



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
PUBLIC HEARING/REGULAR MEETING  
TUESDAY, AUGUST 16, 2022 – 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 16, 2022 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners 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; Budget and Fiscal Analyst Daniel McRaney; and Town Attorney Rick Green.

**PUBLIC HEARING: NC PUBLIC BEACH AND COASTAL WATERFRONT ACCESS GRANT APPLICATION**

Assistant Town Manager Ferguson explained the public hearing is on the 50' lot at the pier. It is a beach access to include a Hatteras ramp and walkway. We brought it up in a pre-application that was approved and were invited to submit a final application. The application is due September 19<sup>th</sup>.

No comments were made. Mayor Holden closed public hearing at 5:05 p.m.

**REGULAR MEETING:**

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

*Motion by Commissioner Murdock to approve the agenda as presented; second by Mayor Pro Tem Smith; approved by unanimous vote.*

**APPROVAL OF MINUTES**

*Motion by Mayor Pro Tem Smith to approve the minutes as written for the July 19<sup>th</sup> (2022) Special Meeting and the July 19<sup>th</sup> (2022) Regular Meeting; second by Commissioner Murdock; approved by unanimous vote.*

## **PUBLIC COMMENTS ON AGENDA ITEMS**

Jim Bauer said in the short time he has lived here, he has seen short projects being rushed, like the pier, paid parking, golf carts and push carts on the beach with very little public support. He said due to the passing of the commissioner, we need to look critically at the recent actions of the Board. He reviewed his concerns. Mr. Bauer said when the Town gets a new commissioner, we need an educated, thoughtful and insightful individual and need someone who understands the value of a plan.

## **POLICE REPORT – CHIEF DIXON**

- Reviewed the numbers on the report and answered questions from the Board.
- Went over the incident report. Seeing an uptick in incident reports. There are a lot of misdemeanor larcenies reported in there. Unfortunately, we don't have a lot of leads to go on. Lock your coolers, bicycles and other items up. Provided information on a boat that was stolen and recovered. They are still investigating, but hopefully charges will be coming soon.
- Reviewed state citations. LSV citations written were seven. One was for a golf cart that was not registered as a LSV. Reviewed ordinance violations. Eight involved LSVs. Otto Connect issued 492 citations.

Mayor Pro Tem Smith commended the Police Department for putting the sign up at bridge regarding LSVs.

## **INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS**

Inspections Director Evans said there was a correction. It should be a total of 141, not 148. It should be 148, but there were seven that were left off in the new construction in general permitting. They are holding steady and are very busy. There are a lot of additions and renovations/repairs, but they are turning over as many new homes as they are issuing certificates of occupancies. Expecting us to go back to pre-COVID permit issuance for new construction in the next year or so. The report doesn't have a way to show how many times staff touches these permits and re-reviews permits. They have a lot of phone calls. They are dealing with complaints from property owners. They interjected on three different occasions to help solve issues of property owners that are unsatisfied with the construction work. They notified the proper agencies to help assist those folks. The Inspections Department is fully staffed. They have two trainees that are learning. Inspections Director Evans talked about the great job Inspector Carey Redwine is doing. He also thinks the new permit specialist (Janna Pigott) is doing a great job.

## **DISCUSSION AND POSSIBLE ACTION ON FILLING GERALD BROWN'S VACANT SEAT**

The process and timeline to fill Gerald Brown's seat was discussed.

*Motion by Mayor Pro Tem Smith that we get the applications within the next 30 days and on the 19<sup>th</sup> have a special meeting to do interviews that evening and we can make our decision during the regular scheduled meeting on the 20<sup>th</sup>.*

Commissioner Murdock said he wants to think about who is going to sit in his buddy's seat. He thinks 30 days is ample time to get something in. He talked about the timing.

*Commissioner Murdock seconded the motion so it could be discussed.*

Town Manager Hewett said one thing that may factor in is this is the long session of the General Assembly. He believes it starts on January 3<sup>rd</sup>. Commissioner Kwiatkowski would like to give the selected individual the benefit of time to prepare themselves for their first meeting. Mayor Pro Tem Smith said that is why he suggested having the meeting the day before. Commissioner Dyer said she doesn't think 24 hours is enough time.

Town Clerk Finnell read the motion.

*The motion failed by a 1 – 3 vote with Mayor Pro Tem Smith voting for the motion and Commissioners Murdock, Dyer and Kwiatkowski voting in the negative.*

*Motion by Commissioner Kwiatkowski that we allow 30 days for our residents to provide the documents indicating their interest in a seat on the Board and that at our next meeting the Board sets a special meeting to interview the candidates and make the selection in advance of the October meeting; second by Commissioner Dyer.*

Commissioner Kwiatkowski clarified the Board would vote to select at the special meeting and seat them at the October meeting.

*The motion passed by a 3- 1 vote, with Commissioners Murdock, Dyer and Kwiatkowski voting for the motion and Mayor Pro Tem Smith voting in the negative.*

Town Clerk Finnell will collect everyone's information (CV and why they want to serve). At the next Board meeting, the Board will set a special meeting. At the special meeting, the Board will interview and select someone and seat the person at the next meeting. Commissioner Kwiatkowski suggested asking people if they have any dates they aren't available.

## **DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 22-19, AN ORDINANCE AMENDING TOWN OF HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 71: TRAFFIC SCHEDULES**

Town Clerk Finnell explained the ordinance was prepared in response to the Board's request to change the speed limit on Ocean Boulevard to 35 MPH for the entire road, all year.

*Motion by Commissioner Dyer to approve Ordinance 22-19; second by Commissioner Murdock; approved by a 3 – 1 vote with Commissioners Murdock, Dyer and Kwiatkowski voting for the motion and Mayor Pro Tem Smith voting in the negative.*

## **DISCUSSION AND POSSIBLE ACTION ON STATEMENTS OF QUALIFICATIONS RECEIVED FOR BLOCK Q AND THE PIER PROPERTIES**

Town Manager Hewett explained in accordance with the Board's direction, staff has readvertised for the statement of qualifications for the Block Q and pier properties. McGill Associates submitted their qualifications for both projects. Stature Engineering provided a statement for the HB Pier property only. They are before the Board for consideration. If/how firms were contacted was discussed. Commissioner Murdock said he doesn't want to go on one or two responses for these major purchases. He proposed the Town let it out again until we get at least three responses.

## **DISCUSSION AND POSSIBLE ACTION ON PIER REPORTING**

Town Manager Hewett said the Board requested to expand the descriptions for the pier property. In the memo he outlined the additional lines that are proposed to expand the budget. They are Pier House Renovations and Repair, Pier Renovations and Repair, 441 Professional Services, 441 Utilities and Insurance and 441 West Beach Access.

*Motion by Mayor Pro Tem Smith that the new account descriptions be added to the existing chart of accounts incorporating into the budget ordinance and the Board authorizes the expenses; second by Commissioner Kwiatkowski; approved by unanimous vote.*

## **DISCUSSION AND POSSIBLE ACTION ON NC PUBLIC BEACH AND COASTAL WATERFRONT ACCESS GRANT APPLICATION**

Assistant Town Manager Ferguson explained the application has to be submitted by September 19<sup>th</sup>. Agencies that receive awards will be notified in October. She went over the specifics. She worked on this with Inspections Director Evans and Town Manager Hewett also had input. It is for the 50-foot lot for beach access at the HB Pier, to include a Hatteras ramp and walkway. The pre-application was presented to the Board at a cost of \$63,535. The new estimate based on increased costs of construction is \$66,985. The breakdowns are listed on page 30 of the agenda packet. We would request \$50,239 from DCM and we would match that with our requirement of \$16,746.

Commissioner Kwiatkowski asked about the plan for the parking around the handicap access. She inquired if this site could be specific for handicap parking. Inspections Director Evans answered that when he wrote the specifications for the grant, he wrote we would exceed the ADA requirements so that would be in good faith in what we proposed. Once they start designing it, he would assume we would take a hard look at the whole parking lot to determine if in its current state it is meeting or exceeding the ADA requirements. We can make as many ADA compliant spaces as we would like. After discussion, Assistant Town Manager Ferguson said based on what was just discussed, the sentence would change to two handicap spaces will definitely be provided and there will be evaluation of the other spaces on the lot to maximize handicap parking. The Board agreed.

*Motion by Mayor Pro Tem Smith to approve the 22/23 NC Public Beach and Water Access Program final application and the town manager execute the paperwork and send it forward; second by Commissioner Kwiatkowski; approved by unanimous vote.*

## **PUBLIC COMMENTS ON GENERAL ITEMS**

Jim Bauer stated he thinks it is imperative to remember the emergency access. We need to be able to roll emergency vehicles onto the beach. He said it should be a priority as we move forward.

Rick McInturf said he shares Commissioner Murdock's frustration about getting people to bid on these big projects. He said in his experience, firms don't bid because they are too busy or they don't fully understand the scope of the project. He suggested making sure the specifications and details are clear.

## **TOWN MANAGER'S REPORT**

- FEMA Storm Damage Repair Finances - as of last week, we received all but about \$45,000 in costs directly related to the project. That is 99.9% of the \$23 million back from FEMA. That is not counting interest costs which are still undetermined.
- To date, there were no issues of note to report to the Audit Committee. On schedule for the October 31<sup>st</sup> submission to the Local Government Commission.
- Have filled the permit specialist position and vacant public works technician position.

## **MAYOR'S COMMENTS**

- Is sure everyone recognizes we are in hurricane season. So far it has been pretty good. It is time to remind everyone to get prepared. In doing so, we had a staff meeting this week. It went well. It was 100% attendance of staff that has responsibilities in regard to emergencies. We are on top of things and will be meeting again if we see a hurricane coming. Tries to meet with the representatives of the property management companies every year. That will be sometime in the next thirty days. Will meet and review the Town's plans and communicate to those companies.
- Wanted to make everyone aware that the HB causeway continues to be a location that is getting everyone's attention. It is a part of the county, not the Town. Everyone needs to know that property owners involved with the HB causeway have met with DOT about opportunities about what can be done to beautify the causeway. There is an ongoing effort from the business owners and concerned citizens. Looking forward to them continuing to work. He believes there was a \$40,000 grant to be used. Looking forward to seeing what kind of results will come out of that. Town Manager Hewett added it is not the Town's grant. Mayor Holden agreed.
- Tries to keep an eye on the beachfront for various reasons in his mayoral position. Every year we have more dogs on the beach. Overall owners are doing a good job of picking up waste and controlling their dogs. We have a few people that have figured out you can take a long rope, wrap it around their arm and when the patrol comes along, they hold them close, then let them go 50 – 75 feet after patrol goes by. The dog is technically on a leash but is basically running free. Talked about an experience with this last weekend. He doesn't think the intent of the ordinance is to have a limitless leash. He thinks some people are taking advantage of the intent of the rule. He thinks the ordinance needs some attention.

## BOARD OF COMMISSIONERS' COMMENTS

### Mayor Pro Tem Smith

- It is still tough to be up here without Gerald here with us. His intent is to try to get it filled as soon as they could so there wouldn't be an empty chair.
- Looks like the summer is slowing down. You can tell by the number of people coming over the bridge on Saturday or Sunday.
- Concerts are amazing. Good group every time. It is a happy time on Sunday evenings on Holden Beach.
- The Emergency Management meeting was his first one as mayor pro tem. It was really fulfilling to see how well prepared that our staff is, ready to take care of things getting ready for a storm and how to react and take care of things after. Have a good plan and good staff that are ready to do it. Very few changes we needed to make. Very happy to be part of it.
- LSVs – knows the guys can't be everywhere. Even today, a rainy Tuesday, saw more than the seven infractions on the way from his house. Commended Chief Dixon for the sign. Doesn't know what it will take as the magic potion to get people to abide by the laws and keep the kids restrained properly. Talked about the speed of one he saw today.
- Staff does a great job.

### Commissioner Murdock

- Thanked everyone for coming out.
- Concerts – privileged to sit right across the waterway for them. There is always a good crowd. It is an excellent event and very well done. Good to see everyone coming together and enjoying themselves on Sundays.
- Thanked staff for their continued hard work.
- We have a couple of projects here at Holden Beach to take serious consideration of. Maybe we can break it into sections and get a broader group of people to try to help us out. Frustrated with the appearance of nobody wanting to work over here.
- Thinks we have had a great summer. Surprisingly uneventful.

### Commissioner Dyer

- As much as we hate to fill the empty seat, we need to keep things moving. Encouraged people who have experience or want to get involved to get their information in. It is important to keep the Town moving.
- Appreciates everything the staff has done. Last couple of weeks have been pretty hot and humid. Knows first responders wear a lot of equipment. Appreciate first responders and the regular staff for keeping the Town looking nice and safe.
- Don't forget flooding when getting ready for hurricanes. Unfortunately, that has been a problem lately, even with king tides. Remember whatever you can pick up can become a projectile and ends up in the canal and marshes. Try to keep everything clean.

### Commissioner Kwiatkowski

- Happy to see everyone out here.
- The Audit Committee did meet with the external auditor. The auditor was extremely complimentary about the quality of the information and the fact they had completed the single

audit that has to do with the large amount of money for the FEMA reimbursement project. There were no findings on that. That is a really good thing. They expect to have the audit completed by the deadline. The submission deadline is the end of October. We should be getting information about the overall findings of the audit, although they are not expecting anything serious at this point, before the end of October. The Audit Committee will prepare a statement on their opinion on the audit for the board for the November meeting

- Hard to believe summer is almost over. It has been a fairly calm and quiet summer as far as she has seen and heard. Hope we have many more after this that goes as smoothly as this one has.

## **ADJOURNMENT**

*Motion to adjourn by Mayor Pro Tem Smith at 6:21 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