



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, MARCH 8, 2022 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, March 8, 2022 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Gerald Brown, Brian Murdock, Page Dyer and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Police Chief Jeremy Dixon; Lieutenant Frank Dilworth; and Town Attorney Rick Green.

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

Mayor Pro Tem Smith would like to add Discussion on the Acquisition of Real Property to the Closed Session. Commissioner Kwiatkowski would like to add 9f, Discussion and Action on Town Communication Plan and Items to be Produced for the Paid Parking Rollout.

*The Board unanimously agreed to add the items to the agenda.*

**APPROVAL OF MINUTES**

*Motion by Commissioner Murdock to approve the minutes of January 26, 2022 and February 15, 2022 as presented; second by Mayor Pro Tem Smith; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

No comments were made.

**PRESENTATION OF PLAQUE FROM FEMA TO THE HOLDEN BEACH PLANNING DEPARTMENT FOR THE TOWN'S SUCCESSFUL PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM**

Mayor Holden presented a plaque from FEMA to Inspections Director Evans for the Town's successful participation in the National Flood Insurance Program Community Rating System.

## **POLICE REPORT**

Chief Dixon explained the new report and answered questions from the Board.

## **DISCUSSION AND POSSIBLE ACTION ON ITEMS NECESSARY TO PROCEED WITH PAID PARKING**

Town Manager Hewett said we are assuming the draft ordinance is refined enough to consider for adoption. Based on that, he would like to be provided the opportunity to have the Police Department and Public Works ground truth it by marking all locations where parking is proposed to occur, for both on street and off-street categories. Marking the spaces will allow public safety officials to realistically test and evaluate if the distances from intersections and parking locations provide sufficient turning access, in addition to allowing other large public services and recreational vehicle towing combinations to gauge the effect of the newly reduced intersection spacing.

Town Manager Hewett said there are templates and content examples for signage for the Board to review. A budget amendment is also included to accommodate the funding streams for both on and off-street parking in accordance with the Fiscal Control Act and the on and off-street parking law regarding the use of the same revenues. The budget amendment represents estimates for the last 90 days of the current fiscal year and funds generated will primarily be used for signage and any site work required for implementation. The General Fund will house the program with expenses being made from the Streets Department.

Town Manager Hewett recommended that the Board consider a soft start date of May 1<sup>st</sup>. Reasons for the recommended date include that we don't know the delivery time for signage; we are uncertain how long it will take to prep the Davis Street property; and Easter week is April 10<sup>th</sup> – 17<sup>th</sup>. The large influx of visitors is probably not the best time to test a new system. He believes the extra month would be better utilized to advertise the beginning of the program via a large digital sign at the foot of the bridge, among other things to be determined in our communications plan. It will be critically important to be able to standardize and communicate the program's specifics through various Town media/message platforms. Days at the Dock is April 23<sup>rd</sup> – 24<sup>th</sup>. It will locate vendors in various parking areas. There is enough activity associated with the event that it would be cleaner to not complicate the program further until the Board decides on a protocol and schedule for a no pay/reduced pay days and schedule which can be determined at a later date.

Town Manager Hewett explained it is suggested that the Town seek local legislation from the General Assembly waiving the constraints imposed by NCGS 160A-301(a) relating to the use of on street parking revenues, similar to the flexibility afforded to the several towns in New Hanover County through their enabling legislation that allows for the use of all paid parking revenues for any public purpose. Feedback from the League of Municipalities indicates that bill filing deadlines for local bills have not been announced yet, but the best guess is mid-April or mid-May. They suggest that now is the appropriate time to reach out to the Town's local delegation to educate them on the need and request they have legislative staff draft a bill if the Town is ready to proceed in that direction.

Town Manager Hewett said we did get clarification from the Wildlife Resources Commission. It delineates the wildlife boat ramp. It will necessitate deletion of areas 46 and 46.5 in the ordinance.

Chief Dixon explained they have been working with the Fire Department and they brought the ladder truck over here. They put flags out. If a car had been sitting at 25 feet, the truck would have hit it. In order to clear and make the turn it needs about 38 feet from the right-of-way. The Fire Department suggested rounding it to 40 feet. The Fire Department also identified two other areas of concern. Dunescape is listed as parking on both sides. They would prefer to eliminate parking on the eastern side so H68 would be two spots on the west. The current signage in front of 574 Ocean Boulevard West where they are located has no parking adjacent to the property. Right now, if you read the ordinance, it would open it up. Getting the trucks in and out of the bays could be an issue. They asked that the Town move it back past the station. Commissioner Dyer said there are two spots now past the station. Chief Dixon said they are not saying they need to go away, just that they don't need to be moved up. He doesn't know the footage on that.

Mayor Pro Tem Smith brought up handicap spaces. He thinks a couple could be added on Jordan and the east end. Lieutenant Dilworth said he counted 13 today. There are two at Jordan, two on the east end and nine adjacent to Quinton. He agreed you can add a few on the east end and on Jordan Boulevard. He suggested the bathroom under the bridge is also a possibility. He said he didn't count the two at the pump station. Commissioner Kwiatkowski agreed the suggested areas would be good areas to get us where we need to be. Inspections Director Evans said the average used to be one in every 20, but it may have gone to one in 25, he would need to check current regulations. He explained that van accessible spaces can also count for the handicap number. They can be both. You do need to have the van accessible percentage right. Mayor Pro Tem Smith suggested that be handled between staff and Mr. Varner to get that done.

Commissioner Dyer said H57 and H58 are flip flopped on the chart. Elizabeth is west side only, three and Ranger is eight, both sides.

Commissioner Dyer said at the fire station on Starfish, currently one spot is on the east and one on the west. Chief Dixon said so that needs to go to both sides of the street.

Town Manager Hewett said he just confirmed with the clerk that she was able to capture those changes, to include an effective date of May 1<sup>st</sup>, should the Board be so inclined. The Board decided they didn't need to vote on each item separately.

*Motion by Mayor Pro Tem Smith to approve the paid parking ordinances, service agreement with Otto Connect, the sign templates (believes Mr. Varner has some that are a little less crowded), the Budget Amendment 22-04, the Town staff to request enabling legislation from the General Assembly, 160A-301(a).*

The Board mentioned the need to add the start date. Mr. Varner went over the new proposed sign template. Commissioner Kwiatkowski said we won't have vehicle and trailer signs since those spaces are Wildlife's and won't be included. After discussion, Mr. Varner agreed that without those spots there are no specifically designated areas. If someone with a trailer parks, they are supposed to pay for both the vehicle and the trailer.

*Mayor Pro Tem Smith clarified his motion was with changes that they made during the meeting this evening and with a May 1<sup>st</sup> effective date; second by Commissioner Brown.*

Mayor Holden asked Attorney Green if he is satisfied to move forward. Attorney Green replied yes. He does want to make sure the Town is ADA compliant. He wants to work with Mr. Varner and Chief Dixon. He will also call Martha who has been sending emails regarding ADA compliance. Mayor Holden asked if Otto Connect is confident that they can meet the deadlines. Mr. Varner responded yes. They have materials and staff lined up for signs. It usually takes two weeks to release the app. He has arranged for his staff to be at Bridgeview Park on Saturdays to help people. They are ready whenever the Town is ready. Town Manager Hewett said it will be a combined effort between the Police Department and Public Works to work with Otto Connect to make sure the signs are in the correct place. Mr. Varner said the job description is ready to go out for local distribution once he receives approval.

*The motion passed by unanimous vote.*

Commissioner Kwiatkowski said she had a lot of people ask about a FAQ section on the website. She also said we need a nice, easily found page that gives information on the program.

Mr. Varner explained they will be ready in about two weeks for people to purchase an annual pass. He reviewed his How it Will Work document. It provides the basics for the program. They have flyers ready to be printed. They will be distributed to Town Hall and local establishments. Mr. Varner said they will have people here on weekends in early April. They will have the signs up and will cover them until it is time to start. If the Town wants to do outside media, he is open to helping with that. Town Clerk Finnell added the Town will use all of our social media platforms, including Facebook, Instagram and the email blast. The Board discussed sending information to the Beacon and Port City. The Board agreed to send a press release to the newspapers. The information will also be included in the April water bills. The Town will use Mr. Varner's information as a FAQ section on the website.

Commissioner Kwiatkowski asked how people communicate to Otto Connect if they see people violating the parking regulations. Mr. Varner replied people can call them if they see something. Their number is on all of their materials. They would look into a complaint. If it is beyond their abilities, they would contact the Police Department. Staffing for the program was discussed.

## **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-05, RESOLUTION OF THE TOWN OF HOLDEN BEACH, APPROVING AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

Assistant Town Manager Ferguson explained the Board has the pier property financing contract and resolution before them. The documents are the financing contract, the deed of trust, Resolution 22-05 and the wire transfer agreement. Andrew Carter from DEC Associates and Scott Leo from Parker Poe are on the phone if the Board has any questions.

Commissioner Kwiatkowski asked about flood insurance in article 6, page 11. Town Manager Hewett responded that the NFIP will only apply to the structures on the property, not the pier or the land. Commissioner Kwiatkowski said page 101 talks about the Town needing to get bank approval for leases. She asked what the procedure is for that. Mr. Leo explained it is a matter of informing the bank of what you are doing. Attorney Green is satisfied with paperwork. Mayor Holden said the state, legal counsel, staff and the lender are in agreement at this time.

*Motion by Mayor Pro Tem Smith to approve Resolution 22-05, Approving Installment Financing with a closing date of March 28, 2022; second by Commissioner Brown; approved by unanimous vote.*

**DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH THE DIVISION OF COASTAL MANAGEMENT (DCM) FOR A GRANT (50-FOOT LOT PORTION OF THE HOLDEN BEACH PIER PROPERTY)**

Assistant Town Manager explained that in the April timeframe of last year we submitted a preliminary application to DCM regarding the 50-foot lot for the pier property. We were selected and did the follow-up final application which was due in August. We received word that we were approved for the grant in the amount of \$180,460.

*Motion by Mayor Pro Tem Smith to enter into contract with the Division of Coastal Management and authorize Town Manager Hewett to execute the contract; second by Commissioner Kwiatkowski; approved by unanimous vote.*

**FEEDBACK FROM THE TOWN ATTORNEY REGARDING THE POSSIBLE USE OF 796 OCEAN BOULEVARD WEST AS A COMMUNITY CENTER IN LIGHT OF MAYOR HOLDEN’S QUESTION WHETHER A TOWN ORDINANCE RELATED TO CLUBHOUSES IS APPLICABLE**

Commissioner Kwiatkowski said at the last meeting Mayor Holden had highlighted that he wanted to understand if the proposed use for 796 Ocean Boulevard West was in compliance with the Town’s ordinances. Mayor Holden went over his concerns. Attorney Green went over permitted uses. His understanding is that it would be used as community center, not as a clubhouse. He reviewed the information from when it was deeded to the Town. Attorney Green said zoning doesn’t prevent it and restrictive covenants don’t exist, so it is up to the Board to determine the ultimate use.

**DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-05, AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021 – 2022 (AMENDMENT NO. 11), APPROPRIATING FUNDS FOR SEWER CAPITAL OUTLAY**

Budget & Fiscal Analyst McRaney said revenues for the System Development fees have exceeded projections. These fees are collected and moved to the Capital Reserve Fund to help pay for costs incurred to increase sewer capacity. Staff is asking that the Board approve the amendment to transfer funds from the Capital Reserve Fund to the Water and Sewer Fund to be used for the purchase of valve pits that will expand sewer service to new homes.

*Motion by Commissioner Brown to approve; second by Commissioner Murdock; approved by unanimous vote.*

**PUBLIC COMMENTS ON GENERAL ITEMS**

Sally Caldwell asked if there is any information on when the house that burned down will be removed. Chief Dixon responded it has been handed to the insurance company. It is up to them. Ms. Caldwell said in the Brunswick Beacon on February 17<sup>th</sup> there was a letter written by Keith Smith but it had

Mayor Pro Tem Smith's picture. Mayor Pro Tem Smith said he did ask the Beacon for a correction but has not seen one yet. Keith Smith wrote the article; his picture was used by mistake by the paper.

Irvin Woods explained why he thinks that the Board made the right decision by not having parking in his area. He thanked the Board and staff for the years of efforts on the east end.

Marti Arrowood thanked the Board and the Police Department for their due diligence in looking out for them. She also thanked them for the oceanfront property at 441 Ocean Boulevard West. She thinks the Board did a great thing to maintain some green space. Mrs. Arrowood provided information about calling 911 on a Saturday. She was told since the Town doesn't have permanent person, you call 911.

Chief Dixon explained with the Town's integration with the CAD system, the 911 center gets notified when they put a call in. He said whether you call 911 or the Police Department, they are still having communication. They do have someone in the office Monday – Friday, but if you need someone after hours, you can still call 911.

Jim Keever asked if the traffic pattern on the bridge will be right turn only during the season. Chief Dixon said he found it to be successful last year. They still need to make the final decision for this year.

## **TOWN MANAGER'S REPORT**

- FEMA Storm Damage Repair Project is right at 2/3 of the way complete, with approximately 1,100,000 cubic yards placed on the beach so far. We anticipate an on-time completion now that both dredges are almost back in operation. The R.N. Weeks has returned after having its repairs done and is pumping eastward towards the berm near 330 Ocean Boulevard West. Once we get the tie in there, the subline will be repositioned and the sand will be pumped west. The Lindholm tagged out for a couple of days over the weekend. They had to get fuel and perform some maintenance. It is scheduled to return today and resume operations at subline 3, with Weeks moving onto subline 4, which is west of the pier.
- Corps' Lockwood Folly Inlet Crossing Navigation Maintenance Project – It is due to place about 210,000 cubic yards of beach compatible sand on the east end. It began last week. The environmental window closes in April. It may impact completion of the project. It will be tight. Southwind is the dredging company and they are working hard to get it completed in time.
- Per the Board's direction, the wetland delineation and clearing as needed for the surveyor is underway for 812, OBW, 764 OBW and the marsh streets.
- Seagull Street Paving – we have the bid package going out next Tuesday. The scheduled bid opening is March 29<sup>th</sup>. We anticipate paving to occur before Memorial Day as we have done for the past several years.

Commissioner Kwiatkowski asked if there would be a chance to bring the marsh streets into the parking program in the near future. Town Manager Hewett said he thinks we should wait until the delineation is completed. He explained where we are in the delineation process.

## MAYOR'S COMMENTS

- Has never seen as much positive activity improving our oceanfront and inlet areas. Exciting to see all of this happening. Will be a wonderful thing when we get through this. Thanked the staff and everyone associated.
- Spring is almost here. Excited to see the trees blooming and flowers blossoming.

## BOARD OF COMMISSIONERS' COMMENTS

### Mayor Pro Tem Smith

- It was a pleasure to work with the mayor and town manager at the LGC meeting. Got to work with Mr. Folwell and Sharon Edmundson. They worked with us closely and were very knowledgeable of what we wanted and what the circumstances were. Thanked Representative Charlie Miller. He wrote a nice letter of support to the LGC. Also thanked Senator Tom McGinnis. Had a lot of support going into the meeting. Thanked Keith Smith for his efforts in putting out a survey about saving the pier. Before the meeting on Tuesday, there were nearly 800 supporters on it. It was a unanimous vote by the LGC. We appreciate their support. Thanked the Board for their help and support. Over the last few months there has been some tough meetings, but everyone has stuck together. Feels like this is a real good working group of commissioners.
- Thanked Chief Dixon and Lieutenant Dilworth for their assistance with the parking program to make sure it will start out as best as it possibly can. Will need some adjustments as we move along.
- Thanked the staff, Assistant Town Manager Ferguson and Town Clerk Finnell. They work really hard. Appreciate the work on the grant. Thanked Inspections Director Evans for his help.
- Thanked everyone for joining us and hopes to see everyone again soon.

### Commissioner Brown

- Thanked everyone, Attorney Green, Public Works Director Clemmons, Inspections Director Evans and Chief Dixon for all of their hard work.
- Hopes parking turns out to be successful. Look forward to moving along with it.
- Thanked everyone for being out tonight and seeing your government at work. Isn't always easy. Trying to steer things 10, 15, 20 years out. To do that it takes creativity at times. Glad we are settling in with the pier. Have a couple other things coming up that we will need to work on. Hopefully it will all come together. The goal is to keep Holden Beach growing and a nice, family beach. That is why people visit and live here.

### Commissioner Murdock

- Thanked everyone for coming out. Thanked the staff. Thinks we are all working together. Thinks this has been a pretty good six months with the things we have needed to face.
- Hopefully parking will put a little organization to an issue that had none. We need boat and trailer parking desperately. We are trying to work with Wildlife to improve that, but as of right now we are in a terrible situation with that portion of parking. We don't have any place to put them. Would like people to make calls to the county and Wildlife to say we are in dire straights as far as parking for the boat ramp.
- Extremely grateful to the Board for keeping six or seven condos from going up in the middle of the island and preserving the property for all residents and the public in general. Hopefully it is a place

to make everyone proud in the long run. Dream would be to see a new pier, but if we can just make it better than it is and make it accessible. We will get a brand-new access there. Will preserve the parking spaces. Everything comes with a cost. The world is in much worse shape than Holden Beach. We need to keep that in mind. Need to keep the entire country and the world in our prayers. This is still a place we can be proud of and enjoy.

- Appreciates everyone on the staff tremendously for all of the hard work over the last six months.
- Thanked everyone for their support.

#### Commissioner Dyer

- As the newest member, it has been a rough start. Thinks the Board and the staff have worked hard. The county is growing tremendously fast. Thinks with the growing pains we are experiencing here, trying to keep this a family beach, we are doing a good job of trying to keep some green space, trying to control the parking so some of these neighborhoods aren't overrun. We are moving in a positive direction. Appreciates everyone's hard work and help. Asked the community to be patient. Will be some aches and pains when we rollout the parking. Otto has worked with us this far. They will continue to help us out. There will be some great ideas coming out of the pier property. Will continue to move forward in a positive direction.

#### Commissioner Kwiatkowski

- Thanked everybody for coming. Been refreshing to see friendly faces. Been a wild several months with the comments. Understands what happened to make it controversial, but having a calm day was really nice.
- Thanked staff. Over the past several months they have done a great job of getting us to where we are. Happy we can now move forward. Now is the fun part of planning and budgeting for how we will use it. Will be the exciting part. Hardest stuff should be behind us.
- Watch out for how the parking comes together. Thinks it will be interesting to watch the first couple of months. With our big, wide beach this is the best year to do this. Will have a lot of people come because we have the best beach in Brunswick being built right now. If ever there was a year to have a coherent parking plan, this is the year to start it.
- Pier - happy we have parking and a building with amenities that we can develop. Sure within a few years that property will be something that we are all proud of.

### **EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6), TO DISCUSS QUALIFICATIONS COMPETENCE, PERFORMANCE OF A PUBLIC EMPLOYEE AND 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 Smith to move into Executive Session at 6:40 p.m.; second by Commissioner Brown.*

Town Clerk Finnell read the reason for Executive Session.

*The motion passed by unanimous vote.*



**OPEN SESSION**

No action was taken.

**ADJOURNMENT**

*Motion by Commissioner Brown to adjourn at 8:17 p.m.; second by Commissioner Murdock; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk