

TOWN OF HOLDEN BEACH BOARD OF COMMISSIONERS REGULAR MEETING TUESDAY, DECEMBER 20, 2022 – 5:00 P.M.

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, December 20, 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, Pat Kwiatkowski and Gerald Arnold; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Police Chief Jeremy Dixon; Public Works Director Chris Clemmons; Budget & Fiscal Analyst Daniel McRainey; and Town Attorney Rick Green.

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

### PLEDGE OF ALLEGIANCE

#### AGENDA APPROVAL

Motion by Mayor Pro Tem Smith to add to #7, #7a, Chip Hemmingway and his presentation on what he has done so far on developing a plan for the pier. The Board unanimously approved the amended agenda.

### **APPROVAL OF MINUTES**

Motion by Commissioner Kwiatkowski to approve all four sets of minutes (Special Meeting of October 10, 2022, Special Meeting of November 8, 2022, Regular Meeting November 15, 2022 and Special Meeting of November 29, 2022); second by Mayor Pro Tem Smith; approved by unanimous vote.

### **PUBLIC COMMENTS ON AGENDA ITEMS**

Jim Bauer stated at certain times the water supply system for the island is not up to snuff, especially during emergency events. He would like to see a place for static water supplies at Block Q and 796 Ocean Boulevard.

Keith Smith would like to see something for teenagers incorporated into the pier plans, like pool tables or a game room. He would like something safe and fun to occupy their time.

## DISCUSSION AND POSSIBLE ACTION ON PINNACLE ARCHITECTURE'S DRAFT MASTER SITE PLAN FOR BLOCK Q – RANDY BAKER, PINNACLE ARCHITECTURE

Randy Baker showed a sketch of the proposed parking lot for Block Q. He said the parking lot shown maximizes the area of the site. It closes Carolina Avenue. There is boat parking and regular parking around the perimeter. There is also a toilet house and a small area for maybe a dog park. They need to get some soil borings to move forward. He showed the drainage areas on the sketch.

Town Manager Hewett said we are doing utility locates in the area. Mr. Baker showed drone photos of the area. He said there was some comment on greenspace. Their goal was to maximize the site for parking. Mayor Pro Tem Smith stated he was thinking maybe on the north side, you could have where the boats could pull in off of South Shore Drive and then an area wide enough where they could go back out to the ramp. That would be something that could be ready by the start of the season. He would like to see more greenspace. He said if the Town finds the need, the green space could be transformed back into parking. He described his vision for the area. Commissioner Dyer asked if more handicap spots could be added. Mr. Baker replied yes, those presented meet code. Commissioner Dyer agreed with Mayor Pro Tem Smith that rights-of-way parking is good and to keep some green. The only other concern she has is with the entryway. She suggested utilizing an entryway on Jordan Boulevard or Brunswick Avenue so that lights wouldn't be directed at residences on Quinton. Mayor Pro Tem Smith said the flow could be reversed.

Commissioner Kwiatkowski said she knows they all agree to have the boats along the north. She also agreed that it doesn't need to turn into all parking. Even with the greenspace, underneath that has to be the ultimate plan for if we needed as much parking as possible. Commissioner Kwiatkowski said you could then overlay the space not needed now with green space. If we don't need it now, it needs to be in the master plan and some of it could be repressed. Inspections Director Evans stated it may be advantageous to have open access for bathrooms from public facilities that are adjacent to the area. Commissioner Kwiatkowski suggested that all of the handicap parking doesn't need to be by the restroom; there could be some in the front row, closest to the beach. Mr. Baker said right now he doesn't think there is a sidewalk. If they do something like that, they need to have some sort of handicap access across the roadways.

Mr. Baker said the boat spaces are 64'. He stated he could revise the plan. He may give a couple of options based on what he heard tonight. He would like to find out how many toilet fixtures are required. Right now, the building is 40' x 20'. It will need to be raised off the ground, floodplain level. There will be ramps going up to that level.

The Board allowed questions from the public. Mr. Bauer asked about surface permeability. Mr. Baker explained there are options but what they have shown is asphalt. The Board confirmed (question from Savanna Teneoff, Brunswick Beacon) that the area would be paid parking. Mr. Smith asked what the elevation of the floodplain is. The elevation was discussed. Mr. Bauer said if you pave it with asphalt, the water has to go somewhere. Catch basins and onsite containment were discussed.

### CHIP HEMINGWAY, BOWMAN, MURRAY, HEMINGWAY ARCHITECTS – PRESENTATION ON DEVELOPMENT OF PIER PROPERTY

Chip Hemingway reviewed his slideshow. He explained they received the survey right away so he sped up the process. He is still waiting on his structural engineer who is scheduled to come down next week. They measured the existing building and drew the elevations. He showed some pictures of the existing property. He would imagine all of the bolts on the pier and a certain percentage of the cross braces would be replaced. All in all, the pier is in good condition. The handrails don't meet ADA requirements. Some of the handrail structure is insufficient. All of the horizontal members on the handrails need to be replaced and respaced. He said the pier decking seems like it could go a lot longer. He showed pictures of the current pier and provided information on how it could be improved. He said he knows part of the plan is the Hatteras ramp and an ADA walkway for beachgoers to enter the strand from the parking area. They are proposing when you come out of the pier house and walk out to the first ramp, it would be a new structure. Then you would just rehab the rest of the pier's length. For the inside of the pier house, the slab needs to be replaced or repaired. They are suggesting maybe two businesses, a tackle shop where they would sell tickets to walk on the pier and on the other side maybe a new restaurant. Mr. Hemingway said the most important thing they are talking about putting in is the public beach restrooms. He put them on the same side of the handicap access and emergency vehicle access. He talked about having a coffee or an ice cream shop. The amount of outdoor seating and location of the CAMA line was discussed.

Commissioner Kwiatkowski stated she was hoping that there would be some room to have parking that would be dedicated to handicap parking at the 50' lot that was bought for accesses. Unless you could push the emergency road all the way over to the edge of the property, she doesn't see there will be any place for cars to park there. Mr. Hemingway said the one thing he hasn't really worked on is the parking lot. You might be able to get more parking. Commissioner Kwiatkowski stated on the east side of the restaurant there is some outdoor seating designated. She thinks it will inhibit people from cutting through the parking lot to the existing access. Mr. Hemingway explained he laid that out based on the more conservative line. There can be more seating towards the beach, instead of on the side. He thinks the existing beach access should remain as it is now.

Mayor Pro Tem Smith asked if there is a purpose for having that much open space between the last campsite and the seating area. Mr. Hemingway replied he was stopping it where the existing power stubs are located. It could move over if you want to have campers that close to the restaurant. Commissioner Murdock said we if could get a couple more in there and it is wide enough to accommodate their vehicles. Mr. Hemingway will see if he can get one or two more in there. He will clarify the vehicle needs. Commissioner Dyer asked about access to the outside bathrooms. It looks like at the proposed location it would be easier for people from the private campground to utilize them. Mr. Hemingway explained why they are proposed to be located there. Assistant Town Manager Ferguson suggested Mr. Hemingway talk to her and Inspections Director Evans to make sure the grant stipulations are accommodated. Inspections Director Evans provided information on grant specifications. Town Manager Hewett added he shouldn't miss the opportunity to also consult with the fire chief since there is an emergency access.

How to move forward with the inside of the building was discussed. The due diligence documents were discussed. Mr. Hemingway said they will leave as much as they can and repair only what needs to be repaired. For the next visit he should have wrapped this up and they can get into actual design.

#### **ELECTION OF MAYOR PRO TEM**

Motion by Commissioner Kwiatkowski to reappoint Rick Smith as mayor pro tem; second by Commissioner Murdock; approved by unanimous vote.

### **DISCUSSION AND POSSIBLE APPROVAL OF 2023 MEETING SCHEDULE**

Motion by Commissioner Kwiatkowski to approve the 2023 Board of Commissioners' Meeting Schedule as presented in the packet, second by Commissioner Arnold; approved by unanimous vote.

Commissioner Murdock said with the amount of business the Town has, he would like to set aside four more days, one every quarter to talk about any business the Board would like to talk about. Two of the meetings could roll into budget meetings. Holding quarterly meetings was discussed. Mayor Pro Tem Smith suggested having the quarterly meetings a couple of days after the regularly scheduled meeting. Commissioner Kwiatkowski agreed, she was thinking March, June, September and December. March and June could accommodate some of what is needed for budget. Town Manager Hewett suggested he could bring a proposed budget schedule to the Board and then figure out the quarterly meetings.

After discussion, the Board agreed that Town Manager Hewett will bring a proposed schedule to the January meeting.

# DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF CAPE FEAR COUNCIL OF GOVERNMENTS (COG) DELEGATE AND ALTERNATE

Town Clerk Finnell explained the COG requested the Town appoint a delegate and alternate. Currently the delegate is Mayor Holden and the alternate is Mayor Pro Tem Smith. Those positions have been the practice in the past.

Motion by Commissioner Murdock to appoint the mayor as delegate and the mayor pro tem as alternate member; second by Mayor Pro Tem Smith; approved by unanimous vote.

### **POLICE REPORT – CHIEF DIXON**

- Due to the weather approaching this weekend, we have been working on getting in touch with the DOT. Will have freezing weather starting Friday – Tuesday or Wednesday of next week. Drive careful. Remember the bridge freezes before the road. Will try to keep it open, but there is a chance it could be closed due to icy conditions.
- Merry Christmas.

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

• Very busy. Still averaging 23 – 24 inspections a day. Running about even with previous years, other than the last of the COVID years. Seeing a transition like we normally do when the economy starts to transition. We start seeing where we go from a higher number of new starts to a higher number of new renovations. He talked about trends. Most significant is the number of permits that are active that they constantly monitor on a daily basis. Reviewed numbers on the report.

# DISCUSSION AND POSSIBLE ACTION ON ORDINACE 22-28, ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, SECTION 94.03 FRONTAL DUNE POLICIES AND REGULATIONS

Inspections Director Evans explained that as directed by the Board, staff has prepared a draft amendment based on information provided by the Planning & Zoning Board. This ended up being a housekeeping event for Section 94.03, but it does help with the enforcement of that section.

Commissioner Kwiatkowski inquired about Section 94.03(C)(2)(a)(6). Inspections Director Evans explained when someone comes in and applies for a permit, they have to bring it into compliance if there is currently non-conformance.

Motion by Mayor Pro Tem Smith to approve Ordinance 22-28, Amending the Holden Beach Code of Ordinances, Section 94.03 Frontal Dune Policies and Regulations; second by Commissioner Arnold; approved by unanimous vote.

### **UPDATE ON BEACH MAT PLAN**

Inspections Director Evans said we were in the process of putting together a beach mat plan and we ran into some issues between regulations and policies, things that were in place and were going to be in place. He did everything he would need to make a plan. We have 26 existing walkways. The existing areas for mats that we have identified would be PW1 (east end), PW180 (Quinton), the pier and PW40 (800 block). They think there are four areas for future handicap access - the 800 block, Avenue E, the pier and ramps as available. He reviewed conditions that the Town would need to follow. There are CAMA approval and variances that would be required. You need to make an application, be denied, then apply for a variance. The mats would need to be landward of the static vegetation line and removed in the offseason. For the employee responsibility there would need to be some departmental policy changes, designated responsibility and beach maintenance and placement/removal. Inspections Director Evans provided budgeting costs estimates. We are limited at all of the proposed locations without a policy change at the CRC. It will be easy to draw up a plan. We don't have the budget, but we know where we could put them and what to do when we can get them. When the CRC might make a determination was discussed.

## DISCUSSION AND POSSIBLE APPROVAL OF REVISION TO ENGINEERING SERVICES AGREEMENT FOR PUMP STATION #2

Public Works Director Clemmons explained that Green Engineering has prepared a revised contract for sewer lift station #2 engineering services that needs to be approved by the Board before the Town can proceed with the request for bids. It is an increase of \$18,500, \$6,500 for design changes, \$2,000 for

the bidding phase and \$10,000 for the supervision phase. The design changes are just minor changes, giving an additional three feet of buffer before the breakaway walls go in and elevating the hatch another three feet.

Motion by Mayor Pro Tem Smith to approve the revised contract for lift station #2 and to allow the Town staff to proceed with the bid request; second by Commissioner Kwiatkowski; approved by unanimous vote.

Town Manager Hewett pointed out there is a timing issue. We need to work out the proper timing for obtaining bids and receiving the \$2.7 million of federal money.

# DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-29, AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPOPRIATIONS ORDINANCE FOR FISCAL YEAR 2022 – 2023 (AMENDMENT NO. 7)

Budget and Fiscal Analyst McRainey explained the amendment is to realize the money received from the insurance claim on the Public Works' truck from Hurricane Ian. Approving the amendment will allow the Town to move forward with acquiring a replacement vehicle.

Motion by Mayor Pro Tem Smith to approve Ordinance 22-29, Amending Ordinance 22-14, to revise the appropriations ordinance for 2022- 2023; second by Commissioner Arnold; approved by unanimous vote.

# DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-30, AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPOPRIATIONS ORDINANCE FOR FISCAL YEAR 2022 – 2023 (AMENDMENT NO. 8)

Budget & Fiscal Analyst McRainey said this amendment is to encumber funds to the Pier Renovation and Repair line for minor repairs that took place after Hurricane Ian and for any upcoming minor repairs prior to the full renovation. Town Manager Hewett added the text in the memo is correct. The actual amendment is not correct. It reads Utilities and Insurance. The intent is to move it to the Pier Renovation and Repair line.

Motion by Commissioner Arnold to pass the ordinance; second by Commissioner Murdock (agreed as corrected); approved by unanimous vote.

## DISCUSSION AND POSSIBLE ACTION ON REVISING DISCHARGE OF FIREARMS PROHIBITED; EXCEPTIONS, ORDINANCE 130.01

Commissioner Kwiatkowski explained the background of this item. She said Chief Dixon is willing to bring his suggested modifications to Section 130.01 to the January meeting if the Board agrees.

The Board agreed by consensus.

Chief Dixon said he won't be at the January meeting; February would work better. The Board agreed.

## DICSUSSION AND POSSIBLE ACTION ON HOW TO ADDRESS CONCERNS WITH 796 OCEAN BOULEVARD WEST (OBW)

Mayor Pro Smith explained the background. An architect is working on a plan of what can be done in the future at 796 OBW. He would like to see if the Board would agree to direct the town manager to solicit bids for painting of the outside; solicit the repair of A/C platforms and steps; and remove the antenna. He also would like to discuss the possibility of receiving bids from rental agencies for rentals to offset the expense of the repairs. The costs for the repairs could be recouped during the summer, then hopefully we can get something in the budget and some plans put together for future use of the building.

Motion by Mayor Pro Tem Smith that we take care of some cosmetic upfits to 796 and possibly explore renting the property on a weekly basis during the summer; second by Commissioner Murdock.

Town Manager Hewett asked what color. The Board agreed the same color. Town Manager Hewett inquired if there are any other specs related to the paint he needs to be aware of. He also asked if Mayor Pro Tem Smith was only talking about the back steps. Mayor Pro Tem Smith agreed. Commissioner Murdock said if the Town were to entertain the use of short-term rentals it would all need to be safe. It may not be just the back steps.

The motion passed by unanimous vote.

# DISCUSSION AND POSSIBLE DIRECTION TO TOWN MANAGER TO REVIEW INFORMATION AND SUGGESTIONS FROM HOLDEN BEACH CITIZENS ON THE FIRST YEAR OF PAID PARKING AND RETURN STAFF SUGGESTIONS TO THE BOARD OF COMMISSIONERS AT THE JANUARY MEETING

Mayor Pro Tem Smith explained the information in the packets is what he gathered from residents. He would like the town manager to review the information and return staff suggestions to the Board at the January meeting. He reviewed the questions.

Motion by Mayor Pro Tem Smith to have town manager get with staff and discuss the issues and the suggestions that we have for parking next year and have them ready for us at the January meeting; second by Commissioner Kwiatkowski.

Town Manager Hewett asked about item 9 on the list. Commissioner Kwiatkowski clarified she thinks it means discuss eliminating all rights-of-way parking except in designated parking areas.

The motion passed by unanimous vote.

## DISCUSSION AND POSSIBLE ACTION ON RESOLUTION 22-09, RESOLUTION AMENDING THE HOLDEN BEACH FEE SCHEDULE (RECYCLING)

Town Clerk Finnell explained we have received the updated fees from GFL for people who utilize the voluntary curbside recycling program. The 2023 costs for people who participate in the program would go up to \$106.88. It is an increase from the current fee of \$86.37. The fee schedule would need to be amended to move forward.

Motion by Commissioner Kwiatkowski to approve Resolution 22-09, Amending the Holden Beach Fee Schedule for curbside recycling; second by Commissioner Murdock; approved by unanimous vote.

#### **PUBLIC COMMENTS ON GENERAL ITEMS**

No comments were made.

#### TOWN MANAGER'S REPORT

- FEMA CRP 2 still awaiting the final inspection on the FEMA project. Have been requested to supply additional specific detailed information by FEMA's EHP Office. We are still short about \$600,000 in reimbursements. This deep dive request will require ATM to provide us with some assistance. We anticipate responding back to FEMA within the next two weeks. After that, not sure the final timeline to receive the \$600,000 in remaining reimbursements.
- Ocean Boulevard Resurfacing/Bike Path Status conversation with the Acting Division Engineer Caitlin Marks said only one bid came in on the project. It was 40% above the DOT's engineer's estimate. The bid came in over \$5 million which automatically sends it to the central office in Raleigh. It was rejected. It will be rebid with two timeframes, one before Memorial Day 2023 (current) and another with an alternative bid between mid-September 2023 and Memorial Day 2024. Ms. Marks said it is not likely that there will be a responsive bid presented for the first option. The alternative is more realistic. That would be pushing the project off for a year.

Mayor Holden said this is embarrassing. Has been promising the public for four years that the bike path was coming. This came as an unbelievable shock. Not only to him, but to the DOT people in the area. Everything keeps going up. Doesn't know where things will end. Apologized, told everyone in good faith it was going to be done.

- 796 OBW David Woods is working on the preparation of renderings for the Board's consideration.
   He met last week with Assistant Town Manager Ferguson and Inspections Director Evans to begin the process.
- Pier CAMA Beach Access Grant for the Hatteras ramp was approved recently in the total amount of just under \$67,000 of which about \$50,000 is state money. This is for the Hatteras ramp, handicap access for the 50' lot adjacent and west of the pier that the Town owns. This will require execution of a standard DCM contract by the Board when we get it. We are working on executing administratively the PARTF grant. There is an administrative requirement to get a second appraisal, which is currently underway. We are anticipating a completion date in the first week of February.
- Federal Budget expecting passage of the federal budget on December 23<sup>rd</sup>. There is a total of \$3.8 million earmarked for the Town, \$2.7 million for the sewer lift station, \$100,000 for stormwater and \$1 million for the Coastal Storm Damage Reduction Act. The General Assembly convenes their long session in January. Will be communicating with our legislators to get some of the Town's priorities put forward.
- Seagull Street Right Angle Engineering has certified the final payout to the contractor. We will have the assessment resolution prepared for the Board's consideration at the January meeting.

Mayor Pro Tem Smith asked about the DOT project. Town Manager Hewett replied it was an informal conversation, but it isn't realistic to expect it will happen. They do need to put it out according to the state's contracting process. The time was short when it was put out and is shorter now. Mayor Holden said if you remember there was a delay because of negative comments.

### **MAYOR'S COMMENTS**

- Town Manager Hewett and so forth went to California to make a presentation about what we are
  doing on the oceanfront and got accolades for the Town. In the last few days, a town in the Great
  Lakes has contacted him on some things we are doing. It is amazing how word gets out around the
  country about a little place like Holden Beach. Really appreciates the work done. There are some
  good things the country is recognizing us for.
- Christmas Decorations have received comments on how pretty the Town is. It is nice looking. We had some homes that are really decorated.
- Reminded everyone about docks, walkways and showers outside. Pipes will freeze and burst. If you haven't taken care of it, do whatever you need to do. Will be a tough few days coming up.

### **BOARD OF COMMISSIONERS' COMMENTS**

### Mayor Pro Tem Smith

- Thinks it has been a really good year for Holden Beach. We have done a lot of great things this year. Looks forward to working with the Board and staff to continue the projects.
- Thanked the firms for coming in to discuss the Block Q and Pier projects. Thinks as we move forward, they are getting a better idea of what we have envisioned. Those two projects are near and dear to his heart and his fellow commissioners as well.
- Thanked the Public Works Department. They go above and beyond the call of duty.
- Thanked the rest of Town staff for their diligence. Do a whole lot with just a few people. Proud of the work they have done for us this year.
- Thanked all that came out tonight. Thanked the people who participated in the meetings all year long and the ones online who keep up with what we are doing.
- Grateful to have Commissioner Arnold onboard.
- Hopes everyone has a safe Christmas and New Years and we will hit the ground running in 2023.

### Commissioner Murdock

- Thanked everyone for coming out. Appreciates the work Town staff does for us on daily basis.
- Appreciates the engineers and the ones working on these important projects. The presentations are very informative. Knows the public really wants to keep abreast of that kind of stuff.
- It is the time of year that the brakes seem to get pumped a little bit. Wished everyone a merry Christmas and wants people to reflect on what is important. That is family and friends, the things that you can't replace and can be taken at any moment. Some of those were this year. You can't get those back. It needs to be a time to come together and be thankful we are here and we do have things we should be appreciative of that we take for granted. There are a lot more positives in life than negatives. We all agree to disagree at times. Things aren't always going to work out like we want.

• Can't drive in any direction from the Town where there is not acres of land being pushed down and things being built. Infrastructure will fall behind. Doesn't know how the area will sustain it. Proud of the commissioners for having the forethought that Holden Beach may be able to handle a portion of that by thinking ahead. It is another reason we need to move forward as quickly as we can because there will be massive growth in the area.

### Commissioner Dyer

- We have a great staff. We have a few people that do the work of several people. It was a good year. They worked hard and we are appreciative of everything they do.
- Had a busy year, some growing pains. Thinks the purchases we made are positive. Excited about the next year and the projects. Thankful for the engineers that came in. We have some drawings and are seeing some progress.
- Thanked the Merchants Association. Ran into a couple of officers and it looks awesome to see those cameras. Thinks will help keep them safe. Appreciative of the Merchants Association for getting them. They were much needed.
- Wished everybody safe holidays, merry Christmas and happy New Year. See you next year.

### Commissioner Kwiatkowski

- Really nice to see progress being made on some of our big projects. Thinks ending the year with two engineering firms coming and giving us drawings of what things may look like is very encouraging. It ends the year on a really good note. Looking forward to the January meeting. Thinks we are discussing everything at that meeting so we will have a good start to the year.
- Merry Christmas to the staff and Town. Take care of yourselves and see you in January.

#### Commissioner Arnold

- Is honored and privileged to be among this distinguished group. Appreciates the comments heard tonight. Thinks about the unique issues that the Board faces and the progress made and is very thankful. Proud to be a part of it.
- Merry Christmas.

## CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), CONSULT WITH THE ATTORNEY AND NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6), PERSONNEL

Town Clerk Finnell read the reason for Closed Session.

Motion by Commissioner Murdock to go into Closed Session at 7:09 p.m.; second by Mayor pro Tem Smith; approved by unanimous vote.

### **OPEN SESSION**

The Board went back into Open Session at 8:31 p.m.

### **ADJOURNMENT**

Motion by Mayor Pro Tem Smith to adjo by unanimous vote.	ourn at 8:31 p.m.; second by Commissioner Murdock; approved
ATTEST:	J. Alan Holden, Mayor
Heather Finnell, Town Clerk	