



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, NOVEMBER 16, 2021**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, November 16, 2021 at 5:00 p.m. in the Town Hall Public Assembly. Present were 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; Police Chief Jeremy Dixon; Public Works Director Chris Clemmons; Inspections Director Tim Evans; Fiscal Operations Supervisor Margaret Lancaster; Budget & Fiscal Analyst Daniel McRaney; and Town Attorneys Rick Green and Katie Madon.

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 accept the agenda as presented; second by Commissioner Smith; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Brown to approve the minutes (Regular Meeting of October 19, 2021); second by Commissioner Murdock; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Town Clerk Finnell explained comments were received via email. They were supplied to the Board and are available online for the public's review. Mayor Holden asked if the Board would like to waive their Rules of Procedure to allow people to speak without signing up.

Motion by Commissioner Kwiatkowski to allow; second by Commissioner Murdock; approved by unanimous vote.

Tracey Thomas read a letter from the HBPOA (hereby incorporated into the minutes) regarding the pier purchase.

Rick Paarfus said he is a member of the Parking Committee. He encouraged people to look at Otto's parking presentation on the Town's website. He reviewed what it contains. It doesn't address traffic congestion, trash collection and restroom facilities. Mr. Paarfus said the Parking Committee needs to look at that. He talked about revenue streams and available parking. Mr. Paarfus is disappointed the Board hasn't put a plan together for the pier.

Julia Jobber spoke about the proposed change for oceanfront lighting. She agreed we should protect the turtles. She provided information on different types of lighting. She said the photo from the last meeting was her house and talked about her situation. Ms. Jobber said she hopes the Board updates the ordinance to disallow any oceanfront lighting during turtle season. After that it should be the same as any other property.

Phil Caldwell said he and his wife are in favor of the Board voting to purchase the pier.

Tony Jordan talked about limited access to the beach in the past. He said fortunately that problem was solved and there is access. He is for the purchase of the pier and agreed there needs to be a plan. He would like to see public parking. He talked about the pier being a busy place.

PRESENTATION OF FISCAL YEAR 2020 – 2021 AUDIT RESULTS – ELSA WATTS, MARTIN STARNES AND ASSOCIATES

Town Manager Hewett said the audit was submitted on time and approved by the Local Government Commission (LGC). He introduced Ms. Watts. Ms. Watts explained the Town received an unmodified opinion, which is a clean audit opinion. She thanked Town Manager Hewett, Fiscal Operations Supervisor Margaret Lancaster and Budget & Fiscal Analyst Daniel McRainey for their cooperation. She reviewed fund balance. Total fund balance was just over \$4 million for the General Fund. The available fund balance is \$3.5 million. This is an increase in available fund balance of \$435,000. The available fund balance as a percent of expenditures for the General Fund was 114%. The LGC requires you maintain at least 8%. Ms. Watts went over revenues and expenditures. The quick ratio for the Water and Sewer Fund was 3.05. The LGC would be concerned if the number was less than 1. Something new the LGC is looking at this year is performance indicators. There was one indicator for the Water and Sewer Fund that was below the recommended amount. Ms. Watts went over the calculation. Due to this, the LGC requires a letter signed by the finance director and all Board members explaining the reasoning behind this.

DISCUSSION/QUESTION AND ANSWER ON THE AUDIT COMMITTEE MESSAGE ON THE EXTERNAL AUDIT REPORT TO THE BOARD OF COMMISSIONERS

Commissioner Kwiatkowski explained the Audit Committee pulled out some of the information from the report that the public wants to know about. She reviewed the memo in the packet.

ANNUAL MONITORING REPORT – FRAN WAY, ATM

Assistant Town Manager Ferguson provided background and introduced Fran Way. Mr. Way showed where transects are taken from. Generally speaking, sediment transport is from east to west. For the annual monitoring analysis, they look at volume change and shoreline change. Monitoring has occurred annually since 2001 and is used for nourishment planning and FEMA eligibility. Last hurricane season was

very favorable. The previous year we had Isaias, which did a lot of damage for a Category 1. We received some FEMA funding for that. We are still working on Florence, Michael and Dorian. Mr. Way described how they do volume analysis. The results this year were good. Over the last year the beach was stable. The Town actually gained about 60,000 cubic yards. He reviewed the volume calculations and shoreline changes. Mr. Way discussed the central reach volumes. The beach is much healthier than it was in 2000. The nourishment program is working. Mr. Way provided information on the ongoing nourishment activities to include the Corps' 50-Year Study, Florence/Michael Mitigation Project, Dorian Mitigation, Isaias Mitigation, Lockwood Folly Inlet Crossing and Bend Widener and Lockwood Folly Outer Channel Dredging/Navigation.

DISCUSSION AND POSSIBLE ACTION ON AUDIT COMMITTEE PROPOSED REVISED ORDINANCE 30.26, AUDIT COMMITTEE (ORDINANCE 21-32)

Commissioner Kwiatkowski said the Audit Committee reviewed the existing ordinance and is proposing some revisions. She went over the changes in the proposed ordinance. Mayor Pro Tem Brown would like to see the terms stay one year. Commissioner Kwiatkowski stated the committee was unanimous in thinking three-year terms are appropriate.

Motion by Commissioner Kwiatkowski that the revised ordinance as written be approved by the Board so it could be put in place for the next Audit Committee; second by Commissioner Sullivan. The motion passed by a 3-2 vote with Commissioners Murdock, Sullivan and Kwiatkowski voting for the motion and Mayor Pro Tem Brown and Commissioner Smith voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR BEER GARDEN AND SIGNAGE FOR RUN HB

Assistant Town Manager Ferguson stated David Hutnik is here if the Board has questions. We have not had any problems in previous years. They are requesting to place a banner, have vendors and a beer garden.

Motion by Commissioner Smith to approve the signage for Run HB, vendors and beer garden; second by Commissioner Murdock; approved by unanimous vote.

POLICE REPORT – CHIEF DIXON

- Hunting season started October 16th and runs through January 1st. We haven't had complaints this year, but always do about people hunting on the west end of the island. Discussed it with NC Wildlife. They will help us monitor it.
- Provided information on current scams.
- Last month we talked about UTVs. We have our first street legal UTV on the island.
- Wished everyone a happy Thanksgiving.

PARKING COMMITTEE'S SUMMARY IN RESPONSE TO THE BOARD OF COMMISSIONERS' TASKER

Commissioner Murdock reviewed the tasker and answers. Town-owned lots that currently exist and how many spaces are available for paid parking - 221. By his count approximately 28 – 32 of these spaces are in the DOT rights-of-way (ROW) so he would take that number down to about 190. Town-owned property

suitable for conversion by next spring – there is one lot across the street and the property in the 800 block. There is a little on the east end. That would be about 50 spots. Properties that are proposed for purchase and how many spaces will be available for paid parking – there are properties for sale that could be purchased. He doesn't think anything has been proposed up to this point, other than identifying what is for sale. There is Block Q, one lot directly across the street in front of Bridgewater, pile henge behind the old post office on Jordan Boulevard, the big tract adjacent the Pavilion, on the water. The rate proposal for paid parking is \$4 an hour for the first four hours or \$20 a day. If we do it, it would be implemented from March 1st to October 31st. After that it would be free. Season passes would be available to purchase. Commissioner Smith said vehicles pulling a trailer would be \$30 per day. We are looking at permits for golf carts. Commissioner Murdock added the pier property to the proposed for purchase list. That is 82 spaces. He said there are 500 ROW parking spaces available today. He talked about the issues with ROW parking. If people use post and rope, that number will be significantly reduced. The cost to implement paid parking is approximately \$48,000. That is based on the parking we currently have. He went over the estimates from Otto Connect for net profit. Commissioners Murdock and Smith talked about the parking/access needs of the island.

Commissioner Kwiatkowski heard there are some challenges with parking in the marsh area. Commissioner Murdock said it is allowed now. It is included in the ROW numbers. Commissioner Smith added that Development Services Officer Wooten cautioned the committee that it is a wetland area and in the future you might not be able to use it, but right now we use it. The Board talked about the Corps' requirements, making parking available on the west end, ROW parking, reasonable parking and moving forward.

Commissioner Kwiatkowski asked why a vehicle and trailer is only \$30, since it is at least twice as long. She asked if the information will be added to the map. Commissioner Smith said they will look at it at the next committee meeting.

UPDATE ON REVISION OF OCEANFRONT LIGHTING ORDINANCE

Commissioner Smith said Pat Cusack from the Turtle Patrol was going to come to meeting but he had to go out of town. He spoke to him and the president of the Turtle Patrol. Both are in favor of restrictions on oceanfront lighting. Mr. Smith will provide our attorney with his information so they can work with Inspections Director Evan on developing an ordinance that makes sense.

DISCUSSION AND POSSIBLE ACTION ON UPDATED WATER FEE SCHEDULE

Public Works Director Clemmons explained that as of January 1st, the county will increase the Town's wholesale rate by 82%, with the new rate being set at \$5.25 per thousand gallons (proposed rates hereby incorporated into the minutes). This increase by the county is to cover the cost of the plant capacity from 24 MGD to 48 MGD and to add a low pressure reverse osmosis treatment system. Staff is proposing the Town increase our water/sewer rates effective January 1st to reflect the increased amount. The proposed increase reflects the county's increase only, with no additional profit to the Town.

Motion by Commissioner Kwiatkowski to approve the water/sewer rates effective January 1, 2022, direct staff to update the fee schedule to reflect the new rates; second by Commissioner Smith; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON STAFF COMPENSATION (RESOLUTION 21-16, PROVIDING COVID-19 PERFORMANCE BONUSES TO TOWN STAFF)

Commissioner Kwiatkowski said staff has had to work under extremely difficult conditions over the past year and a half because of COVID. We also had some significant inflation this year that was not expected. It makes sense to give them a bonus for their hard work and continued high level of service. She read the resolution.

Motion by Commissioner Kwiatkowski for the Board to approve the resolution; second by Commissioner Murdock.

Commissioner Smith said he thinks this is a gesture of how hard the staff works. Staff was steadfast during COVID.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR PARKS & RECREATION (PRAB) COMMITTEE SUGGESTIONS FOR THE TOWN-OWNED 796 OCEAN BOULEVARD PROPERTY

Commissioner Kwiatkowski would like to request that the PRAB give the Board their priority uses that they would envision for 796 OBW by the February Board meeting so the Board can incorporate planning into the budget. She provided history on the topic for the Board.

Motion by Commissioner Kwiatkowski that the Board request that the PRAB provide this body with its top two or three priorities of how they envision the building being used as a community recreation resource by the February Board meeting; second by Commissioner Sullivan.

The Board discussed what is in the packet and how they would like the PRAB to move forward. Assistant Town Manager Ferguson explained that currently it is discussed in the Parks & Recreation Master Plan, but it is a water/sewer asset.

The motion passed by unanimous vote.

Town Manager Hewett stated the Town would need to make sure to consider the cost for the recreation fund reimbursing the sewer fund in any total expense.

PROPERTY PURCHASE UPDATE AND REQUEST FOR PUBLIC OPINION

Commissioner Sullivan stated at the last meeting, there was a motion passed that we go back to the seller based on the findings of the inspection to ask for a reduction in price of \$500,000 on the pier property. Attorney Madon said she spoke with Mr. Bass; their corporate bylaws procedure would take about 30 days to complete. As of now they can't honor our request to reduce the purchase price without a meeting. The Board can request to extend the due diligence period. Commissioner Kwiatkowski inquired about the deliverables the seller was to give according to the contract. Attorney Madon reviewed the information she received.

Motion by Commissioner Kwiatkowski that we request Mr. Bass to extend due diligence by the appropriate period so they can have a meeting and a vote on our request to reduce the price.

Attorney Madon suggested using a specific timeframe on the due diligence and a timeframe on the response.

Commissioner Kwiatkowski amended her motion to request to the seller to extend the due diligence until Wednesday, December 22nd, response required by Friday, November 19th at 2:00 p.m.

The Board discussed the timing of the request. Commissioner Sullivan asked to revise the motion to if Mr. Bass doesn't respond to the request, come the end of business on Thursday, we will end the contract for purchase of the pier.

Commissioner Kwiatkowski revised her motion to we are requesting a response on the price reduction by Friday, December 17th at 2:00 p.m., to extend due diligence and the Board requests a response for the extension by Friday at 2:00 p.m. or we will withdraw our offer.

Commissioner Murdock said he is not willing to jeopardize the contract for asking for a reduction of \$500,000. He asked Commissioner Kwiatkowski to remove termination from the motion. He said it is a commercial area. The only way to control what is there is to keep the property. We need the parking and we need the access. There is a 4,500 foot gap in accesses in that area of the beach. He would be happy to lay out the details of the purchase to anyone who would like to discuss it with him. 350 feet of oceanfront property is about \$465,000 each for an oceanfront lot. The pier is not the main reason to buy the property. It is to protect that area of the beach. The other properties besides it are now under contract. He talked about options to pay the debt service to include paid parking and the grant the Town received of about \$200,000. Commissioner Murdock said the Town needs to budget the money and fix it as we can. He talked about options for the pier and building. Commissioner Smith added BPART money is for beach preservation, access, recreation and tourism. That is what that facility would be. Commissioner Murdock said he does have a business plan that includes using parking revenue. He said the Board is not planning on a tax increase.

Commissioner Sullivan asked why nobody has seen a plan. He went over his understanding of the motion and of Commissioner Murdock's comments.

Commissioner Sullivan seconded the motion.

Town Clerk Finnell read the motion. Commissioner Kwiatkowski clarified that the due diligence extension is to allow for a vote by his board on the price reduction. It is a due diligence extension, with the expectation that there is an answer on the price reduction. We need a response on the due diligence extension by Friday at 2:00 p.m. or we will withdraw the offer. Commissioner Sullivan agreed.

Commissioner Sullivan said there are three basic questions on any purchase that anybody makes: the cost of the purchase, how we will pay for the purchase and how will we use the purchase. He stated we know the purchase price, but we don't know the repair price. He said we just heard numerous possibilities, but he would like a plan. If there is no plan, he can't support it. He went over the feedback from people in the

minutes from the public hearing on the pier. Commissioner Sullivan said the people who live in the area came to the meeting and talked about needing access. He talked about different areas having private accesses. He suggested the people in the pier area could also purchase a private access. He said he believes that everyone got on the Board to make decisions that are beneficial to the Town. He was elected to represent the will of the people of the Town. He has heard that people want to move forward only if it makes sense and it is fiscally possible. He doesn't see how going forward with this deal is fiscally responsible and makes sense if we don't get an extension of due diligence.

Commissioner Smith stated he doesn't think the difference in the pricing is to where we would have to just drop the contract. He thinks we need to supply reasonable parking and public access. It will have to be at a price. We can't have people come over and use the beach and not get some revenue out of it for the police protection and for us to do the clean-up. We have an opportunity to buy some other parking areas, which are both below the appraised value, as the pier also is. He talked about the recent surveys. It is hard to gauge the results with the limited participation. He went over the response percentage. He talked about his past experience with surveys where questions were written to get the answer they wanted. He was upset with the way the survey was written. Sometimes the way you ask a question is the way you will get an answer. Commissioner Smith talked about funding the project.

Commissioner Kwiatkowski said a business plan for a community is on paper. She stated the Board needs to reduce their thoughts to writing. She said the Board has gotten sloppy about adding things to the packet ahead of time. Ideas, costs and potential revenues should have been put on paper. She talked about the necessity of a deadline for the motion.

Mayor Pro Tem Brown called for the vote.

The motion failed. Commissioners Sullivan and Kwiatkowski voted for the motion and Mayor Pro Tem Brown and Commissioners Murdock and Smith voted in the negative.

Attorney Madon asked if the Board wanted to entertain a due diligence extension without an automatic termination, along with a deadline for him to respond.

Motion by Commissioner Murdock without the termination date; second by Commissioner Smith.

Attorney Madon reviewed the terms. Due diligence would be extended to December 17th at 2:00 p.m., response by Friday at 2:00 p.m. Town Manager Hewett said he does not know what the extension of due diligence does to the application process for the installment financing agreement. He doesn't know what that does to the ability to close. Commissioner Murdock said he thinks the consensus is we want the reduction question answered.

The motion was approved unanimously.

Town Clerk Finnell reviewed the motion: to extend due diligence to December 17th to get a response on the reduction, we want a response on the extension by Friday at 2:00 p.m. Commissioner Kwiatkowski added that the time on December 17th is also 2:00 p.m. The Board all agreed they understood the motion.

PUBLIC COMMENTS ON GENERAL ITEMS

Mr. Rogers said the turtles were here before we were and we need uniformity in policy concerning lighting. He hopes the Town will be diligent about nature. He stated we talked a lot about parking, but didn't talk enough about toilets, litter, traffic congestion and handicap accessibility. Mr. Rogers said he recently saw a sign saying a Dollar General will be opening soon on Ocean Boulevard. It may be a joke, but if not, it calls for an open discussion on zoning, grandfathering provisions and public hearings. He is for having a bike path.

Beverly Compton said it sounds like Commissioner Murdock has a plan and needs to write it down. You then need buy-in. She doesn't think you can do neutral questions for surveys. She said the reason the HBPOA gets calls is when people don't like things. She talked about surveys.

Rick Paarfus requested the Town put the Corps' parking guidelines on the website. He talked about the statistics for tonight's public comments. Would like to see what data there is in support of the pier. He talked about the need for a plan. He said people have said if you don't have a plan, don't buy the pier. He said the Board needs to listen.

Jim Bauer talked about his solution for parking. He stated without a plan, the pier doesn't make sense. He talked about eminent domain for access.

Tony Jordan said Gil Bass is not a villain. He thanked the Board for their diversity. If everyone says yes, it will not be constructive. He does want the Board to buy the pier, but he wants there to be a plan.

Dean Thomas stated he appreciates the vision for the pier. He would like something on paper on the plans to proceed.

TOWN MANAGER'S REPORT

- Reminded the Board that Shane Lippard from Right Angle Engineering is working on finalizing designs and specs for the paving project on Sea Gull. On task to pave sometime between Easter and Memorial Day.
- Sediment sampling, which was a grant to ascertain the composition of our beach strand has been completed. It has been accepted by the Division of Coastal Management. They have advised us to apply for the reimbursement of those funds.
- Fran Way spoke to our beach projects. Central Reach FEMA projects will happen this winter. The Eastern Reach Project which takes the sand from the Lockwood Folly Inlet and places it on the east end will also happen. The objective is to mate the two projects. When that happens, we should have a continuous five-and-a-half-mile project running from Amazing Grace to the 800 block. Doesn't know when the dredge will be in front of your house. We have a placement contract and a timeframe it needs to be completed in. Since the Eastern Reach Project is a Corps' navigation project, we met with the program manager for potential federal contracts to familiarize staff with what process is. More to come later.
- Do have the Turkey Trot on Thanksgiving Day. Canned foods can be dropped off for a local food bank.
- Tree lighting is December 3rd.

Town Manager Hewett responded that we have the permit for the sand project to end at 871 Ocean Boulevard West and it begins at 262 Ocean Boulevard East in response to Mayor Holden's question.

MAYOR'S COMMENTS

- Tonight is an example of people with differing opinions being able to do it in a gentlemanly and lady like way. Thanks for the good discussion.
- This week had an opportunity to talk to Charlie Miller, our NC House of Representative. One of topics that stood out the most is he expected the budget to be finalized tomorrow. You have probably seen a crane working across from Town Hall. That is one of the projects they were talking about. The project is tax funded. The goal is to continue to clean up the waterway and rivers in the area from abandoned boats and other hazards. Talked about the ones in our area. We have a lot of those monies being spent right here, cleaning up our area. We greatly appreciate it.
- Veterans event that was sponsored by the Town was greatly appreciated by the veterans and well attended. Complimented the staff and all involved for putting it together. Had several people call and email about the flags. One of most complimented things was the large flag on our flagpole. Thanks to all who attended and those who helped make it happen.
- Happy Thanksgiving and thanks for being here.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Brown

- As far as the pier and parking situation, the easy thing would be to forget about it and be like an ostrich, stick your head in the sand. We have a beautiful town. The pier can work. We are not going to raise taxes in order to purchase the pier. It was never the goal. Never said anything about raising taxes. If he was a homeowner's association and all he could do is make derisive calls on everything, he thinks it is time for some new faces. He wants to see parking squared away. If we don't do it now there will be some opportunities that will get away from us. Every other town has paid parking and it is already working for them. There is no reason this island shouldn't have the same. It is something we need to do as a group and keep moving forward. Everyone can't agree, but that is part of the job. When he and Commissioner Murdock ran, they went out and told the people the truth. They are trying to do what is best for Holden Beach. There is no better fellow in this community that has done more for this town than Gil Bass. Read one of the comments about 1,000 parking spaces. Nothing has ever been said about 1,000 parking spaces. It was never the intent. Pays his taxes to the county and the Town. Has a lot of friends on the mainland and wants them to come to Holden Beach and enjoy it like he does. Knows he is very fortunate. Wants to see us keep progressing in a good way. Renters come and bring a lot of tourist dollars. Twelve weeks out of the year we are inundated. We accept that as part of the life we get to cherish here. Let's stay together as a community and work for a good common cause. Twenty years from now he wants a little boy with his granddaddy to walk out on the pier. He wants that little boy to have the same experience he had. Those experiences stick with you throughout your lifetime. Working for the best interests of the Town.
- Have a really great Thanksgiving. Enjoy yourself with your family and friends. Be thankful you live at Holden Beach.

Commissioner Smith

- Thanked Mayor Pro Tem Brown for his heartfelt comments.

- Thanked staff, especially the Police Department for the successful Festival by the Sea. They maintained the crowd well and the parking. There were many smiling faces. It was a success. It showed a need for parking. The beach is finally getting back to winter normal where you get home at 7:00 or 8:00 p.m. and there is not a car on the road. You get up with your coffee and walk to the beach and see a fisherman way down the beach. This is the time that makes him love Holden Beach the way he does.
- If you're traveling for the holidays, be safe. Enjoy your family. Give your family a hug and let them know you love them.

Commissioner Murdock

- Thanked everyone for coming out. Likes to see a room full of people. Would rather talk to people face to face, than in any executive session. Thinks that has led to where we are at now. We are very limited in some cases on what we can say. Apologizes for not writing it down. Has his feelings in front of him on how we can substantiate purchasing the pier. Will put it on paper to the best of his ability. Just received the parking report. That should be available to everybody. It totally lists everywhere you could possibly put a car and the options you could choose from to implement or not implement. Would like input on how many spaces you think as townspeople would be appropriate on the island. Has lots of reservations on putting them in one spot because it creates a deluge of people on the beach in one spot. According to our guidelines with the Corps' study, we will need to spread it out. Asked where you would want them to put spaces, if we didn't purchase the pier and didn't have the 82 spaces. ROW parking is not the best for everyone. You can put up post and rope, but that is not what he envisions for the island. Instead of being derisive, it would be nice to be able to come together as a community. Seems to be a consensus that 500 – 600 is the number we are going to need. Wants to provide a safe, functional pier, aesthetically pleasing in the long-term, knows it can't happen overnight. Wants emergency vehicle access for that stretch of the island. Wants to be able to get people out there. Providing parking is also one of his goals. Parking is already there. Could be a wedding venue, sunrise service. Feels we can pay for it and not have to raise taxes. Hopes we can come together and decide as a community to answer these questions.
- Thanked staff and attorneys and everyone that works hard to keep the Town going. They are very responsive.
- Hopes everyone has a good holiday.

Commissioner Sullivan

- Thanked everyone who showed up tonight and everyone who sent emails. We have asked for them. Sometimes we like what we read and sometimes we don't. Appreciates it.
- This is the last meeting where he will be a voting member. Didn't run for reelection so there will be a new commissioner next month. Thanked the staff. Not only do they work hard, but they are more than competent, conscientious and dedicated. We are fortunate to have them and he to work with them for four years. Thanked colleagues on the Board and those prior to this group. Had a lot of heated discussions, passion and disagreements, but at the end of the day, it is what democracy looks like and what we are supposed to be doing. Respects everybody as much as he disagrees with some of them because they stepped forward and decided there were things that need to get done that they could do better than the people who were here before them. They give their time. Particularly pointed out Commissioner Kwiatkowski because she consistently takes on the tasks nobody else would want to take on. She has done a lot of things to keep the Board running in the right direction. Appreciates it. Thanked the residents for giving him the privilege for being able to sit on the Board.

Commissioner Kwiatkowski

- Thinks if the Board could get better about getting our things in writing, not just this plan, but other things too, into the packet so people can see it before the meeting it will go a long way to getting a little better about the public feeling that they understand what is happening.
- It has been great having Commissioner Sullivan. Still will go to his house and ask questions.
- On Thursday, 4:00 – 7:00 p.m., the county will be having an open house that will presenting information on the progress of their new Land Use Plan and Parks & Rec Plan they have been working on. They did put out surveys to the public. Information will be available from what she understands. Encouraged people to go and take a look on how the county is planning to use their money and what they see their future to be. How they see their future impacts ours as well.
- Have a happy Thanksgiving. Hopes to see a lot of you back here in December.

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 PROPERTIES

Motion by Commissioner Smith to go into Executive Session at 8:06 p.m.; second by Commissioner Murdock.

Town Clerk Finnell read the reason for Executive Session.

The motion passed by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 9:02 a.m.

Motion by Commissioner Kwiatkowski to add Budget Ordinance 21-33, An Ordinance Amending 21-13, the Revenues and Appropriations Ordinance for Fiscal Year to the agenda; second by Commissioner Sullivan; approved by unanimous vote.

ORDINANCE 21-33, AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021 – 2022 (AMENDMENT NO. 7)

Motion by Commissioner Kwiatkowski to approve Budget Ordinance 21-33, An Ordinance Amending 21-13, the Revenues and Appropriations Ordinance for Fiscal Year, fund balance appropriated up to \$850,000, expense property/access acquisition; second by Commissioner Smith; approved by unanimous vote.

RECESS

Motion by Commissioner Smith at 9:04 p.m. to recess until Friday at 2:00 p.m. Mayor Holden added in Town Hall. The motion was seconded by Mayor Pro Tem Brown; approved by unanimous vote.

RECONVENE

The Board of Commissioners reconvened their meeting on Friday, November 19, 2021 at 2:00 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; Police Chief Jeremy Dixon; and Attorneys Rick Green and Katie Madon.

Mayor Holden called the reconvened meeting to order.

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 PROPERTIES

Motion by Commissioner Smith to go into Executive Session at 2:04 p.m.; second by Mayor Pro Tem Brown; approved by unanimous vote.

Town Clerk Finnell read the reason for Executive Session.

OPEN SESSION

The Board went back into Open Session at 2:35 p.m.

Attorney Madon explained we received a response from Mr. Bass through his attorney. She read the response. The shareholders decided not to reduce the price so they do not see a need to extend the due diligence period.

Motion by Commissioner Sullivan that we terminate the contract based on the fact that they won't extend the due diligence nor make any adjustment to the price based on the needed repairs.

Commissioner Sullivan amended his motion to that we terminate the contract; second by Commissioner Kwiatkowski. The motion failed by a 2 – 3 vote with Commissioners Sullivan and Kwiatkowski voting for the motion and Mayor Pro Tem Brown and Commissioners Murdock and Smith voting in the negative.

RECESS

Motion by Commissioner Smith at 2:41 p.m. to recess to Monday at 12:00 p.m.; second by Mayor Pro Tem Brown; approved by unanimous vote.

RECONVENE

The Board of Commissioners reconvened their meeting on Monday, November 22, 2021 at 12:00 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; Police Chief Jeremy Dixon; and Attorneys Rick Green and Katie Madon.

Mayor Holden called the reconvened meeting to order.

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 PROPERTIES

Motion by Mayor Pro Tem Brown to go into Executive Session at 12:03 p.m.; second by Commissioner Murdock; approved by unanimous vote.

Town Clerk Finnell read the reason for Executive Session.

OPEN SESSION

The Board went back into Open Session at 12:28 p.m.

Motion by Commissioner Kwiatkowski that we add to the agenda Discussion and Possible Action on an Ordinance Amending Ordinance 21-13, that being Ordinance 21-34; second by Commissioner Smith; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 21-34, AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021 – 2022 (AMENDMENT NO. 8)

Motion by Commissioner Kwiatkowski that the Board approve Ordinance, 21-34, An Ordinance Amending Ordinance 21-13, the Revenues and Appropriations Ordinance for Fiscal Year 2021 – 2022 (Amendment No. 8).

Commissioner Kwiatkowski explained this will adjust the fund balance, \$850,000 decrease, the expense related to property/access acquisition.

The motion was seconded by Commissioner Smith and approved by unanimous vote.

The Board discussed the closing date of February 28th. Town Manager Hewett reviewed the financing process. The Board talked about the funding process, the closing date and how to move forward.

ADJOURNMENT

Motion by Mayor Pro Tem Brown to adjourn at 12:35 p.m.; second by Commissioner Murdock; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk