



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, MARCH 16, 2021 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, March 16, 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 and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Inspections Director Tim Evans, Assistant Town Manager Christy Ferguson; Public Works Director Chris Clemmons; Police Chief Jeremy Dixon; and Attorney Noel Fox.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Commissioner Kwiatkowski that the Board add Discussion and Possible Action Regarding the County's Proposed Water Rate Increase as item 6a; second by Commissioner Sullivan; approved by unanimous vote.

Motion by Mayor Pro Tem Brown to approve the agenda as amended; second by Commissioner Murdock; approved by unanimous vote.

APPROVAL OF MINUTES

Commissioner Kwiatkowski said on page 4 it reads irritation rates. It should be irrigation.

Motion by Commissioner Kwiatkowski to approve the minutes with the correction (Minutes of the Public Hearing/Regular Meeting of February 16, 2021 and the Special Meeting of February 23, 2021); second by Commissioner Murdock; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA/GENERAL ITEMS

Town Clerk Finnell explained there were over 50 comments. A majority of them were on the proposed ordinance. They are before the Board and online for the public's review. Commissioner Kwiatkowski suggested reading the ones not related to trash. Commissioner Sullivan said since the comments on

trash are not going to be read, all comments should be posted online.

The consensus of the Board is to post the comments online. Town Clerk Finnell said they are posted under the Town Government tab and the Commissioners' tab.

DISCUSSION AND POSSIBLE ACTION REGARDING THE COUNTY'S PROPOSED WATER RATE INCREASE

Commissioner Kwiatkowski reviewed the information she provided to the Board. The proposed sheet (hereby incorporated into the minutes) lays out what the rate increase is going to be, us compared to a county resident. The Town purchases wholesale water, which is a different rate than what will be charged in the county. She explained her worksheet. She said she would foresee with the projected increase, the property owners who rent their houses will see higher water in 2022. She said there is additional costs to the Town as the Town also purchases water for the restrooms, splashpad, water fountains, etc. It is highly likely with such a significant increase to water costs we will need to have a rate study done to make sure our revenues and expenses will balance as required for a revenue fund. Commissioner Kwiatkowski stated wholesale and retail rates are quite different. Rate equity for residents and municipalities paying wholesale versus county residents must be thoroughly and transparently considered before final rate setting. She said the county should aggressively seek state and federal funding to help defray some of the costs of the reverse osmosis system necessitated by industrial pollution. The county should look to every possible cost reduction and customer reimbursement possibility to help phase in the full magnitude of the needed increase. She suggested that a meeting between the county and the impacted municipal leadership and staff to brainstorm viable solutions could be a good first step.

Commissioner Kwiatkowski would like the Board to authorize the town manager and her to communicate any and all issues to the county, including working with neighboring communities as necessary; potentially create a resolution for the April meeting regarding the Town's position and suggestions about the water rate increase; and to apprise the public what is happening and ask them to express their reservations to the county as necessary.

Commissioner Sullivan went over the numbers on Commissioner Kwiatkowski's sheet. He asked if Town Manager Hewett thinks the Town will be able to keep the rate at the current level or if it is more likely that the rate will need to be raised. Town Manager Hewett explained he would project that the Town would need to pass on any wholesale increases.

The Board came to a consensus for Commissioner Kwiatkowski and Town Manager Hewett to move forward with Commissioner Kwiatkowski's request.

DISCUSSION AND POSSIBLE AWARD OF CONTRACT ON ROADWAY WORK

Town Manager Hewett explained we secured three bids for the second phase of Brunswick Avenue resurfacing. The apparent low bidder is Highland Paving at \$123,000. That exceeds the program construction budget by \$10,656. If the Board wants to proceed with award of the work, we need to adjust the budget accordingly. It is anticipated the work would be completed between Easter and Memorial Day. We did use Highland last year. He is not aware of any complaints.

Motion by Commissioner Kwiatkowski that we grant the second half of the Brunswick Avenue Paving to Highland; second by Commissioner Murdock.

Commissioner Murdock inquired if the section of the road that was cut out could be fixed. Public Works Director Clemmons said he would work with Shane Lippard (Right Angle Engineering) and the contractor to see if it could get patched.

Town Manager Hewett asked that subject to the realignment of funds be added to the motion.

Commissioner Kwiatkowski, with Commissioner Murdock in agreement amended her motion to grant the contract for the second half of Brunswick Avenue paving to Highland with the necessary budget amendment; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON REQUEST BY THE MAJORITY OF PROPERTY OWNERS OF SEAGULL DRIVE FOR IMPROVEMENT OF SEAGULL DRIVE

Town Clerk Finnell explained we received signatures from the majority of property owners on Seagull Drive requesting the improvement of the existing soil roadway. The next step of the process is to adopt a preliminary resolution. The Board is also required to schedule a public hearing on the resolution. There is one error in section 3 of the proposed resolution, it should read Section 218, not 217.

Motion by Commissioner Sullivan that we set the public hearing on April 20th at 5:00 p.m.; second by Mayor Pro Tem Brown; approved by unanimous vote.

Motion by Commissioner Kwiatkowski that we adopt Resolution 21-04, with the suggested change to part 3 under Now Therefore be it Resolved; second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON BIKE LANES ON OCEAN BOULEVARD

Town Manager Hewett went over his handout (hereby incorporated into the minutes) that provided more information on the Department of Transportation's (DOT) proposal to add bike lanes to Ocean Boulevard. His memo included information on funding and timing. If the bike lanes are not installed, the asphalt resurfacing project should occur in spring 2022 at no cost to the Town. If bike lanes are installed, asphalt resurfacing would be moved to the fall 2022 at a cost of \$680,000.

The consensus of the Board is to move ahead.

REPORT AND ACTION ON SPEED LIMIT ON OCEAN BOULEVARD

Commissioner Sullivan said this is an item that has been on the Board's radar for over a year. At the last meeting, Chief Dixon gave us a report that the DOT conducted a survey and found that the speed limit change from 35 MPH to 45 MPH from Greensboro to the western end of the island is permissible under the results of the survey.

Motion by Commissioner Sullivan that we continue with the speed limit change that occurs on October 1st - March 31st and increases the speed limit to 45 MPH west of Greensboro Street; second by Mayor Pro Tem Brown.

Commissioner Kwiatkowski asked if it has been confirmed that the DOT won't give the Town any crosswalks if the speed limit is not lowered. Inspections Director Evans responded that each location is independent and has to meet the criteria. You can have the ones that meet the criteria and are in the 35 MPH area. They will not be allowed in the 45 MPH area. Commissioner Kwiatkowski said there are two proposed that are east of the pier that would be marked. There is a third one by Starfish. She inquired if it would be feasible to shift where the 35 MPH would start west past Starfish in order to get a third crosswalk. Inspections Director Evans said you would need to move it out past the area where the six criteria fall. Commissioner Kwiatkowski would rather see the marked crosswalks and sacrifice the 45 MPH. Commissioner Sullivan said when this was brought to his attention, he was in favor of lowering it. He had the benefit of watching the traffic and is now much more concerned with the increased use of golf carts.

Mayor Pro Tem Brown called for a vote.

The motion passed by a 3 – 1 vote, with Mayor Pro Tem Brown and Commissioners Murdock and Sullivan voting for the motion and Commissioner Kwiatkowski voting in the negative.

POLICE REPORT

- Speed limit changes to 35 MPH April 1st. With that golf carts will be allowed on the roadways. If you are operating a golf cart it has to operated like a motor vehicle. Keep your eyes out for pedestrians.
- Commissioner Kwiatkowski inquired about the three motor vehicle crashes on the report. Chief Dixon did not pull the specific information on them. He would need to check.
- He will add one of the flashing signs to warn about the speed limit change.

SEASONAL LAW ENFORCEMENT COMMITTEE REPORT TO THE BOARD OF COMMISSIONERS

Commissioner Sullivan reviewed his report (hereby incorporated into the minutes). The committee looked at the cost of the seasonal officer versus a fulltime officer, how to recruit and retain them, duties they would participate in, training and fringe benefits. He provided information on the findings. He said the issue on Holden Beach is that each officer is assigned a vehicle, so there are no spare vehicles. If we were to hire a seasonal or fulltime officer we would need to supply them with a vehicle. One vehicle is approximately \$60,000. The annual cost for one additional fulltime officer (salary, benefits, vehicle, etc.) is approximately \$131,000. A seasonal officer is \$85,000. Commissioner Sullivan said right now we have appropriated money for 10 officers and that will provide for having two officers on duty at all times. He said at this time, we are fully staffed so it doesn't make sense to hire another seasonal officer, unless the Board decides to do a seasonal officer instead of beach ranger. He suggested if there is a vacancy in the future, it is worth considering hiring seasonal officers.

Chief Dixon stated he understands and respects the opinion. He has a different opinion on filling a vacancy with a seasonal officer; it comes with a lot of issues that were discussed at length.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 21-02 (FORMERLY ORDINANCE 20-18), AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, SECTION 157.006: DEFINITIONS (HEIGHT MEASURING POINT)

Inspections Director Evans reviewed the process to date. The Board has the consistency statement and the ordinance in front of them to consider.

Motion by Commissioner Kwiatkowski that we accept Town of Holden Beach Ordinance 21-02, An Ordinance Amending the Holden Beach Code of Ordinances, Section 157.006: Definitions (Height Measuring Point); second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 21-04, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 50: SOLID WASTE

Commissioner Sullivan explained at the close of the last meeting, he asked the community to respond and give input on the issues tonight. We had approximately 50 emails concerning solid waste. He said it's clear the electorate prefer that the Town not impose a strict rollout period of time and they are not in favor of fines if that is violated, but that doesn't mean some changes shouldn't be made to the ordinance. He stated when the ordinance was implemented two years ago, the Board allowed people to use a recycle bin, instead of a trash bin so they would not need to purchase an extra bin. He said that was a mistake. One of the changes he proposed to make is to look at Section 50.08, Rental Homes. He believes the other mistake made is not rolling back every can. The idea was to get the cans off the street. He suggested checking with the current vendor to see if the contract could be amended to rollback all cans. Mayor Pro Tem Brown said it seems like a lot of the concerns in the emails were about the time constraints and the fees. What Commissioner Sullivan is asking is reasonable. Commissioner Kwiatkowski said this solves the major problems. This achieves getting the bins off the street. She agreed that the replacement of a trash can for a recycle bin is not working. Commissioner Murdock stated for the past couple of weeks he has looked at the number of cans at rental houses. He knows they are short cans. He doesn't know how it is enforced but thinks that is part of the problem. He said we need to make sure every house has the proper number of cans. He agreed if we rollback every can, it would help out a lot. Commissioner Kwiatkowski said the Town did send a message out in the water bills earlier this year reminding people to be in compliance with the number of cans they should have. If that isn't working, she is eager to hear other ideas on what to do.

Motion by Commissioner Sullivan that we amend the current ordinance Section 50.08 to remove the last sentence that says In instances where three trash cans or more are required, one can may be substituted with a contractor approved recycling bin and that we instruct the town manager to see if we can amend our current contract with the vendor who rolls back the bins to go from rolling only empty bins to rolling back full bins.

After discussion, the Board would like a clean ordinance to be presented next month.

Commissioner Sullivan withdrew his motion and asked that the Board instruct the town manager to investigate if the current rollback contract can be amended.

DISCUSSION AND ACTION ON PROCEEDING WITH HIRING A TOWN ATTORNEY

The Board discussed the firms who are interested in serving.

Motion by Mayor Pro Tem Brown that Katherine be our Town attorney; second by Commissioner Murdock; approved by unanimous vote.

Mayor Holden thanked Noel Fox, the interim attorney.

DISCUSSION AND ACTION ON PROCEEDING WITH THE PROCESS OF APPOINTING A COMMISSIONER TO REPLACE WOODY TYNER, APPOINTMENT TO SERVE UNTIL DULY ELECTED COMMISSIONERS ARE SWORN IN FOLLOWING THE 2021 ELECTION

Commissioner Sullivan said former commissioner, Woody Tyner resigned. He thinks it is necessary to get the 5th person into the position. The statute says the Board needs to nominate the person, but it doesn't give a lot on the process. Commissioner Sullivan thinks the Board should ask anyone in the town who wants to apply to submit their qualifications and curriculum vitae. The Board can interview them and then vote. Commissioner Kwiatkowski agreed to the process. Mayor Pro Tem Brown said Town Clerk Finnell could get the information out. Commissioner Sullivan suggested that the Board give people two weeks to apply, then schedule a meeting so the person can be at the April meeting. The Board talked about having the person in place soon since it is time for the budget process. Town Manager Hewett reminded the Board to turn in their availability for the budget meetings.

The consensus is to have the clerk get the word out to anyone interested to submit their name and qualifications. The Board will proceed with inviting them to appear before the commissioners. The Board asked that people should turn in their information by April 1st.

TOWN MANAGER'S REPORT

- Lift Stations 3 & 2 Upgrade Status: Everything we need is in hand for station 3's completion. We were waiting for the lien waiver, but we are in receipt of that as of this evening. Can proceed with final payouts and starting station 2's process.
- Vactor Truck Procurement – truck that the Board approved the lease purchase last month is on station. We are waiting on the tags.
- Last week the American Rescue Plan 2021 was passed. It will provide almost \$200,000 to the Town. We should receive the first half of that distribution in mid-June, with the second half coming a year later. It will be distributed through the state. We haven't received the specific protocol on how the funds can be used, but it appears to fit a number of purposes for the Town.
- Federal Work Plan – still on standby with the Wilmington District Corp, awaiting instructions on the Federal Project Investigations Study.
- FEMA – Hurricane Dorian has been obligated in the NC payment system and also back to the feds. The project is in with the legislative review. Expect release of the information tomorrow. Isaias

strand Damage Dimension and Description was submitted to FEMA on March 11th. Current status is that the strand losses for Cat G were routed to the NC payment system, then went back to Environmental/Historic Preservation for another review. We also received reimbursement for some of our Cat B emergency protective measures expenses that we anticipate bringing back before the Board as a budget amendment for the April meeting. The potential and likelihood that all four storms, Florence, Michael, Dorian and Isaias are going to be done as one giant project seems to be increasing, but approval of Dorian and Isaias project worksheets will be required before moving ahead with a bundled project, in addition to needing to obtain the necessary permits and necessary financing.

- Sand Fence Project Installation – Making great progress. It is complete to the vicinity of the 800 block. Supplies and CAMA cooperation may allow for extension into the 900 block.
- Parks & Recreation Master Plan Update by McGill – Well underway. There has been a series of steering committee and six focus groups meetings. Update uses a survey that is available on the website. Initial feedback appears to be really good regarding participation. In less than a week we had 218 surveys returned. There are also in person opportunities to complete the survey.
- The Town will hold an Easter Egg Drop on April 2nd.

MAYOR'S COMMENTS

- Some observations on the beach strand - The last couple of weeks the number of dogs on the strand is growing. Reminded everyone dogs are to be on leashes. Dredge is still at the inlet crossing pumping sand to the west end of Oak Island. This winter is the least number of dead birds and turtles that he can remember. That is good news. People traffic on the beach strand is picking up. Thinks it is indicative that we will have an excellent summer. Rental reservations are coming in very well. Hoping for a good season. Very optimistic for summer 2021.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Brown

- Stay safe. Thinks we did really well tonight. We listened to our constituents and neighbors. Had people contact him about the speed limit and trash. We are working for the citizenry of the island. We are running it for you. Continue to call. If there is anything you want us to work on let us know.
- Good job Chief Dixon. Commended Public Works Director Clemmons and his people. Told Town Manager Hewett to keep up the good work.

Commissioner Sullivan

- Yard waste pickup has resumed. It is the 2nd and 4th Friday of the months of March – May.
- County has a transportation survey. Thinks it is something we should give our opinion on. The Town sent out a note on March 11th that contains the website to make the comments known.
- Reminded everyone that tomorrow is Saint Patrick's Day. Erin Go Bragh.

Commissioner Murdock

- Wished everyone a good evening. Thanks for listening.
- Commended the Board for picking up some of the cans we have been kicking for so long.

- Thanked Inspections Director Evans. In the past three or four months, we put to bed some long standing issues in the building industry on the island. It is very appreciated by the builders and residents. It will definitely benefit the island. Hats off to you for your hard work.
- Has some updates on parking, will save it to the next meeting. Heard from some paid parking vendors and had some optimistic conversation on bringing in revenue to help with the money we are having to spend. It may also address some of the parking problems. Heard what you don't want. Would like some suggestions. Paid parking is very promising where it wouldn't really cost the residents anything to implement. A lot of coastal communities have already implemented it. Spoken to some where it is working and some where it is revenue neutral. It is allowing them to afford areas to park. Had a lot of calls from people. The HB Pier is up for sale. Would love to have ideas from the public, open to suggestions on that.
- Have a good evening and a safe Saint Patrick's Day.

Commissioner Kwiatkowski

- Thanks for everyone listening in. Thanks for the public comments. They are appreciated. We need to know what you are thinking.
- Budget discussions will be starting soon, not just at the Town level, but also at the county level. Encouraged people to keep an eye on the county website. When we get our schedule together it will be published. We will be having meetings. If you have objectives for the Board, you need to let us know quickly. We will be wrapping this all up by the end of May.

Mayor Pro Tem Brown thanked Inspections Director Evans. He has been doing a lot with ordinances. He knows that takes a lot of time with the workload he has already.

Mayor Holden said most people know we have a whale visiting. In his lifetime, he has seen several, but he hasn't had the pleasure of seeing this one. It is always interesting to see the whales traveling.

EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6), TO DISCUSS QUALIFICATIONS, COMPETENCE, PERFORMANCE OF A PUBLIC EMPLOYEE, NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), TO CONSULT WITH THE TOWN ATTORNEY AND NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(1), TO APPROVE MINUTES

Town Clerk Finnell read the reason for entering into Executive Session.

Motion by Mayor Pro Tem Brown to go into Executive Session at 6:46 p.m.; second by Commissioner Murdock; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 7:22 p.m.

Motion by Mayor Pro Tem Brown to approve Resolution 21-05, second by Commissioner Murdock; approved by unanimous vote.

ADJOURNMENT

The Board adjourned at 7:24 p.m.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk