



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
FRIDAY, OCTOBER 1, 2021 – 12:15 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on October 1, 2021 at 12:15 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Gerald Brown; Commissioners Brian Murdock, Mike Sullivan, Pat Kwiatkowski and Rick Smith; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; and Town Attorney Katie Madon.

PUBLIC COMMENT

No comments were made.

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 PROPERTY

Motion by Commissioner Sullivan to go into Executive Session at 12:19 p.m.; second by Commissioner Smith.

Town Clerk Finnell read the reason to enter into Executive Session.

The motion passed by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 12:25 p.m.

DISCUSSION AND POSSIBLE ACTION ON CONTRACT FOR 441 OCEAN BOULEVARD WEST (THE PIER PROPERTY)

Attorney Madon explained the Board is going to entertain a motion to extend the due diligence and closing dates, along with a due diligence fee of \$50,000.

Motion by Commissioner Smith to appropriate the funds to pay the \$50,000 due diligence fee on the purchase of lot 1 and lot 2, the pier and accessway; second by Commissioner Murdock.

Town Manager Hewett suggested changing the motion to approve the amended contract as prepared by the attorney, which contains all of the conditions necessary. Attorney Madon agreed.

Commissioner Smith amended his motion to approve the request to amend the contract and alternatively intent to terminate, with the due diligence fee of \$50,000. Commissioner Murdock agreed with the amendment.

Commissioner Sullivan stated he is happy Mr. Bass is agreeing to extend the due diligence period. He doesn't think the Town should have to spend \$50,000 more for the extended period because the reason we need to request an extension is in the delay of Mr. Bass originally signing the contract. He went over the timeline of the contract and the due diligence period.

The motion passed by a 3 – 2 vote with Mayor Pro Tem Brown and Commissioners Murdock and Smith voting for the motion and Commissioners Sullivan and Kwiatkowski voting in the negative.

ADJOURNMENT

Motion by Commissioner Murdock to adjourn at 12:31 p.m.; second by Commissioner Smith; approved by unanimous vote.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk