



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, FEBRUARY 21, 2023 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, February 21, 2023 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; Police Chief Jeremy Dixon; Public Works Director Chris Clemmons; Inspections Director Tim Evans; Finance Officer Daniel McRaney; Town Attorney Rick Green; and Fire Chief Doug Todd.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Town Manager Hewett explained Tony McEwen isn't able to attend the meeting and suggested the Board move the American Flood Coalition item to the March meeting.

Motion by Commissioner Arnold to approve the amended agenda (removing item 11); second by Commissioner Murdock; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve the minutes as written for the January 17th Regular Meeting; second by Commissioner Murdock; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Jim Bauer said we still haven't heard anything about the insurance costs of letting the public onto the pier. He suggested the Board should also think about tearing the pier down as they move forward. Mr. Bauer said there is a fantastic opportunity to sell the property at 796 Ocean Boulevard. He explained how he believes that would benefit the Town.

POLICE REPORT – CHIEF DIXON

- Some of the backordered recording equipment came in. It has been installed and is running.
- Started in-service training.
- Added a year-end summary to the report. Reviewed the numbers.

Mayor Pro Tem Smith stated they had breakfast with the deputy chief of the Sheriff's Department, who spoke very highly of Chief Dixon and his department.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- The amount of work done was estimated at a value increase of ad valorem taxes in construction improvement of a little over \$2 million. That doesn't include land values. Went over permit numbers.
- Explained the importance of checking with the Inspections Department before starting work.
- Provided information on the Coastal Resources Commission (CRC) meeting to be held in Ocean Isle. Inlet Hazard Areas, vegetation and beach mat regulations will be on the agenda.
- Plan Reviewer/Inspector Redwine is slated to take her next exam and next class in March.

EAGLE SCOUT RECOGNITION

Assistant Town Manager Ferguson provided information on the Eagle Scout projects completed by Gunner Blake and Erwin Chavez. Town Manager Hewett presented them with certificates.

DISCUSSION AND POSSIBLE ACTION ON PROPOSAL FOR SERVICES FROM GREEN ENGINEERING

Public Works Director Clemmons explained at the January meeting, the Board selected Green Engineering for engineering services relating to water system inventory and assessment. Green Engineering has provided a Proposal for Services for the Board's consideration. The total cost for the agreement is \$172,680. In order to approve the agreement, the Board would need to approve a budget amendment transferring \$44,714 from the Water Capital Reserve Fund (CRF), \$50,860 from Contracted Services and \$34,606 from Equipment Purchase Water. The Water CRF is funded by system development fees meant to be used for costs incurred for water system expansion. The transfers, along with the current \$42,500 in Professional Services are necessary to execute the agreement.

Motion by Commissioner Arnold to approve; second by Commissioner Murdock.

Town Manager Hewett said the motion for consideration of the contract needs to include a reference to the federal contracting laws, 200 CFR Appendix 2 specifically so if there is any federal money involved, we can ensure that we are doing it according to the Uniform Contracting Code.

Commissioners Arnold and Murdock agreed to the amended motion. The motion was approved unanimously.

Motion by Commissioner Murdock to approve the budget amendment (Ordinance 23-02); second by Commissioner Arnold; approved by unanimous vote.

FIRE DEPARTMENT UPDATE

Chief Todd explained a fire station can be located anywhere within the parameter of the 800 block to Fayetteville Street to cover the island and the Emergency Operations Center. It does not cover the Turkey Trap Road property. Commissioner Dyer asked about the safety of the equipment from flooding if the station stays in its current location. Chief Todd replied that it could be looked at but the biggest problem is the equipment is getting bigger. A ladder truck cannot fit at the current location. Building orientation, entrance to the property and the staging area were discussed. Chief Todd will get how large the staging area needs to be to Inspections Director Evans.

Chief Todd gave an update on the mainland project. The bid came back at \$5.7 million, which was higher than expected. With that and higher interest rates, they decided to put the project on hold for now.

DISCUSSION AND POSSIBLE ACTION ON FINAL SITE PLAN FOR BLOCK Q

Randy Baker from Pinnacle Architecture joined via conference call. He explained the Board has the revised parking lot layout. They turned the boat parking around so it is easily accessible to the boat ramp. They also have perimeter parking around the site and left a majority as open area. On the left side is the bathroom facility with a little bit of parking around it. If this is the approved layout, they would break it into two phases. The first phase would be the boat parking area and the second phase would be the bathroom facility.

Mayor Holden asked if they did a radius check for trailers. Mr. Baker responded this is an overall layout. They would make sure the radiuses work during the actual design. Mayor Holden suggested that the northwest corner be moved south. It would reduce the angle of the parking area and you could recapture your green area on the north of the newly created area so the lot coverage would be the same. Commissioner Dyer said when they talked about this earlier, there was about 22 boat trailer parking spaces. When the seven or eight spaces were added at the corner of Quinton and South Shore, that took it back to 15. She asked if it is possible to take the seven or eight spaces out and get more boat trailers spots. Mr. Baker said we need to take into account stormwater retention. That area in the corner is basically left for that. Depending on what needs to be done with stormwater retention, they could possibly move into that area. He said when you start making the angle as Mayor Holden mentioned, you will eat up some of the green space. Commissioner Dyer said she thinks we need to maximize the boat trailer parking, even if we need to lose those few car spaces. She suggested eliminating the spaces on Quinton for car parking. She thinks it should be kept green or to maximize trailer parking since that is a residential street and leave the parking for the sides that do not have as many residential homes. Commissioner Kwiatkowski said she doesn't think it hurts to have it in the plan as a maximum. Mr. Baker stated their plan is to do the stormwater retention plan as if the whole area is parking. It will not be that way in the beginning. It will be mostly green space but will be designed so parking can be added later. Commissioner Murdock stated the entrance to the boat trailer parking is coming out in front of a single residential property. He inquired if there is a way to reconfigure it so it comes out on Carolina Avenue. Mr. Baker responded that you could try, but the angle on the parking spaces would get steep. He said they will look at the radiuses.

Mayor Pro Tem Smith asked about the next steps. Mr. Baker said for permitting they need to go through stormwater and erosion control permits. That will take about three months. If the Board is in general good with the overall layout, Phase 1 being the overall boat parking area, they will start the design as soon as maybe next week. He needs to get the plan to his engineer. They will start laying out the turning radiuses and putting everything into a CAD. They will leave a space for Phase 2, the bathroom area. Assistant Town Manager Ferguson asked if the perimeter parking for single cars is intended to be natural. Mr. Baker agreed it will be left natural. Town Manager Hewett said if the Board approves this conceptual plan, we are probably in the next phase of a contract. We need to update the contract to reflect design and to fund that.

Motion by Mayor Pro Tem Smith that we have the town manager execute the contract for the next phase and also have the assistant town manager pursue any grant opportunities. Mayor Holden asked for the motion to be broken into two separate motions.

Motion by Mayor Pro Tem Smith to have the town manager execute the contract for the next phase of Block Q; second by Commissioner Arnold.

Town Manager Hewett said he is not sure there is an appropriation to do that. He suggested taking the budgetary items to the March 13th meeting and we can make the contract contingent on the budget actions.

Mayor Pro Tem Smith amended his motion to have the town manger execute the contract for the next phase contingent on budget requirements. Commissioner Arnold agreed to the amendment. The motion passed by unanimous vote.

Assistant Town Manager Ferguson said the preapplication cycle for the NC Public Beach and Coastal Waterfront Access Program is currently open. Staff has coordinated with the district coordinator for the program. Typically, funding is in the \$200,000 - \$250,000 range, however she has encouragement that this grant cycle may have more funding. Staff is seeking guidance on if the Board would like to seek grant funding. The Town would not be able to start construction until a grant contract is in hand. If we base that on the same cycle that we have seen with the Hatteras ramp at the pier, it would be this time next year before there is a contract, which may not be on pace with what the Board is thinking for Block Q. Assistant Town Manager Ferguson explained the Board could consider phasing it. It is 75/25% grant. She said we do not have costs yet from Pinnacle Architecture but provided estimates on numbers she has discussed with Town Manager Hewett and Inspections Director Evans, which would be \$700,000 for the full project and \$300,000 - \$400,000 for the bathrooms. Restrictions for this grant would be for 25 years.

Commissioner Murdock said Mr. Baker mentioned three – four months for permitting so it doesn't look like it will happen this season. He would want to make sure that if trailer parking can't be put in place for this season, it would definitely be in place for 2024. He wouldn't want the grant to hold that portion up. How to move forward was discussed. Commissioner Murdock stated if the Town's budget allows it, we need to move forward with the boat and trailer parking. He would just apply for the second phase. Mayor Pro Tem Smith thinks separating the two would be best to move forward on the property.

Motion by Mayor Pro Tem Smith that we ask the assistant town manager to pursue the grant opportunity on the restroom portion of Block Q and ADA approved parking and ADA approved restroom in the second segment of Block Q; second by Commissioner Dyer; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON FINAL SITE PLAN FOR PIER PROPERTY

Chip Hemingway from Bowman Murray Hemingway Architects went over the drawings he provided to the Board. They are talking about renovating the existing pier and the existing pier house and improving the existing parking lot. The structure of the pier is in good shape. They are proposing that they would replace the handrails, electrical and decking as needed. There is one dip they would try to address. As you come back onto the beach the condition of the pier is less desirable than the ocean part of the pier. They will have more significant repairs to that portion. For the whole length, they will replace the hardware that connects the structural members. They will replace certain crossbeams that have cracked and no longer function as designed to. They are proposing that the darker brown portion on their plan would be a completely new structure that would incorporate ADA ramps. There would be new lighting, plumbing and electrical. Mr. Hemingway said in the pier house, they are thinking there would be a concessions area. There would be outdoor seating from the area. The conceptual drawing also has restrooms for the customers and four garage doors for open air dining. On the other side, there is a tackle shop/gift shop and a ticketing area. They also are showing an ice cream/coffee house. On the side there are public restrooms/showers for beach access. The Hatteras ramp would be for Town vehicles and emergency vehicles to access the beach quickly. There is also an ADA accessible ramp for the public to get to the beach strand. Mr. Hemingway said their charge was to come up with a master plan for the best use of the property, which they have done. The second part if approved is to more specifically design the facility and come up with a cost.

Commissioner Kwiatkowski asked if the emergency vehicle access can be moved as far west as possible. Moving the spaces was discussed. Mr. Hemingway said as they continue with the design, they will look at that with their civil engineer. Mayor Pro Tem Smith asked the next steps, timelines and if it is possible to segment some of project. Mr. Hemingway responded that the next step would be to give a proposal to design it for construction documents and for permitting to take place. He should be able to get Town Manager Hewett a proposal in the next two – three weeks for what they perceive as the scope of work and the design fee. The design process will take it through the summer, be ready to bid in August, start work in September/November when they are sure there will be no more hurricanes and be ready for the following summer. He talked about potential ways for phasing the project. Mr. Hemingway will try to get the proposal together before March 13th.

Assistant Town Manager Ferguson asked Mr. Hemingway to keep in mind when he talks to his engineer that the Town put in the grant that there would be as much as possible handicapped parking. Handicapped parking was discussed. Assistant Town Manager Ferguson said the Hatteras ramp is tied to the grant so if the Board moves forward with it, the ramp will need to be completed within 18 months.

Mayor Holden inquired about the bathroom doors on page A3.1, with the prevailing southwest wind and the view of looking into the bathrooms from the side. Inspections Director Evans said it would be a code violation to be able to see in. Mr. Hemingway said they could build a screen wall. Mayor Holden said on the oceanside he would encourage the possibility of reducing the ground level glass. He asked

where the HVAC units would be. Mr. Hemingway replied they have not been located yet, but he was thinking mini splits could be utilized. He showed where the outside units would be proposed. They would be elevated above flood and screened. Mayor Holden asked about the location of the ice cream shop. He asked why prime floor space is being used as a janitor's closet. Mr. Hemingway explained it was a divider between the two businesses. It could be opened up and be one business. Mayor Holden said he would try to figure out how to locate the restrooms on the northside and have the whole room open. Mr. Hemingway said it could be a situation where the Town put all of the infrastructure into the building and whoever rents the space upfits it themselves.

Mr. Hemingway stated he considers the comments to be minor relative to the master plan of the site. The plan will evolve as we get going. It is ready to be approved if the Board agrees. Mayor Holden asked Inspections Director Evans if there is a problem changing the interior if the perimeter walls remain the same. Inspections Director Evans replied no, he has not heard anything that would be an issue.

Motion by Mayor Pro Tem Smith that we move forward with Mr. Heminway's plan and try to get the information we need by the 13th; second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PAID PARKING PROGRAM ITEMS

Town Clerk Finnell explained Otto Connect has provided an amendment to the paid parking program contract that reflects the change to the fee schedule and how parking violations for non-registered trailers are handled as requested by the Board at the January meeting. Resolution 23-03 would amend the fee schedule to reflect the new fees.

Motion by Mayor Pro Tem Smith to approve Otto Connect's contract amendment #1 and Resolution 23-03; second by Commissioner Murdock; approved by unanimous vote.

Town Manager Hewett explained it is the staff's intent at the regular March meeting to bring back the numbers that we think we will see for revenue in May and June based on the new fees.

DISCUSSION AND POSSIBLE ACTION ON STAFF COLLECTED INFORMATION FOR 796 OCEAN BOULEVARD WEST

Assistant Town Manager Ferguson said at the direction of the Board, the town manager was supposed to get quotes from contractors for external painting, carpentry, electrical and mechanical repairs to 796 Ocean Boulevard West. A Request for Proposals (RFP) was issued and three bids were received, ranging from \$40,990 - \$51,523. They are all disqualified due to administrative deficiencies and statutory prohibitions. Mayor Pro Tem Smith said his understanding is that some of them just didn't turn in all the information requested in the RFP. One was disqualified due to statutory prohibitions. He asked if it would be appropriate to contact the two that didn't turn in the information and get the information, then possibly due to time restraints go with the one with the best price and quickest start time. Assistant Town Manager Ferguson said you could direct the town manager to do that. The next part of the action if the Board would like to go with the most responsive bid with the stipulation that they supply the material is that the Board needs to consider that currently 796 is a water asset. You are appropriating expenses from BPART. If you move forward with the second part, when the revenues come in, they will have to go to water. Revenues have to go the fund that the asset is located in. The cleanest way to do

it would be for water to pay for the repairs so you will need a budget amendment. Town Manager Hewett stated we have looked at the BPART funds to see where it could be sourced from within existing funds. He believes that was figured out, except for about \$17,000, but it doesn't get around the accounting challenges. It would be okay to spend BPART money on the facility because the law allows for it, but from an accounting standpoint it is a water asset. When the revenues come in it would create an issue as to where the revenues would go. At some point the issue on that building being a water asset versus a recreation asset has to be reconciled. It is a \$350,000 question because that is how much the water department paid for it and there is a note outstanding on it. The note is part of the debt service that is paid annually and is part of the calculation made to determine the sewer capital fee. To move forward the BPART Fund could purchase the property from the Water Fund or the property could remain a water asset and the revenues would go into the Water Fund, but then to keep it clean the money for the repairs should come from the Water Fund. Assistant Town Manager Ferguson said in that case there could be a budget amendment at the March 13th meeting and then the revenues would go into the Water Fund.

Commissioner Murdock inquired if the Town could get a couple of informal bids from painters, HVAC contractors and repair contractors without another RFP. Town Manager Hewett said the reason for bundling it was to get everything done at one time. If you start breaking things out, it is not explicit in the contracting law but it is his belief that splitting things out to avoid thresholds on the bidding requirements is not good. We have a bundle of work that collectively meets the informal bid process. Assistant Town Manager Ferguson agreed since it has already been bid once. She explained the budget amendment that will come from the Water Fund will be in the \$48,000 range.

How to move forward was discussed. If renting the property is feasible was discussed. Commissioner Dyer detailed her concerns with improving the property before deciding on a plan to move forward with the property. Commissioner Murdock said he thinks minimal work needs to at least be completed to make it safe regardless of what the Board decides to do with renting it. Improvements will make it look better for the neighbors and will keep the value of the asset instead of letting it deteriorate. Commissioner Dyer agreed, but her concern is rushing into renting. She said she thinks the Board needs to take into consideration the plan for a community center. She talked about the need for a restroom in that area. Inspections Director Evans said you could do something downstairs and then isolate the upstairs for renovation later. The occupancy of the structure would be changed from residential if you do that. He said the Town has a complaint so the Town needs to decide what to do. Commissioner Murdock said the Board could disregard the revenues at this point but he would proceed with at least a partial repair of the structure. Commissioner Kwiatkowski said there is a wide range in the quotes. Mermaid Resort Services has been around for a while. She inquired if it would be beneficial to have a member of Mermaid Resorts talk to the Board. Commissioner Murdock suggested breaking this item into two parts.

Motion by Mayor Pro Tem Smith that we move forward with what we have to do budget wise to make improvements to 796; second by Commissioner Murdock.

Mayor Pro Tem Smith explained that means the Board is going to leave the rental part out at this point until the Board gathers more information. Commissioner Murdock added it means to revisit the two bids. Town Manager Hewett said he will interpret that the work would be done in accordance with the responses from the RFP that was put out. Commissioner Murdock said if there are items that aren't

necessary at this time, the costs may be able to be reduced. The proposed work was discussed. Inspections Director Evans said if the HVAC contractor would speak to him, he would say to do a load calculation based on what the Town thought they would do in the future and provide a unit that could handle the future. Then the Town would not need to buy it twice, it may just require some modifications. Assistant Town Manager Ferguson explained the bidding process. She said if there is going to be a diminishing of the list in the RFP that is going to be significant, she would think that the Board would want to consider a rebid. Mayor Pro Tem Smith and Commissioner Murdock said they are fine with how it is.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PROPOSALS RECEIVED FOR SAILFISH PARK SITE-SPECIFIC MASTER PLAN

Assistant Town Manager Ferguson explained that included in this year's budget was a site-specific master plan for Sailfish Park. Staff sent out a Request for Qualifications (RFQ) and received five proposals back. The proposals were ranked and the top three consultants are listed in the packet. Based on feedback from the Parks & Recreation Advisory Board and needing to capture tourist data, when the proposal went out the Town expressed that we wanted it to go out over two budget years. The \$30,000 put forward would not be expected to be spent this year. Some will need to be reappropriated in next year's budget. She explained the scoring process. Commissioner Kwiatkowski asked that the assessment sheet be added to the packet next time.

Motion by Mayor Pro Tem Smith for the town manager to get with the McGill company and get a contract proposal back to us hopefully by our next meeting; second by Commissioner Dyer; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PROPOSALS FOR STORMWATER MANAGEMENT AND CONSULTING SERVICES

Public Works Director Clemmons stated staff solicited qualifications from engineering firms for stormwater management and consulting services. The Town received responses from McGill Associates, WithersRavanel, W.K. Dickson & Co., Geosyntec, GPI and the Wooten Company. Staff reviewed the responses and they were in compliance with the proposal with the exception of the Wooten Company. They did not provide their certificate of existence. Looking at the information, he thinks it was just an oversight on their part. In accordance with federal uniform guidance, staff prepared a ranking sheet for the Board. Mayor Pro Tem Smith asked Public Works Director Clemmons if he thinks some firms would be a better fit for the Town. Public Works Director Clemmons said he looked through all of them and they were all impressive. He explained the reasons he prefers McGill. Commissioner Kwiatkowski said she has done quite a bit of research and there are two firms that stand out to her. She wondered if the Board should interview the top couple of firms. Interviewing the top firms was discussed. The Board provided the rankings to Finance Officer McRainey so they could be totaled.

DISCUSSION AND POSSIBLE ACTION ON PROPOSALS FOR AUDIT SERVICES

Commissioner Kwiatkowski explained the Audit Committee met and reviewed the two firms that had responded to the RFP for the external audit of the Town's finances for the following three years. The two firms evaluated were Martin Starnes Associates and Sharpe Patel CPA. Qualifications provided were made using the scoring tool that was developed by a previous Audit Committee. The results are in the packet. Based upon the scoring tool, the Audit Committee recommends that the Board authorize the town manager to contract with Sharpe Patel CPA. Finance Officer McRainey said at the meeting there were some concerns about the litigation between Sharpe Patel and Rives and Associates. He found the court filing and printed it out if the Board would like to see. Commissioner Kwiatkowski said she reviewed the information on the filing and provided information on it. She said when it was discussed, in the end the committee decided it would not be a distraction. She called references and they are pleased with the firm. Commissioner Kwiatkowski said the cost of the audit Martin Starnes is proposing is 60% higher than what the Town paid this year and it is a significant difference in cost compared to Sharpe Patel. She said the committee feels the qualifications of each team is equal. Mayor Holden asked what kind of protection or guarantee the Town would have to prevent add-on costs. Commissioner Kwiatkowski said neither company gave a guarantee. The references she contacted did not have any issues with the estimates provided.

Town Manager Hewett reviewed his concerns with using Sharpe Patel and with changing from Martin Starnes at this time. Commissioner Kwiatkowski explained the Board doesn't need to take the Audit Committee's recommendation but reviewed how the committee selected Sharpe Patel. Mayor Pro Tem Smith asked Commissioner Kwiatkowski if she thought the litigation would be a distraction for them. Commissioner Kwiatkowski responded no it has been in their background since they split off. Finance Officer McRainey provided his feedback and said the Town has a good working relationship with Martin Starnes. Mayor Holden and Commissioner Kwiatkowski talked about past audit experiences. Commissioner Dyer would like Finance Officer McRainey to be comfortable in the first year of his role. Mayor Pro Tem Smith agreed his comfort level is important. If something was broken, then it would need to be fixed, but they were a good company. Commissioner Kwiatkowski agreed they are both good companies. In addition to the price of Martin Starnes, it is the clear delineation of how the cost was arrived at which was provided by Sharpe Patel and not Martin Starnes.

Motion by Commissioner Kwiatkowski to accept the Audit Committee's recommendation. No second was made.

Mayor Holden announced a five-minute recess at 7:33 p.m.

Mayor Holden reconvened the meeting back at 7:40 p.m.

Mayor Pro Tem Smith said Sharpe Patel being in litigation and having to pay a percent of their profits and still coming in at a lower price gives him cause for concern.

Motion by Mayor Pro Tem Smith that we continue on with Martin Starnes to continue working with our Town to make sure we get our audits in a timely manner and to work with Finance Officer McRainey being he was just put in a new financial position; second by Commissioner Arnold; approved by a 4 – 1

vote with Mayor Pro Tem Smith and Commissioners Murdock, Dyer and Arnold voting for the motion and Commissioner Kwiatkowski voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON PROPOSALS TO STORMWATER MANAGEMENT AND CONSULTING SERVICES

Mayor Holden announced McGill had the highest score and WithersRavanel had the second highest score (tally hereby incorporated into the minutes).

In regards to interviewing the top firms, Town Manager Hewett provided information on the Mini Brooks Act. A selection is to be made of the most qualified firm. Then if there is not an acceptable price to be arrived at you go to the next qualified firm. Since the RFQ didn't announce that is what the Board intended to do, the Board should require a contract proposal from McGill. If it is not acceptable, you would go to the next in line.

Motion by Mayor Pro Tem Smith that we move forward with McGill and company on the Stormwater Management Project; second by Commissioner Arnold; approved by a 4 – 1 vote with Mayor Pro Tem Smith and Commissioners Murdock, Dyer and Arnold voting for the motion and Commissioner Kwiatkowski voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 23-03, ORDINANCE AMENDING HOLDEN BEACH CODE OF ORDINANCES, SECTION 130.01 DISCHARGE OF FIREARMS PROHIBITED; EXCEPTIONS

Chief Dixon explained during the December meeting, the discharge of firearms ordinance was discussed. He reviewed it, spoke to the attorney and came up with a simplified ordinance. He reviewed the proposed changes. Chief Dixon said in the ordinance we need to flipflop the words air gun and firearm. Chief Dixon answered questions. He explained the difference between firearms and air guns. Local ordinances are still applicable concerning hunting. Town Manager Hewett provided information on city limits. Chief Dixon explained if you need to protect a person or pet in imminent danger, they would not write a ticket based on that circumstance. It would be based on individual circumstances. He provided information on depredation permits.

Motion by Commissioner Kwiatkowski to approve Ordinance 23-03 as amended with the one correction that the chief said he would put in place, reversing air gun and firearm; second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 23-04, AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022 – 2023 (AMENDMENT NO. 11)

Town Manager Hewett explained the amendment recognizes the receipt of revenues derived from the sale of two excess vehicles and reappropriates the money into the Water Capital Outlay – Vehicles line. It will be added to existing money to allow Public Works Director Clemmons to buy one new vehicle.

Motion by Commissioner Murdock to approve Ordinance 23-04; second by Mayor Pro Tem Smith; approved by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

No comments were made.

TOWN MANAGER'S REPORT

- The CRC will convene in Ocean Isle on Thursday. The Coastal Resources Advisory Council meets Wednesday. There are several items of relevance to Holden Beach on the agenda to include inlet hazard areas, discussion on beach mats, the establishment of the vegetation line and also some environmental projects. Encouraged anyone who is inclined to see how the CRC works, you have a good opportunity to do that at the Ocean Isle Town Hall.
- Issued the service request for the delineation of the parcourse properties.

Mayor Pro Tem Smith inquired if the Board could get an update of what was discussed at the next meeting. Town Manager Hewett said Inspections Director Evans is also attending and can give a report. He has been intimately involved with the inlet hazard areas from the beginning.

MAYOR'S COMMENTS

- Hopes everyone has a good evening.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked the people who came in and are listening online. We appreciate their input. Appreciates the emails received this week. They are taken into account.
- Thanked staff for helping him get the particulars for tonight's meeting. Talked to the staff to get perspective on the best ways to move forward.

Commissioner Murdock

- Thanked everyone who came to join us and those who listened.
- Saw a few trees blooming today and daffodils popping up. Ready for the wintertime doom and gloom to be over with. It is warming up and the beach is crowded. Glad to see everyone out and about.
- Congratulated Michael Norton, McGill Associates. He has a couple of big projects.
- Appreciates the staff's input and direction.
- Have a good evening.

Commissioner Dyer

- Thanked everyone for coming. It has been a long evening. We got a lot accomplished working together.
- Thanked the staff for their hard work.
- Have a good night.

Commissioner Kwiatkowski

- Reminded people that the Board was supposed to have their first budget meeting this week to discuss objectives. That date has been moved to March 13th. If you had it on your calendar, please move it forward.

Commissioner Arnold

- Appreciates everyone's concerns.
- Ditto to what has been said.

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

Town Clerk Finnell read the reason for Closed Session.

Motion by Commissioner Murdock to go into Closed Session at 8:01 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 8:06 p.m. No action was taken.

ADJOURNMENT

Motion to adjourn at 8:06 p.m. by Commissioner Kwiatkowski; second by Mayor Pro Tem Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk