



**Town of Holden Beach
Board of Commissioners
Regular Meeting**

**Tuesday, July 19, 2022
5:00 PM**

**Holden Beach Town Hall
Public Assembly**



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS' REGULAR MEETING
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY
TUESDAY, JULY 19, 2022 - 5:00 P.M.**

1. Invocation
 2. Call to Order/ Welcome
 3. Pledge of Allegiance
 4. Agenda Approval
 5. Approval of Minutes
 - a. Minutes of the Special Meeting of May 31, 2022 (Pages 1 – 4)
 - b. Minutes of the Special Meeting of June 10, 2022 (Pages 5 – 7)
 - c. Minutes of the Regular Meeting of June 21, 2022 (Pages 8 – 20)
 6. Public Comments on Agenda Items
 7. Discussion and Possible Action on National Park & Recreation Month Proclamation – Assistant Town Manager Ferguson (Pages 21 – 22)
 8. Discussion and Possible Setting of Public Hearing for NC Public Beach and Coastal Waterfront Access Grant Application – Assistant Town Manager Ferguson (Pages 23 – 25)
 9. Police Report – Chief Dixon (Pages 26 – 29)
 10. Discussion and Possible Action on Golf Cart Violation Reporting Tasker – Mayor Pro Tem Smith and Commissioner Kwiatkowski (Page 30)
 11. Discussion and Possible Action on Speed Limit on Ocean Boulevard – Commissioner Dyer (Pages 31 – 32)
 12. Inspections Department Report – Inspections Director Evans (Pages 33 – 37)
 13. Discussion and Possible Action on Ordinance 22-17, An Ordinance Amending Town of Holden Beach Code of Ordinances, Chapter 112: Peddlers – Inspections Director Evans (Pages 38 – 42)
 - a. Fee Schedule Revision
 14. Discussion and Possible Action on Status Update for Wetland Delineation of Marsh and 800 Block Lots – Inspections Director Evans
- BOC Agenda 07/19/22

15. Discussion and Possible Approval of Resolution 22-07, Resolution of Intent to Permanently Close a Portion of Carolina Avenue – Town Clerk Finnell (Pages 43 – 48)
16. Discussion and Possible Action on Statements of Qualifications Received for Block Q and the Pier Properties – Town Manager Hewett (Page 49, Separate Packet)
17. Discussion of Post & Rope Definitions and Other Considerations Related to Section 95.05 Streets Rights-of-Way and Determination of Next Steps – Commissioner Kwiatkowski (Pages 50 – 52)
18. Discussion and Possible Selection of Members to Serve on Town Boards – Town Clerk Finnell (Pages 53 – 56)
19. Discussion and Possible Action on Monthly Financial Report Content – Commissioner Kwiatkowski (Page 57)
20. Public Comments on General Items
21. Town Manager's Report
22. Mayor's Comments
23. Board of Commissioners' Comments
24. Adjournment

* The remote meeting will be livestreamed on the Town's Facebook page. Visit <https://www.facebook.com/holdenbeachtownhall/> to watch the livestream. Public comments can be submitted to heather@hbtownhall.com prior to 12:00 p.m. on July 19, 2022.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
TUESDAY, MAY 31, 2022 – 9:00 A.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Tuesday, May 31, 2022 at 9:00 a.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; and Public Works Director Chris Clemmons. Commissioners Gerald Brown and Page Dyer were unable to attend.

PUBLIC COMMENT

No comments were made.

DISCUSSION AND POSSIBLE ACTION ON PARKING IN BLOCK Q

Mayor Pro Tem Smith said Block Q has been cleared, mowed and roped off. He would like to request we put out a Request for Qualifications (RFQ) to allow us to move forward with a master plan for the property. Town Manager Hewett said the process would be the Board could direct him to develop a RFQ and advertise it for firms interested in providing that type of service. When the responses come in, they would come back before the Board for selection. He explained the difference between Request for Proposals (RFPs) and RFQs. RFQs are based on qualifications. Once they qualify, then they would make a proposal on the fee.

Motion by Mayor Pro Tem Smith that we request a RFQ for Block Q and that area and whatever associated permits and so forth we need to do to get that ball rolling also; second by Commissioner Murdock.

Town Manager Hewett said if there are specific items the Board would like to ask it would help staff when crafting the RFQ. He said what he is getting is the Board would like a soup to nuts master plan that includes site costs and all the elements involved so that they can predicate budget and construction estimates on. Inspections Director Evans said it needs to reference Town requirements and stormwater.

Mayor Pro Tem Smith would like to modify his motion to include all of those elements for the stormwater permitting and CAMA and everything needed for the development of the master plan. Commissioner Murdock agreed to the amendment.

Commissioner Murdock talked about the need for boat trailer parking in the area.

The motion passed by unanimous vote.

Mayor Pro Tem Smith said it is a shame to let a property we purchased to not be utilized in some way as not to interfere with the master plan. He would like to be able to use part of that property for temporary boat trailer parking. Commissioner Murdock asked if there is any way to get 15 – 20 boat and trailer spaces there temporarily. Inspections Director Evans explained development is development. You would still need a stormwater plan. He said it may be a question for the attorney. He doesn't see any leeway. What to do with the property temporarily for the summer was discussed. Town Manager Hewett cautioned the Board on the action they are contemplating because of the perception of incrementally developing the property. He said if anybody needs to set the example on developmental practices, the Town needs to do that. Inspections Director Evans stated it would be no different than any other land disturbing activity on any other site in the Town. He went over what would be required. He cautioned the Board on excluding themselves from the requirements we ask everyone else to comply with. He asked that the development ordinance be followed as written. Town Manager Hewett explained the Board would approve the plan first before the Town moves into a construction mode which will require permitting. Inspections Director Evans added you could have phases in the master plan.

Mayor Pro Tem Smith inquired at what point the Town would ask for public input to the plan. Town Manager Hewett replied that you could do it as part of the Board consideration of approval of the plan or you could have it put in the RFQ that a component of public input be included by the consultant. Mayor Pro Tem Smith stated he thinks it is important to have input during the plan. Town Manager Hewett inquired if the Board would like the Parks & Recreation Advisory Board (PRAB) to review the plan and have them worked into the process since many of the elements would be recreation based. Commissioner Kwiatkowski responded that she prefers the Board deal with it.

Mayor Pro Tem Smith asked about the property across the street from Town Hall. Town Manager Hewett answered that we have done as much as we can do without a formal approach. It is suitable to park on. We can give it some attention to make people aware how to park.

DISCUSSION AND POSSIBLE ACTION ON MOVING FORWARD WITH PIER PROPERTY AND BUILDING IMPROVEMENTS

Mayor Pro Tem Smith said pier parking is in place. He asked about the campsites. Town Manager Hewett responded that the utilities are set. The electric has been repaired, upgraded and inspected. The water lines are serviced for all the sites. Sewer cleanouts have been inspected and are ready to receive flow. The sites are functional, our limiting factor is how to administer. If the Board wants to proceed, we need a fee schedule and from the administration side we need to know how to handle rentals. How to proceed was discussed. Assistant Town Manager Ferguson provided the Board with rate information comparable to what Mr. Bass charges. She explained how the boat dock reservations work. If you pay with a credit card there is a 3% site fee. Town Manager Hewett said the proposed rates are all inclusive. He explained the fee schedule is his interpretation of Mr. Bass' rates. Mr. Bass only rents in increments of 30 days or one day. Mayor Holden added that Mr. Bass only rents to campers

that are self-sustained. Commissioner Murdock recommended that the Town put them up immediately to rent. The rate schedule was discussed.

Motion by Mayor Pro Tem Smith that we ask Town Manager Hewett to ask his staff to move forward on the rental of the campsite property as stated in the campsite rental rate table, as well as the food truck rental rate for the pier property; second by Commissioner Murdock.

The campsites were discussed. Assistant Town Manager Ferguson explained how staff got to the \$40 rate for food trucks. Mayor Holden asked where patrons would park and if they would need to pay to park. After discussion, the Board agreed to revisit that later if necessary. Commissioner Kwiatkowski asked if people would pay \$40 a day to be a vendor. Assistant Town Manager Ferguson thinks it should be \$40 a day and they pay us on a weekly basis.

The motion passed by unanimous vote.

Mayor Pro Tem Smith stated the next item is the pier building. He mentioned the possibility of grants, such as the Golden Leaf Foundation. The beginning would be to request a RFQ, permits and request for grants for the pier building and the pier itself. He said he thinks that should be something that is done in phases. The Board will look at it and have some public input.

Town Manager Hewett inquired if the Board would like to make the solicitation for both the pier and Block Q. How to proceed with the RFQ was discussed. Inspections Director Evans suggested utilizing a conceptual plan for the site. Town Manager Hewett added they could craft the RFQ to include the development of a conceptual plan. The fundamentals are laid out in the pier plan. Commissioner Kwiatkowski said not to forget this would cover the access lot as well. The Board discussed the idea of a plan.

Motion by Mayor Pro Tem Smith that we request two RFQs, one for the pier itself and one for the pier building and simultaneously the staff work with the engineering firm to develop what the vision is for that.

Town Manager Hewett suggested that instead of specifying the pier building, we use a general term for all of the built upon environments. Mayor Pro Tem Smith agreed to change it to all elements of the pier property. Town Manager Hewett asked about the involvement of the PRAB. Commissioner Kwiatkowski said she would prefer to drive the train. The Board will ask the public's opinion. PRAB is part of the public. Mayor Pro Tem Smith said that is fine; we just need to make sure the public realizes they need to communicate any suggestions to the commissioners.

Mayor Pro Tem Smith amended his motion to we request Town Manager Hewett to investigate two RFQs, one for the pier property and one for the pier structure and then simultaneously work with staff on developing that engineering plan.

Town Manager Hewett asked for clarification that it is one for Block Q and one for the pier properties that has everything associated with the pier covered.

Mayor Pro Tem Smith clarified his motion to one RFQ that covers the pier properties. The motion was seconded by Commissioner Murdock and approved by unanimous vote.

Mayor Pro Tem Smith said they may put improvement to handicap parking areas on the June agenda. He stated there has been a request to use the end of the pier July 3rd for a fireworks show. Commissioner Kwiatkowski said that is not on the agenda and she isn't willing to discuss it at this meeting. Mayor Holden said if the Board does want to consider that, the Board needs to keep in mind it may not be enough time if the Board waits until the June meeting.

ADJOURNMENT

Motion by Mayor Pro Tem Smith to adjourn at 10:09 a.m.; second by Commissioner Murdock; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
FRIDAY, JUNE 10, 2022 – 9:00 A.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Friday, June 10, 2022 at 9:00 a.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Gerald Brown, Brian Murdock, Page Dyer and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Public Works Director Chris Clemmons; Inspections Director Tim Evans; Police Chief Jeremy Dixon; Lieutenant Frank Dilworth; Fiscal Operations Supervisor Margaret Lancaster; and Budget & Fiscal Analyst Daniel McRainey.

PUBLIC COMMENT

No comments were made.

PUBLIC HEARING – PROPOSED BUDGET FOR FISCAL YEAR 2022 – 2023

Town Manager Hewett reviewed the schedule the Board followed in developing the budget. The total budget is a little over \$96 million. The General Fund houses \$4.3 million, augmented by the American Recovery Plan at \$211,000. The Water & Sewer Fund proposed budget is proposed at \$7.4 million. The BPART Fund is just shy of \$5 million at \$4.9 million. Canal dredging accrues to \$3.2 million. There is an estimated \$150,000 in the Water Capital Reserve Fund, along with the Sewer Capital Reserve Fund at \$301,000. The Beach & Inlet Reserve Fund is scaled at \$2.2 million. The FEMA Capital Project Fund is at \$73.6 million.

The budget proposes to keep the 20 cents tax rate that estimates in a resulting 66% available fund balance; contributes two cents of ad valorem tax to the BPART Fund to subsidize the Central Reach 1 debt service; funds financial software replacement in administration; and resurfaces Pointe West, Tide Ridge and Ranger streets. It also proposes to fund a replacement vehicle for the Police Department and one in the Sanitation Department. Funding for a town wide stormwater study is proposed. It also proposes the use of the American Recovery Plan to improve stormwater issues in the 300 block of Ocean Boulevard West.

The budget also provides for employee bonus and merit pay across all funds.

The Water & Sewer Capital fee will increase to \$467 for the increase in the collection system debt. The proposed budget programs borrowed funds for the Greensboro lift station upfit and programs capital

outlays for valve pits, water meters and a replacement genset, in addition to funding a second water tower needs assessment.

The BPART Fund uses Beach & Inlet reserve funds to pay the larger portion of the Central Reach debt service; satisfies debt services for the pier and Block Q properties recently acquired; and proposes funding year two of the Corps' storm damage study. It also funds permitting required for future Town sponsored beach projects, along with the engineering assessments. There are some residual strand maintenance activities required of the most recent Central Reach Project. The BPART Fund is programmed to support those efforts. It provides for strand and waterway access enhancements (beach mats, kayak launch, parking lots and walkway repairs), in addition to proposing funds for initial pier repairs, Jordan Boulevard public restrooms and 796 Ocean Boulevard West improvements.

The FEMA Fund is the vehicle that we administer the financial transactions associated with the repair costs of hurricanes. It houses the Central Reach Project Special Obligation Bond. We are going into year two of a three-year short-term variable rate debt instrument. The fund will remain open until closed out by FEMA.

The canal dredging fees accrue at the same rates. There is no active project programmed for the upcoming year, but preparations are being made to have a shovel ready project if needed. It is proposed to fund the disposal site policy development and permitting requirements.

We have three capital reserve funds. Water & Sewer Capital Reserve Funds were established by act of the General Assembly and are the home for the system development fees that are to be used for water and sewer capital expansion. The estimated accrual in the water fund is \$151,000 and the sewer side is \$301,000. With the transfer of the \$871,000 contribution to the BPART Fund to pay for a large portion of the Central Reach Project 1 Special Obligation Bond debt, we estimate the balance remaining in the fund will be \$1.375 million.

Town Manager Hewett said the budget as presented is balanced in accordance with the Fiscal Control Act.

Mayor Pro Tem Smith asked about audio and visual funds for the budget. Town Manager Hewett said the Facebook solution was a temporary measure to accommodate COVID. If the Board wants to go virtual, he needs clarification on how the Board wants to do business. Obtaining an updated quote on streaming the meetings so property owners who are not in town could listen was discussed.

Town Manager Hewett explained he forgot to mention that the interrogation room, body cameras, car cameras and back shop are an all-in-one system. The entire system was deleted from the proposed budget. Commissioner Kwiatkowski asked if you could do things stepwise. Chief Dixon replied it is possible, it is not ideal. Just to do the room upstairs you are looking at \$20,000 - \$22,000. Town Manager Hewett said you wouldn't be able to use the new system with the current cameras. Chief Dixon said we are required to have audio and visual for the interrogation room. We currently have a system that meets the standard, but is not reliable. Commissioner Kwiatkowski asked Chief Dixon's preference on if he would like to keep his existing cameras or go to the new system for the interrogation room. Chief Dixon said he would like to move forward with the interrogation room if taking steps is the only way to do it. They will need all of it eventually. He explained how the systems work and that they

would be maintaining two different systems. Mayor Pro Tem Smith said he thinks we need to move forward with the new system, get it started so we can add to the system next year and get the rest of the equipment.

Commissioner Murdock said he thinks the YouTube feed is perfect. The Facebook feed depends on what you are listening to it on. If you want video, we can do that. He is not in favor of doing anything else right now because we are tight in the budget and there are more important things the money can be used for at this point. He stated the minutes can be read. They are on the website. He suggested turning the camera around. He is not for spending \$50,000 right now. Commissioner Kwiatkowski would like a current cost estimate. If there continues to be pressure, the Board will have the current cost. Town Manager Hewett said we can get an estimate. Mayor Pro Tem Smith agreed to getting a cost and would like to turn the camera around. Microphones were discussed.

Commissioner Kwiatkowski said she thinks what was agreed was to get a current cost estimate for audio visual and that the Police Department should go forward with the interrogation room upgrade.

Commissioner Murdock said that for all of the department heads that are looking at the 5% merit raises, unless there is a reason they shouldn't get them, it needs to be all Town wide employees gets that merit raise. He added there is a scale that was done a few years ago that employees can be moved around in. If we are not at the level to hire people and retain the people we do have, that needs to be looked at in a case-by-case basis by the town manager. For the merit raise, if employees are showing up for work and doing what they are supposed to do, he would hope that they would all get that without hesitation or question. Town Manager Hewett said the budget includes what the Board directed, the \$1 per hour for all employees, 5% pool and the \$750 bonus in January for anyone working in September.

Town Manager Hewett said he had an error in the Capital Improvement Plan (CIP). He included an extra vehicle in Inspections, but it is not in the budget. There is a new rule that whatever you are bringing in for inspections, needs to be spent in the Inspections Department. The Board may be looking at an instance where we need to spend some money in Inspections and there may be an additional vehicle in the budget, but he will delete it from the CIP. We will be in a better position to make that call when we get further into the year. Currently we will use the existing vehicle.

Mayor Holden verified that nobody wanted to speak during the public hearing.

ADJOURNMENT

Motion by Mayor Pro Tem Smith to adjourn at 9:35 a.m.; second by Commissioner Kwiatkowski; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, JUNE 21, 2022 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, June 21, 2022 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Page Dyer and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Public Works Supervisor Scott Cunningham; Lieutenant Frank Dilworth; and Town Attorney Rick Green. Commissioner Brian Murdock participated for a portion of the meeting remotely. Commissioner Gerald Brown was unable to attend. The meeting was livestreamed on the Town's Facebook page.

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

PLEDGE OF ALLEGIANCE

Mayor Holden announced that Commissioner Murdock and Brown are sick. Commissioner Murdock will participate remotely for a portion of the meeting.

AGENDA APPROVAL

Motion by Mayor Pro Tem Smith to amend the agenda to move item 10, the light ordinance and item 17, paid parking changes up after we have public comments. Mayor Holden suggested listing them as 6a and 6b. Commissioner Kwiatkowski seconded the motion.

Motion by Mayor Pro Tem Smith to approve it as amended. The Board voted by roll call. The motion passed unanimously.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve the minutes of April 21 (2022), meeting on April 25 (2022), the meeting on May 17 (2022) and the special meeting on May 20 (2022); second by Commissioner Dyer.

Commissioner Kwiatkowski said on page 21 moral should be morale.

The Board voted by roll call to approve the minutes presented with the change noted. The motion passed by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Pat Cusack, member of the HB Turtle Patrol, spoke in favor of the proposed lighting ordinance. He provided statistics and details on why it is important that oceanfront lighting be shielded. He provided information on lighting that is safer for turtles.

John Cifelli, President of the HB Turtle Patrol, would like the ordinance to be passed to make it safer for the turtles.

Ashley Royal encouraged the Board to not take action on the agenda to allow a vendor on the beach. He believes once the door is opened, it will be difficult when people come and ask for a similar privilege. Sunset Slush came to the Board many times. He was on the Board in the past and his opinion did not change.

Jeff Trombley said the Board needs to take canal properties into consideration for the lighting ordinance. He talked about his experiences with lighting on the canals. He said lighting is an issue when they try to enjoy their yard. Mr. Trombley said there is no excuse for floodlights.

Marti Arrowood spoke in favor of Sunset Slush's request to operate carts on the strand. They have been actively participating in the Town's events. To add carts on the strand provides a choice to visitors without having to leave the beach. Mrs. Arrowood provided details on why she supports the request.

James Bauer said it doesn't look like there are any available funds left to do anything if there is an emergency. He doesn't agree with Sunset Slush's request. Mr. Bauer said the audio is barely possible to hear. He asked what is going on with pier. He asked if the Town has insurance information and what the pier will cost.

Town Clerk Finnell said the comment submitted in writing was provided to the Board and is available online if people would like to see it.

Mayor Holden asked if video, in addition to audio was working. Town Clerk Finnell confirmed it was.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-13, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 92: NUISANCES (OUTSIDE LIGHTS)

Mayor Pro Tem Smith said the night sky is one of the most beautiful parts of the island. The purpose of amending the ordinance is to reduce the light pollution on Holden Beach, to control the nighttime character of the island and to protect neighboring properties from nuisance glare. It is to protect the nesting sea turtle habitats. Town Clerk Finnell passed out the amended ordinance that fixed the numbering of the ordinance. Mayor Pro Tem Smith asked the Board to make a motion to approve the adjustments to the lighting ordinance. This won't be enforced right away, there will be a six-month grace period. After discussion, the Board would like to use an effective date of January 1, 2023.

Motion by Commissioner Dyer to accept Ordinance 22-13, with the changes listed to be effective January 1, 2023; second by Commissioner Kwiatkowski.

Commissioner Kwiatkowski inquired if the Board would like to address floodlights based on the public comment. The Board discussed if floodlights should stay and didn't make a change at this time.

The Board voted by roll call. The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PAID PARKING ISSUES IDENTIFIED BY THE TOWN POLICE DEPARTMENT

Commissioner Kwiatkowski said based on discussions with the Police Department, there have been a couple of suggestions made for improved signage. The first would be for Ocean Boulevard, more frequently by the bridge and then becoming less frequent as you move away. There is an example of the sign in the packets that reads Parking Prohibited Except in Designated Areas. The second is a sign that says no cars or trucks are allowed to park in LSV spaces. Commissioner Kwiatkowski said there has been lack of clarity on where the Town is prohibiting parking from 2:00 – 5:00 a.m. on the island. She talked about the background of right-of-way parking (ROW). She stated the idea was to let people in the residential areas park in the ROW near their house after the paid parking hours and people would not need to move their cars during the prohibited hours. They did not want them parking in the large Town designated parking areas. After talking to the Police Department, they thought putting a table into the ordinance saying where parking is prohibited during 2:00 – 5:00 a.m. would clear the situation up. She reviewed the proposed ordinance.

Motion by Mayor Pro Tem Smith that we improve our signage on the island in the proposed written document; second by Commissioner Dyer.

Town Manager Hewett asked if there is an estimate on the signs and cost. Lieutenant Dilworth explained they don't have the final numbers. Town Manager Hewett stated that based on the budget amendment and costs incurred before, he thinks the cost for signage would be fine. Commissioner Kwiatkowski said she is fine to go by Police Department recommendations on the number of signs. Mayor Holden stated a problem he is hearing about is people are using the HB Chapel's parking lot and other business lots in order to park for free. He is not sure how to address those problems but it will be an issue. Commissioner Kwiatkowski said she thought her understanding was it would require a complaint to be enforced. Lieutenant Dilworth said the current legal backing they have is to tow vehicles in violation at the owner's expense. He suggested talking to Attorney Green if the Board wanted to change the ordinance.

Mayor Holden clarified the vote is on the signage. Jim Varner from Otto Connect said four signs have been vandalized at this point. They have all been fixed and replaced. Commissioner Dyer asked if the price of parking will need to increase if that continues. Mr. Varner said that would be up to the Town.

The Board voted by roll call. The motion passed by unanimous vote.

Motion by Commissioner Kwiatkowski that the Board vote to adopt Ordinance 22-16 as written, which has the addition of a parking prohibited from 2:00 a.m. – 5:00 a.m. table in §72.02(8); second by Mayor Pro Tem Smith.

Town Manager Hewett pointed out an issue with prohibiting fishing at 441 Ocean Boulevard West, the pier. He said if we are going to proceed with a commercial operation and not allow parking at night, it will constrain the vendor's ability to make a profit. Commissioner Kwiatkowski suggested revisiting that when the pier is open again.

The Board voted by roll call. The motion passed unanimously.

POLICE REPORT – LIEUTENANT DILWORTH

- Asked if any questions on the report. Commissioner Dyer asked about the train accident. Lieutenant Dilworth explained that was erroneous. He went over the line items.
- Typical busy summer. Still two people short. Looking to fill the positions.
- Officers are saying there is more compliance with LSVs, with constraints specifically. Had conversations with some of the rental providers. That information is getting out properly. Encouraged people listening that if you are bringing a LSV from out of state, to check the website or call the Police Department.
- Haven't had the need to close the left lane of bridge on Saturdays since Memorial Day weekend. Mayor Pro Tem Smith said he thinks the people who have done it in the past figured it was the best way to do it. Lieutenant Dilworth added there may have been a time change on the trash route and automatic check-in may have helped. They will keep watching it. If a need arises, they will take that step.

Mayor Pro Tem Smith said we want to make sure people understand state law requires seatbelt use in LSVs, along with child restraints. Be mindful, lithium battery operated ones can stop abruptly. He added it is recommended that you shouldn't use an extension cord for LSVs. He provided information on a recent accident in Statesville that resulted in a five-year old's death and critically injured other young people. LSVs are dangerous. He said be patient and give them room. Lieutenant Dilworth reminded people you are required to be a licensed driver. All rules of a motor vehicle apply.

FIRE DEPARTMENT UPDATE – CHIEF TODD

Chief Todd went over the statistics he provided to the Board that included information on personnel, calls, response times and training. The new station on Sabbath Home Road is still in the engineering process. They hope to be able to put it out to bid in August if they have enough money to build it with everything going on. Chief Todd said response time on the island is a little higher. They only staff it from May 1st through September, from 7:00 a.m. – 7:00 p.m. At nighttime, they need to come from Sabbath Home Road.

Mayor Holden asked about the water pressure for the island. Chief Todd said when you get past where it cuts across on the west end, the pressure starts dropping. There is pretty decent pressure on the system. Right now, we are on conservation so they only use it if it is needed. Chief Todd is in favor of a

second water tower. He thinks it would help tremendously, especially on the west end. With all the infrastructure and upgrading in the county, there can be problems. A second water tower would give an extra safety factor if anything happened.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

Town Manager Hewett said this is the first of what we hope is a recurring report to the Board. Inspections Director Evans explained they have been very busy. He went through his slideshow. He said there are over 5,000 pages of rules and regulations that apply to our area. Inspectors are there to make sure you build a safe home. NCDOL is who governs inspections departments in the state. He provided information on plan review, which includes permits, zoning, and CAMA permits. The department acts to mitigate ordinance complaints. He provided details on the reviews performed for the last fiscal year, which totaled 2,714. The state requires every municipality to hire a properly certified inspector or contract with a government entity that has certified inspections. The inspectors are responsible for the enforcement of the NC Building Codes. He provided information on the staff of the department. Inspections Director Evans went over the statistics on inspections which total 4,771. He said the structural valuation increase was \$40 million. The revenue collection was \$652,000.

Inspections Director Evans stated for every certificate of occupancy that was issued this year, when the contractor is finished and the file is closed, the department needs to work with six other agencies to make sure the citizens can get the services they should have. They must maintain files in perpetuity because they are required for follow-up visits from agencies that directly affect the Town's insurance rating. The Inspections Department has done a really good job. They have lowered the Town's CRS rating. They have really good employees who work really hard.

DISCUSSION AND POSSIBLE ACTION ON TOWN LANDSCAPING CONTRACT WITH CAROLINA CREATIONS

Assistant Town Manager Ferguson provided a history of the landscaping on the mainland bridge landscaping project. Staff has been working on this since before last September. They have met with DOT onsite. She went over the three options. Option 1 is for service on the island side only. The contract for one year would be \$59,152.58. To keep what they are doing on both sides it would go up to \$67,145.64. If the Board would like to start a new project, which would include 25 palm trees, remove the mulch areas, plant centipede turf grass and increase irrigation it would be \$125,924.14. She included the bid tab from when the project went out to bid in 2020. What is proposed is not included in the proposed budget for the upcoming fiscal year. She went over the additional funds that would be necessary. The delta is recommended to come from fund balance in the General Fund.

Assistant Town Manager Ferguson said if we abandon the mainland side, it goes back to what it was before. Mayor Holden said we have the ugliest approach to our bridge of any island in Brunswick County. Mayor Pro Tem Smith agreed but said with the budget constraints he doesn't see how we could go for the full program. He suggested Option 2 would be best approach for this year. Mayor Holden reminded everyone that the Town is the island. The north side is controlled by the county and DOT. We would be spending Town money on county-controlled property/DOT ROW. Mayor Pro Tem Smith asked if have staff reapproached the county for support. Town Manager Hewett answered our

agreement outlines the responsibilities of the county, which they have none. It took a third-party agreement to take the project on. Assistant Town Manager Ferguson explained the Town has no jurisdiction over the signs that people place in the garden. Inspections Director Evans said at the planners meeting he brought up discussing some ETJ responsibilities there. The feedback he received is the commissioners are not conducive to releasing the ETJs to any towns. That made him ask if they would do anything to help with the causeway. He thinks it would be good for the Town to allow him to follow up with the county planner. Commissioner Kwiatkowski said it seems the time to talk about it would be when they do the corridor study. Mayor Pro Tem Smith said Inspections Director Evans' participation would be appreciated. He inquired if the county could help remove signage. Inspections Director Evans said they can contact the county's code enforcement to see what their policies are, but typically agencies don't get involved in other agencies' code enforcement.

Motion by Mayor Pro Tem Smith to approve Option 2, to authorize the town manager to make appropriate adjustments with expenses with the General Fund balance and to execute the contract; second by Commissioner Kwiatkowski.

Commissioner Murdock is no longer on the telephone so the Board went back to their normal voting method.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022 - 2023

Town Manager Hewett explained Ordinance 22-14 is the budget for the upcoming fiscal year and is before the Board for consideration. It is the result of departmental inputs and commissioner workshops. Inputs and amendments have all been incorporated into the budget. It is ready for adoption unless the Board wants to make further modifications.

Motion by Commissioner Kwiatkowski that we approve Ordinance 22-14, the Budget Ordinance Appropriating Revenues and Authorizing Expenses for Fiscal Year Beginning July 1, 2022 through June 30, 2023; second by Mayor Pro Tem Smith; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH THE DEPARTMENT OF TRANSPORTATION FOR BIKE LANES ON OCEAN BOULEVARD

Town Manager Hewett explained execution of the agreement with the DOT is required to construct the Ocean Boulevard bike lanes this fall in conjunction with the resurfacing of Ocean Boulevard. The project is estimated at \$1,722,364 of which 42% (\$723,393) is the Town's share. The remaining 58% is funded by the Grand Strand Area Transportation Study. The contract can be executed via prior Board action to appropriate funds. Projects costs will be calculated upon completion. Any excess prepayments are returned by DOT per the cost shares above. Cost overruns are likewise prorated. The Town will be advised upon the bid opening as to the viability of the DOT contract letting. The bid opening date has not been determined at this time.

Mayor Holden reminded property owners that work will be done in the state ROW and not on anyone's private property. The bike lanes are an integral part of the Ocean Boulevard resurfacing design and cannot be excluded from the project if it is to be accomplished within DOT's current schedule.

Motion by Mayor Pro Tem Smith to approve the TIP agreement #10000132299 and direct the town manager to execute the same; second by Commissioner Dyer.

Town Manager Hewett agreed that at this time there are no manpower needs and extra costs. He does not know if there will be increases in the project. The bid was revised about 45 days ago. The budget action the Board took reflected the most up-to-date information at that time.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON REQUEST BY SUNSET SLUSH CLASSIC ITALIAN ICE TO UTILIZE VENDING CARTS ON THE BEACH STRAND

Commissioner Dyer said with the recent addition of food trucks at the pier and paid parking with situations where people don't want to leave the beach and lose their space, she would like to allow Sunset Slush to speak about their business plan and how it works on other islands. There have been many positive comments from people who would like to see this.

The Board agreed a picture slideshow could play in the background while they presented. Drew Sellers introduced his brother, Devon and his mom, Susan. They went over the history of their business. They provided information on pushing carts on the beach, on what other islands allow and how it works. They suggested utilizing a trial period if the Board would like.

Mayor Pro Tem Smith asked what the revenue for the Town would be. Drew Sellers went over the fees for other towns and said it would be up to the Board to decide. He talked about dates and times allowed in Ocean Isle. Devon Sellers talked about time limits and the hours they usually work. Mayor Pro Tem Smith asked about limited access. Devon Sellers said they would be willing to try. Drew Sellers added they need to use handicap accesses for the carts. They talked about the process if they needed to use the restroom. Drew Sellers talked about trash removal. Their family does own all the Sunset Slushes in Brunswick County. Drew Sellers explained from his experience, there are not many vendors who want to push carts on the beach.

Inspections Director Evans said depending on where it is in the ordinance book will determine the next step. He can work with the attorney on a text amendment. Commissioner Kwiatkowski suggested looking at Ocean Isle's ordinance. Inspections Director Evans stated he already looked and he thinks the best part is they are required to have a brick-and-mortar site in the town. What that does is limit the traffic of outside vendors coming in.

Mayor Holden suggested if it's the Board pleasure to move forward, they can give a directive to Inspections Director Evans to bring back a proposed document for consideration at the next meeting. After discussion, Town Manager Hewett stated he understands the Board wants a document prepared and brought back to the next meeting.

DISCUSSION AND POSSIBLE ACTION ON STATUS UPDATE FOR WETLAND DELINEATION OF MARSH AND 800 BLOCK LOTS

Commissioner Kwiatkowski said we would like to proceed as allowed to provide parking possibilities on the marsh streets if possible. The 800-block lot is a separate issue. When Town Manager Hewett sent the Board the marsh delineations, his message was the Corps approves the 404-wetland delineation without a site visit and they need to issue a jurisdictional determination. We have been advised we can proceed with site planning, knowing they will not move any flags. The jurisdictional determination is a decision by the Corps on whether the areas are regulated under federal statutes. She asked about them not needing to make a visit. Inspections Director Evans answered he believes it is an indication that they know exactly what is there and that is delineating what is marked. Any regulations or rules that would apply would need to be adhered to. He explained they went through to try and determine where we might possibly have parking. Inspections Director Evans reviewed his display pictures. Everywhere that is yellow is a good opportunity to bulkhead and save the land. Bulkheading does not allow you to park there or use the land, it allows you to protect the land for the future. He provided information on each picture. There is a small area on Greensboro Street that you may be able to park. It is just a handful of places. Saifish has some on the north end, it is very minor. It has some in the middle and some on the end. Most of the road doesn't have any spots. There is nowhere to park on Swordfish. On Sand Dollar there is some on the north end and some on the south end, a very small amount. There is nothing on Scotch Bonnet. The Town cannot give permission to park on the marsh. He reviewed the measurements available for parking on each street.

Mayor Pro Tem Smith inquired if the Town needed to bulkhead the areas. Inspections Director Evans responded that the Town already has put one bulkhead at the end of Greensboro. The Town may want to bulkhead some of those areas on the far end. He suggested the Town should bulkhead the 800 block and the portion of the 700 block.

Commissioner Kwiatkowski stated bulkheading to save land at the end of some of the streets is one thing; parking at the end of the marsh street doesn't accomplish what the Board hoped to accomplish which was to give people parking spaces that are fairly close to walkways. She has questions on the value of parking at the extreme north end of any of the marsh streets. Commissioner Kwiatkowski asked how many spaces for full size vehicles or LSVs you could get in the front half of the marsh streets. Inspections Director Evans replied he gave width and lengths; he could go back and count to see how many cars/LSVs you could get in the front part. He will get the information to the Board. He will get with Lieutenant Dilworth and the parking vendor to make a determination of what will fit there and what can best be utilized to work with the parking plan. He agreed that until we get CAMA or Corps' approval, we would just be coming up with a plan, we need permission. Residents parking in those areas was discussed.

The Board agreed that they would like Inspections Director Evans to bring back the numbers.

The Board recessed from 7:12 p.m. - 7:17 p.m.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 22-15, AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021 – 2022 (AMENDMENT NO. 18)

Town Manager Hewett explained the budget amendment in the amount of \$102,461 is necessary to comply with the Fiscal Control Act for providing for and recognizing actual paid parking revenues received and the startup expenses incurred for on and off-street parking, in addition to the initial costs at 441 Ocean Boulevard West. Actual parking revenues we have received to date is \$166,749 and the expenses to date are \$37,412.

Motion by Mayor Pro Tem Smith to approve Ordinance 22-15, Amending Ordinance 21-13, The Revenues and Appropriations for the Years 2021 – 2022; second by Commissioner Dyer; approved by unanimous vote.

DISCUSSION AND POSSIBLE SETTING OF DATE TO HOLD INTERVIEWS FOR VACANCIES ON TOWN BOARDS

The Board agreed to hold interviews on July 19th at 4:45 p.m.

DISCUSSION AND POSSIBLE ACTION ON BONUS PROPOSED BY THE BOARD

Town Manager Hewett stated at the May 20th meeting, the Board provided guidance on staff compensation for the upcoming budget. The guidance included a proposed bonus in the amount of \$750 to be issued before the end of the current fiscal year. If the Board would like to move forward the suggested motion is approval of staff bonus in the amount of \$750 per person to be issued this fiscal year to all current fulltime employees in good standing with the Town.

Motion by Mayor Pro Tem Smith that we move forward with the \$750 bonus per person to be administered before the end of the year; second by Commissioner Dyer.

Commissioner Kwiatkowski said back in November, there was a resolution that explained the total. She asked if the Board would have something similar for this. After discussion, Town Manager Hewett agreed he will provide the total to the Board. He confirmed the bonus can be issued from within existing resources.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON UPDATING SECTION 2. ADMINISTRATION AND MAINTENANCE OF THE PERSONNEL POLICY AND UPDATED SALARY RANGES

Town Clerk Finnell said at the May 20th meeting, the Board agreed to use the social security Cost-of-Living Adjustment (COLA) to update the salary ranges this year. The current and proposed ranges are included for the Board to compare. The Board also agreed that from a policy standpoint staff would bring something back to the Board. After researching an automatic annual adjustment as discussed,

staff believes salary ranges should only be adjusted in the years that a COLA is approved for existing staff.

Motion by Commissioner Kwiatkowski that we accept the attachment 1 proposed salary ranges as provided; second by Commissioner Dyer; approved by unanimous vote.

After discussing the proposed amendment to the Personnel Policy, the consensus of the Board is to leave the policy as it is written.

DISCUSSION AND POSSIBLE ACTION TO REQUEST THAT THE PLANNING & ZONING BOARD EVALUATE AND PROPOSE ANY APPROPRIATE CHANGES TO ORDINANCE 94.03, FRONTAL DUNE POLICY AND REGULATIONS, IN PARTICULAR §94.03(C)(2) REGARDING WALKWAY POLICIES THAT LIMIT CONSTRUCTION SOUTH OF FRONTAL DUNE AS DEFINED IN §94.03(A) WITH THE EXCEPTION OF PROPERTY OWNERS WITH LOTS THAT HAVE MORE THAN 300 FEET FROM THE SEAWARD TOE OF THE FRONTAL DUNE TO THE LAST LINE OF STABLE VEGETATION AND ALSO ADVISE THE BOARD ON THE SUITABILITY OF MOVING PORTIONS OF §94.03 TO CHAPTER 157: ZONING CODE

Commissioner Kwiatkowski said she had a resident ask that she look at the 1100 block. There were concerns on how the current ordinance reads for permissible walkways, the restrictions around walkways and whether they were achieving equal opportunity for houses that have to cross multiple dunes to get to the beach. She said the ordinance is not currently in the land use area, but it should be. One of the items would be for the Planning & Zoning Board (P&Z) to recommend it be moved to the appropriate place in the ordinances. In addition, she thinks a P&Z evaluation for changes and suggestions for possible changes on the policy would be beneficial. Commissioner Kwiatkowski said if the Board agrees, they just need a motion for P&Z to evaluate it, propose some improvements to §94.03 and to advise if portions of the section should move to Chapter 157. She suggested giving them until October. Inspections Director Evans agreed this section needs to be moved to land usage. It also limits the ability for people to appeal decisions because of where it is at. By moving it, it gives the opportunity for someone, such as a handicap person to engage it in a different way. Mayor Pro Tem Smith agreed with revisiting this. Inspections Director Evans provided information on the current ordinance. He said there is a lot that needs to be looked at. He said he is only suggesting moving the portion concerning land usage.

Inspections Director Evans agreed October should be enough time. The Board agreed to move forward.

PUBLIC COMMENTS ON GENERAL ITEMS

Ashley Royal said he interfaces with the Inspections Department two – three times a week. He said they are doing a great job in protecting us and making sure we have code enforcement. He is glad to see the maps here for the marsh spots. He would hope that he didn't hear anything that would indicate we would construct a bulkhead to get more paid parking. He doesn't think that is environmentally or economically sound. Mr. Royal talked about bias reactions. He stated when making the decision for peddling, instead of saying why not, he would first ask the question why.

TOWN MANAGER'S REPORT

- FEMA Storm Damage Project (CRP2) – Operations have concluded. All of the beach construction activities are complete. The sand is starting to slide down the beach. We made it through the full moon in June. Thankfully, we didn't have any wind or weather on top of the King Tides. The berm as constructed performed well. On the finance side, we are trying to finalize our special obligation bond and close out. As we head into year two of the outstanding special obligation bond, the balance is right at \$15.2 million. What we are experiencing now is our request for reimbursements and FEMA processing the reimbursements to us so we can in turn pay PNC back. We anticipate the final request for the inspection on the project to occur sometime in the end of July. Hoping for a final reimbursement soon thereafter for the special obligation bond. It will be subject to how long it takes FEMA to schedule the final inspection and approve the final payouts.
- Been in contact with the county manager and they will be reimbursing us \$80,000 for the county's portion of the Lockwood Folly Inlet Crossing Navigation Project. That was executed simultaneously with CRP2.
- Seagull Street Paving Status – blacktop should be going down tomorrow or shortly thereafter. The roadwork has been prepped.
- Status on Pier and Block Q – The Request for Qualifications for engineering consulting services were put on the streets and are due back by the end of week. Food trucks have had a couple of slow weeks getting off the ground. Camper spaces are up and running. We have some reservations made. Administrative actions have been finalized and submitted to the Division of Coastal Management for the \$180,000 CAMA grant reimbursement we got for the lot on the west side of the pier. Probably won't receive those funds until after the first of July.

MAYOR'S COMMENTS

- Have a good series of concerts going so far. Thanked Assistant Town Manager Ferguson. Have the Tams coming up Sunday night. People seem to be enjoying it. Hasn't seen a single glass bottle of beer on the dance floor this year.
- Lieutenant Dilworth reminded everyone that all fireworks except sparklers are prohibited on the island. It is not a ticket; it is a misdemeanor charge. They are really strict and try to enforce it. It is about fire prevention and protecting what we have. Mayor Holden encouraged the Town to look at fireworks possibilities, either for or against, well in advance of next year.
- We are in hurricane season. As the Emergency Management Director, he would say get your plan in place and be prepared. The Town and county will be prepared. Will be having meetings behind closed doors, as well as open doors. Information is readily available for anyone who is seeking advice. Will be working and prepared for hurricanes, as well as other emergencies.
- Encouraged the Town about looking into an emergency access on the west end, beyond the gate. Asked Town Manager Hewett to communicate with property owners down there. Knows we had some communication with a private property owner and the POA down there, but we haven't heard anything recently.
- Island is looking great.
- Last weekend there were only two dogs on the strand when he rode down it. People were nice and removed them as required. There has been a change in service dog regulations. Encouraged

anyone with special service animals to read the current rules and regulations. Also, Town ordinance says dogs need to be on a leash.

- Summertime is here. Will have a good season.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked all the folks who came out and attended the meeting this evening. Good for people to come out and voice their opinions. All of their opinions are taken to heart. Good to see people want to know what's going on.
- Thanked staff, Inspections Director Evans, Assistant Town Manager Ferguson, Town Clerk Finnell and Town Manager Hewett and all of their subordinates. They do a great job of keeping this town running. Police do a great job. Feels like this is one of the safest places on the planet. Talked to Sergeant Milligan about LSV tickets given.
- Appreciates the leniency on some of the guests from our paid parking group. We wanted to make sure they were friendly people. This is an important step, but having a good group to look out for us has been a blessing.
- If you want to see fireworks, walk on the beach at dark and see the others or go to an organized display. Maybe in the future we can have something that can be funded by organizations on the island to have an organized, controlled event.
- Working hard to keep Holden Beach Holden Beach.

Commissioner Dyer

- A lot of people think our ordinance for dogs from 9:00 a.m. -5:00 p.m. is to punish people and not let them take their best friends on the beach. Reminded everyone if you can't walk on the beach in your flipflops, your dogs certainly cannot walk on their paw pads. People forget that dogs' feet are burning. Light dogs, dogs without pigment will sunburn. Salt water will dehydrate your pet. It's not to punish people, it is dangerous.
- Thanked first responders. Thinks they are doing a great job with the busy season coming in.
- Everyone is wanting us to get the pier up and running. What the Public Works Department has done is great. It's cleaned up. We are getting there. Appreciates all the work they put into it. Thinks the changes are positive and are helping us to have a friendlier beach.
- Stay safe.

Commissioner Kwiatkowski

- Thanked our outside speakers. They gave some good information for the Board to listen to.
- Thanked the Police Department and Inspections Director Evans for working with her this month.
- Wants to personally address the comments made by one person about the disappointment of not hearing anything about the pier. We did move forward with having a RFQ requested, that the town manager has reported has been put out, so we can have planning for the pier property. We are doing it stepwise, the way we should do it. There will be more information coming as we get somebody hired, an engineering firm that will put together the next steps we need to make for both the pier and Block Q. Bear with us. We are going to do it slowly and right.
- Thanks everyone for coming. Looks forward to seeing you next month.

ADJOURNMENT

Motion by Mayor Pro Tem Smith to adjourn at 7:59 p.m.; second by Commissioner Dyer; approved by unanimous vote.

J. Alan Holden, Mayor


ATTEST:

Heather Finnell, Town Clerk



Date: July 8, 2022

To: Mayor Holden and Board of Commissioners

From: Christy Ferguson, Assistant Town Manager 

Re: National Park and Recreation Month

Through efforts by the National Recreation and Park Association, the U.S. House of Representatives passed an official resolution for Park and Recreation Month in 2009 and introduced the resolution in 2017 and 2018. This year's theme, *We Rise Up for Parks and Recreation*, underscores the importance of communities rallying around parks and recreation and the benefits that abound secondary to participation. Communities are encouraged to initiate their own proclamations (attachment 1). The Parks and Recreation Advisory Board and the Parks and Recreation Department have much to look forward to this year in terms of growth and change in facilities. The recently completed Parks and Recreation Master Plan indicates a path we should follow based on citizen feedback. The board has prepared a list of activities to assist our community in celebrating the month. We look forward to this proclamation serving as the catalyst to propel the community in these vitally important endeavors.

Suggested Motion: Motion to adopt the attached proclamation for National Park and Recreation Month and to initiate sharing on our web presences and on social media outlets.

Attachment 1: Proclamation



Designation of July as Park and Recreation Month

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including The Town of Holden Beach; and

WHEREAS parks and recreation is vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease; enhance the quality of life for residents and visitors by providing exceptional recreational, cultural and educational activities and volunteer opportunities; and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Park and Recreation Month; and

WHEREAS grant funding through US Fish and Wildlife, NC Division of Environmental Quality, and the NC Parks and Recreation Trust Fund has been instrumental in offsetting the cost of park construction projects to the Town; and

WHEREAS the Town of Holden Beach recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT RESOLVED BY the Board of Commissioners of the Town of Holden Beach that July is recognized as Park and Recreation Month in the Town of Holden Beach.

J. Alan Holden, Mayor


ATTEST:

Heather Finnell, Town Clerk



Date: July 13, 2022

To: Mayor Holden and Board of Commissioners
Town Manager-IN TURN

From: Christy Ferguson, Assistant Town Manager 

Re: Setting Public Hearing for NC Public Beach and Coastal Waterfront Access Grant Application

Based on the BOC's direction to pursue grant opportunities to assist with the development of the pier properties, the staff submitted a pre-application to the Division of Coastal Management for the development of the 50-foot lot for beach access to include a Hatteras ramp and walkway for a total project cost of \$63,535.00. The agency approved the pre-application, and the town has been asked to complete a final application that will come before the BOC in August. As part of the application, a public meeting or hearing is required and the staff determined that a public hearing will demonstrate the town taking the most formal approach to submission requirements. If awarded the grant, the BOC would still have to choose to accept or decline funds.

Suggested Motion: Set the public hearing for 5:00 p.m. on August 16th prior to the start of the regular board meeting and ask the town clerk to advertise accordingly.

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA
Environmental Quality

Invitation to Submit Final Application Public Beach and Coastal Waterfront Access Funds 2022-23 Cycle

TO: Town of Holden Beach

FROM: Tancred Miller, Policy & Planning Section Chief
Division of Coastal Management

DATE: 06/29/2022

We are pleased to notify you that your preliminary request for funding of the **Pier Access Improvements** Public Beach Access by the Public Beach and Coastal Waterfront Access Grant Program has been reviewed by the Division of Coastal Management (DCM) and that you are invited to submit a final application for further consideration in the 2022-23 grant cycle.

This year DCM received sixteen pre-applications from fourteen local governments within the 20 coastal counties totaling over \$4.3 million in grant requests. Approximately \$1.8 million in grant funding is available.

Local governments still interested in receiving financial assistance must complete and submit **one (1) digital copy** of the enclosed Final Application form with attachments via email to their District Planner. Only final applications titled 2022-23 Cycle will be accepted as the application packet. Your local DCM District Planner must receive applications before 5:00 pm on Monday, September 19, 2022.

Please contact your local DCM District Planner for additional guidance regarding your specific proposal. Guidance often includes clarifications or adjustments in your request due to partial funding, adjustments to required match, or a cost breakdown for phased projects.

Final Application Process: Prior to submitting a final application, the local government is required to hold a public meeting or hearing to discuss its proposal if such a meeting was not held prior to submitting the pre-application. The local government is required to consider public comments prior to its decision to submit a final application for state funds.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

Once the final application is submitted and reviewed, and approved by the Division of Coastal Management, a grant contract will be developed and approved by the Department of Environmental Quality. Grant funds cannot be used for construction or acquisitions that take place outside of the executed grant contract period.

All final applicants will be notified of funding decisions in October 2022. It is anticipated that Governor's award letters will be sent in late December and contracts executed in January 2023.

If you have any questions about your application or application process, please contact me or your local DCM District Planner. Thank you for your continued efforts to provide public access to the state's coastal waters.

Charlan Owens
401 South Griffin Street, Ste. 300
Elizabeth City, NC 27909
(252) 264-3901
Charlan.Owens@ncdenr.gov

Rachel Love-Adrick
400 Commerce Ave.
Morehead City, NC 28557
252-515-5403
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Mike Christenbury
127 Cardinal Drive Ext.
Wilmington, NC 28405-3845
910-796-7266
Mike.Christenbury@ncdenr.gov



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400



Holden Beach Police Department

110 Rothschild St
Holden Beach, NC 28462
www.hbtownhall.com

Phone: 910-842-6707
Fax: 910-846-6907
hbpdc@hbtownhall.com



Monthly Activity Log June 2022

Printed on July 8, 2022

| Descriptions | Totals | |
|---|--------|----|
| 911 Hang Up (911HU) | 1 | 1 |
| Alarm (SIG45 Signal 45) | 12 | 12 |
| Allergies or Envenomations [Alpha] | 2 | 2 |
| Animal Control Call | 8 | 8 |
| Attempt to Locate (ATL) | 17 | 17 |
| Breaking and Entering in Progress (10-62 x62) | 1 | 1 |
| Breathing Problems (Asthma) [Delta] | 1 | 1 |
| Breathing Problems (COPD) [Charlie] | 1 | 1 |
| Call By Phone (10-21Law x21L) | 29 | 29 |
| Cardiac or Respiratory Arrest [Echo] | 1 | 1 |
| Careless & Reckless (C&R) | 3 | 3 |
| Chest Pain or Discomfort [Charlie] | 1 | 1 |
| Chest Pain or Discomfort [Delta] | 2 | 2 |
| Confirmed Structure Fire | 2 | 2 |
| Convulsions or Seizures [Alpha] | 1 | 1 |
| Convulsions or Seizures [Charlie] | 2 | 2 |
| Disturbance or Disorderly Subject | 10 | 10 |
| Domestic Disturbance (10-82 x82) | 2 | 2 |
| Dumpster Fire | 1 | 1 |
| Duplicate Call | 1 | 1 |
| Elevator Stuck or Problems | 1 | 1 |

| Descriptions | Totals | |
|--|--------|----|
| Escort or Convoy (10-59 x59) | 2 | 2 |
| Falls [Alpha] | 1 | 1 |
| Falls [Bravo] | 2 | 2 |
| Fight in Progress (10-40 x40) | 3 | 3 |
| Fire Alarm Activation | 4 | 4 |
| Fireworks | 4 | 4 |
| Good Intent Call (Fire); Missing or Abandoned Person | 1 | 1 |
| Headache [Alpha] | 1 | 1 |
| Heat Exposure [Delta] | 1 | 1 |
| Hit and Run (Property Damage Only 10-54 x54) | 1 | 1 |
| Improperly Parked Vehicle (10-70 x70) | 27 | 27 |
| Information or Message Delivery (10-14 x14) | 1 | 1 |
| Intoxicated Person (10-56 x56) | 1 | 1 |
| Investigate Narcotics Activity (Signal 49 SIG49 10-98 x98) | 1 | 1 |
| Investigation (Law) | 1 | 1 |
| Keys In Vehicle or Lockout | 3 | 3 |
| Lost or Found Property | 1 | 1 |
| Medical Alarm [Bravo]; Alarm (SIG45 Signal 45) | 1 | 1 |
| Meet with Complainant (10-83 x83) | 17 | 17 |
| Missing or Abandoned Person | 2 | 2 |
| Noise Complaint | 6 | 6 |
| Open Door | 1 | 1 |
| Prowler (10-76 x76) | 1 | 1 |
| Shoplifter (10-93 x93) | 1 | 1 |

| Descriptions | Totals | |
|---|--------|-----|
| Sick Person [Alpha] | 1 | 1 |
| Sick Person [Charlie] | 1 | 1 |
| Special Check - Business - Residence (10-79 x79) | 374 | 374 |
| Stopping Vehicle (10-61 x61) | 18 | 18 |
| Stroke or TIA [Charlie] | 2 | 2 |
| Subject Locked in Vehicle | 1 | 1 |
| Suicidal [Bravo] | 1 | 1 |
| Suspicious Vehicle or Subject (10-60 x60) | 7 | 7 |
| Take Written Report (10-92 x92) | 11 | 11 |
| Traffic Accident (Property Damage Only 10-50PD x50PD) | 3 | 3 |
| Traffic Control (10-58 x58) | 1 | 1 |
| Traumatic Injuries [Bravo] | 1 | 1 |
| Trespassers | 6 | 6 |
| Unconscious or Fainting [Delta, Arrest] | 1 | 1 |
| Water or Sewer Problems | 2 | 2 |
| Water Rescue | 1 | 1 |
| Water Rescue; Welfare Check | 1 | 1 |
| Welfare Check | 3 | 3 |
| | 1 | 1 |
| Totals | 619 | 619 |



Holden Beach Police Department

110 Rothschild St
Holden Beach, NC 28462
www.holdenbchall.com
Phone: 910-842-6707
Fax: 910-846-6907
hbp@d.holdenbchall.com



HBPD Monthly Report June 2022

Printed on July 8, 2022

| Reported | Case Number | Address | Offenses | Disposition |
|----------------|-------------|--------------------|---|------------------------------|
| 06/03/22 13:41 | HBP22-00038 | BENDIGO ST / OCEAN | 14-160 - INJURY TO PERSONAL PROPERTY | Closed - Unfounded |
| 06/10/22 04:16 | HBP22-00039 | 147 OCEAN BLVD E | FIRE - NO CRIME | Closed - Unfounded |
| 06/13/22 06:51 | HBP22-00040 | 417 OCEAN BLVD W | 14-72 - LARCENY; receiving stolen goods or possessing stolen goods; 14-127 - DAMAGE TO REAL PROPERTY | Investigator Requested |
| 06/13/22 13:08 | HBP22-00041 | 1281 OCEAN BLVD W | 14-75 - LARCENY OF CHOSE IN ACTION | Closed - Located |
| 06/27/22 13:34 | HBP22-00042 | 111 STARFISH DR | 14-160 - Injury to Personal Property | Closed - Leads Exhausted |
| 06/28/22 09:45 | HBP22-00043 | 684 OCEAN BLVD W | 14-104 - FAIL TO WORK AFTER PAID | Further Investigation |
| 06/29/22 15:30 | HBP22-00044 | 306 SAND DUNE LN | 14-72(A) - FELONY LARCENY; 14-54(A) - BREAKING AND OR ENTERING (F)/ LARCENY | Closed - Resolved by Parties |
| 06/29/22 16:27 | HBP22-00045 | 109 CLIPPERSHIP DR | 14-54(A) - BREAKING AND OR ENTERING (F)/ LARCENY; 14-72(B)(2) - LARCENY AFTER BREAK/ENTER | Investigator Requested |

Total Records: 8

Discussion and Possible Action on Golf Cart Violation Reporting Tasker – Commissioners Kwiatkowski and Smith

Agenda Packet -

Request for Golf Cart Infraction Details

Issue and Action Requested:

Golf cart parking and moving vehicle violations have become highly visible with the increasing number of golf carts being used by renters and property owners. In order to judge whether the Town's increased communication and police department efforts are improving golf cart "safety" and compliance, the Board needs to see golf cart infraction details.

Background and Potential Implications:

Golf cart safety has become a major concern of many of our residents-we see frequent cases of underage drivers, unsafe driving, seat belts not used, babies in laps, and illegal parking. One of the justifications for increasing the THB police force last year was to be able to better enforce traffic and parking rules, with golf carts acknowledged as a particular problem. It is hoped that police warnings and, when necessary, ticketing early in the rental week leads to reduced infractions as the week progresses.

Without detailed golf cart infraction data neither the BOC or Town Staff can judge whether ongoing Town communication efforts and Police Department focused activities are reducing unsafe practices and illegal parking of golf carts. The BOC needs a report specific to golf carts that provides for all warnings and tickets. Below is a suggested list of information that would help Town Staff, the Board and our residents measure improvements and determine whether changes in education and/or enforcement activities would be appropriate.

Violation description:

- Parking
- Underage driver
- Seat belt infraction
- Child seat infraction
- Unsafe driving
- Unlicensed vehicle

Warning or ticket

Date and day of week

Time of day

Location on island

A summary of findings would be presented at our monthly BOCM's , suggested to start in August.

This time I would like to request we task the Town Manager with making sure we get this information every month with the Police report until the BOC can determine if we need to make changes or add an ordinance to protect our citizens and visitors.

Discussion and Possible Action on Speed Limit on Ocean Boulevard – Commissioner Dyer

The main concern I have is for safety and to try and get crosswalks distinguished after paving. With the increase in permanent residents and addition of two bike lanes, I feel like a speed limit of 45 MPH is not safe. With the higher speed and more distracted drivers, I am concerned that there will be an incident. For example, a child will dart out and drivers can't react in time at that speed. The increased population is year-round, not just in the summer.

Holden Beach Code of Ordinances

SCHEDULE I. SPEED LIMITS.

(A) The streets or parts of streets described in this traffic schedule shall have the speed limits designated in the following table.

('85 Code, § 7-5) (Ord. 3-86, passed - - ; Am. Ord. 14-09, passed 8-12-14)

(B) In accordance with division (A) of this traffic schedule, the following speed limits shall be established for the following streets or parts of streets:

| <i>Name of Street</i> | <i>Speed Limit (mph)</i> | <i>Seasonal Limitations</i> |
|---|---------------------------------|--|
| S.R. 1116 (Ocean Boulevard, East and West), from its western terminus to its eastern terminus | 35 | April 1 - September 30 (inclusive) |
| S.R. 1116 from a point 1.76 miles west of NC 130 (Greensboro Street) to a point 5.01 miles west of NC 130 (west end of road). | 45 | October 1 - March 31 (inclusive each year) |
| Delanne Street | 15 | — |
| Dunescape Drive | 15 | — |
| Serenity Lane | 15 | — |
| Windswept Way | 15 | — |
| All other streets | 25 | — |
| And all other streets within the Holden Beach West Subdivision | 25 | No seasonal limitations |

('85 Code, Ch. VII, Sched. III) (Ord. 3-86, passed - - ; Am. Ord. 91-14, passed 8-5-91; Am. Ord. 93-01, passed 1-4-93; Am. Ord. 96-03, passed 5-20-96; Am. Ord. 99-06, passed 5-10-99; Am. Ord. 99-15, passed 7-26-99; Am. Ord. 99-23, passed 12-13-99; Am. Ord. 02-05, passed 4-8-02; Am. Ord. 14-09, passed 8-12-14) Penalty, see § 70.99

CONSTRUCTION TYPE REPORT

06/01/2022 TO 07/08/2022

TOWN OF HOLDEN BEACH

FY 2022-2023

| Construction Type | Status | Description | Date Applied | Permit class/ Number | Occupancy | | Valuation | Permit Fee(\$) |
|--|--------|--------------------------|--------------|-------------------------|-----------|-------------|----------------|----------------|
| | | | | | Grol | Square Feet | | |
| Add | 10 | Additions | 06/09/2022 | G1 | | 0.00 | 19,980.00 | 269.82 |
| Add | 10 | Additions | 06/16/2022 | G1 | | 0.00 | 30,000.00 | 360.00 |
| Add | 10 | Additions | 06/17/2022 | G1 | | 0.00 | 13,000.00 | 132.00 |
| Add | 10 | Additions | 06/17/2022 | G1 | | 0.00 | 51,000.00 | 549.00 |
| Add | 10 | Additions | 06/23/2022 | G1 | | 0.00 | 0.00 | 80.00 |
| Add | 10 | Additions | 06/27/2022 | G1 | | 0.00 | 0.00 | 252.83 |
| Add | 10 | Additions | 06/27/2022 | G1 | | 0.00 | 0.00 | 290.00 |
| Add | 10 | Additions | 07/05/2022 | G1 | | 0.00 | 12,000.00 | 248.00 |
| Add | 10 | Additions | 07/07/2022 | G1 | | 0.00 | 38,000.00 | 432.00 |
| Subtotal for Additions: | | | | | 9 | 0.00 | \$163,980.00 | \$2,613.65 |
| BH | 10 | Bulkhead | 06/16/2022 | G1 | | 0.00 | 25,000.00 | 0.00 |
| BH | 10 | Bulkhead | 06/17/2022 | G1 | | 0.00 | 0.00 | 195.00 |
| BH | 10 | Bulkhead | 06/23/2022 | G1 | | 0.00 | 25,000.00 | 240.00 |
| BH | 10 | Bulkhead | 07/05/2022 | G1 | | 0.00 | 25,000.00 | 240.00 |
| BH | 10 | Bulkhead | 07/05/2022 | G1 | | 0.00 | 25,000.00 | 240.00 |
| Subtotal for Bulkhead: | | | | | 5 | 0.00 | \$100,000.00 | \$915.00 |
| Btype1 | 10 | New Construction/General | 06/02/2022 | G1 | | 0.00 | 772,875.00 | 12,506.92 |
| Btype1 | 10 | New Construction/General | 06/02/2022 | G1 | | 0.00 | 450,000.00 | 7,054.85 |
| Btype1 | 10 | New Construction/General | 06/17/2022 | G1 | | 0.00 | 548,000.00 | 9,037.10 |
| Btype1 | 10 | New Construction/General | 06/17/2022 | G1 | | 0.00 | 307,292.00 | 6,941.63 |
| Btype1 | 10 | New Construction/General | 07/06/2022 | G1 | | 0.00 | 11,000.00 | 189.00 |
| Subtotal for New Construction/General: | | | | | 5 | 0.00 | \$2,089,167.00 | \$35,729.50 |
| Decks | 10 | Decks | 06/09/2022 | G1 | | 0.00 | 0.00 | 253.50 |
| Decks | 10 | Decks | 06/15/2022 | G1 | | 0.00 | 18,000.00 | 187.00 |
| Decks | 10 | Decks | 06/15/2022 | G1 | | 0.00 | 16,000.00 | 169.00 |

| | | | | | | | | | |
|-------|----|------------|--|---------------------------------|------------|-----------|-------------|--------------------|-----------------|
| Decks | 10 | Decks | | 06/20/2022 | BPM-018366 | G1 | 0.00 | 0.00 | 159.00 |
| Decks | 10 | Decks | | 06/23/2022 | BPM-018376 | G1 | 0.00 | 0.00 | 80.00 |
| Decks | 10 | Decks | | 06/23/2022 | BPM-018379 | G1 | 0.00 | 0.00 | 99.15 |
| | | | | Subtotal for Decks: | | 6 | 0.00 | \$34,000.00 | \$947.65 |
| Elect | 10 | Electrical | | 06/01/2022 | EL-018311 | G1 | 0.00 | 300.00 | 75.00 |
| Elect | 10 | Electrical | | 06/06/2022 | EL-018317 | G1 | 0.00 | 2,600.00 | 75.00 |
| Elect | 10 | Electrical | | 06/10/2022 | EL-018340 | G1 | 0.00 | 800.00 | 75.00 |
| Elect | 12 | Electrical | | 06/20/2022 | EL-018365 | G1 | 0.00 | 0.00 | 75.00 |
| Elect | 12 | Electrical | | 06/21/2022 | EL-018372 | G1 | 0.00 | 0.00 | 75.00 |
| Elect | 12 | Electrical | | 06/22/2022 | EL-018373 | G1 | 0.00 | 300.00 | 75.00 |
| Elect | 10 | Electrical | | 06/23/2022 | EL-018374 | G1 | 0.00 | 0.00 | 75.00 |
| Elect | 10 | Electrical | | 06/24/2022 | EL-018390 | G1 | 0.00 | 950.00 | 75.00 |
| Elect | 12 | Electrical | | 06/27/2022 | EL-018399 | G1 | 0.00 | 150.00 | 75.00 |
| Elect | 13 | Electrical | | 06/29/2022 | EL-018403 | G1 | 0.00 | 0.00 | 75.00 |
| Elect | 13 | Electrical | | 06/29/2022 | EL-018404 | G1 | 0.00 | 0.00 | 75.00 |
| | | | | Subtotal for Electrical: | | 67 | 0.00 | \$5,100.00 | \$825.00 |
| Mech | 10 | Mechanical | | 06/01/2022 | MC-018309 | G1 | 0.00 | 15,470.00 | 0.00 |
| Mech | 10 | Mechanical | | 06/01/2022 | MC-018310 | G1 | 0.00 | 15,470.00 | 150.00 |
| Mech | 10 | Mechanical | | 06/01/2022 | MC-018312 | G1 | 0.00 | 9,650.00 | 150.00 |
| Mech | 10 | Mechanical | | 06/06/2022 | MC-018318 | G1 | 0.00 | 7,900.00 | 75.00 |
| Mech | 10 | Mechanical | | 06/06/2022 | MC-018319 | G1 | 0.00 | 6,500.00 | 75.00 |
| Mech | 10 | Mechanical | | 06/06/2022 | MC-018320 | G1 | 0.00 | 7,450.00 | 75.00 |
| Mech | 10 | Mechanical | | 06/06/2022 | MC-018324 | G1 | 0.00 | 7,493.00 | 75.00 |
| Mech | 10 | Mechanical | | 06/07/2022 | MC-018325 | G1 | 0.00 | 6,772.00 | 75.00 |
| Mech | 10 | Mechanical | | 06/08/2022 | MC-018326 | G1 | 0.00 | 13,988.00 | 150.00 |
| Mech | 12 | Mechanical | | 06/08/2022 | MC-018327 | G1 | 0.00 | 8,468.00 | 150.00 |
| Mech | 10 | Mechanical | | 06/08/2022 | MC-018328 | G1 | 0.00 | 3,646.21 | 75.00 |
| Mech | 10 | Mechanical | | 06/08/2022 | MC-018329 | G1 | 0.00 | 789,968.00 | 75.00 |
| Mech | 10 | Mechanical | | 06/09/2022 | MC-018330 | G1 | 0.00 | 10,700.00 | 75.00 |
| Mech | 10 | Mechanical | | 06/09/2022 | MC-018333 | G1 | 0.00 | 0.00 | 75.00 |

| | | | | | | | | |
|------|----|------------|------------|------------|----|------|-----------|--------|
| Mech | 10 | Mechanical | 06/09/2022 | MC-018334 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/09/2022 | MC-018335 | G1 | 0.00 | 12,150.00 | 150.00 |
| Mech | 10 | Mechanical | 06/10/2022 | MC-018337 | G1 | 0.00 | 6,730.00 | 75.00 |
| Mech | 10 | Mechanical | 06/10/2022 | MC-018338 | G1 | 0.00 | 3,865.00 | 75.00 |
| Mech | 10 | Mechanical | 06/10/2022 | MC-018339 | G1 | 0.00 | 4,550.00 | 75.00 |
| Mech | 10 | Mechanical | 06/15/2022 | MC-018341 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 12 | Mechanical | 06/15/2022 | MC-018342 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/15/2022 | MC-018343 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 12 | Mechanical | 06/15/2022 | MC-018344 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/15/2022 | MC-018345 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/16/2022 | MC-018349 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/16/2022 | MC-018350 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/17/2022 | MC-018357 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 13 | Mechanical | 06/21/2022 | MC-018368 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/21/2022 | MC-018369 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/21/2022 | MC-018370 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/21/2022 | MC-018371 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MEC-018380 | G1 | 0.00 | 5,230.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MEC-018381 | G1 | 0.00 | 5,008.65 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MEC-018382 | G1 | 0.00 | 5,758.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MEC-018383 | G1 | 0.00 | 5,300.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MC-018384 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MC-018385 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MC-018386 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MC-018387 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MEC-018388 | G1 | 0.00 | 13,000.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MEC-018389 | G1 | 0.00 | 8,500.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MEC-018391 | G1 | 0.00 | 3,825.00 | 75.00 |
| Mech | 10 | Mechanical | 06/24/2022 | MEC-018392 | G1 | 0.00 | 7,899.00 | 75.00 |
| Mech | 10 | Mechanical | 06/27/2022 | MC-018393 | G1 | 0.00 | 0.00 | 75.00 |

| | | | | | | | | |
|--------|----|-------------------|---------------------------------|------------|----|------|-----------|------------|
| Mech | 10 | Mechanical | 06/27/2022 | MC-018394 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 06/27/2022 | MC-018395 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 06/27/2022 | MEC-018398 | G1 | 0.00 | 4,320.00 | 75.00 |
| Mech | 10 | Mechanical | 06/29/2022 | MC-018400 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 06/29/2022 | MC-018401 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/29/2022 | MC-018402 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 06/29/2022 | MC-018405 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 06/29/2022 | MC-018406 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 12 | Mechanical | 06/29/2022 | MC-018407 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 06/29/2022 | MC-018408 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 06/30/2022 | MC-018409 | G1 | 0.00 | 0.00 | 75.00 |
| Mech | 10 | Mechanical | 07/01/2022 | MC-018410 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 07/01/2022 | MC-018411 | G1 | 0.00 | 0.00 | 150.00 |
| Mech | 10 | Mechanical | 07/05/2022 | MEC-018412 | G1 | 0.00 | 10,750.00 | 75.00 |
| Mech | 10 | Mechanical | 07/05/2022 | MEC-018414 | G1 | 0.00 | 4,350.00 | 75.00 |
| Mech | 10 | Mechanical | 07/07/2022 | MEC-018421 | G1 | 0.00 | 6,200.00 | 75.00 |
| Zoning | | Zoning=CAMA | Subtotal for Mechanical: | | | 72 | 0.00 | \$5,550.00 |
| Plumb | 10 | Plumbing | 06/16/2022 | PL-018355 | G1 | 0.00 | 0.00 | 3800 |
| | | | Subtotal for Plumbing: | | | 13 | 0.00 | \$75.00 |
| Pools | 10 | Swimming Pools | 06/03/2022 | BPM-018316 | G1 | 0.00 | 61,250.00 | 831.25 |
| | | | Subtotal for Swimming Pools: | | | 1 | 0.00 | \$831.25 |
| Remod | 10 | Renovation/Repair | 06/01/2022 | BPM-018313 | G1 | 0.00 | 64,800.00 | 608.20 |
| Remod | 10 | Renovation/Repair | 06/06/2022 | BPM-018322 | G1 | 0.00 | 6,000.00 | 80.00 |
| Remod | 10 | Renovation/Repair | 06/06/2022 | BPM-018323 | G1 | 0.00 | 30,000.00 | 285.00 |
| Remod | 10 | Renovation/Repair | 06/17/2022 | BPM-018359 | G1 | 0.00 | 0.00 | 204.00 |
| Remod | 10 | Renovation/Repair | 06/23/2022 | BPE-018378 | G1 | 0.00 | 0.00 | 260.10 |
| Remod | 10 | Renovation/Repair | 07/05/2022 | RDR-018417 | G1 | 0.00 | 79,584.00 | 806.26 |
| Remod | 10 | Renovation/Repair | 07/07/2022 | BPR-018420 | G1 | 0.00 | 25,000.00 | 240.00 |
| | | | Subtotal for Renovation/Repair: | | | 7 | 0.00 | \$2,483.56 |

| | | | | | | | | |
|------|----|--|------------|------------|-----|------|-----------------------|--------------------|
| SFC | 10 | Single Family Constructio | 07/05/2022 | BPR-018413 | G1 | 0.00 | 750,360.00 | 9,143.32 |
| | | Subtotal for Single Family Constructio: | | | 1 | 0.00 | \$750,360.00 | \$9,143.32 |
| Walk | 10 | Walkway | 06/09/2022 | BPM-018332 | G1 | 0.00 | 29,850.00 | 283.65 |
| Walk | 10 | Walkway | 06/20/2022 | BPM-018367 | G1 | 0.00 | 0.00 | 245.40 |
| | | Subtotal for Walkway: | | | 12 | 0.00 | \$29,850.00 | \$529.05 |
| | | Sub Total | | | 265 | 0.00 | \$4,450,001.86 | \$63,442.98 |

TEVANS

cp-ConstructionTypeReport

07/08/2022 10:38:51 AM

Page 5 of 5



MEMO: Ordinance Amendment for Review by Commissioners (Off Premise Sales)

To: Town Commissioners, Mayor

From: Planning Director, Timothy D. Evans

Ordinance 22-17 was prepared for consideration and possible approval by the Board of Commissioners, Staff prepared the draft ordinance as directed by the Board at its last scheduled meeting. The dates of operation and times were excluded and can be entered if the Board so approves the amended section.

Ordinance is so designed to allow only those merchants with established businesses to conduct such business remotely on the strand with specific guidelines, locations and dates by permit only.

Timothy D Evans,

ORDINANCE 22-17

AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 112: PEDDLERS

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Chapter 112: Peddlers be amended as follows.

Section One: Replace Chapter 112: Peddlers with the following:

§ 112.01 DEFINITION.

PEDDLING shall mean the selling, bartering, or exchanging or the offering for sale of any tangible personal property, including but not limited to food and ice cream, upon or along the streets, highways, or public places of the town or from private property within or without the permission of the owner thereof, from any wagon, truck, pushcart, concession stand, or tent, or other movable receptacles of any kind.

Business Sale. Any commercial activity in which any goods are offered for sale, but not including occasional sale of household goods by the owner.

Sale. Any trade work or offer of trade for currency, credit, services or goods

Services. Any work or act rendered for sale.

Town. Town of Holden Beach.

Peddler. A person who travels from place to place with an inventory of goods, who sells the goods or offers the goods for sale and who delivers the identical goods he carries with him.

Itinerant Merchant. A merchant, other than a merchant with an established retail store in the town, who transports an inventory of goods to a building, vacant lot, or other location in the town and who at the location displays the goods for sale and sells the goods or offers the goods for sale.

Off Premise Sales. something sold from a legal business that's consumed or used away from the four walls of an established legal business within the corporate limits of the town as permitted under the table in §157.054 of the Town of Holden Beach Code of Ordinances.

('85 Code, § 3-8.2) (Ord. 30, passed - -)

§ 112.02 PEDDLING PROHIBITED. Unlicensed Sales Prohibited

1. Pursuant to the authority granted under G.S. § 160A-178 and 160A-194, as amended, the activity peddling within the limits of the town is prohibited.
2. No person shall offer Off Premise Sales of any goods in the town except from a business duly permitted pursuant to the applicable town ordinance.
3. No itinerant merchant/peddler shall conduct any business sale, or offer to conduct any business sale, from any public road, other public thoroughfare, public beach, sidewalk, parking lot, or any other public property whatsoever, unless permitted.

('85 Code, § 3-8.1) (Ord. 30, passed - -) Penalty, see § 112.99

§ 112.03 EXEMPTIONS

1. FOR CHARITABLE OR RELIGIOUS PURPOSES.

- a. This chapter shall not apply to any activities which may fall within the above definition which are engaged in for the support of any recognized organized religious or charitable purpose.

2. OFF PREMISE SALES. Pushcarts Only

- a. Public Trust areas of the corporate limits of the Town as defined 112.06

§ 112.04 PERMITS FOR OFF PREMISE SALES. required for selling of merchandise outside of the established business as defined under 112.01.

§ 112.05 SPECIFIC REGULATIONS FOR OFF PREMISE SALES ON PUBLIC BEACH

1. No business as licensed for off premise sales shall conduct business within the town without first having obtained the appropriate permit from the town and paid associated fees as listed in the Town of Holden Beach Fee Schedule, as such may be amended from time to time. Off Premise Sales are not required to obtain a business license.

2. The permit will allow merchants, to retail their merchandise provided that no sales of merchandise shall be permitted between the hours of ____ p.m. and ____ a.m. Between the hours of __ p.m. and __ a.m., all merchandise offered for sale shall be removed from the Public Trust area or such merchandise shall be stored and properly secured within a fully enclosed structure or vehicle used in conjunction with the operation. Off Premise Sales by merchants must renew permit annually.

3. The permit shall be valid from April ____ through November _____. The maximum number of Off Premise Permits are limited to one per established merchant as approved and allowed under ordinance.

4. Each permit will allow for up to five pushcarts and a copy of the permit must be displayed prominently in a conspicuous place, to be immediately identified by personnel for enforcement.

5. A pushcart shall be designed for retail sales and mounted on at least two wheels that have a diameter of not less than eight inches. A pushcart shall be no larger than 5½ feet in width, ten feet in length and eight feet in overall height; shall not be propelled by an internal combustion engine, electric motor, or other similar mechanical device; and when fully loaded with merchandise, shall be movable by one person. Any canopy or umbrella shall not overhang the pushcart by more than two feet. Pushcarts may include a cooking apparatus or grill top for the heating of pre-cooked foods only, in accordance with this section and state regulations. Pushcarts shall have no features which would be a nuisance or hazardous to public safety.

6. No pushcart shall remain in the same location for longer than one hour during a 24- hour period.

§ 112.05 LIABILITY OF INSURANCE

A. By applying for a pushcart permit, any person or entity owning or operating such use agrees to indemnify, defend, save, and hold harmless the town, its officers, agents, and employees from all claims, liability, lawsuits, damages and causes of action which may rise out of such activity. The owner or operator shall acquire and keep in full force and effect, at its own expense, insurance in the following amounts and types: The owner or operator shall provide proof upon application for permit of insurance. Commercial general liability in the amount of at least \$_____ per occurrence for bodily injury and property damage. The Town shall be named as an additional insured on the policy and an endorsement shall be issued as part of the policy evidencing compliance with this requirement. The town shall receive at least 30 days written notice prior to any cancellation, non-renewal or material change in the coverage provided.

Any person or entity operating a pushcart shall provide and must have approved by the Town Planning Director, an original certificate of insurance as evidence that the above requirements have been met prior to the initiation of the pushcart operation. Failure to comply with all these requirements shall cause a suspension or revocation of all pushcart activities. The insurance shall be in effect for the duration of the permit.

§ 112.06 PERMITS FOR OFF PREMISE SALES

1. The Planning and Inspections Department is authorized to issue permits for Off Premise Sales of plants, fruits, vegetables, beverages, hotdogs, and other pre-cooked and pre-packaged foods including hamburgers, sandwiches, ice cream and snack type edibles, from pushcarts on Public Trust Land seaward of all vegetation and dunes stretching from the Lockwoods Folly River Inlet to the Shallotte River Inlet as defined by the corporate limits of the town. Vendors shall comply with state, county and municipal health laws and ordinances. Cooking of raw food shall not be allowed on pushcarts; however, the heating of pre-cooked foods shall be allowed. Alcoholic beverages shall not be sold from a pushcart. A sale to any person in or on a vehicle is prohibited.

§ 112.07 VIOLATIONS OF PERMIT

1. Permits can be revoked by the Towns Planning Department for any departure from the conditions of the permit, any fines as established for this section will automatically apply.

112.08 APPEALS

1. Appeals from the decision to deny, revoke or place conditions on the permit shall be to the Board of Commissioners, the appeal should be filed within ten days with the Town Clerk.

§ 112.99 PENALTY.

(A) Criminal. Any person who violates any provision of this chapter shall be subject to a penalty as provided in § 10.99(A) of this code of ordinances.

(B) Civil. In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of this chapter shall be subject to a civil fine of \$50 per offense.

('85 Code, § 3-8.4) (Ord. 30 passed - - ; Am. Ord. 93-11, passed 9-7-93)

Section Two: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective the 20th day of July, 2022.

This the 19th day of July, 2022.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

DEVELOPMENT SUBMITTAL FEES

For Zoning/Subdivision/Site Activity

| | |
|---|-------------------------|
| Zoning Permit | \$50.00 |
| Zoning Permit – Re-Review Fee | \$20.00 |
| Group Activity Permit | \$100.00 |
| Appeal to Board of Adjustment | \$175.00 |
| Variance Request | \$175.00 |
| Special Use Permit | \$175.00 |
| Amendment to Zoning Text | \$250.00 |
| Rezoning (Residential) | |
| <3 acres | \$250.00 |
| >3 acres | \$450.00 |
| Rezoning (Commercial) | |
| <3 acres | \$500.00 |
| >3 acres | \$800.00 |
| each additional acre over 3 | \$10.00 |
| Sign Permit | \$65.00 |
| Subdivision/PUD Preliminary Plat Review | \$100.00 |
| Subdivision/PUD Final Plat Review | \$100.00 + \$5 per acre |
| Submission of Final Plat – Administrative Fee | \$20.00 |
| Off Premise Sales Permit | \$250.00 |
| Push Cart, 5 max per OPSP issued | \$1000.00 |



Date: July 11, 2022

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk **HF**

Re: Resolution of Intent to Permanently Close a Portion of Carolina Avenue

At the May 17th meeting, the Board instructed staff to move forward with the process to close a portion of Carolina Avenue between Quinton Street and Jordan Boulevard. A survey for the area has been completed. The metes and bounds description has been added to the draft resolution of intent presented at the May meeting (Attachment 1).

Staff is proposing that the required public hearing be held at the September 20, 2022 meeting. This will allow staff time to advertise the public hearing for four successive weeks, post the property and mail any required notices required per North Carolina Statute §160A-299. Attached is the summary of the process that was presented at the May meeting (Attachment 2).

If the Board would like to move forward with the closure of Carolina Avenue between Quinton Street and Jordan Boulevard, the suggested motion is to approve Resolution 22-07, Resolution of Intent to Permanently Close a Portion of Carolina Avenue and schedule the public hearing for September 20, 2022 at 5:00 p.m.

Attachments:

- 1 – Resolution 22-07
- 2 – Summary of NCGS §160A-299

Attachment 1

RESOLUTION 22-07 RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF CAROLINA AVENUE

WHEREAS, the Town of Holden Beach purchased lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block Q, as more fully shown in a survey plat dated December 1953 entitled "Map Showing a Subdivision for Dr. R. H. Holden" and tax parcel 232NF029, an unnumbered tract bounded on the north by the southern right-of-way of South Shore Drive; on the east by the western right-of-way of Second Street; on the south by the northern right-of-way of Carolina Avenue and on the west by the eastern right-of-way of Jordan Boulevard, as more fully shown in a survey plat dated December 1953 entitled "Map Showing Subdivision for Dr. R. H. Holden; and

WHEREAS, the Town of Holden Beach Board of Commissioners has determined it is advisable to consider permanently closing a portion of Carolina Avenue from its intersection with Jordan Boulevard to its intersection with Quinton Street (See attached Exhibit A for legal description); and

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a municipality in order to permanently close a street or alley; and

WHEREAS, in order for a municipality to properly and lawfully permanently close a street, Section 160A-299 of the North Carolina General Statutes requires that a council first adopt a resolution declaring its intent to permanently close the street or portion thereof in question and then call a public hearing on the question.

NOW, THEREFORE, BE IT RESOLVED by the Holden Beach Board of Commissioners, as follows:

Section 1. It is the intent of the Holden Beach Board of Commissioners to permanently close a portion of Carolina Avenue from its intersection with Jordan Boulevard to its intersection with Quinton Street (See Attached Exhibit A for Legal Description). Said street is located within the corporate limits of the Town of Holden Beach, North Carolina.

Section 2. A public hearing on the matter of the above-described proposed permanent closure of the described portion of Carolina Avenue is hereby called and is to be held at the regular meeting of the Holden Beach Board of Commissioners on September 20, 2022 at 5:00 p.m. in the Holden Beach Town Hall Public Assembly, 110 Rothschild Street, Holden Beach, NC 28462. At said public hearing, any person may be heard on the question of whether or not the intended closing of the specified portion of Carolina Avenue would be detrimental to the public interest or the property rights of any individual.

Section 3. The Town Clerk is hereby directed to cause the publication of this Resolution of Intent once a week for four (4) successive weeks prior to the above referenced public hearing in a newspaper of general circulation in the Town of Holden Beach, North Carolina.

Section 4. The Town Clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining the above-described portion of Carolina Avenue as shown on county tax records.

Section 5. The Town Clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along the portion of Carolina Avenue that is proposed for closure, as required by G.S. 160A-299.

This the 19th day of July, 2022.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk

Exhibit A



COASTALGEOMATICS

LAND SURVEYING • MAPPING • PLANNING

Town of Holden Beach, NC

Legal Description for Portion of Carolina Avenue Reversion

July 6, 2022

Being all that certain tract or parcel of land lying and being in Lockwood Folly Township, Brunswick County, North Carolina and being particularly described as follows:

Beginning at a new rebar set in the western right of way line of Quinton Street (50' Public Right Of Way); said rebar being near the southwestern intersection of the right of way lines of Quinton Street and Carolina Avenue (40' Right Of Way) as shown on a map recorded in Map Book 4, Page 2, Brunswick County Registry; said beginning point also being located N80°04'53"W, 1869.11 feet from N.C.G.S. Monument "Ferry", having NAD 83-2011 Grid Coordinates: N=60842.17 feet, E=2224472.19 feet.

Thence from the beginning point and with the southern right of way line of Carolina Avenue, S74°27'10"W, 317.84 feet to a new rebar set in the eastern right of way line of NC 130 Holden Beach Road; NC 130 right of way line established using existing physical evidence found that agreed with N.C.D.O.T Plans recorded in DOT Map Book 1, Pages 191-195; thence with said right of way line of NC 130 Holden Beach Road and with a curve to the left having a radius of 632.96 feet and a chord bearing and distance of N21°42'30"E, 50.25 feet to a new rebar set in the northern right of way line of Carolina Avenue projected to the eastern right of way line of NC 130 Holden Beach Road aforesaid mentioned; thence N74°27'10"E, 87.03 feet to a new rebar set at the approximate point of curvature with South Shore Drive (40' Public Right of Way); thence continuing with the northern right of way line of Carolina Avenue, N74°27'10"E, 206.72 feet to a new rebar set in the eastern right of way line of Quinton Street; thence with the right of way line of Quinton Street, crossing Carolina Avenue, S 06°32'50"E, 40.50 feet to the place and Point of Beginning.

Containing 0.28 acres (12,215 square feet) as shown on a survey titled "Right of Way Reversion Map for Town of Holden Beach, NC", as prepared by Christopher D. Stanley, PLS dated July 6, 2022, to which reference is hereby made for a more full and accurate description.

Prepared by:

Christopher D. Stanley, PLS



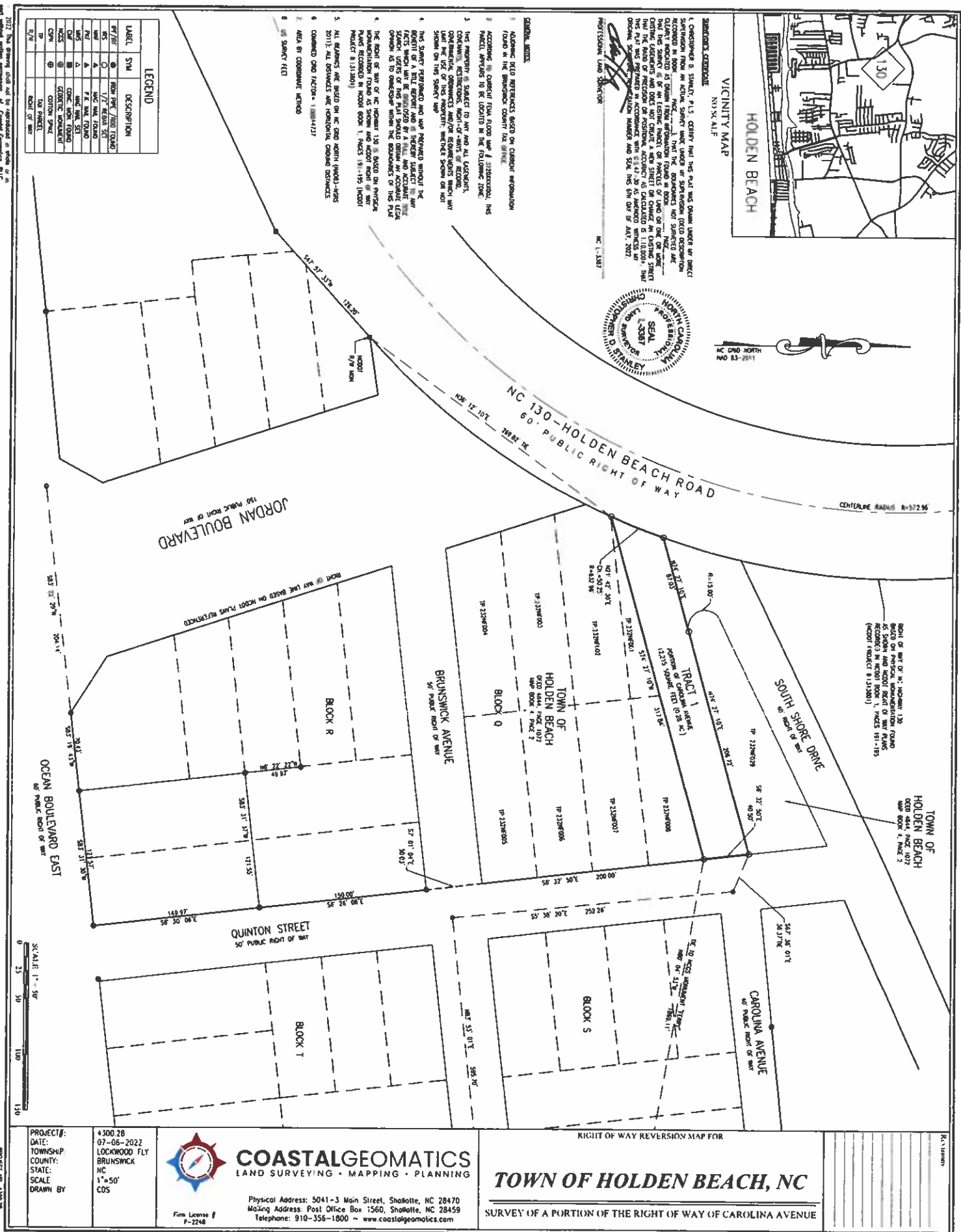
Coastal Geomatics, PLLC

Main Branch: 5041-3 Main Street, Shallotte, NC 28470 * Telephone: 910-356-1800

Mailing Address: Post Office Box 1560, Shallotte, NC 28459

NCBELS Firm License No. P-2248

coastalgeomatics.com



NCGS 160A-299

Procedure for Permanently Closing Streets & Alleys

- Adoption of resolution by Board declaring its intent to close the street/alley and calling a public hearing
- Publish resolution once a week for four successive weeks prior to the hearing
- Send copy via certified mail to all owners of property adjoining the street/alley
- Post notice of the street and public hearing in at least two places along the street/alley
- Hold public hearing for any person interested
- If not contrary to public interest, adopt an order closing street/alley
- File certified copy of the order with the Register of Deeds
- Upon closure, all right, title and interest in the ROW shall be vested to persons owning lots adjacent to the street/alley and the title for such owners for the width abutting the land owned by them will extend to the centerline of the street/alley

Memo To: Board of Commissioners

12 July 2022

RE: Response to Pier Properties and Block Q Requests for Qualifications (RFQs)

Separate RFQs to provide comprehensive Engineering and Architectural services for the development/redevelopment of the Block Q and the Pier properties were advertised in June. McGill and Associates was the only firm that submitted responses. (Atch 1 & 2).

Should the Board desire to utilize McGill for the Pier and/or Block Q project(s) it would need to direct staff to have contract proposal(s) prepared for consideration/approval.

Sincerely



Atchs

1. McGill Block Q
2. McGill Pier Properties

8 July 2022

PLKwiatkowski page 1

Background

At the January 2022 BOCM I objected to the proposed changes to **§ 95.05 STREET RIGHTS-OF-WAY** for a number of reasons listed in a document included in the January meeting packet. In particular, the proposed version removed the right of property owners to post and rope within the 10 feet closest to the pavement and significantly restricted landscape options within the same area.

While the majority of the Board agreed and did not approve changes to the existing 95.05, there was discussion about amending the current version at a near future meeting to better define what is allowable post and rope in the 10 feet nearest the pavement or roadbed.

Issues

In the existing ordinance, it is stated

Landscaping in street rights-of-way:

- (1) Must not present a safety hazard;
- (2) Must not impede traffic;
- (3) Is placed at the risk of the individual; and
- (4) Is encouraged.

Specifically,

“ (B) The ten feet of rights-of-way nearest the pavement or road bed shall remain clear of all items with the following exceptions:

- (1) Mailboxes, newspaper boxes, post and rope not to exceed 24 inches from grade.
- (2) Grass, an approved pervious product or vegetation not to exceed one foot in height.
- (3) The properties located at 1189, 1190, 1191 and 1192 Ocean Boulevard West may install or place a fence within the right-of-way.”

There are numerous cases of posts placed right at the roadside, which are a potential hazard for drivers and bikers. Post height violations also exist. There are also various cases of “post and rope” selections that stretch the definitions of posts and rope, such as spikes and stakes, twine and chains, all that add to safety concerns.

Given the fact there are numerous existing violations of what is currently allowed for property owners to place in the ROW adjacent to their property, as well as continuing

8 July 2022

PLKwiatkowski page 2

addition of post and rope and landscape plants within the ROW not in compliance with the existing ordinance, I believe both post and rope and landscape need to be addressed. Setting a minimum for how far off the road edge post and rope should be placed and defining allowable post and rope selections could alleviate safety concerns. The need for better post visibility has also been raised and should be included in discussion (consideration of height, night visibility). Also, as the Town looked at paid parking possibilities for side street ROWs, it was identified that a 25 ft no parking restriction at intersections was not adequate to allow fire trucks unimpeded entry to the street in case of a fire emergency, so I also propose we consider whether there need to be additional restrictions in the 40 foot no parking areas at intersections.

Some Comparative Data

While looking at how municipalities throughout the country "manage" the ROW, one example that seems pragmatic segments the ROW into the first 3 feet from the road and then the next 3 feet and also addresses visibility at intersections which are included only as FYI (see table below with comparison to HB regulation).

| THB | Specifications | Example Town | Specifications |
|-------------------------------------|--|-----------------------------------|---|
| First 10 feet from road edge | Grass, an approved pervious product, vegetation not to exceed 1 ft high, post and rope not to exceed 2 ft high*, mailboxes | First 3 feet from road edge | No above grade structures; no landscape over 5" high; no logs, curb, rocks (obstructions) |
| | | 3 to 6 feet from road edge | No above grade structures; no landscape over 3 ft high; no logs, curb, rocks (obstructions). Mailboxes allowed closer than 6 feet if required (postal regulation) |
| Beyond 10 feet | May be landscaped according to 157.081; no manmade structures not used in landscaping except fences | Beyond 6 feet | Trees and shrubs permitted as long as not a safety hazard; decorative fencing and other improvements allowed |
| Intersection visibility: see below* | Nothing shall be erected, planted or allowed to grow over 3 feet in height | Within 30 feet of an intersection | Improvements within the visibility triangle limited to 3 feet in height |

*157.081 Definition: within the triangular area bounded on two sides by the two street centerlines and on the third side by a straight line connecting the points on the street centerlines located one-half the street right-of-way width plus 40 feet measured from the intersection of the centerlines

8 July 2022

PLKwiatkowski page 3

Possible Changes to Town Regulations for Discussion, Decision

Language to differentiate driveway vs ROW?

Post defined as 4X4 or 6X6 or between 4- and 6- inch diameter? Only wood or plastic?
Posts not permanently set in ground.

Rope is mandated, not wire or twine or chains- how define?

P&R not allowed nearer than 3? 6? Other option? feet from road edge.

No P&R within 10? Other option? ft of road edge in the defined no parking area at intersections (40 ft)? Same for any other obstructions?

No P&R within 10 feet of road edge on OB?

Post height 2? 3? ft. If 3 ft is selected, can 2 ft post height be allowed where legal 2 ft post currently exists (but must be moved back if not compliant with road setback decision)?

Reflectors required for night visibility?

No landscape over 6 inches nearer than 3? 6? Other option? feet from road.

Adjust vegetation height at some point within the 10 feet nearest road? If so, at what distance from road and what height?

No obstructions (e.g., rocks, railroad ties- to define) nearer than how many feet from road?

No P&R or landscaping over 6 inches high to be installed within 3? Other option? feet of existing parking zone signs/no P&R or landscaping over 6 inches high to be installed that interferes with an established parking zone?

Spikes, stakes, "posts" not of approved materials or posts less than 2 ft high within 10 ft of the road edge to be removed within 30? Other option? days. Otherwise, 180 days to come into compliance?

Any others?

As for all ordinance considerations, is important any definitions and conditions are clear to help owners avoid inadvertent errors and enable enforcement.



Date: July 11, 2022
To: Commissioners and Mayor Holden
From: Heather Finnell, Town Clerk *HF*
Re: Membership of Boards

Interviews for people interested in serving on various Town boards are scheduled for July 19th at 4:45 p.m. Just a reminder that current members are not normally interviewed again, so I did not ask them to be at the meeting. Below is a breakdown of the vacancies on each board.

Parks & Recreation Advisory Board: There are two vacancies.

Planning & Zoning Board: There are two alternate member terms and one regular member term expiring. Alternate members John Cain and Mark Francis are eligible and willing to serve another term. One of them could be moved to a regular member position if the Board desires.

Board of Adjustment: Regular member, Richard Griffin's term is expiring. He is eligible and willing to serve another term. There is also a vacant alternate position.

Ballots will be supplied at the meeting if the Board desires to vote by ballot.

Parks & Recreation Advisory Board

| | | Term | Term Expires |
|------------------|---|-------------|---------------------|
| Grace Bannerman | Appointment to Becky Willis' Position 07/20/21 | 1st | 2023 |
| Melanie Champion | Appointed to Karen Fleischhauer's Vacant Position 06/20/21 | 1st | 2023 |
| Suzannah Tucker | Appointed to John Legge's Position 07/10/18 Reappointed 07/20/21 | 2nd | 2024 |
| Vacant | John McEntire resigned July 2022 | 2nd | 2023 |
| Mike Pearson | Appointed to Dolly Mitchell's Position 07/20/21 | 1st | 2023 |
| Olivia Gomez | Appointed to Melanie Champion's Vacant Position 7/18/17 Reappointed 7/16/19 | 2nd | 2022 |
| Candace Vick | Appointed to Nick Payne's Position February 19, 2019 Reappointed 07/21/20 | 1st | 2023 |

| PLANNING AND ZONING | | TERM EXPIRES | TERM |
|---------------------|---|-----------------|------|
| Vicki Myers | Appointed to Ralph Martin's Alternate Position on 8/12/14 Appointed to John Legge's Regular Position 07/14/15 Reappointed to Regular Position 7/19/16 Reappointed to Regular Position 7/16/19 | 7/1/2022 | 2nd |
| Peter Pallas | Appointed to Vicki Myer's Alternate Position 7/14/15 Reappointed 7/19/16 Reappointed 7/18/17 Reappointed 7/10/18 Reappointed 7/16/19 Reappointed 07/21/20 Appointed to Bob Hunter's Regular Position 07/20/21 | 7/1/2024 | 1st |
| Wade Coleman | Appointed to Mark Fleischhauer's Regular Position 07/20/21 Reappointed to Regular Position 07/10/18 | 7/1/2024 | 1st |
| Sylvia Pate | Appointed to Tracey Thomas' Regular Position 7/20/21 Reappointed Regular Member 7/10/18 | 7/1/2024 | 1st |
| Greg Shue | Tiffany Hobb's Vacant Alternate Position 8/16/2016 Appointed to Tiffany Hobb's Regular Position 7/18/17 Reappointed 07/21/20 | 7/2/2023 | 2nd |
| Mark Francis | Appointed to Stu Atwell's Alternate Position 07/20/21 | 7/1/2022 | |
| John Cain | Appointed to Pete Pallas' Alternate Position 7/20/21 | 7/1/2022 | |

BOARD OF ADJUSTMENT APPOINTMENT & EXPIRATION DATES

| NAME | SUMMARY | TERM EXPIRES | Term |
|-----------------|--|-----------------|------|
| Richard Griffin | Appointed to Stephen Veenker's Regular Position 7/16/19 | Jul-22 | 1st |
| Jack Lohman | Appointed to Dennis Harrington's Alternate Position 07/18/17 Reappointed Alternate Position 07/21/20 Appointed to John Kilian's vacant Regular position. | Jul-24 | 2nd |
| Anne Arnold | Anne Arnold's Alternate Member Position Vacant as a result of Resolution 15-10 Reinstated March 8, 2016 Reappointed Alternate Member 07/18/17 Appointed to Larry Reinhart's vacant Regular Member position on August 20, 2019 Reappointed Regular Member July 21, 2020 | Jul-23 | 1st |
| MaryLou Lahren | Appointed to Cheryl Dellinger's vacant Alternate Position 10/15/19 Appointed to Ben Baker's Regular Position July 21, 2020 | Jul-23 | 1st |
| Phil Caldwell | Appointed to Anne Arnold's vacant Alternate Position 10/15/19 Appointed to Larry Blume's Vacant Postion July 21, 2020 | Jul-23 | 1st |
| Aldo Rovito | Appointed to Jack Lohman's vacant Alternate Position 7/20/21 | Jul-23 | 1st |
| Richard Roberts | Appointed to MaryLou's Alternate Position 7/20/2021 | 23-Jul | 1st |
| Vacant | Phil Caldwell's Vacant Position | 23-Jul | |

Heather Finnell

From: patricia kwiatkowski <pattykwi@gmail.com>
Sent: Monday, July 11, 2022 6:31 AM
To: Heather Finnell
Subject: Agenda item 2

2. Discussion and possible action on monthly financial report content.

The monthly financial report provides revenues and expenditures data in comparison to the current revenue and appropriations estimates. It is also important to compare the current status compared to the original estimates established in the budget ordinance. A column for the Budget Ordinance estimated values should be added to the Statement of Actual & Estimated Revenue and Statement of Expenditures, Encumbrances & Appropriations monthly reports.

As we are at the start of the pier property project, the level of detail for financial reports needs to be established. Line items should exist for major expenditures such as engineering costs, building renovation, pier renovation, beach access construction, insurance, maintenance, etc.. The Board should consult with the Finance Officer and agree the appropriate level of detail by the end of September.

Sent from my iPad