



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, DECEMBER 19, 2023 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, December 19, 2023 at 5:00 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Page Dyer and Gerald Arnold; Commissioner-Elects Tom Myers, Tracey Thomas and Rick Paarfus; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Police Chief Jeremy Dixon; Finance Officer Daniel McRaney; and Town Attorney Rick Green. Commissioner Brian Murdock was unable to attend the meeting.

Mayor Holden explained that former mayor, Norman Meares is in hospice care. He asked for a moment of silence and then called the meeting to order.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Smith to approve the agenda as written; second by Commissioner Arnold; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Arnold to approve the minutes (Regular Meeting of November 21, 2023); second by Mayor Pro Tem Smith; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Buddy Michael hopes we get work on the pier done.

Maria Surprise thanked the outgoing commissioners for their service and congratulated the new Board. She provided reasons she is opposed to awarding a contract for the pier tonight.

Mike Felmly spoke against moving forward with the pier contract until a responsible Town strategy is developed.

Camella Pearce talked about the pier being part of the community and how she would like to see it stay that way.

John Pearce said he supports the pier property restoration, as well as other initiatives which contribute to the preservation of this island's history and culture. He provided information on a non-profit group that was formed to promote the history and heritage of the community.

Jim Bauer questioned moving forward with the bids on the pier without a plan. He would like the Board to put an immediate stop to the work on the pier until they listen to the townspeople and make a plan.

PRESENTATION OF PLAQUE TO THE OUTGOING BOARD OF COMMISSIONERS BY TOWN MANAGER HEWETT

PRESENTATION OF PLAQUES TO COMMISSIONERS MURDOCK AND ARNOLD OF THE OUTGOING BOARD OF COMMISSIONERS

Mayor Holden presented a plaque to Commissioner Arnold. Commissioner Murdock was not in attendance.

PUBLIC COMMENTS

Stephen Kimbrough signed up to speak, but was missed. He spoke against moving forward without a plan.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked Commissioner Arnold. It has been a pleasure to work with him. His calm demeanor and experience with boards like this has been a big help and made him a better commissioner. Appreciates his time with us. Thanked Commissioner Murdock. His heart was in the right place. He loves this island and the people who live here. Doesn't want to forget about Gerald Brown. While he was here, he was an asset to this Board.

Commissioner Dyer

- Thanked Commissioners Murdock and Arnold. It was a pleasure serving on the Board with them. Learned a lot from both. Their passion for the Town was clearly visible. As Mayor Pro Tem Smith said, we miss Gerald Brown. Sat next to him when she first started and he gave her a lot of insight. He is dearly missed. He gave a lot to the Town and his heart was in the Town.

Commissioner Arnold

- Appreciates the kind words. Been privileged to serve in law, politics, business and government for over 50 years. Doesn't have enough room for all the plaques he has been given. If you go to his study, you will see one on the wall, this one. Someone said a long time ago you never get lost on a road if you remember where you started. This is one of the places he started. Means a lot to be here. Guess the best part of his career was the underserved benefit of getting to know and work

with people. Eternally grateful for it. His mom used to say you are known for the company you keep. Has been in some pretty good company. Loved serving on the Board, wished he had longer. He won't be sad that it is over, will be happy that it happened. Cherishes the friendships, those he doesn't know he offers his friendship. God bless.

OATH OF OFFICE BY JUDGE GERALD ARNOLD TO THE INCOMING BOARD OF COMMISSIONERS

J. Alan Holden was sworn in as mayor. Tom Myers, Tracey Thomas, Page Dyer and Rick Paarfus were sworn in as commissioners.

RECESS

Mayor Holden announced a recess from 5:35 p.m. to 5:36 p.m.

ELECTION OF MAYOR PRO TEMPORE

Motion by Commissioner Paarfus to vote verbally; second by Commissioner Myers; approved by unanimous vote.

Motion by Commissioner Dyer to recommend Commissioner Smith be re-elected as mayor pro tem.

Commissioner Dyer said based on the experience he has she thinks he would do an excellent job.

The motion was seconded by Commissioner Smith.

Motion by Commissioner Paarfus to nominate Tom Myers; second by Commissioner Thomas.

Commissioners Smith and Dyer voted in favor of Commissioner Smith being elected as mayor pro tem. Commissioners Myers, Thomas and Paarfus voted in favor of Commissioner Myers. Mayor Holden announced Commissioner Myers will serve as mayor pro tem.

DISCUSSION AND POSSIBLE APPROVAL OF 2024 BOARD OF COMMISSIONERS' MEETING SCHEDULE

Town Clerk Finnell explained the dates reflect the third Tuesday of each month at 5:00 p.m. Commissioner Dyer asked if the January meeting could be changed to January 23rd at 5:00 p.m.

Motion by Commissioner Smith to approve the amended 2024 schedule with the only change being January 23rd instead of the 19th for our first meeting of the year; second by Commissioner Dyer; approved by unanimous vote.

DISCUSSION AND POSSIBLE DIRECTION ON RULES OF PROCEDURE FOR THE BOARD OF COMMISSIONERS

Town Clerk Finnell explained the Board is required to adopt rules of procedure. The current version is before the Board for consideration.

Motion by Commissioner Thomas to have a special meeting on December 28th or whatever works for everybody before January 4th to go over new rules and procedures.

The Board discussed how to move forward.

Commissioner Paarfus seconded the motion.

Commissioner Smith suggested discussing the rules at the next regular meeting. Extending the proposed dates to December 28th – January 10th was discussed.

The motion passed by a 3 – 2 vote with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioners Smith and Dyer voting in the negative.

Town Clerk Finnell will solicit availability through January 10th so the mayor, mayor pro tem or two commissioners can call the meeting.

POLICE REPORT – CHIEF DIXON

- Wished everyone a merry Christmas and happy New Year. If you celebrate get a ride.

Mayor Pro Tem Myers asked about the armed robbery and breaking and entering on the report. Chief Dixon explained how the calls were dispatched. He doesn't have the details about the specific calls but can provide them at the next meeting.

INSPECTIONS DEPARTMENT REPORT - INSPECTIONS DIRECTOR EVANS

- Steady. Went over numbers.

DISCUSSION AND POSSIBLE ACTION ON BIDS RECEIVED FOR THE HOLDEN BEACH PIER PROJECT

Assistant Town Manager Ferguson said the Town received two bids at the second scheduled bid opening, Paragon Building Corp and TD Eure. The most responsive bid appears to be Paragon at \$2,197,181. This has been certified by the architect. The previous Board's goal was to try to get the pier open for the season. Options include award the bid as is and direct staff to prepare a budget amendment for the shortfall; direct staff to engage in value engineering and negotiation with Paragon to incrementally reduce the scope of work to better align with existing budget appropriations; and direct staff to engage in value engineering to reduce the scope of work and totally rebid the project.

Commissioner Smith said he thinks the best direction would be to direct staff to engage with Chip Hemingway to see if we could engage in value engineering to reduce the scope of the work and rebid the project. He stated in speaking with him there is a way to possibly get this done and the pier to operate soon. Mr. Hemingway explained they had a group of consulting engineers on their team and used the Town's report for the state of the existing pier. With that, they have to replace 10 pilings in the water. According to the bidders, the method of replacing those is what drove the price up. He said they think they could reconfigure some of the piling installation method and it will more likely come within the budget of the project. It should also increase the number of bidders. Commissioner Smith said he

thinks rebidding this with a reasonable installation option and replacing the bracing and hardware would get the Town into compliance safety wise to get it open soon. Mayor Holden asked about communication between potentials bidders and the architect or Inspections Department. Mr. Hemingway responded there were several questions from the two bidders and statements from others that they would not be able to bid. Inspections Director Evans said there were some questions onsite, but nobody contacted him. Mayor Pro Tem Myers said it was his understanding that this work was the bare minimum to keep it safe and ADA compliant. He has concerns about cutting the scope of a project that was engineered to make it safe. Mr. Hemingway said the scope would be the same; the installation method of the pilings would be the different factor. The engineer specified the installation to get them in the ground as hard as you can get them in the ground. He said there is still a way you could make the pier significantly stronger, by jetting them in. Mayor Pro Tem Myers said he would worry about safety. Mr. Hemingway said they deal with public safety every day and it is not something they take lightly. They would not recommend it just to fit it into the budget.

Commissioner Thomas would like access to the bids and the scope of the project in order to make a decision. She thinks the Board needs a long-term vision for the whole thing before we start putting \$2 million band aids on the pier. Mr. Hemingway said they would be happy to share the bids and specifications. He stated their first scope of work for the Town was to develop a master plan for the property. Commissioner Paarfus said he is concerned with reducing the scope because of the safety aspects. He understands the methods of work may substantially reduce the cost of the project but questioned why we didn't do the value engineering upfront. He would like to have a meeting with Mr. Hemingway and Town staff to go over the master plan and what the goals of the contract will be. Mr. Hemingway said the scope isn't being reduced, it is just the methodology of putting the pilings in the ground. He said the engineer thought this would be the strongest method. It is over budget for this project. They can adjust and try again if the Board desires. Commissioner Thomas inquired what the estimate is on when we will need to do the next ones if we do the ten pilings now. Mr. Hemingway replied he doesn't have an estimate on that, it is Mother Nature. The pier has stood for a long time and seems to be in relatively good shape for its age in his opinion. It could be strengthened greatly with this work. Commissioner Smith thinks it is a good idea to ask Mr. Hemingway to share the entire scope.

Motion by Commissioner Smith to direct the staff to engage in value engineering to keep the same scope, but change the work and totally rebid the project; second by Commissioner Dyer.

Commissioner Smith said he doesn't want to hold anything up, but we are not going to move forward until we are all comfortable. He thinks the way to do that is to rebid it and look at the master plan to make a decision. Commissioner Paarfus stated he is in agreement to reject the bid for now but is not ready to move ahead with the rebid. He would like to sit down with Mr. Hemingway, look at the master plan and reevaluate the project. He agrees the Board needs to move quickly but would like to have the meeting first. Mayor Pro Tem Myers said we still don't have a plan. The only plan he knows about is the one the Board voted on in January 2022. He didn't know Mr. Hemingway developed a master plan. He thinks it is irresponsible to start spending without knowing the cost, how to pay for it and if taxpayers support that. Commissioner Smith said he is not asking for approval of any bid or money. It is just to get another bid to look at, along with the master plan. He added the Board could have a special meeting in the meantime.

The motion failed by a 2 – 3 vote, with Commissioners Smith and Dyer voting for the motion and Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting in the negative.

Motion by Mayor Pro Tem Myers that we reject the bids for the reason stated, we won't be able to make an informed decision before they expire anyway and that we start the process of developing a new plan by scheduling a special meeting; second by Commissioner Thomas.

Commissioner Dyer asked Mr. Hemingway about the master plan. Mr. Hemingway said the master plan was presented at several meetings that were open to the public. He added they were very cognizant of the budget and had as simple of a plan as they could to get the pier reopened to the public. Mr. Hemingway provided information on the phasing of the project. Mayor Pro Tem Myers said his concern is that the financial reality of the pier is starting to emerge and we need to stop and take a look at where we are going. Commissioner Smith said if people had attended the meetings and been as diligent as they are now, they would understand what the plans are. Commissioner Thomas thinks the original plan was \$1 million and it is now \$2 million. She would like a comprehensive plan for the pier. She is not opposed to the pier, she just wants to see what the long-range plan is and how to get there being fiscally responsible. Commissioner Dyer said she doesn't think it is fiscally responsible to have him start over with a new plan when this has been three years in the making. Commissioner Smith said we are headed down a path where it will cost more money just because people want to see it again.

The motion passed by a 3 – 2 vote, with Mayor Pro Tem Myers and Commissioners Thomas and Paarfus voting for the motion and Commissioners Smith and Dyer voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON FOURTH AMENDMENT TO SOLID WASTE AND RECYCLABLES COLLECTION

Public Works Director Clemmons explained that GFL has provided the Town with a proposed amendment to the Solid Waste and Recyclables Collection, Transportation and Disposal Agreement. Our current contract expires December 31, 2023. The amended would extend the term by two years. Pursuant to the terms of our contract, current rates would be adjusted by 3%. The second pickup rate is proposed to be increased from \$10.82 per month per cart to \$11.15. The curbside recycling rate would increase from \$6.19 to \$6.38 per month. Town Clerk Finnell said references to third amendment would be changed to the fourth amendment before it is signed. Public Works Director Clemmons confirmed the Town still needs the rolloff service listed under Exhibit A.

Motion by Commissioner Smith that we approve the 4th amendment for the waste disposal between Holden Beach and GFL; second by Commissioner Paarfus; approved by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

John Pierce asked everyone to keep in mind that they are owners on the island, not isolationists. He said we need to think about the community because we do depend on the community.

Jim Bauer suggested the new Board should invest in a way to video conference the meetings to bring more people in.

Mike Felmly said the Town has not developed a strategy and a vision to develop a plan for the pier to responsibly spend tax dollars. He said the Town is legally bound to have recreational facilities per the grant.

Ann Paarfus said she doesn't think people are opposed to fixing the pier; they want to see a plan.

Rebecca Thompson said she called about the tires on the beach and spoke to Customer Service Representative Amy Fisher who was very helpful. Ms. Thompson welcomed the new members. She cautioned the Board to accept all help.

Brent Shaver thanked the Board for being willing to serve. He asked the Board not to think of it as the new and old board.

Gina Martin thanked the new commissioners. She is hoping by stopping what was started that we don't end up spending more money. She explained she resigned from the HBPOA when she served as commissioner.

Chief Dixon provided information about the armed robbery mentioned earlier. He explained the Town has a mutual aid agreement with the Sheriff's Office.

TOWN MANAGER'S REPORT

- Block Q – we don't have a letter of engagement returned from the apparent low bid based on the Board's award to them. We were contacted by NC Wildlife in reference to their plans to renovate the boat ramp and have a meeting scheduled tomorrow afternoon.
- Sewer Lift Station Improvements – Congressman Rouzer's office advised us that the EPA has awarded the community project funding of almost \$2.7 million to the Town for the lift station upgrade. We are coordinating with the Division of Water Quality to get the same answer concerning the North Carolina \$2 million budget appropriation. Those two items will go a long way in scoping what the total requirement for any financing will be.
- Tire Apocalypse – Thanked the Division of Marine Fisheries. After the storm, they cleared the 1,000 tires from the beach. The tires are from an experimental reef in the 70s. This is the most he has ever seen.
- Module Restroom at Pier – will need to take it offline for the season. Will need to winterize it until warmer weather. Will have porta-potties.

Commissioner Thomas asked if the contract was signed by the contractor for Block Q. Town Manager Hewett responded no. He explained the meeting with NC Wildlife is a staff meeting, not a public meeting. Commissioner Dyer asked that a reminder be sent out regarding the DOT project.

MAYOR'S COMMENTS

- Thanked all Board members that have served in previous years and new board members. Hopes to do the best for Holden Beach and everyone involved.

- Thought it was interesting at low tide this morning. The pier pilings at Halstead Park all were out of the water. Had one extreme over the weekend and another this morning. Those extreme low tides are wonderful news for the shell seekers.
- Thanks for allowing me to serve another two years. Thinks we can move forward and do what's best for the Town. Hopes everyone will contribute the best they can.
- Have a wonderful holiday season and thanks for being here.

BOARD OF COMMISSIONERS' COMMENTS

Commissioner Smith

- Appreciates Mr. Shaver's comments. We need to operate as the new Holden Beach Board of Commissioners. It would be good if we could all work together for the greater good of Holden Beach. His growing concern is with the term team. He thinks with the way things went it is easier to see the team has its own agenda. Thinks the public will see it as we move forward.
- Thanked everyone who came out this evening. It was nice to see this many people here. If we had this many people while we were working on the pier plans, everyone would know exactly what is going on.
- Thanked staff. Couldn't do it without them.
- Hopes everybody had a good thanksgiving and everyone enjoys the Christmas season. There is a reason for the season and you need to keep that in mind. Need to be thankful that we get to have the blessing of living here at this beautiful place. Everyone needs to get along and love each other.

Commissioner Thomas

- Thanked Brian Murdock and Judge Gerald Arnold for their hard work for their time on the Board. Thanked everyone who voted for her. Will do her best to put the homeowners first and make sure they do the best thing for the island.
- Happy holidays.

Commissioner Dyer

- Thanked everyone for coming out. It is good to see the community getting involved.
- Thanked staff for a well done in 2023.
- Hopes everyone has a safe holiday and a happy New Year.

Commissioner Paarfus

- Thanked everyone for coming out tonight. This is your Board of Commissioners. You need to show up and speak up. We need to hear from you.
- Thanked everyone who supported him during the election and gave him the opportunity to serve. Agreed we need to serve as a board.
- Wished everyone a safe and merry Christmas and a happy New Year. Looks forward to seeing you next year.

Mayor Pro Tem Myers

- Honored to be sitting here. Intends to do his best to fulfill his responsibilities to fill the position. Thanked everyone for their support.
- Wished everyone a merry Christmas and happy holidays.

ADJOURNMENT

Motion to adjourn by Commissioner Smith at 6:55 p.m.; second by Commissioner Dyer; approved by unanimous vote.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk