



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS' SPECIAL MEETING
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY
WEDNESDAY, JANUARY 26, 2022 - 2:00 P.M.**

1. Call to Order/ Welcome
2. Public Comments on Agenda Items
3. Discussion and Possible Action on Items Necessary to Proceed with Paid Parking, To Include:
 - a. Finalization of Parking Places
 - b. Ordinance 22-02, An Ordinance Amending the Holden Beach Code of Ordinances, Title VII: Traffic Code
 - c. Resolution 22-01, Resolution Amending the Holden Beach Fee Schedule
 - d. Services Agreement between the Town and Otto Connect
4. 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 Properties – Mayor Pro Tem Smith
5. Adjournment

* The remote meeting will be livestreamed on the Town's Facebook page. Visit <https://www.facebook.com/holdenbeachtownhall/> to watch the livestream. Public comments can be submitted to heather@hbtownhall.com prior to 10:00 a.m. on January 26, 2022.



Date: January 21, 2022
To: Commissioners and Mayor Holden
From: Heather Finnell, Town Clerk
Re: Special Meeting Agenda

Included in your packets is the information that was supplied in your January 18th Board of Commissioners' packets. No revisions have been made yet since there was only discussion and no action on the items. Revisions will be made on Board action at the meeting.

Let me know if you have any questions.

ORDINANCE 22-02
AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
TITLE VII: TRAFFIC CODE

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Title VII: Traffic Code be amended as follows.

Section One: Replace Chapter 72 with the following:

Section

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

§ 72.01 DEFINITIONS.

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

COMPACT VEHICLE. Any registered vehicle as defined in this Chapter with a maximum width of 70 inches and a maximum length of 120 inches.

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

DAWN. A time one-half hour before sunrise.

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

DUSK. A time one-half hour after sunset.

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

FULL-SIZE VEHICLE. Any registered vehicle as defined in this Chapter with a width or length exceeding that of a Compact Vehicle as defined herein.

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

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

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

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

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

PUBLIC RIGHT-OF-WAY. An area or piece of land located on Town or State property reserved for unhindered public use or access. This area extends from the edge of the pavement or roadbed or travel lane to the edge of the property line.

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

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

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

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

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

- (A) Parking shall be prohibited at all times within the corporate limits of the Town on all public streets, rights-of-way, and on Town owned property unless specifically authorized in this Chapter.
- (B) Parking shall not be authorized in any of the following locations or the adjacent rights-of-way,
 - (1) Street intersections, within 25 feet.
 - (2) Streets.
 - (3) Pedestrian crosswalks, sidewalks, or pedestrian access ways.
 - (4) Blocking access to driveways or mailboxes.
 - (5) Facing opposing traffic.
 - (6) Blocking or adjacent to fire hydrants and emergency beach accessways, within 15 feet, and blocking or within fire lanes.
 - (7) Designated handicapped or disabled veteran space without placard or registration plate.
- (C) When an authorized or permitted parking area's access is conspicuously and obviously restricted or blocked by signs, barricades, barrier tape or any other traffic control device(s), parking shall be prohibited for the duration of the time that area remains blocked.
- (D) Exceptions.
 - (1) The prohibitions in subsection 72.02(A) (B) or (C) shall not apply to the temporary parking of any of the following:
 - (a) Emergency or government vehicles.
 - (b) Public and private utility vehicles.
 - (c) Private vehicles, when being used during the provision of an emergency.
 - (d) Private vehicles, when being used for any other bona fide governmental purpose.
 - (2) The prohibitions in subsection 72.02(A) shall not apply to the temporary parking of any of the following:

Private contractor or maintenance service vehicles while performing legitimate services on a specific permitted location, except:

 - (a) No vehicle may be left parked overnight (from dusk to dawn); and

- (b) All vehicles must be as far off the public street rights-of-way as possible; and
 - (c) No vehicle may be left parked on any portion of any roadway; and
 - (d) No vehicle may be parked on any portion of the sidewalk.
- (3) The prohibitions in subsection 72.02(A) shall not apply to the temporary parking of any of the following, but shall still require a valid Parking Permit as defined in this Chapter:
- Parking shall be permitted in the rights of way for customers of businesses immediately adjacent to such location, except:
- (a) Shall not be within 25 feet of any intersection in any direction; and
 - (b) Shall not be on any portion of the sidewalk; and
 - (c) Shall not impede the flow of traffic.
- (4) Parking is authorized without a permit in Bridgeview Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Davis St, Rothschild St, and Brunswick Avenue West.
- (5) Parking is authorized without a permit at the Holden Beach Town Hall when conducting official business in the Town Hall. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the Town Hall on Davis St, Rothschild St, and Brunswick Avenue West.
- (6) Parking is authorized without a permit at Sailfish Dr. Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to the park on Sailfish Dr. only.
- (7) Parking is authorized without a permit at Sand Dollar Dr. Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to the park on Sand Dollar Dr. only.

§ 72.03 PARKING AUTHORIZED BY PERMIT ONLY.

- (A) No person shall park a vehicle in any designated parking area or location without first obtaining a valid parking permit in accordance with the following, unless a specific exemption exists in 72.02:
- (1) Parking permits will be required from April 1st through October 31st between the hours of 9 a.m. and 5 p.m. each day.
 - (2) Separate rates will be available for hourly, daily, weekly, and annual permits.
 - (a) Hourly Permits Per hour rate, up to four (4) hours.

- (b) Daily Permits Per day rate, valid for the date of purchase only.
 - (c) Weekly Permits Per week rate, valid for seven consecutive days including the date of purchase.
 - (d) Annual Permits Annual rate, covers two vehicles. Valid for the calendar year of purchase only.
- (3) All rates associated with parking permits are listed in the Fee Schedule adopted by the Board of Commissioners, which shall be available at the office of the Town Clerk.
- (4) Permits are valid only for the specific vehicle assigned during initial purchase and are non-refundable.
- (5) Hourly, Daily and Weekly permits are non-transferable.
- (6) Transferring of an annual permit is authorized only under the following circumstances:
- (a) When the assigned vehicle is sold; and
 - (b) Only once per calendar year; and
 - (c) Only to the original purchaser; and
 - (d) Proof of sale documentation shall be required.
- (B) Signage.
- (1) In accordance with the table in 72.03(E), proper signage shall be installed and maintained by the Town or its authorized agent to:
 - a. Designate authorized parking areas.
 - b. Designate parking for specific vehicle types (i.e., Compact, Handicap).
 - c. Provide the manner of obtaining a Parking Permit:
 - i. at each designated parking area; and
 - ii. Including the required hours.
 - (2) Signage will only be placed in accordance with the provisions of this Chapter.
- (C) No person may park or cause to be parked, any vehicle in any space not specifically designed for the size of the vehicle being parked.
- (D) Parking is authorized without a Permit outside the specified hours in 72.03(A)(1), but only in designated authorized parking areas pursuant to this Chapter.
- (E) The following table includes the specific locations in which parking is authorized. Parking in these areas shall be in accordance with all the provisions of this Chapter.

Street/Location (West to East)	Type of Space C-Compact F-Full size	Authorized Right-of- Way Parking	Parking Zone
Shell Dr	C	Westside only	H01
Schooner Dr	C	Both sides of street	H02
Windjammer Dr	C	Both sides of street	H03
Sunshine Ln	C	Both sides of street	H04
Clippership Dr	C	Westside only	H05
Marshwalk Dr	C	Westside only	H06
By The Sea Dr	C	Westside only	H07
Frigate Dr	C	Eastside only	H08
Seagull Dr	C	Westside only	H09
Deal Dr	C	Both sides of street	H10
Seaside Dr	C	Eastside only	H11
Point West Dr	F	Both sides of street	H12
Sailfish Dr	F	Westside Only	H13
Tarpon Dr	C	Both sides of street	H14
Marlin Dr	C	Both sides of street	H15
Tuna Dr	C	Both sides of street	H16
Dolphin Dr	C	Eastside only	H17
Swordfish Dr	F	Eastside only	H18
Ocean Blvd West 800 Blk Lot (add parcels)	F	In lot	H19
Pump Station 3 Lot	F	In lot	H20
Sand Dollar Dr	F	Westside only	H21
Starfish Dr	C	Eastside only	H22
Lionspaw Dr	C	Eastside only	H23
Scotch Bonnet Dr	F	Eastside only	H24
Greensboro	F	Westside only	H25
Charlotte St	C	Both sides of street	H26
Durham St	C	Eastside only	H27
Fishing Pier Lot	F	In lot	H28
Burlington St	C	Both sides of street	H29
Salisbury St	C	Both sides of street	H30
Sanford St	C	Both sides of street	H31
Fayetteville St	C	Westside only	H32
Lumberton St	C	Both sides of street	H33
Highpoint St	C	Both sides of street	H34
Neptune St	C	Eastside only	H35
Boyd St	C	Both sides of street	H36
Roger St	C	Both sides of street	H37
Delanne Dr	C	Westside only	H38
Davis St,	F	Eastside only	H39

Ocean Blvd W to Brunswick Ave W			
Davis St Lot	F	In lot	H40
Brunswick Ave West, Davis St. to Jordan Blvd	F	Both sides of street	H41
Jordan Blvd (OBW to Brunswick Ave)	F	Both sides of street	H42
Jordan Blvd (Brunswick to Pavilion)	F	In lot	H43
Under bridge Lot (at restrooms)	F	In lot	H44
Pump Station 1 ROW (North of bridge, between BAW and Jordan Blvd)	F	Both sides of street	H45
Boat Ramp Area	F	Lot	H46
Southshore Dr, West of Jordan Blvd	F	Both sides of street	H47
Southshore Dr, Carolina Ave to Quinton St	F	Both sides of street	H48
Carolina Ave, Southshore Dr to Quinton St	F	Both sides of street	H49
Brunswick Ave East	F	Both sides of street	H50
Quinton St	F	Westside Only	H51
Quinton St Handicap Lot	F	In lot	H52
Halstead St	C	Westside only	H53
Ferry St, North of Ocean Blvd E	C	Westside Only	H54
Ferry St Lot	F	In lot	H55
Holden St	F	Westside only	H56
Ranger St Lot	C	In lot	H57
Elizabeth St Lot	C	In lot	H58
Mullet St	C	Both sides of street	H59
Mullet St Lot	F	In Lot	H60
Bendigo St Lot	F	In Lot	H61
Blockade Runner Dr	C	Westside only	H62
McCray St, Ave A to Dunescape Dr.	F	Both sides of street	H63

Ocean Blvd East, McCray to Ave A	F	In lot	H64
Ocean Blvd East, Ave A to Dunescape Dr.	F	Southside only	H65
Ave A	F	Westside only	H66
Ave B	F	Both sides of street	H67
Dunescape Dr, South of McCray St.	C	Both sides of street	H68
McCray St, Dunescape Dr, East to Ave D Lot	F	Northside only, parallel only	H69
McCray Street, East of Ave D	F	Northside of street only	H70
Ave D Lot	F	In lot	H71

§ 72.04 TOW-AWAY ZONES.

Vehicles may be towed at the discretion of any law enforcement officer in accordance with all current North Carolina State Laws covered under Chapter 14, Chapter 20 or other applicable statute of the North Carolina General Statues.

§ 72.99 PENALTY.

(A) Criminal. In accordance with NCGS 14-4(b), SL 2021-138 (effective December 1, 2021), violation of a parking ordinance is an infraction and may carry a maximum fine of fifty (\$50.00) dollars.

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

(C) When a civil fine is assessed in accordance with 72.99(B) above, and the violation is for parking in a lawful parking area, and the fine is paid by mid-night of the same date it was assessed, it shall be \$25 per offense, for the first 3 offenses per vehicle, per calendar year. All subsequent violations shall be \$50 per offense unless a higher amount is required in this Chapter. This subsection, 72.99(C), shall not apply to violations of 72.02(A)(6) or (7).

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

(E) A late fee in the amount of \$25 shall be assessed when all fines levied by 72.99(B) or (C) of this section are not paid in full within 30 days of the issuance of a citation for a violation.

Section 2: Modify Chapter 70, Section 70.99 (NOTE: if Chapter 72 is accepted above, this must be changed to prevent a mutual exclusion).

Replace 70.99(D) with the following.

(D) The Penalties for Chapter 72 shall be assessed in accordance with Section 72.99.

Section Three: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Four: This ordinance shall be effective the _____ day of _____, 2022.

This the _____ day of _____, 2022.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

RESOLUTION 22-01
RESOLUTION AMENDING THE HOLDEN BEACH FEE SCHEDULE

WHEREAS, the Holden Beach Parking Committee and Otto Connect have developed a recommended paid parking plan, to include a fee schedule for the Town of Holden Beach; and

WHEREAS, at the December 12, 2021 Regular Meeting of the Board of Commissioners, the Board of Commissioners discussed the proposed plan and voted to amend the Parking Committee's proposed paid parking plan to reflect that the paid parking period in Holden Beach will be established as April 1st – October 31st; and

WHEREAS, the Board of Commissioners voted to move forward with the implementation of the proposed paid parking plan with the change made to the paid parking period.

WHEREAS, the Holden Beach Fee Schedule needs to be updated to reflect the newly established paid parking fees.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Town of Holden Beach, North Carolina does hereby amend the fee schedule to reflect the attached paid parking fees.

This the ____ day of _____, 2022.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

Fee Schedule Amendment

Add the following new section to the Fee Schedule

<i>Parking Permit Rates Per Vehicle</i>	
Per Hour Rate	\$4.00
Per Day Rate	\$20.00
Per Week Rate	\$80.00
Annual Rate	\$250.00