



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, OCTOBER 19, 2021**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, October 19, 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, Pat Kwiatkowski and Rick Smith; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Police Chief Jeremy Dixon; and Town Attorney Katie Madon.

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

Commissioner Smith asked to remove item 13 (Discussion and Possible Action on Amending Holden Beach Code of Ordinances, Section 94.05, Digging of Holes on Strand, to Include a Section on Metal Detecting on the Beach Strand) from the agenda for now.

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

**APPROVAL OF MINUTES**

*Motion by Mayor Pro Tem Brown to approve the minutes (Public Hearing/Regular Meeting of September 21, 2021 and Special Meeting of October 1, 2021); second by Commissioner Smith; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

Town Clerk Finnell said nobody signed up. There were two written comments regarding the item that was removed from the agenda. They are posted online and in front of the Board for their review.

## **POLICE REPORT – CHIEF DIXON**

- The season starts winding down in September so the numbers are pretty consistent with what we normally see at this time of the year.
- Reviewed session law regarding mini trucks, low speed vehicles and modified utility vehicles. Answered questions on the law.
- Provided information on the session law on “Carolina Squat” modifications.

Commissioner Kwiatkowski said she is concerned with the number of golf carts that are still on Ocean Boulevard west of Greensboro where they are not supposed to be. Chief Dixon said they are still working on addressing it when they see it.

## **DISCUSSION AND POSSIBLE ACTION ON PARKING DELIVERABLES, STAFF RESPONSE TO BOC TASKER TO THE PARKING COMMITTEE**

Town Manager Hewett said his memo in the packet is an attempt to articulate an answer to the commissioners’ charge. He reviewed the charge. On the big map he attempted to lay out all of the intersecting rules, regulations and variables involved in establishing where parking currently is and where it might be. He explained he showed Town streets and state streets, in addition to the authority that makes the differentiation on how the funding for Town streets is acquired through the Powell Bill. In the memo, Town Manager Hewett detailed the difference between on street and off street parking on our Powell Bill map, to include identifying which properties that are fee simple real estate that the Town owns, as well as what street rights-of-way regulations exist by ordinance and parking regulations. In addition to laying out the streets and the properties that are within the corporate limits, he also made an effort to identify the types of densities that exist. We have taken the county GIS map and overlaid the lots that had a structure on them on our zoning map. It looks like the Town is about 80% built out. In addition to the density, there has been an attempt to identify it by section. Additionally, he included the draft parking plan, previously approved for release by the Board, for Block Q. He also noted the Town is currently under contract to purchase the pier property. The Block Q property is 214 spaces and the pier property is estimated to provide 80 spaces. Town Manager Hewett said the attempt here is how it is today, with the current regulations and does not include what-ifs, with the exception of the Block Q property. He stated he doesn’t believe he answered the tasker to actually ground truth specific lots because of the details associated with some of the constraints in what is defined as parking lots real estate or parking lots street rights-of-way.

Commissioner Smith said he was under the impression the Board would get the number of available parking spaces. Town Manager Hewett responded he wasn’t able to get to that. He thinks there are some variables and there will need to be a judgement call. He provided an example about parking on canal lots. He explained there are decisions the Board would need to make. Commissioner Kwiatkowski stated Otto Connect has provided estimates on where parking is and where there could be easily converted parking. She thinks the Parking Committee could ground truth this. Commissioner Murdock asked if vacant lots with post and rope currently were included. Town Manager Hewett answered that he used GIS. He also didn’t add the houses that are under construction. There is a margin of swag to it. Commissioner Sullivan asked about the Powell Bill funds. Town Manager Hewett explained it is an annual allocation that comes to the Town, about \$33,000 a year. His point in

showing the data was not to show that revenue. It was to show that the depiction of those miles requires that we certify and file a map that shows that the Town maintains those roads. It will go to the on street/off street determination. The money is in the General Fund, executed through the Streets' budget. This is not potential excess money.

## **DISCUSSION AND POSSIBLE ACTION ON AGREEMENT BETWEEN THE TOWN AND OTTO CONNECT**

Town Manager Hewett explained the proposed agreement is in response to the Board's direction to obtain a consulting quote. Otto provided us with a quote of \$5,000 at \$100 an hour per person. The important piece of that is the vendor will credit the amount back out of the proceeds of any parking program.

The Board discussed how to use the consulting services.

*Motion by Commissioner Murdock to approve the agreement between the Town and Otto Connect for the consulting services, if you want to limit it to \$5,000 that is fine.*

Commissioner Murdock said he thinks the committee needs to have them there. They know more about parking than anyone here. Commissioner Sullivan said he agreed that there is a point during the process that they would need to be utilized. Commissioner Smith said he thinks it is important that they give the Town direction on what they need to implement parking. They can give the Town homework to do without them holding our hands. Commissioner Kwiatkowski asked how Otto came up with their numbers in the proposal. Town Manager Hewett said he is not sure how they came up with their numbers. Commissioner Kwiatkowski said she thinks the numbers need to be verified that they are fairly accurate. What date to use for the contract date was discussed.

*Commissioner Smith seconded the motion.*

Town Clerk Finnell read the motion. Town Manager Hewett stated that the Fiscal Control Act automatically limits it to \$5,000 without having to come back to the Board.

*Commissioner Murdock agreed to the amended motion of to approve the agreement between the Town and Otto Connect for consulting services, with the effective date of October 19<sup>th</sup>. Commissioner Smith agreed with the amendment. The motion was approved by unanimous vote.*

Town Manager Hewett said there is no Professional Services line. He proposed this be paid for out of the Governing Body Available to Appropriate line. He will realign the money out of the appropriate line item if it is the consensus of the Board. The Board agreed.

## **DISCUSSION AND POSSIBLE ACTION RELATING TO NO WAKE ZONE AND TO THE BOAT RAMP AND TRAILER PARKING**

Mayor Holden stated his first intention was to have a lengthy presentation with officials from the state and county being here. As he made some calls, it became a reality that getting people here tonight was not realistic. He is talking about the area from Roger Street to the first marker at LouLou's Waterfront Restaurant. That is an official no wake zone. That is not intended to impede,

limit or otherwise interfere with the current use of commercial traffic. The priority of the waterway is to service commercial traffic. Mayor Holden said they are talking about the safety of the public using the fishing boats, personal watercrafts and jet skis. Those who live on the waterway see it daily. It is just a matter of time before something bad happens. He thanked Dr. Phil Caldwell who assembled a large number of documents concerning this matter on behalf of the Town. He stated when the Town brings in the government officials, agenda item 11 is intertwined (boat ramp and trailer parking) so it would be nice to incorporate their ideas and discussion on those items. In conjunction with the Board's blessing, he would like to move toward discussing this at the January meeting. If the commissioners decide to support the enforcement of the no wake zone, there are certain requirements the Town has to bless and participate in. We would need to have buoys located in the no wake zone. The specifications are clearly outlined if the Board decides to move forward. Hopefully enforcement would come out during the discussion. The Board agreed to put the no wake zone, boat ramp and trailer parking on the January agenda.

Commissioner Murdock stated he remembers when the Town had a Police boat. He inquired if it is possible the Town could enforce it themselves if buoys are put in. Mayor Holden provided history on the previous boat.

#### **DISCUSSION AND POSSIBLE ACTION ON BLOCK Q PROPERTY**

Commissioner Murdock said Block Q is a tract of land to the east of the HB bridge near the boat ramp that is used for festivals, trailer parking and overflow for everything you could imagine. Holden Beach Enterprises has let the Town use it for a long time. Two of them have passed away and the property is currently for sale. The property has been offered to the Town numerous times previously. It is property that everyone who lives here has used. Commissioner Murdock said a map with 215 proposed parking spaces was previously prepared. He said the property didn't get purchased when it was affordable. He is letting the public know it is out there for sale now. He has no idea what type of deal we would get at this time. It would provide parking at concerts and allow festival activities. He is very disappointed previous boards let it go. Commissioner Murdock stated if this parcel of land goes away, it will be detrimental to the Town. He wants the public to take a look at it and send in their opinions. He talked about adding boat trailer parking. It is part of a process to secure a reasonable amount of parking on the island, bring in revenue to not be a burden to the taxpayers on the island and to preserve it for the uses the Town would use it for.

#### **POSTING OF DOCUMENTS RELATED TO THE PROPOSED PURCHASE OF THE PIER PROPERTY**

Commissioner Sullivan stated the Board has been discussing purchasing a piece of the pier property. One of the main questions and objections that we have all heard is there is not enough information available to the public pertaining to the purchase. He wanted to make it known that we have placed the available documents on the website. Commissioner Sullivan asked everyone who is concerned to take the opportunity to review the documents and to let the Board know their opinions.

#### **DISCUSSION AND POSSIBLE DIRECTION TO STAFF ON OCEANFRONT LIGHTING**

Commissioner Smith said in his 50 years as a property owner on the oceanfront, there has never been an issue with this type of lighting on walkways or decks. He provided a photo to the Board of what he

is describing. In the past, issues were usually resolved between property owners. Commissioner Smith said in speaking with the president of the Turtle Patrol, most everyone will comply with what the Turtle Patrol calls light pollution that would cause issues for turtle nesting. He has been contacted by several other oceanfront property owners. Based on this and the Turtle Patrol feedback, he would like to see possible changes in the lighting ordinance to keep oceanfront lighting restricted.

*Motion by Commissioner Smith to request our town attorney to look into possible changes to the ordinance that would restrict oceanfront light; second by Mayor Pro Tem Brown.*

Commissioner Kwiatkowski asked for more specifics about what should be restricted. Commissioner Smith agreed that what is in the picture is the problem. Attorney Madon would like more information on what the Turtle Patrol defines as light pollution. Inspections Director Evans stated as someone who enforces the ordinance, it is vague and needs to be looked at it.

*The consensus of the Board is to have Inspections Director Evans and Attorney Madon review it and get back to the Board.*

## **PUBLIC COMMENTS ON GENERAL ITEMS**

Dan Alman asked how much they are asking for Block Q. Commissioner Murdock said for everything combined it is over \$5 million. He is not sure what it would be split up. The zoning and current use was mentioned.

## **TOWN MANAGER'S REPORT**

- The annual audit for the year ending June 30, 2021 has been submitted to the Local Government Commission. That will be coming back to the Board at the November meeting.
- Reviewed the budget to actual highlights as of September 30<sup>th</sup> (hereby incorporated into minutes).
- Closed on the sewer lift station loan that pays us back for the upgrade to lift station 3, in the amount of \$2.5 million.

## **MAYOR'S COMMENTS**

- Very relieved that though it is still hurricane season on the calendar, he has always said if there is nothing in sight by October 15<sup>th</sup>, we have made it through the season. Thinks we are safe for this year. Have been very fortunate. Thanked the Good Lord.
- With the sand project that is coming this fall/winter, we will gain a tremendous amount of beachfront. Next spring, we will look the best we have in decades thanks to the efforts of the Board, public and staff. He knows everyone who had a hand in it worked hard, we all appreciate it.
- Festival by the Sea is coming up shortly. That is something we are all looking forward to. Understands we are still not having the parade.
- Bike Path – has a GSATS meeting this Friday. That will be discussed at that meeting. As far as he knows, we are still on track. In 18 – 24 months we should be riding on a new surface on Ocean

Boulevard with a bike path on each side. That will change the entire appearance of the island. It will be a wonderful thing for everyone to enjoy. Doesn't think he ever remembers the homeowners taking the pride in their yards and homes and the conditions they are being maintained on this island. As mayor, he is very proud of this island. Still receives a lot of excellent comments. Saw Public Works working hard preparing things for the festival. There are a lot of things going on that the community works together on. We have a good reputation. Holden Beach is a wonderful place.

## **BOARD OF COMMISSIONERS' COMMENTS**

### Mayor Pro Tem Brown

- Thanked the staff for all the good work. Appreciates it.
- Keep it safe.
- Asked Chief Dixon about break-ins. Chief Dixon said there were a couple of construction sites that had stuff stolen from this month. Worked with the Sheriff's Department. They had a suspect. They were able to make an arrest and get most of the property back. Doing everything they can to keep up with it.

### Commissioner Smith

- Thanked staff. Did a great job getting all of the parking information together. Thanked Assistant Town Manager Ferguson for the final draft of the Parks & Recreation Plan. Thanked Chief Dixon for the good job they do.
- Glad to see the beach still full of visitors. Fishermen are out. Beaches have been full on the weekends. That is great for occupancy taxes and to see people enjoy the beach. It is understandable why they would want to come and be part of this beautiful place.
- Happy we seem to have squeezed through the tough part of hurricane season.
- Looking forward to the November election and the possibility to serve for four more years. Asked everyone to vote.

### Commissioner Murdock

- Glad to put on a long sleeve shirt. Summer has been hot. Glad it cooled off. It is beautiful weather. Everyone needs to get out and enjoy it. Fish are biting and the north wind is blowing. It is a great time to get out and enjoy the place we live.
- While working with the DOT, maybe we can get permission to work on our welcome mat on the other side of the bridge. Maybe they could plant a few flowers and fix that up.
- Appreciates the work of the staff. The parking map start looks awesome. We have a hard road ahead on seeing what we can do about resolving a lot of people's issues and providing the facilities for a reasonable amount of people to come and enjoy this place. Hopefully we can all come together and do that without a lot of trouble.
- Stay safe, take care. There are lots of empty seats. Come to the meetings if you can.

### Commissioner Sullivan

- There are a lot of issues that will affect the Town well into the future. Asked people who can't make it to the meetings to listen to the meetings and to tap into the information available on our website.

- Have a good rest of the fall.

Commissioner Kwiatkowski

- Echoed Commissioner Sullivan, lots more people are listening to the meetings than they used to. Appreciates that the public is sending little and big stuff about concerns and questions. Please keep it up. We try to address things we can do something about. Keep up the communication.

**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 A CONTRACT CONCERNING THE ACQUISITION OF REAL PROPERTY AND NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), TO CONSULT WITH THE ATTORNEY**

Town Clerk Finnell read the reasons for Executive Session.

*Motion for Commissioner Kwiatkowski to go into Executive Session at 6:20 p.m.; second by Commissioner Sullivan; approved by unanimous vote.*

**OPEN SESSION**

*Motion by Mayor Pro Tem Brown to go back into Open Session at 6:48 p.m.; second by Commissioner Smith; approved by unanimous vote.*

No action was taken.

**ADJOURNMENT**

*Motion by Mayor Pro Tem Brown to adjourn at 6:48 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