



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
PUBLIC HEARING/REGULAR MEETING  
TUESDAY, FEBRUARY 20, 2024 – 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, February 20, 2024 at 5:00 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Tom Myers; Commissioners Rick Smith, Tracey Thomas, Page Dyer and Rick Paarfus; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Finance Officer Daniel McRaine; Police Chief Jeremy Dixon; Lieutenant Frank Dilworth; and Town Attorney Sydnee Moore.

**PUBLIC HEARING: PROPOSED CHANGES TO HOLDEN BEACH CODE OF ORDINANCES §157.083  
ACCESSORY STRUCTURES AND §157.006 DEFINITIONS**

Inspections Director Evans explained the Board tasked the Planning Department to work on a text amendment to correct issues that were created by the NC Building Code Council when they changed the definition of accessory structures. They worked on it with the Planning & Zoning Board. After a public hearing, they voted to move forward with the ordinance before the Board.

No comments were made. Mayor Holden closed the public hearing at 5:06 p.m.

**REGULAR MEETING**

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

Mayor Pro Tem Myers would like to defer #11 to next month so the Audit Committee has a chance to meet before the Board takes action and to move #13 on Sailfish Park up to after public comments so we can respect the time of McGill. Town Manager Hewett said he was informed he could bring anything to the Board that he saw fit; this is one of those items. Mayor Pro Tem Myers said he just wants to defer it to next month because they are supposed to have an Audit Committee meeting. He stated they need to at least give the Audit Committee a chance to do their job before we preempt them. They can have

a special meeting if they want. They are meeting February 28<sup>th</sup> and he would like to have that meeting before the Board takes any preemptive action. Town Manager Hewett said we wouldn't have put it on the agenda if we didn't feel time is of the essence; burning a month is going to compromise our ability to successfully complete an audit on time. Mayor Pro Tem Myers would like the Sailfish item to become item #7a.

In reference to removing item #11, Commissioner Dyer is concerned. She questioned what the Audit Committee would see differently with not accepting the contract if staff felt it would affect a timely audit. She said especially with a company that we have used for several years. She asked if there was an issue. Finance Officer McRainey replied there is no issue with using Martin Starnes. This would be the second year of a three-year agreement. He said it is important to keep in mind Senate Bill 299 that would penalize us for a late audit. They would withhold sales tax, which was around \$240,000 last year. Commissioner Dyer doesn't understand why the Board would delay it. Commissioner Smith agreed; Town Manager Hewett and staff didn't put this on there frivolously. It was designed to move forward so we wouldn't run into issues like Finance Officer McRainey just told the Board about. He feels like the Board needs to move forward with it. He doesn't think the Audit Committee would find anything wrong with who does it. He thinks their job is more to check to make sure the audit is done correctly. Mayor Pro Tem Myers said he spoke to the members of the committee and they would prefer the Town let them do their job before the Board takes action, which preempts their consideration. It should not delay the audit.

*The vote to remove item #11 passed by a 3 – 2 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioners Smith and Dyer voting in the negative.*

*The Board unanimously agreed to move item #13 to #7a.*

*Motion by Mayor Pro Tem Myers to approve the amended agenda; second by Commissioner Thomas. The motion passed by a 3 – 2 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioners Smith and Dyer voting in the negative.*

## **CONFLICT OF INTEREST CHECK**

No member disclosed a potential conflict of interest.

## **APPROVAL OF MINUTES**

Mayor Pro Tem Myers would like to change the word engineer to architect on page 6 of the packet for the minutes of the Regular Meeting of January 23<sup>rd</sup>. Mayor Holden asked Town Clerk Finnell to verify the change and make the amendment if necessary.

*The Board unanimously approved the minutes of the Special Meeting of January 23, 2024, the Regular Meeting of January 23, 2024 (with the amendment) and the Special Meeting of January 25, 2024.*

## **PUBLIC COMMENTS ON AGENDA ITEMS**

Tony Jordan is in favor of the care of the pier, the restoration of the pier or the building of a new pier, whatever is deemed necessary. He has read a lot on social media where there are derogatory comments. He appealed to people to be adults and stop name calling. Mr. Jordan asked the Board to vote on their own opinions.

Peggy Schiavone has served on the Planning & Zoning Board and the Parks & Recreation Board. She provided feedback on Sailfish Park. She asked the Board to adopt the Sailfish Park Plan that will serve the entire community.

Keith Smith spoke regarding moving forward with the pier. He suggested having staff work on obtaining grants.

Will Carter provided feedback on statistics of people living in the area. He said the Town needs a community center at the pier. He suggested contacting county, state and federal officials to try to get funding.

Deborah Fish understands a lot of time and effort went into the Sailfish Park Plan. She said it is too much money going into something that is not needed. She shared her concerns regarding the proposed plan.

Carol Money Penny spoke in opposition to improving Sailfish Park. She explained the area is an open space that deserves to be deemed conservation and preservation. She provided background on past and previous efforts to keep the area natural.

Steve Money Penny spoke in opposition to improving Sailfish Park. He thinks it should be left as it is. He suggested the only change would be to add paid parking.

Brent Shaver urged the Board to leave Sailfish Park as it is, a natural beautiful park. He talked about moving forward with the pier. He hopes the Board can find a way to renovate it and maintain it without raising taxes.

## **DISCUSSION AND POSSIBLE ACTION ON ADOPTING THE SAILFISH PARK SITE-SPECIFIC MASTER PLAN AS COMPLETED BY MCGILL ASSOCIATES, PA**

Assistant Town Manager Ferguson explained tonight is a punctuation point on two budget years of work on a master plan that McGill completed. She provided background on the process. The final plan reveals there is a commonality among those who voiced concerns about leaving the park the same and those that want improvements. The plan enhances the current facilities so that it can be used by all abilities. Michael Norton and Jim Ford from McGill reviewed their slideshow. Mr. Norton explained the process.

The plan focuses on preservation and making the park usable and accessible. The adoption of the plan is one step. The implementation of the plan is to the discretion of the Town, when and if that should happen. Mr. Ford showed what the park currently looks like and explained the public input process and ideas resulting from the process. Support for development included improving the existing canoe/kayak launch, improving picnic areas and improving parking. He reviewed how concept development occurred. The final concept includes handicap parking and a sidewalk to a new kayak launch. The probable construction cost of \$435,527 is based on high level planning. An adoption of a master plan is seeing if you have done your due diligence, asked what people wanted and if it represents the process. Mr. Ford said he thinks it does represent the process. The final plan may never be built. Adopting the plan simply says you are just saying the process was done correctly and we will see what came out of it.

Commissioner Smith said he understands accessibility for everybody and that's the way it should be. It is a beautiful green space. He thinks the final concept layout looks nice and he doesn't think it will take much away from the natural beauty of the area. He thinks not having a place to use the restroom will eventually cause an issue. Commissioner Dyer said she thinks one of the main concerns was that parking needed to be formalized to ensure the informal parking does not continue to promote park overuse. She asked if individual parking spaces would be marked. Mr. Ford reviewed some options that could be used for parking. Commissioner Dyer asked if it would be designated for paid parking or designated for recreational use. Assistant Town Manager Ferguson replied that none of our parks now have paid parking per the ordinance. Commissioner Dyer asked about security features. Mr. Ford said there are a lot of options, that is something the Board would need to consider separately. The Board agreed to allow public questions.

Carol Money Penny asked questions on the survey results that were addressed by Mr. Ford and Assistant Town Manager Ferguson.

*Motion by Commissioner Dyer to accept the final conceptual layout; second by Commissioner Smith.*

Commissioner Dyer understands this has been a long time coming and that there are a lot of issues about keeping the park natural. She understands the point of keeping it natural, but the Board has a huge service to the community to make recreation accessible to everybody. We need to be ADA compliant. She thinks what they did was take the plan and allow it to be as natural as it could, with ADA compliance so it could be accessible to everyone who wants to use it. She thinks making the parking lot more organized will slow down some of the usage. Commissioner Smith said he believes this plan is the least obtrusive to the landscape itself. He doesn't think a path to the bulkhead is going to take away any of the beauty of the park. We are already up against the requirements to make sure everyone has access to everything that everyone else does. Mayor Pro Tem Myers thanked McGill for the work and the Parks and Recreation Advisory Board (PRAB) for their efforts. It is very obvious that the residents do not want the park to be developed. He said the Board needs to listen to them. He is not in favor of accepting the plan. He said having an approved shovel ready plan means it is just a few steps away from happening, all it would take is grant money and it could quickly move forward. Commissioner Paarfus said he

appreciates the hard work that went into this. The PRAB and McGill did a great job with the process, however just because you can increase society's footprint on this piece of dirt doesn't mean you should. Some areas should be left as conservation. Commissioner Paarfus said many residents want it to be left alone. He said if you do the sitework in the plan, it just lays the groundwork for doing the other amenities that the people don't want. He doesn't support adoption of the plan however; he supports the part of the plan that improves the parking. Commissioner Smith said he is not for changing the beautiful area, but he thinks not doing ADA improvements is not fair.

*The motion did not pass by a 2 – 3 vote. Commissioners Smith and Dyer voted for the motion and Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voted in the negative.*

### **POLICE REPORT – CHIEF DIXON**

- Went over the report.
- Provided information on his current staff. They have eight members on staff and they are waiting on the paperwork for the ninth officer to be certified by the state.

### **INSPECTIONS DEPARTMENT REPORT**

- Went over the report.
- Reviewed the Key Bridge Foundation Agreement Update (hereby incorporated into the minutes) and answered the Board's questions.

Town Manager Hewett said the money for all the ADA mediation requirements is in the current budget. The Board will need to rollover the funds for the one project that we do not anticipate completing this fiscal year into the next budget.

### **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 24-01, AN ORDINANCE AMENDING HOLDEN BEACH CODE OF ORDINANCES §157.083 ACCESSORY STRUCTURES AND §157.006 DEFINITIONS**

Inspections Director Evans provided background. The proposed change brings the ordinance in line as it was prior to the NC Building Council changing the definition of accessory structures. He reviewed the proposed changes. He provided information and answered questions on bulkheads. He clarified what would be considered accessory structures.

*Motion by Commissioner Paarfus to accept the consistency statement and Ordinance 24-01; second by Commissioner Dyer.*

Mayor Pro Tem Myers said he has an issue with allowing boats on empty lots. If it is a residentially zoned neighborhood, it should be residential properties and this change would allow empty lots with boats. Inspections Director Evans explained it has been that way for a long time. If the Board votes for it you can have a boat lift, a floating dock and a pier without the primary structure. Mayor Pro Tem Myers said

to him if you have a primary residence, you could have an accessible structure and have a boat dock. To allow a whole block to be nothing but boat docks is more like a marina. He is opposed to that. Commissioner Smith said he thinks you should be able to do it if you spend that much money on a lot and have a boat and want to leave it there while you are working on a new house. Mayor Pro Tem Myers said if you are building a house, it is one thing. He thinks this introduces issues, the probability of having commercial businesses from there. You are opening the door to a lot of things. Inspections Director Evans explained we have an internal policy that limits electrical service to keep things from happening. He talked about regulating bad behavior.

*The motion passed by a 4 – 1 vote, with Commissioners Smith, Thomas, Dyer and Paarfus voting for the motion and Mayor Pro Tem Myers voting in the negative.*

#### **DISCUSSION AND POSSIBLE ACTION REGARDING THE PIER PROPERTY PUBLIC INPUT SESSION ON FEBRUARY 29, 2024**

Mayor Pro Tem Myers said the intent is to make sure the Board is all on the same page and ready for the public input session. He reviewed the additional items that need to be put on the website. The intent is to make it similar to the session for Sailfish Park. People would come and go and ask questions. We would solicit public input and have the architect summarize them and report them back. Commissioner Thomas would like to make sure the comments have a spot for people's name and address.

#### **DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR PROPOSALS FOR A NEW PERMANENT TOWN ATTORNEY**

Commissioner Paarfus said we need to get a permanent attorney on board. There is a Request for Proposals (RFP) in the packets for the Board's review. Commissioner Thomas questioned if the Board wanted to add sale to item #9. Town Manager Hewett suggested removing the words acquisition of. The Board agreed to have proposals due on March 31<sup>st</sup>.

*The Board came to a consensus to use the RFP.*

#### **DISCUSSION AND POSSIBLE ACTION ON GRANTING PERMISSION TO THE CHAPLAIN OF THE HB CHAPEL TO CONDUCT THE ANNUAL EASTER SUNRISE SERVICE FROM THE HB PIER**

Mayor Holden said the sunrise service is a tradition for as long as he can remember. The HB Chapel is asking permission to use the pier to conduct the service. People attending the service would be on the strand.

*Motion by Commissioner Smith that we allow the chaplain of the HB Chapel to conduct the annual Easter sunrise service from the pier; second by Commissioner Dyer.*

Commissioner Paarfus asked if there are any safety concerns. Inspections Director Evans explained he doesn't think it is an issue for one person to access the first part of the pier. Mayor Holden said in the past there has been more than one person. Inspections Director Evans doesn't see an issue for use as it has been in the past. Attorney Moore will prepare a waiver of liability for the people who will be on the pier.

*The motion passed by unanimous vote.*

## **PUBLIC COMMENTS ON GENERAL ITEMS**

Will Carter provided more statistics on the area. He said we need to plan for the future. He said we need to find funding for a new community center and a concrete pier. He urged people to call their local representatives.

Steve Jenkins asked why people can't make comments at the public input session. The Board explained they are soliciting written comments.

Brent Shaver commended the Town for the work being done to become ADA compliant. He said at Sailfish they do have ADA compliant tables.

Keith Smith asked about what people will be talking about on the 29<sup>th</sup>. He said the pier plan is a dead plan.

Rick McInturf said he is confused on the pier input process.

## **TOWN MANAGER'S REPORT**

- Summarized the sewer lift station 2 update worksheet (hereby incorporated into the minutes).
- Personnel – The Inspections Department has a new permit specialist on board, Kymberly Bowman. Police are recruiting hard to fill one vacancy and waiting on the state for the second vacancy. We have an upcoming vacancy at the front desk starting Friday.
- Coastal Storm Risk Management Study – we have made our application for the NC Division of Water Resources \$750,000 in the state budget for Holden Beach to contribute to the Town's study. That will be our contribution match. The important thing about that is the Corps' program manager and the state contact are communicating on how those funds will flow. We believe that flow will not hit our books. It will go from the state to the Corps. We still believe that these funds and the pending Federal Disaster Relief Act money will negate the need for any further Town money, however due to the current federal budget impasse, the Corps may need to set their pencils down after April until the treasury funds flow to the Corps in the current budget year. They have an appropriation but the budget impasse is holding it up.
- Canal Dredging – lowest bid came in at \$189,000 for 2,700 cubic yard bucket to barge project in Harbor Acres. That was awarded to TD Eure which was awarded by the Board contingent on

getting the final Corps' approval. We believe we will be in a position by the end of the week to make the award. The project is being partially paid for with a NC DWR grant at a 75/25 split. The grant contract execution is also contingent on the final Corps' approval.

- Stormwater Project Partnership Agreement (PPA) – staff met with the Corps' program manager to give them help in developing a draft partnership agreement. We anticipate that the PPA will bring forward five or six stormwater projects that are coming in slightly below \$2 million. It will probably be another two weeks for the Corps to get their rough draft and then approximately two months to get the approvals from the Town and the Corps. The intent is to position the Town to receive federal stormwater funding through the 5113 program.
- Ocean Boulevard Resurfacing Project – they are really moving along. They are making good progress but we are still being told it will be finished by Memorial Day.
- Condition of the Beach Strand – we initiated some rock raking from the pier to the 800 block. Based on the bashing from the winter storms there is quite a bit of detritus and refuse out there. Our efforts to do that preemptively were praised by regulatory agencies and we have been informed that once we finish the effort up our notice of violation for rocks on the beach will be lifted. Even though the notice of violation from the project will be lifted, we still have the three-year tilling requirement that is in our permit to manage.
- East End Lockwood Folly Maintenance Crossing Project - we understand that they are scheduled to mobilize this week. The dredge Lexington will be used through the end of March, depositing 100,000 cubic yards of beach compatible sand on the east end. Historically it starts around Amazing Grace and stretches back toward Blockade Runner.

## **MAYOR'S COMMENTS**

- Jack Smyrl has gone on to a better place than Holden Beach; the only place better than Holden Beach. His widow sent a letter. Mr. Smyrl owned a house here in the early 40s.
- Thanks for being here.

## **BOARD OF COMMISSIONERS' COMMENTS**

Mayor Pro Tem Myers

- For those listening online, you probably noticed we are trying a new camera and microphone system. Please give us feedback. We are trying to improve the voice, sound and video image.
- Before this meeting we had a budget meeting, in which we went through our objectives for the year. We made a lot of progress. We will come back with a revised list that spells out where we intend to focus our efforts and what objectives we have for the upcoming year.

Commissioner Smith

- Thanked everyone who came out.
- Dealing with ADA for most of his life and being part of this mediation, he was just trying to assure the public we need to look out for everybody. Sooner or later, we will all be incapacitated to some point. He would hate to not be able to walk out there at the Sailfish Park. That was his



only thought for wanting to move forward with what he thought was a very non-invasive plan. We got the feedback. He feels sure that at some point it will come back.

- Requested that the combined meetings be held on March 8<sup>th</sup> and 18<sup>th</sup>. He asked to change the meeting on the 8<sup>th</sup> to 4:00 p.m.
- For the pier we voted not to accept the bid, which he agreed with. They also voted to not re-bid it, which he didn't agree to. Thinks we should put the pier plan on the website and it should be part of the conversation on the 29<sup>th</sup>.
- Thanked folks online. As we move forward, hopes the Board can come together and make more unanimous votes to move forward.
- Staff is appreciated.

#### Commissioner Thomas

- Asked attorney if she received the Town files from Mr. Green. Attorney Moore explained she doesn't have them in her possession yet.
- Pier Input Session – we want people's input on what they want. We want to know different opinions. We want to know what people are thinking. When we did Sailfish, they had drawings, but a lot of people just gave their opinion. Plans on being there and thinks several other commissioners will be there to hear input. People can write down whatever they want on the comment sheets.

#### Commissioner Dyer

- Thanked everyone listening online and everyone coming out. Appreciates your input and comments.
- Thanked staff. They continue to do excellent work.
- Paving – keep in mind it will take 20 – 30 minutes to move around the beach. Keep that in mind and plan ahead. Those guys are working hard. Let's keep them safe. We know it is happening. Please be patient and let those guys do their work.

#### Commissioner Paarfus

- Thanked everyone for participating, here and online. It is really important; we need to hear from you.
- Pier Input Session - asking people what they want on the end state of the property, where they want to end up. Personally, would like to see the pier out to its original length and be good for 30 years. Look at what is there. There are some good ideas. Come with an open mind and let us know what you want.

Mayor Holden corrected information that he provided at the Town's luncheon.

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

Town Clerk Finnell read the reason for Executive Session.

*Motion to go into Executive Session at 7:36 p.m. by Commissioner Dyer; second by Commissioner Smith; approved by unanimous vote.*

**OPEN SESSION**

The Board went back into Open Session at 7:53 p.m. No action was taken.

**ADJOURNMENT**

*Motion by Commissioner Paarfus to adjourn at 7:53 p.m.; second by Commissioner Thomas; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk