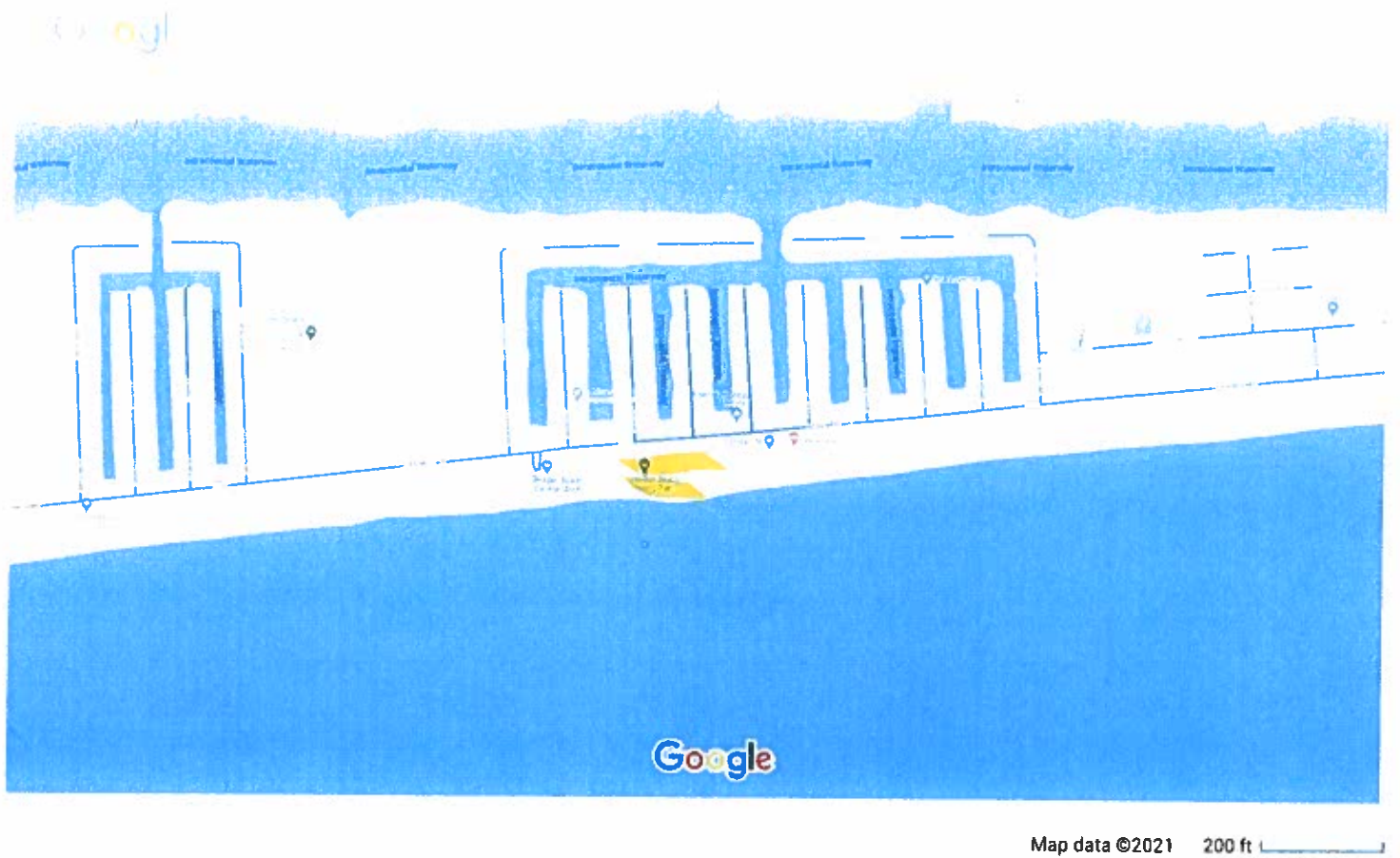
contract from the seller. The public will be able to use the site as a public access and both the CAMA Land Use Plan and the Parks and Recreation Master Plan identify the need for additional public access sites.

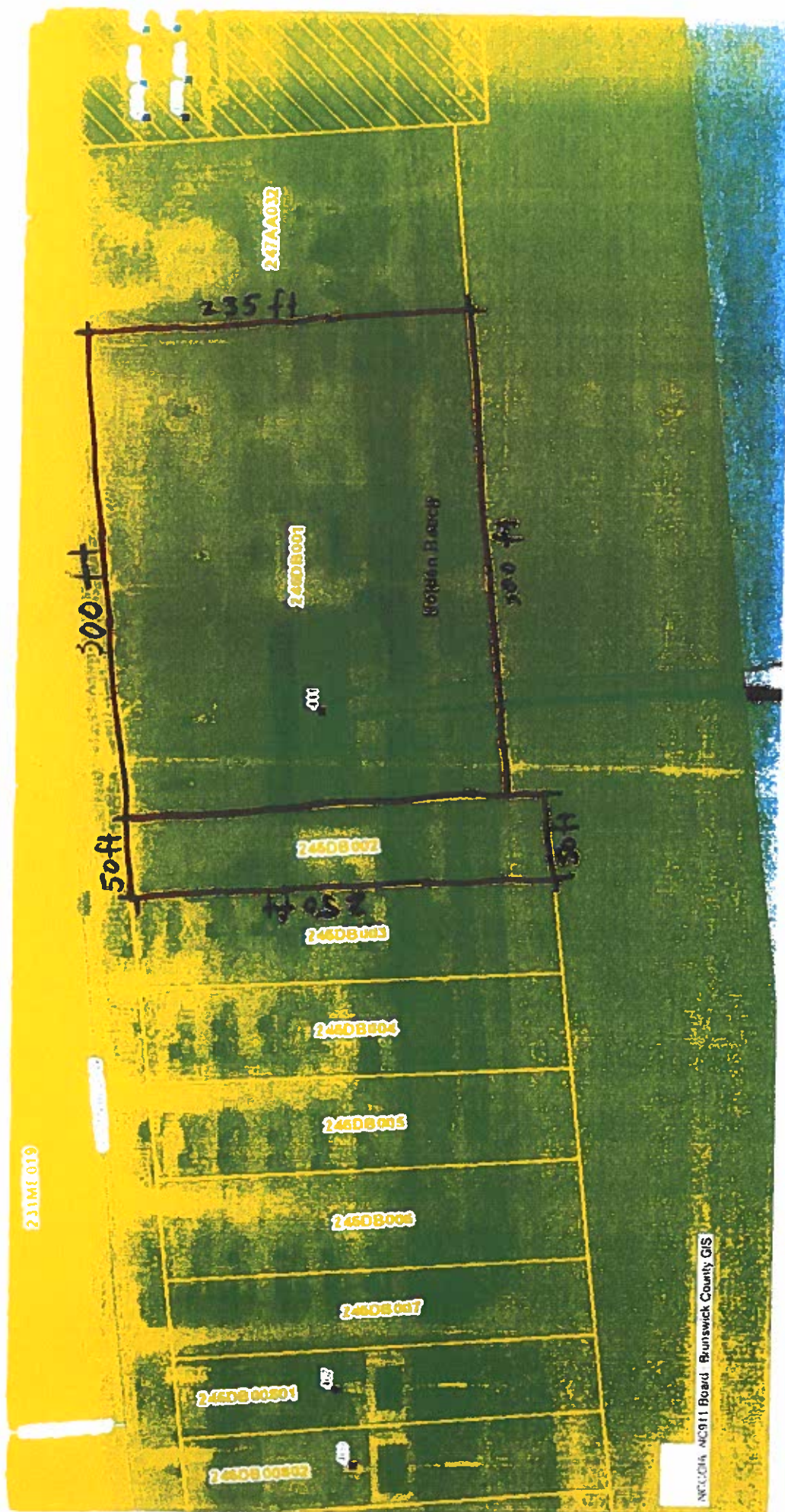
- F. There are limited beach accesses in this area and losing this access to private interest will not only impact the 400+ canal properties that utilize it informally but also the day trippers who park at the pier and access the beach. The closest access to the west is 0.5 miles and the closest access to the east is 0.3 miles.
- G. N/A Land acquisition
- H. N/A Land acquisition
- I. See attached
- J. Prior to starting the project, the Town must have a signed contract. The town must obtain financing for the project.
- K. The Town held a public meeting regarding the purchase of the pier properties. See the attached minutes.
- L. The project is under consideration for Parks and Recreation Trust Fund grant funding for FY 21-22 and 22/23 and a Land and Water Conservation Fund waiver has been requested. The funding would compliment the Access Program funding and the purchase would still occur without the other funding contingent on approval from the Local Government Commission on financing the project.
- M. Yes- Additional Public Access is considered high priority. See attached
- N. Yes- In the current Parks and Recreation Master Plan and in the draft plan currently under board review. See attached.
- O. The source of funding will be financing and debt service will be repaid with a source TBD from the Town's budget. Any grants mentioned in item L above would be applied to offset the cost of the entire property acquisition. The most funding that can be received from PARTF and LWCF is \$500,000 each. With a current price tag of \$3.25 million, the town will still pay the lion's share of the acquisition.
- P. No utilities proposed at this time.



Map data ©2021 Google 2 mi









Brunswick NC - Property Record Card

Parcel # 246DB001
246DB001

HOLDEN BEACH FISHING PIER
INC&GRILL
441 OCEAN BLVD W.
HOLDEN BEACH, NC 28462

Market Value
\$2,411,090



KEY INFORMATION

Township 05
Neighborhood CS05 / HOLDEN BEACH ISLAND COMM
Legal Land Type AC
Legal Land units 2.5000

ASSESSMENT DETAILS

| Revaluation Year | 201 | Tax Year | 202 |
|-------------------------------|-------------|----------|-----|
| | 9 | | 1 |
| Land Value | \$2,100,000 | | |
| Building Value | \$96,230 | | |
| Outbuilding or Extra Features | \$214,860 | | |
| Total Market Value | \$2,411,090 | | |
| Deferred Value | \$0 | | |
| Total Assessed Value | \$2,411,090 | | |

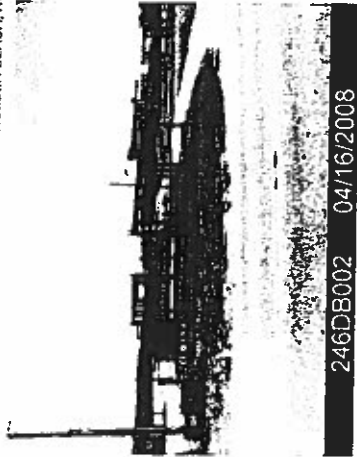


Brunswick NC - Property Record Card

Parcel # 246DB002

HOLDEN BEACH FISHING PIER
INC&GRILL
4411 OCEAN BLVD W.
HOLDEN BEACH, NC 28462

Market Value



Handwritten note:
2000
value of pier

246DB002 04/16/2008

KEY INFORMATION

Township 05
Neighborhood C505 / HOLDEN BEACH ISLAND COMM
Legal Land Type LT
Legal Land units 2.0000

ASSESSMENT DETAILS

| | | | |
|-------------------------------|-----------|----------|-----|
| Revaluation Year | 201 | Tax Year | 202 |
| | 9 | | 1 |
| Land Value | \$420,000 | | |
| Building Value | \$0 | | |
| Outbuilding or Extra Features | \$1,400 | | |
| Total Market Value | \$421,400 | | |
| Deferred Value | \$0 | | |
| Total Assessed Value | \$421,400 | | |

BUILDING DETAILS

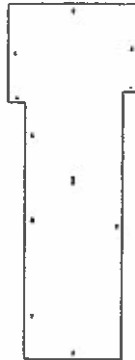
OUTBUILDINGS AND EXTRA FEATURES

| CODE | DESCRIPTION | ACTUAL YEAR BUILT | APPRAISED VALUE |
|------|-------------|-------------------|-----------------|
| 53 | CAMP SITES | 2000 | \$1,400 |

BUILDING DETAILS

BUILDING 1

Building Number 1
Improvement Type 10 - COMMERCIAL RETAIL
Valuation Model 07 - COMMERCIAL CONST.
Quality 3 - AVERAGE
Actual Year Built 1960
Heated Area 4,926 sqft
Bedrooms 0 Full Bath 0 Half Bath 0



OUTBUILDINGS AND EXTRA FEATURES

| CODE | DESCRIPTION | ACTUAL YEAR BUILT | APPRAISED VALUE |
|------|---------------------|-------------------|-----------------|
| 01 | ASPHALT PAVING | 1960 | \$3,360 |
| 09 | BATH HOUSE/POOL HSE | 1980 | \$2,170 |
| 73 | PIER/DOCK (COMM) | 1990 | \$209,328 |

LAND DETAILS

| LAND USE | UNIT TYPE | # OF UNITS | ZONING |
|-------------------|-----------|------------|----------------------------------|
| 3602 - FISHING PR | LT | 5.000 | C1 - COMMERCIAL BUSINESS GENERAL |

SALES / TRANSFERS

| DEED DATE | DEED BOOK/PAGE | SALE PRICE |
|------------|----------------|------------|
| 01/01/1753 | 00150/ 0179 | \$0 |

Date last updated 06/10/2021

**PRELIMINARY OPINION ON TITLE FOR:
THE TOWN OF HOLDEN BEACH
A MUNICIPAL CORPORATION PURSUANT TO N.C.G.S. 160A**

The undersigned has examined the record title on the BRUNSWICK County, North Carolina, records (and municipal tax and assessment records for the Town of Holden Beach) for the period shown below relative to title to the real property described below, and gives the following opinion of status:

Owner(s):

Holden Beach Fishing Pier, Inc. (an active North Carolina Corporation)

Interest or estate:

Fee Simple (Deed Book 174 at Page 182 of the Brunswick County Registry)

Property Description: (or attach copy of legal description)

Beginning at a stake, W.S. Kirby's southeast corner, the same being designated as Lot 87 according to a map of Robinson's Beach recorded in Map Book 2-1/2, Page 240, Office of the Register of Deeds of Brunswick County, North Carolina, runs thence North 86 degrees 30 minutes East 50 feet to an agreed corner between Dr. R.H. Holden and R.P. Robinson, the same being an iron rod in a cement base; runs thence North with said agreed Line between Holden and Robinson 260 feet to a stake; runs thence South 86 degrees 30 minutes West 50 feet to W.S. Kirby and Bertha Kirby's northeast corner (same being Lot 88 according to the above referred to map); runs thence South with their Line 260 feet to the point of beginning, then same containing all of Lots 89 and 90 according to a map of Robinson's Beach's eastern extension made by L.H. Phelps on August 8 and December 18, 1944, as recorded in Map Book 2-1/2, Page 240, and being the same lands conveyed John R. Yates by L. Paul Cook and wife, Mamie C. Cook, by deed dated September 22, 1949, as the same appears of record in Book 94 at Page 142, Office of the Register of Deeds of Brunswick County, North Carolina.

There is also included within the bounds of the above-described lands, the lands designated on the above referred to map as the roadway lying between the northern bounds of Lot 89 and the southern bounds of Lot 90 as conveyed John R. Yates and wife, Lillie Mae Yates, by Joseph B. Kirby, Guardian, et al by deed dated September 21, 1955, and recorded in Book 125, Page 150, Office of the Register of Deeds of Brunswick County, North Carolina.

This being the same land described in that deed dated January 19, 1959, and recorded in Book 143 at Page 79, Office of the Register of Deeds of Brunswick County, North Carolina.

Subject to the uninitialed **STANDARD EXCEPTIONS** on Page 4 herein.

Also subject to the following **SPECIAL INFORMATION AND EXCEPTIONS:**

Taxes:

1. Ad valorem taxes are paid through and including those for the year: 2021
2. Taxes now due and payable: \$2,125.67 due for 2021 Brunswick County taxes
\$5,207.74 due for 2021 Holden Beach taxes
3. Taxes, a lien, deferred or otherwise, but not yet due and payable: None
4. Special levies or assessments now due or payable in future installments: None
5. Estate or inheritance taxes None.

Restrictive Covenants? Yes ☐ ; No ☒ (Attach Copy).

Survey and Inspection Report Attached? Yes ☐ ; No ☒ .

Survey to be completed as part of due diligence and will be submitted with Final Title Opinion

Recorded Plat? Yes ☒ ,

1. Book 2-1/2, Page 240 .
2. Building Setback Line(s) of 25 feet from front; 5 feet from side; 5 feet from side street; 5 feet from rear.
3. Violated? Yes ☐ ; No ☐ ; Unknown ☒.

Access to Public Right of Way? Yes ☒; No ☐ .

Direct ☒ ; or over a private easement ☐ ? (if private easement, attach copy).

If over a private easement, has a search been made of adjoining property on which easement crosses?
Yes ☐ ; No ☐.

Property Occupied By: Owner ☐ ; Tenant ☐ ; Unimproved ☒ ; Unknown ☐ .

Updating From Previous Title Insurance Policy? Yes ☐ ; No ☒ (Attach Copy).

If "Yes", has a search of the public records been accomplished for such period of time within which judgements, liens or other matters could affect the property, regarding the owner(s) of the property on and after the date of said policy?

Other Easements, Liens, Deeds of Trust, Objections or Defects:

- (1) This property is subject to a perpetual easement granted to the Town of Holden Beach as recorded in Deed Book 3809 at Page 967 of the Brunswick County Register of Deeds for the purpose of public beach renourishment and other activities as described in the document as referenced above.
- (2) No Outstanding Deed(s) of Trust.
- (3) Exception for the accuracy of the information contained within the computerizing indexing systems maintained by the Brunswick County Register of Deeds and Clerk of Court as well as exception for any capacity to accurately retrieve information contained within those systems, insofar as this title examination may be affected by these conditions.
- (4) Correctness and completeness of information furnished to us by municipal and county tax officers. The undersigned only reports the information furnished to her by said tax offices and does not certify the accuracy thereof.
- (5) Easements and rights-of-way for utilities and roads.

STANDARD EXCEPTIONS

The attorney should initial any exceptions that are to be eliminated on the line to the left of the exception.

- _____ 1. Interest or claims not disclosed by public records, including but not limited to:
 - (a) Unrecorded Mechanics' or Materialmen's liens. (Liens may be filed by persons or entities furnishing labor or materials to any improvements of real property within 120 days from the last day of performance and will upon perfection relate in priority to the first day of performance as a valid lien on real property.)
 - (b) Unrecorded leases. (Under North Carolina law, parties in possession of the premises under a verbal or unrecorded lease of three years or less duration may remain in possession under terms of the tenancy.)
 - (c) Matters that may defeat or impair title which do not appear on the record. (Evidence revealing missing heirs, forgeries, etc. may not be on the public records, but such facts if properly established may impair or defeat what appears to be a good title on the record.)
 - (d) Taxes, special assessments and other governmental charges that are not shown as existing liens by the public records.
(Governmental charges may be made for acreage fees, tap-on fees, cost of weed cutting, demolition of condemned buildings and other matters that are not shown as existing liens on the property by the public records.)
 - (e) Unlisted personal property taxes. (If discovered, such taxes and any penalties may be assessed as a lien on the subject property.)
- _____ 2. Matters occurring prior to and subsequent to the inclusive dates of examination.
- KMM _____ 3. Matters which would be revealed by a review of the public records regarding the proposed purchaser/borrower, who is not a current owner of the property.
- _____ 4. Any inaccuracies and discrepancies which an accurate survey of the property may disclose. (A survey, if procured from a competent surveyor or civil engineer, will normally determine whether improvements lie within the boundaries of the property, whether existing utility lines, roads or other easements cross the premises, and whether there are any encroachments.)
A survey will be completed as part of the due diligence process and upon recording of the same this exception will be initialed and eliminated on the final title policy.
- KMM _____ 5. Security interests that may have attached to fixtures on the subject property as provided in Article 9 of the Uniform Commercial Code of North Carolina.
- _____ 6. Compliance with any local, county, state or federal government law or regulation relative to environment, zoning, subdivision, occupancy, use, construction or development of the subject property.
- KMM _____ 7. Federal judgments, liens, and proceedings filed only in the Federal Court. (Upon the filing of a petition in Bankruptcy, title to real property vests in the Trustee in Bankruptcy and notice thereof is not always required to be filed in the County in which the Bankrupt owns property; federal condemnation proceedings may vest property in the federal government and notice thereof is not required to be recorded among the County records.)
- KMM _____ 8. Civil actions where no notice of lis pendens against subject property appears of record.

Note: The matters included in Standard Exceptions Number One (1) above set forth are items that cannot be checked. Standard Exceptions numbered 2, 3, 4, 5, 6, 7 and 8 are not included in a normal search of the County records during examination of title. Upon special request, additional investigation may be made, and Standard Exceptions numbered 2, 3, 4, 5, 6, 7 and 8 can be eliminated. Any such elimination is evidenced by the initialing of such exception in the left margin by the attorney.

- (6) This certification does not include any portion of the subject property lying below the highwater mark of the Intra Coastal Waterway, Atlantic Ocean or any other body of water and is subject to all laws and regulations governing the disturbance of wetlands, marshlands, dunes, etc.

This opinion of title is for the parties to whom it is furnished, is not transferable, and may not be used by any other person or entity without the prior written consent of the undersigned.

The Search Period was from July 5, 1973 to August 11, 2021 at 2:00PM

Telephone: 910-842-1857

Address: 2998 Holden Beach Rd SW Holden Beach NC 28462

By



Attorney: Katherine M. Madon



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING/PUBLIC HEARING
THURSDAY, JULY 8, 2021 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting/Public Hearing on Thursday, July 8, 2021 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Gerald Brown; Commissioners Brian Murdock, Mike Sullivan, Pat Kwiatkowski and Rick Smith; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; and Town Attorneys Rick Green and Katie Madon.

Mayor Holden called the meeting to order and explained the purpose of the meeting. Contract details are on a sheet in the back of the room.

PUBLIC HEARING – CONTRACT TO PURCHASE REAL PROPERTY LOCATED AT 441 OCEAN BOULEVARD (PARCELS 246DB001 & 246DB002)

Tom Myers, President of the Holden Beach Property Owners Association summarized responses they received in response to their solicitation. He talked about different options for the building and providing incentives/tax breaks without purchasing the property. He talked about options for parking and beach access. He said he thinks it is fair to say everyone would like to keep the pier; the question is at what cost. Mr. Myers talked about the current budget and said you would need to either reduce the current budget to cover amounts for the pier, increase taxes or take money out of savings. He asked the Board to not jump blindly into this without knowing what the costs will be. Mr. Myers said he summarized comments received, but he was not speaking on behalf of the HBPOA.

Haskell Cowan said he wants to make sure the beach remains accessible for residents, homeowners and tourists. We have benefited for many years by the generosity of the Bass family allowing public access through their property. The access also serves as an emergency vehicle access which helps with emergency access, beach patrol and nourishment projects. He believes it would be in the best interest of the Town to purchase the access.

Steve McManimen said he feels strongly that this Holden Beach icon needs to remain for future generations to enjoy. He talked about some of the pier's history. He said it is time for the Town to get permanent Town-owned access. Eliminating the access will create a 0.9-mile gap for beach access for

some of the canals. Mr. McManimen said the Town will hurt these homeowners' ability to rent these houses and the Town will lose rental taxes. He is for the purchase of the property as proposed.

Lyn Holden stated Mr. Bass has been an asset to the Town. He is concerned as a taxpayer that it is not the best long-term thing to do. He talked about expenses that could be associated with ownership of the pier and pavilion. He thinks private enterprise could do better than the Town.

Keith Smith talked about the importance of growing up near/visiting a pier. The location of the pier influenced his family's decision on purchasing his house. He suggested looking at public and private partnerships for the property.

John Pierce said he believes the family beach environment is the reason many people purchased at Holden Beach. This is one of the few places that you enjoy a family environment. He supports making the purchase depending how the analysis comes out.

Terri Watson talked about her experiences with the pier. She thinks it is an important part of the history of Holden Beach. She supports the Town doing what it needs to do to support the memory and keep it for future generations.

Johnny Craig said this is a critical opportunity to purchase, obtain and preserve such a treasure. He referred to the Land Use Plan. It says CAMA considers public access facilities to be one of the key components of a coastal community's infrastructure. The plan also talks about maximizing and maintaining accesses and the need for public parking.

Anita Hegarty said they are for it. This gives landlocked homes the opportunity to go on the pier and fish.

Larry Blume provided some money raising options. He suggested selling family plan cards and yearly fishing licenses.

Elaine Jordan is concerned with the cost. She thinks there are other alternatives to explore first. She thinks private enterprises should be held privately, not by towns. She objects to purchasing the property.

Tony Marwitz said he trusts the Board to work out the money. The Town has a chance to get beach access; we need to take advantage of it while we can. He thinks it is a good move for the Town to acquire it. He is concerned with who will buy it if the Town doesn't.

Mike Oats said from Raleigh Street to the firehouse there are no beach accesses. This would give beaches access to people in the area. He talked about prices for purchasing oceanfront property. He stated he is for purchasing the property.

Ken Rogers stated he wants us to respect the past and plan for the future. He wants the Town to protect the family beach. He thinks it is a good move, but only a first step. He talked about the need for other

services, including a first-class restaurant, parking and services that will attract families. He suggested pursuing grant money, generating revenues for services and involving the property owners on the island. He talked about purchasing the whole strip.

Regina Martin talked about the history of the beach. She believes if you are going to have a family beach, you need a pier. Our neighbors have piers, one was just redone with grant money. We have been successful in securing grant money. Mrs. Martin would like to move forward with the purchase.

Shannon Itzaina talked about her family's history with the beach. She thinks the Town needs to be financially responsible. She said she is a real estate agent and talked about commercial contracts. She is not against the purchase; she is against rushing into it.

Dave Keech loves the island and wants it to be a family beach, but he is a commercial realtor and thinks the purchase needs to be fiscally sound. He doesn't want to see taxes go up.

Sylvia Pate talked about her history with Holden Beach. She thinks the Town should purchase the property, but should do more investigation to make sure we are not getting into a hole. She suggested purchasing all of the property, not just the two properties.

Beverly Compton said she is a member/director of the HBPOA and what Tom Myers reported is what the organization received as comments. During the last land use process two people wanted the pier, other people wanted other projects. She supports the pier, but doesn't know the details on how the Board is proceeding. She suggested having an investment group take it over, with the Town controlling it.

Zach Current said he is looking for the process of how we got to where we are. He wants to know the plan and what's going on with the parcels. He wants to know it's in the best interest for the Town.

Aimee Archer is for purchase of pier, but she believes the Town should buy the whole property. She said don't miss out on the opportunity. It is part of the Town and we need to keep it.

Karen Dodd asked how the purchase will benefit property owners. She also asked how the debt service will be handled without raising taxes. She would like more information on what the Town would be doing with the property. Ms. Dodd said we have infrastructure problems (GenX, road maintenance) that need to be addressed.

Tony Jordan said they are not making any more land or oceanfront. The pier is part of being a family island. He talked about his family's history and the benefits of being on the pier. He encouraged that the Town buy the pier, but he agreed with several people who have concerns on how we will pay for it. Mr. Jordan thinks there would be more support if people have more information.

Brian Derrico talked about purchasing his home. He said this a great deal for the Town and he is in favor of purchasing it.

Steve Kwiatkowski said what he is hearing is that he thinks people want to see numbers and how the Town would pay for it. If that was presented most people would have a better understanding of what is going on.

Stan Dodd has a background in real estate business. He is concerned about the three months in the contract. He appreciates the emotion, but asked the Board to be fiscally responsible. He talked about Town-owned properties and asked what is being done with them. There are ways to do it but take your time.

The Board allowed another three minutes per person to people who wanted to speak again.

Steve McManimen said for those on the canals, you are talking about almost a mile stretch with almost no beach access. The beach access is of utmost importance. He talked about the hardships associated with no access.

Lyn Holden stated Gil Bass is giving the Town an excellent bargain. He asked people to look at what they are getting for their county taxes. He thinks the county should pay a big portion of this because a majority of the people would be coming from the mainland. Mr. Holden thinks the Town needs to pursue getting the county to do something for Holden Beach.

Keith Smith said he is all for fiscally responsible. He does think the timeline is aggressive. He talked about the benefits of the pier.

Shannon Itzaina asked the Board to take their time. She is not against it. She sees a lot of potential but wants the Town to take its time. She would have liked to have the information sheet before. She would like more transparency. She suggested a question-and-answer forum.

Brad Chaney said he understands the emotion, but he wants the Town to make the right financial decision on this. He said the Town needs a plan first.

John McEntire stated if the Town deems it to be a sound investment of taxpayer money, they should buy it. If there is a question, they shouldn't. There are other options for the pier. He said there are a lot of sound reasons to keep the pier, emotionally and culturally, but if you are not convinced it is a good enough deal to invest your own money, then it is odd you want to invest mine. He asked if it is worth spending your own money for.

Brian Derrico said if the Town doesn't buy this, they will lose taxpayer money. If access goes away for the canal properties, people won't rent them or will rent them at a reduced rate. You will get less taxes. If the Town doesn't buy it and beach access is limited, he asked that his property be reassessed.

Jody Westfall said purchasing the pier would be a great idea, but it depends on what the Town decides to do with it. He said it needs to be planned out where it is fiscally responsible. He said if he had the money, he would buy the whole thing and create a boardwalk with a restaurant.

Mayor Holden closed the public hearing at 8:22 p.m.

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

Motion by Mayor Pro Tem Brown to go into Executive Session at 8:23 p.m.; second by Commissioner Murdock.

Town Clerk Finnell read the reason for Executive Session.

The motion passed by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 9:37 p.m.

DISCUSSION AND POSSIBLE CONSIDERATION OF CONTRACT TO PURCHASE REAL PROEPRTY LOCATED AT 441 OCEAN BOULEVARD (PARCELS 246DB001 & 246DB02)

Motion by Commissioner Murdock that we present the offer to purchase & contract for 441 Ocean Boulevard West; second by Mayor Pro Tem Brown.

Commissioner Sullivan said he wanted to make it clear that in moving forward with the contract it doesn't bind the Town to buy the property. It is the first step in the purchase of the property. He believes as many people stated that we should look at this and only do it if it makes fiscal sense. Commissioner Kwiatkowski agreed.

The motion passed by unanimous vote.

ADJOURNMENT

Motion to adjourn at 9:40 p.m. by Mayor Pro Tem Brown; second by Commissioner Murdock; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

capacity, water and sewer capacity, fire flow capacity, public access, and other infrastructure demands related to future development.

PUBLIC ACCESS AND RECREATION

Goal 4.2: Maximize public access to the beaches and public trust waters of the Town of Holden Beach and maximize recreational opportunities for residents and visitors.

Objective 4.2: Access for All Segments of the Community: Implement policies and recommendations that assure satisfactory access to all segments of the community including persons with disabilities and provide recreational opportunities for residents and visitors alike.

Policy 4.2.A: Existing Access Facilities: The Town supports public access to the oceanfront and other waterways and will maintain and improve existing public access facilities. Where possible, the Town should seek funding from federal, state, and county sources to fund these improvements.

Recommended Action 4.2.A.1: Continue to identify ways to improve existing access sites and improve handicapped access.

Policy 4.2.B: Maximize Public Access and Recreation Facilities: The Town will continue its efforts towards maintaining and improving and where practicable expanding public access to the ocean and ICWW and seek federal, state, or county funds to develop new public access and recreation facilities.

Recommended Action 4.2.B.1: Consider updating the 2012 Parks and Recreation Master Plan as necessary.

Policy 4.2.C: Signage: The Town shall improve the signage of existing public access sites located along the Intracoastal Waterway and beach.

Policy 4.2.D: Public Acquisition of Hazardous Areas: The Town should consider purchasing parcels located in hazard areas or rendered unbuildable by storms or other events, for the purpose of public water access and conservation of open space if funding, including state or federal funding, is available.

Policy 4.2.E: Public Access Parking: The Town supports public access parking.

Recommended Action 4.2.E.1: Continue monitoring the need for public parking.

Policy 4.2.F: Supporting Federal and State Programs to Expand Access: The Town is committed to county, state, and federal programs that maximize public access to the beaches and public trust waters of the Town of Holden Beach. The programs include but are not limited to the Coastal Area Management Act, the North Carolina Public Beach Access Program, Federal channel maintenance and inlet projects and beach nourishment projects.

Policy 4.2.G: Reduce User Conflicts: The Town will manage conflicting uses of its beaches and public trust waters.

Policy 4.2.H: Dune Protection: Public pedestrian access is limited to designated dune crossover areas in order to minimize damage to dunes and vegetation. Walking on dunes or acting in any manner that causes damage to dunes and vegetation is against state and local ordinances. The Town, through its CAMA minor permit program, may allow the construction of private crossovers over the dune structures for access to the beach at private access points.

Recommended Action 4.2.H.1: Consider establishing policies and regulations concerning dune walkovers.

Policy 4.2.I: Off-Road Vehicles: The Town will not allow off-road vehicles on the dunes or on the shoreline area, with the exception of public service or emergency vehicles and inherited commercial fishing right access.

Policy 4.2.J: Floating Homes: The Town will not approve floating home development within the Town's planning jurisdiction.

Policy 4.2.K: Moorings: Commercial seafood vessel dockage along the Intracoastal Waterway is deemed acceptable. All moorings in that regard must conform to CAMA and State regulations.

Policy 4.2.L: Maintenance of Navigation Channels: Holden Beach supports the proper maintenance of channels, particularly the Intracoastal Waterway due to the impact of this channel on commercial and recreational fisheries and general boating.

Policy 4.2.M: Blocking or Impairing Navigational Channels: Projects that would directly or indirectly block or impair existing navigational channels shall be prohibited. This includes but is not limited to projects that deposit spoils below mean high water, extend piers beyond the established pier head line or any projects determined to be detrimental to navigation of the public trust waters.

Policy 4.2.N: Safe Boating: The Town shall encourage public awareness of safe boating rules.

Current

The Town of Holden Beach, Board of Commissioners and the Parks and Recreation Advisory Board, by directing the development of this plan, desire to improve recreational opportunities for its citizens and maintain interest from tourists to continue to choose Holden Beach for their vacation destination. As such, the Plan provides recommendations that strive to satisfy varying population needs while being financially reasonable and practical.

Currently, the Town of Holden Beach Parks and Recreation Department's role is to provide recreational programs for all age groups and interest levels in support of the 'Family Beach' reputation that the Town strives to maintain. Through analysis of community input and evaluation of the Town's current facilities, direction for future recreational offerings have been identified to enhance the Town's recreation system over the next five (5) years and beyond.

The recommendations noted are identified as short term (within 5 years), long term (beyond 5 years), or ongoing referring to their time frame for implementation.

Short Term Recommendations (2012-2017)

- It is recommended that the Town install numbered signs to the beach access location for emergency reference and to assist tourists with way-finding.

Ongoing Recommendations

- It is recommended that the Town continue to seek opportunities to add public beach access locations in an effort to equalize and distribute the impacts caused by beach goers. In particular the Town should be alert to opportunities to add public access points along the western end of the island where distribution of the current access locations is scattered and widely separated while the majority of the Town's housing and rental units are located along in this area. Due to land values for property fronting the beach and the rarity of purchasing opportunities or easement agreements on these properties, it should be the focus of the Town to consider adding local beach access points, with minimal facilities and serving users within walking distance. It is impractical to set a goal for the number of access points that are necessary or to set a time frame to accomplishing this recommendation as many factors influence the opportunity to implement the creation of public beach access points.

Example of waterless restroom



Future Park Development Considerations

The following list contains recommendations for improvements to future/proposed facilities within the Town of Holden Beach recreation system.

Holden Beach Pier (Future Community Park)

This study has identified public desires for additional recreation amenities and convenient access to the beach strand. The Pier is currently a privately owned property that is one of the largest open spaces on the island. Public procurement of the existing Holden Beach Pier would provide the Town with a large space to develop public recreation amenities needed to meet the growing demands of residents and visitors.



Street Right-of-Way Inner Coastal Waterway (ICWW) Access Points (Future)

Northern terminus points of some Town owned streets could be improved to provide public access to the ICWW for water sports (canoe/kayak, fishing, wildlife observation, etc.) Each location would present unique conditions and design challenges thus, each project would need careful planning and design.

Improvements may be as simple as signage and a small wooden or natural path to the water while other locations might support previous parking spaces or other more substantial amenities. The Town would need to verify the permitting requirements needed prior to making any improvements. Potential areas identified for public water access improvements include:

- Boyd Street
- Rodger Street
- Davis Street
- Sand Spur Lane (at Sand Dune Lane)
- Quinton Street SW
- Ferry Road (at Canal Drive) – offers potential for small parking area
- Conch Street

Scotch Bonnet Park (Future Community Park)



LAND DETAILS

| LAND USE | UNIT TYPE | # OF UNITS | ZONING |
|-------------------|-----------|------------|----------------------------------|
| 0703 - CML DC FNI | LT | 1,000 | C1 - COMMERCIAL BUSINESS GENERAL |

SALES / TRANSFERS

| DEED DATE | DEED BOOK/PAGE | SALE PRICE |
|------------|----------------|------------|
| 01/01/1753 | 00174/ 0182 | \$0 |

Data last updated: 06/10/2021

28
6/10/2021
28

Draft



Town of Holden Beach Parks & Recreation
2021 Comprehensive Plan and Recreation Plan

provide insight into where potential new recreation facilities might be located. These boards gave everyone an opportunity to share their opinions and thoughts to create a list of hopeful changes to the existing recreation system. This is a crucial step to ensure that attendees are able to be heard, voice their concerns, and receive clarification.

Results of First Meeting - Friday, April 2, 2021

The first community meeting was held on Good Friday at two different times throughout the day. Approximately 93 participants engaged in open conversation related to their opinions on the state of the existing recreation system including facilities and programs as well as their concerns and questions. The dominant participants at this public event were locals.

Common concerns that were addressed included:

- The need for bike lanes to improve biking opportunities
- Desire for more public water access for fishing and canoe/kayak launch
- Desire for natural surface trails

Figure 1: Community Meeting Results



Community Meeting 1 -- Park Facility Preferences

The image on the following page is a compilation of the preferences as listed by the participants on the images that were presented during the first community meeting. Participants were asked to choose two amenities that they would most like to see offered by Holden Beach's Parks and Recreation system. They were each asked what amenities they would like to see, and a mark was placed next to the images that best correlated with amenities they would like to have. Locals and tourists were given different colored markers to gain an understanding of what is desired by

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Town of Holden Beach Parks & Recreation
2021 Comprehensive Plan and Recreation Plan



Community Meeting 2 – Park Facility Preferences

The image on the following page is a compilation of the preferences as listed by the participants on the images that were presented during the first community meeting. Participants were asked to choose two amenities that they would most like to see offered by Holden Beach's Parks and Recreation system. They were each asked what amenities they would like to see, and a mark was placed next to the images that best correlated with amenities they would like to have. Locals and tourists were given different colored markers to gain an understanding of what is desired by each individual group. On the image the amenities that the locals desire are marked in black and the amenities that the tourists would like to see are marked in red. It is clear from the remarks that the locals want natural surface trails (6 votes), restroom buildings (5 votes) and bike paths (4). The tourists would like to see restroom buildings (47 votes), fishing docks (40) and more natural surface trails (40 votes).



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Town of Holden Beach Parks & Recreation
2021 Comprehensive Plan and Recreation Plan



Recommendation #4: 10 Minute Walk Movement

The National Recreation and Park Association (NRPA), The Trust for Public Land (TPL), and Urban Land Institute (ULI) have partnered together to promote safe, equitable park access for U.S. citizens. The goal is to provide 100% of people access to a quality park or green space within a 10- minute walk of their homes by 2050. The Town of Holden Beach should pledge their support to the 10 Minute Walk Mission. For more information visit 10minutewalk.org.

Recommendation #5: Contiguous Property Acquisition

When property that is contiguous to existing parks becomes available, all reasonable efforts should be made to acquire the property. The acquisition of contiguous property next to Town Parks should be of high priority to the Town of Holden Beach. Efforts should be made immediately to seek first option on all contiguous properties. At the time these options are sought, other possibilities should be presented to the property owner as well. Some property owners may be receptive to conservation easements while retaining the title to the property. Conservation easements will allow the Town the opportunity to use properties for recreation while providing the immediate benefits of preservation. Numerous grant sources can be used for land acquisition. Extreme care should be exercised in choosing the correct process(es) and timing for acquisition to meet the full potential afforded by grants.

Recommendation #6: Multi-use Trails

Based on state and national studies, walking and biking are highly desired activities, which are increasing by bounds. North Carolina's 2020-2025 Statewide Comprehensive Outdoor Recreation Plan (SCORP) found that 61% of survey participants reported that "walking for pleasure" to be the most common outdoor recreational activity. The plan also found that 59% of survey respondents reported hiking trails to be important.


The Town of Holden Beach should encourage coordination and planning for future utility easements with greenway facilities. The easements should be established to allow for the inclusion of recreation facilities where possible. Where new development occurs, the City should work with the developer to provide rights-of-way or easements for proposed and future trails.

Recommendation #7: Greenway Funding



Date: September 14, 2021

To: Commissioners and Mayor Holden

From:  David W. Hewett, Town Manager

Re: Ordinance 21-29, An Ordinance Amending Ordinance 21-13, The Revenues and Appropriations Ordinance for Fiscal Year 2021 – 2022 (Amendment No. 5)

This amendment is necessary to account for the increase in American Recovery Plan funding that the state has appropriated to the town.

The recommended motion is to approve Ordinance 21-29.

TOWN OF HOLDEN BEACH

ORDINANCE NO. 21-29

AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021-2022 (AMENDMENT NO. 5)

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

| | <u>DESCRIPTION</u> | <u>ACCOUNT NO.</u> | <u>AMOUNT</u> | <u>ACTION</u> |
|--------------|--------------------------|---------------------|------------------|-----------------|
| REVENUE | | | | |
| | <u>ARP FY 20/21 DIST</u> | <u>11.0301.0000</u> | <u>8807.55</u> | <u>INCREASE</u> |
| | <u>ARP FY 21/22 DIST</u> | <u>11.0301.0100</u> | <u>8807.55</u> | <u>INCREASE</u> |
| <u>TOTAL</u> | | | <u>17,615.10</u> | |
| EXPENSE | | | | |
| | ARP PROJECT EXPENSES | 11.0601.0000 | <u>17,615.10</u> | INCREASE |
| <u>TOTAL</u> | | | <u>17,615.10</u> | |

This is the 21st day of September, 2021.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk

Memo to: Holden Beach Board of Commissioners

15 Sep 2021

RE: Budget Amendment for Sand Fence and Vegetation

From: Town Manager 

The attached Sand Fence and Vegetation budget amendment provides \$168,090 in current year funding via a reappropriation of a prior year encumbrance for installation of sand fence and vegetation. The work has been accomplished.

Recommend Approval

Atch

Sand Fence/Vegetation Budget Amendment

**Town of Holden Beach
Ordinance 21-30**

An Ordinance Amending Ordinance 21-13, The Revenues and Appropriations Ordinance for Fiscal Year 2021 - 2022 (Amendment No. 6)

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

SECTION I.

Purpose: To provide funds for beach vegetation and sand fencing.

SECTION II.

| | <u>Account</u> | <u>Description</u> | <u>Amount</u> | <u>Action</u> |
|----------|----------------|---------------------------|----------------|---------------|
| Revenues | | | | |
| | 50.0399.0000 | Fund Balance Appropriated | <u>168,090</u> | Increase |
| | | Total | 168,090 | |
| Expenses | | | | |
| | 50.0710.1700 | Beach Vegetation | 145,570 | Increase |
| | 50.0710.4700 | Sand Fence Project | <u>22,520</u> | Increase |
| | | Total | 168,090 | |

This the 21st day of September, 2021.

J. Alan Holden, Mayor

Attest:

Heather Finnell, Town Clerk