



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

**Tuesday, December 19, 2023
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, DECEMBER 19, 2023 - 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 Regular Meeting of November 21, 2023 (Pages 1 – 8)
6. Public Comments on Agenda Items
7. Presentation of Plaque to the Outgoing Board of Commissioners by Town Manager Hewett
8. Presentation of Plaques to Commissioners Murdock and Arnold of the Outgoing Board of Commissioners by Mayor Holden
9. Board of Commissioners' Comments
10. Judge Gerald Arnold will Present the Oath of Office to the Incoming Board of Commissioners
 - a. Mayor J. Alan Holden
 - b. Commissioners Tom Myers, Tracey Thomas, Page Dyer and Rick Paarfus
11. Election of Mayor Pro Tempore – Town Clerk Finnell (Page 9)
12. Discussion and Possible Approval of 2024 Board of Commissioners' Meeting Schedule – Town Clerk Finnell (Pages 10 – 11)
13. Discussion and Possible Direction on Rules of Procedure for the Board of Commissioners – Town Clerk Finnell (Pages 12 – 31)
14. Police Report – Chief Dixon (Pages 32 – 37)
15. Inspections Department Report – Inspections Director Evans (Pages 38 – 40)

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16. Discussion and Possible Action on Bids Received for the Holden Beach Pier Project – Assistant Town Manager Ferguson (Pages 41 – 42)
 17. Discussion and Possible Action on Fourth Amendment to Solid Waste & Recyclables Collection, Transportation and Disposal Agreement between the Town and GFL Environmental – Public Works Director Clemmons (Pages 43 – 46)
 18. Public Comments on General Items
 19. Town Manager’s Report
 20. Mayor’s Comments
 21. Board of Commissioners’ Comments
 22. Adjournment

* Visit <https://www.facebook.com/holdenbeachtownhall/> to watch the livestream of the meeting. Public comments can be submitted to heather@hbtownhall.com prior to 12:00 p.m. on December 19, 2023.



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

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, November 21, 2023 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock, Page Dyer and Gerald Arnold; Town Manager David W. Hewett; Town Clerk Heather Finnell, Assistant Town Manager Christy Ferguson; Police Chief Jeremy Dixon; Inspections Director Tim Evans; Finance Officer Daniel McRainey; and Town Attorney Rick Green.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

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

APPROVAL OF MINUTES

Motion by Commissioner Murdock to approve the minutes of the Regular Meeting of October 17, 2023; second by Mayor Pro Tem Smith; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Martie Arrowood congratulated staff on the audit. She said the Local Government Commission's (LGC) findings should quell any concerns and misinformation that has been floating around. She provided the reasons she supports accepting the bids for Phase I of Block Q.

Jim Bauer provided information on a petition that he had signed at the HB Property Owners Association Meeting. The petition requests that the Block Q agenda item be tabled.

Rick Paarfus requested that action on the Block Q agenda item be tabled until the incoming commissioners, the architect and the two sitting commissioners can go over the project. He reviewed the reasons for his request.

Tom Myers asked the Board to defer the decision on Block Q until after a public information session can be held. He detailed the reasons for his request.

Cane Faircloth spoke in favor of preserving Block Q.

Ryan Williams talked about the importance of having boat ramp parking in the Block Q area.

Tracey Thomas requested as a newly elected commissioner that the Board not vote on the paving of Block Q and provided her reasons for the request.

Mike Felmly stated he would like the Board to provide taxpayers with free parking on the island. He talked about a rule for pool fencing. He said a strategy needs to be developed for Block Q before moving forward. He said there is no reason to close Carolina Avenue. Mr. Felmly provided his concerns on the lobbyist contract.

Lisa Belcher-Ragland explained why she is confident that a complaint filed regarding the closure of Block Q would have no merit. She encouraged the Board to accept the bid for Block Q and provided the reasons why she felt the Board should move forward.

Sylvia Pate questioned the petition presented for Block Q. She explained the reasons she supported the Board taking the necessary actions to move forward with the Block Q project. She encouraged the Board to move forward with the Ward and Smith engagement letter. She thanked the Board, Commissioner Murdock and Commissioner Arnold.

Maria Surprise provided her concerns with the paving of Block Q and encouraged everyone to work together.

PRESENTATION OF FISCAL YEAR 2022 – 2023 AUDIT RESULTS – ELSA SWENSON, MARTIN STARNES AND ASSOCIATES

Elsa Swenson explained the Town received an unmodified opinion; this is a clean audit opinion. The audit was submitted timely and has been approved. Ms. Swenson explained how to calculate Available Fund Balance. The Total Fund Balance for the General Fund was \$5.5 million. The Available Fund Balance was \$5.1 million, an increase of \$1.2 million. Available Fund Balance as a Percent of Expenditures for the General Fund was 140.9%. This means the Town could cover 18 months' worth of expenditures with the fund balance. Total Fund Balance for the General Fund increased by \$1 million. Revenues continued to exceed expenditures. The top three revenues for the General Fund were property taxes at 62%, permits and fees at 17% and other taxes and licenses at 11%. Other revenues were 10%. Property taxes were \$2.8 million. Permits and fees were \$787,000. Other taxes and licenses were \$525,000. The top three expenditures in the General Fund were general government at 32%, public safety at 37% and transportation at 17%. Other expenditures were 14%. Public safety expenditures were \$1.3 million. General government expenditures were \$1.1 million. Transportation was \$626,000.

The quick ratio for the Water Sewer Fund is 3.67. The LGC would be concerned if it was less than one. The performance indicator for Water and Sewer was at 20.47%. The minimum required is 16%. There was an operating loss of \$403,000. Adding in the depreciation and backing out the debt service gives

an operating performance indicator of \$-284,000. Factors that caused the decrease were an increase in maintenance for materials and parts, an increase in debt service and two trucks that were purchased. Since this is a negative performance indicator, the LGC does require a letter from the Board and the Finance Department to explain the reason and the remediations going forward. That is due within 60 days of today's presentation.

END OF SEASON PARKING UPDATE - JIM VARNER

Mr. Varner reviewed the revenue for the 2023 season. Total revenue for 2023 was \$682,933. The number of parked vehicles they recorded was 80,000. Over the last two years, they have delivered \$1.1 million to the Town. Mr. Varner went over permits/violation payments for 2023. In 2024 some signage is needed for customer education. Mayor Pro Tem Smith thanked Mr. Varner and his staff and said this summer seemed smoother than the first. Commissioner Dyer said in the past when they talked about parking, there still could be parallel parking at Block Q. Mr. Varner confirmed there could still be boat and trailer parking on the sides.

POLICE REPORT – CHIEF DIXON

- Everything is going good. Finished in-service training for 2023. He and Lieutenant Dilworth are headed to Salemburg next week to start 2024 in-service training. When they get back, they will start to implement the training.
- Provided information on how to avoid scams.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Went over numbers.
- The Inspections Department is very busy. Working on lots of projects. They constantly need to monitor those.

DISCUSSION AND POSSBLE SELECTION OF LOWEST APPARENT BIDDER FOR BLOCK Q AND ASSOCIATED PAPERWORK

Town Manager Hewett said the Town received two bids at the second scheduled bid opening for the Block Q work, one from J.P. Russ and Sons and the other from Wells Brothers Construction Company. The most responsive bid appears to be Wells Brothers Construction Company at \$325,831.91, which has been certified by the architect. If the Board would like to move forward with awarding the contract to Wells Brothers Construction Company, a budget amendment, the Letter of Intent and the Order to Close Carolina Avenue would also need to be adopted.

Motion by Commissioner Murdock to approve Ordinances 23-14 and 23-15 and to instruct the town manager to complete the associated documents; second by Commissioner Arnold.

Commissioner Murdock stated he and the previous Board started working on the purchase of Block Q at his 2nd meeting. They have been on this for four years. He said to try to clear up some misinformation, he doesn't care if you put gravel or pavement down, the stormwater plan will be there and it will be

the same because it is state mandated stormwater. We don't lose boat trailer parking except for where the bathrooms will go. Commissioner Murdock explained you can still park around Block Q. He said they did take the pavilion into consideration because they all read that report so they decided to leave green space there. A new pavilion will fit in the green space. This took a lot of hard work and has been thought through.

Mayor Pro Tem Smith said this is not something that they are trying to rush through, that they didn't think all the way through. You need to remember why you live here. It is a great place because we have tourists come in to help the property owners pay our taxes. He said if we didn't have occupancy taxes and parking we could hardly afford to live here. Boat parking is a must to keep our tourists coming back. Mayor Pro Tem Smith said having proper parking for the boats is great. He said 50% is not going to be paved. He believes only 28% of it will be paved. Inspections Director Evans stated if you look at the stormwater plan it tells you the built upon area includes the gravel areas and rights-of-way area around the outside since it is affected by stormwater. He said it should be about 30% inside that will be paved for Phase 1 and the exterior. Mayor Pro Tem Smith mentioned the petition.

Commissioner Dyer said this is something that has been very well thought out. There are multiple reasons why Block Q was purchased. They are trying to accommodate the boats. There will be pull-through parking, parallel parking and some green spaces. Putting the Pavilion there has been discussed but it needs to be done properly. Commissioner Dyer said handicap bathrooms were not in the mediation agreement because this plan was already in place before the mediation agreement. We are getting grants. If we start turning those grants down, we won't get grants anymore. We are trying to accommodate boat parking and have green space.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 23-12, WATER RESOURCES DEVELOPMENT GRANT

Assistant Town Manager Ferguson explained each year in the April timeframe the canals are surveyed. The results came back. The Harbor Acres working group was not happy with the shoaling situation that is happening at the entrance canal and some hotspot areas within the finger canals. We are applying for a grant through the NC Division of Water Resources to assist with navigation maintenance of Harbor Acres. The required resolution is in the agenda packet. The engineer's estimate is \$343,800. She said we will ask the state for \$257,850.

Motion by Mayor Pro Tem Smith to approve Resolution 23-12, Water Resources Development Grant to move forward; second by Commissioner Murdock.

Commissioner Dyer asked if the grant would decrease the amount homeowners pay. Assistant Town Manager Ferguson explained the estimated 25% would be \$85,950 for the homeowners. The state would be picking up 75% of the engineer's cost.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF WARD AND SMITH, P.A. ENGAGEMENT LETTER

Mayor Holden explained Mr. McIntyre has brought millions of dollars to this town. The relationship goes back over 20 years. Town Manager Hewett explained the proposed agreement updates the existing Ward and Smith agreement. It updates the agreement by extending it through this fiscal year at the existing rate and then adds in for an extra term of 12 months from July 1st at a rate that is \$500 more a month, up to \$9,725.

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

Commissioner Murdock said it is undeniable what they have done for this town. It has been a great relationship. They have provided massive help this year. Mayor Pro Tem Smith agreed; with the millions of dollars they have pointed in our direction, it is hard to deny a small increase.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE AMENDMENT TO QUARTERLY MEETING DATES

Commissioner Dyer said at the beginning of the year, quarterly meetings were set up. A meeting was scheduled for December 21st. With it being that close to the holidays, it doesn't appear there is any business required.

Motion by Commissioner Dyer to cancel the December 21st meeting and to schedule any future special meetings in January; second by Commissioner Arnold; approved by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

Ryan Williams said it is greatly appreciated what the Board is doing with the parking. He said the signage is confusing. He provided examples.

Irvin Woods said the east end is doing very well. The dredging of the inlet took care of the navigation issues and put a lot of sand on the east end. The east end is building out and is generating revenue, both property and occupancy taxes.

Tom Myers states he is disappointed that the Board decided to move ahead with the contract for Block Q. He said as an incoming commissioner he has learned some valuable experiences from this. He provided details on information sessions that Ocean Isle holds. He would like the public to weigh in on the Town holding open forums.

TOWN MANAGER'S COMMENTS

- Coastal Storm Damage Reduction Study - the Energy and Water Development and Related Appropriations Act recently authorized another \$425,000 for the fiscal year 2024 federal portion of the Corps' study. Additionally, it looks like there was \$750,000 in the state budget that was appropriated to cover the rest of the non-federal sponsor costs for the study.
- Block Q - \$420,000 grant has been awarded to the Town for the CAMA Public Access Bathroom.

- Sewer Lift Station Improvements – we have been in contact with our EPA regional project representative last week. The grant package commitment notice has been finalized and hopefully it will come out of the EPA headquarters some time within the next month. We have received guidance and made our initial application for the state’s Division of Water Resources \$2 million appropriation. After that we can reengage on the bidding process.
- Ocean Boulevard Resurfacing and Bike Lane Project – the contractor is on scene to carry out some stormwater fixes.
- Turkey Trot – on Thursday we are expecting 300 people based on preregistration.
- Tree Lighting – November 30th, entertainment begins at 5:00 p.m., with the tree lighting at 6:00 p.m.

MAYOR’S COMMENTS

- Hopes everyone has a happy Thanksgiving.
- It was a pleasure to hear a good report on our financial status. It is a good time of reflection in regards to not only is the Town in a good financial position but we have money thanks to the staff and to all those who participated in their own capacity. There is money in the pipeline. Our public officials above and beyond Holden Beach have been cooperatively working with this Board and staff and helping us get the money coming this way. Has no reason to believe that the money won’t be delivered and help carry us further down the road of financial stability. It takes a lot of work and cooperation from everybody. Looking back, we had some time we didn’t have any representation in Washington, helping us get these funds. Have the wheels turning in the right direction. Hope we continue to see the money come in the upcoming years. If everybody works hard and works together that will be the case.
- Overall thinks the Town is in good condition. There are some that don’t think it is and that’s what America is all about. Hopes everyone works together and continues to make this the best family beach in America.

BOARD OF COMMISSIONERS’ COMMENTS

Mayor Pro Tem Smith

- This weekend we have a lot to be thankful for. We should be thankful for this beautiful island that we get to live on. We need to be thankful for our staff that works as hard as they do to make sure everything runs right. We need to be thankful for our Police Department. It is a wonderful place to be. We need to be thankful to our commissioners. Commissioner Arnold, you are a true gentleman and professional and it has been a pleasure working with you. Commissioner Murdock you have a rough exterior, but a great big heart. It has been a pleasure working with you. Glad Mayor Holden and Commissioner Dyer will still be with us. We all are thankful to have the ability to have a wonderful Thanksgiving with our family and friends. Hope you all enjoy this weekend and stay safe.

Commissioner Murdock

- Thanked everyone for coming out. Have a happy and safe Thanksgiving. Spend some time with your family and eat some good food.
- Hopes you guys that are incoming, that will sit in this chair that is currently mine will work together, will have some transparency, will not continue with the barrage of threats and accusations that are

untrue, that are unfounded. Three years ago, you attacked me on the pier. I told you how we would pay for it, what we would do. We managed to pull it off. It is not just the pier, it is the pier, parking lot, property preserved for decades to come. Block Q is the same way. You say we didn't put any thought into it, that's not true. You guys are working with an agenda, working as a team. Asked how you could serve on the POA and represent the Town as a commissioner. Even with the negative energy, we have managed to move forward with these projects. Wants to see the projects come to fruition. Appreciates every vote that he got. Enjoyed serving this town. Lives here. Has a great life here. This is not an easy task. Wishes you guys would acknowledge the success and progress this Board has made. There is no reason for the attacks. Hopes you guys work together for the good of the Town and keep pushing these projects forward for the people who need them and the people who enjoy them. There are a lot of people you need to consider. This is not a platform for a personal agenda.

Commissioner Dyer

- Congratulated Finance Officer McRainey and staff on the audit.
- Thanked Town Manager Hewett and Assistant Town Manager Ferguson. Doesn't think people realize the importance of the grants we are getting. One example is the money to help the homeowners with dredging. Lives on a canal and to get a grant to help the homeowners is greatly appreciated. Some of the grants come with stipulations. Knows when she asked her mom and dad for money, there were stipulations, a chore or something. Some of these grants do have stipulations but you are not going to expect the state to give you free money. Two years ago, when we talked about doing these projects and buying the land, we said we would work hard to get whatever grants we could. Thinks the staff has gone above and beyond that. The amount of money we have gotten is surprising but much appreciated.
- Learned in the last two years that some of these projects don't run as fast as you want them to run. That's how government works. Knows when we started talking about parking, we were meeting for four hours a meeting. Now, everyone on the east end is thanking us and parking is organized. The other islands are following suit. There are three projects that are important, the pier, Block Q and the sewer. We have to do it in a step situation. Just because Block Q is up now, it doesn't mean we don't think the sewer system or pier are important. It is just the way the ball falls. We want to keep these projects moving forward, we have worked hard on them. We have had public hearings; we talk about them at meetings. If you remember Block Q started off at 288 paid parking spaces and some of the commissioners said no. You start with a plan and then make changes. Thinks we have come up with a good plan.
- Thanked Commissioner Arnold for his service. You came on and helped us out when we needed it. Learned a lot from Commissioner Murdock sitting up here the past two years. Knows you are passionate about the Town. You can't make everyone happy all the time, but we try to make the most people happy. Thanked both for their service. Hopes the new Board can work together and continue to push these projects forward.
- Hopes everyone has a happy and safe Thanksgiving.

Commissioner Arnold

- Is the newbie here. Has over 50 years in law and government, politics, easily the oldest rat in this barn. Was very much involved with the group when we thought the stars had aligned and we got the bridge here. Has seen this beach since he was a boy. Remembers 1945 when all the soldiers

came home. It's a great town. It's his hometown and he is very proud of it. Very humbled that he got to serve for the short time. Commends all the Board and all that were elected. The election is over, the people have spoken. Sincerely wishes personal success and achievement and success for this town which we all love. There is an old, unwritten rule that has prevailed in this country for years and years. Hopes we are not losing it, but all the evidence shows that we are. The winners and the losers came together after an election, came together and said it's over, together we can make things a little bit better. It is not this group or that group, it is together. Remembers his wife Sue during the time he was chief judge. Was on a tirade and he made the announcement that he was the chief judge of this state and shouldn't have to put up with it. She said do you know what the difference between a four-year-old and the chief judge is; height. Everyone can tell you how to run the courthouse and the town hall except the poor people sitting up here doing it. Wishes everyone God speed, is praying for them.

ADJOURNMENT

Motion to adjourn at 6:45 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Date: December 11, 2023

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk *HF*

Re: Mayor Pro Tem Selection

Per Section 30.05, Mayor Pro Tempore of the Holden Beach Code of Ordinances, the Board shall elect from one of its members a mayor pro tem. The normal term of office is one year, commencing with the December meeting.

If the Board chooses to elect a new mayor pro tem, you can vote by ballot or verbally, whichever is the Board's preference. If the Board votes by ballot, please make sure to sign your ballot.



Date: December 11, 2023

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk HF

Re: Meeting Schedule

Enclosed is the proposed 2024 Board of Commissioners' Regular Meeting Schedule. All dates reflect the third Tuesday of the month.

Staff recommends approval.



**TOWN OF HOLDEN BEACH
2024 BOARD OF COMMISSIONERS' MEETING SCHEDULE
5:00 P.M.
LOCATION -TOWN HALL PUBLIC ASSEMBLY**

January 16th

February 20th

March 19th

April 16th

May 21st

June 18th

July 16th

August 20th

September 17th

October 15th

November 19th

December 17th



Date: December 12, 2023

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk HF

Re: Rules of Procedure

The Board of Commissioners is required to adopt rules of procedure. The current version the Board is using is included for your review (Attachment 1). The Board may adopt these rules as written or make amendments to them.

I suggest the Board review the materials and adopt rules at the January meeting. Please let me know if you have any questions.

Attachment 1: Current Rules of Procedure

Suggested Rules of Procedure

for the Town of Holden Beach Board

Part I. Applicability

Rule 1. Applicability of Rules

These rules apply to all meetings of the Holden Beach Board of Commissioners.¹ For purposes of these rules, a meeting of the board occurs whenever a majority of the board's members gather, whether in person or simultaneously by electronic means, to conduct hearings, deliberate, vote, or otherwise transact public business within the board's real or apparent jurisdiction. The term "majority" as used here and elsewhere in these rules means, unless otherwise specified, a simple majority, that is, more than half.

Part II. Quorum

Rule 2. Quorum

The presence of a quorum is necessary for the board to conduct business. A majority of the board's actual membership plus the mayor, excluding vacant seats, constitutes a quorum. A member who withdraws from a meeting without being excused by majority vote of the remaining members in attendance is deemed present for quorum purposes.

Part III. Open Meetings

Rule 3. Remote Participation in Board Meetings

No member who is not physically present for a board meeting may participate in the meeting by electronic means except in accordance with a policy adopted by the board. Although a member who attends a meeting electronically pursuant to such a policy may take part in debate, the member may neither be counted toward a quorum nor vote on any matter before the board.

Rule 4. Meetings to Be Open to the Public

Except as permitted by Rule 5, all meetings of the board shall be open to the public, and any person may attend its meetings.

¹ In North Carolina, the legal status and authority of a municipality is the same, regardless of whether it is denominated a Town, town, or village. See G.S. 160A-1(2) (defining the term "Town" as used in Chapter 160A to mean "a municipal corporation . . . having the powers, duties, privileges, and immunities conferred by law on cities, towns, and villages"). The same is true of a municipal governing board, which may be known as a Board, board of aldermen, or board of commissioners. See G.S. 160A-1(3) (noting that the term "Board" as used in Chapter 160A is interchangeable with the terms "board of aldermen" and "board of commissioners"). These rules employ the term "Town Board" for the sake of convenience and in deference to the terminology found in Chapter 160A, the primary statutes governing municipal corporations. Obviously, if the governing board of a town or village is adopting these rules, it will need to modify the terminology used to fit its situation.

Rule 5. Closed Sessions

(a) Motion to Enter Closed Session. The town board may enter a closed session from which the public is excluded only upon a motion duly made and adopted in open session. The motion to enter closed session must cite one or more of the permissible bases for closed session listed in paragraph (b) of this rule. A motion to enter closed session under subparagraph (b)(1) or (b)(2) must contain the additional information specified in those provisions.

(b) Bases for Closed Session. A closed session is permissible under the following circumstances and no others:

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of North Carolina or of the United States or that does not constitute a public record within the meaning of Chapter 132 of the General Statutes. The motion to enter closed session must name or cite the law that renders the information confidential or privileged.
- (2) To consult with the town attorney or another attorney employed or retained by the town in order to preserve the attorney–client privilege. If the board expects to discuss a pending lawsuit with its attorney, the motion to enter closed session must include the names of the parties to the lawsuit.
- (3) To discuss matters relating to (a) the location or expansion of industries or other businesses in the area served by the town or (b) the closure or realignment of a military installation. The board may reach agreement in closed session on a tentative list of economic development incentives to be offered in negotiations, but the approval of the signing of any economic development contract or commitment and the authorization of the payment of economic development expenditures must take place in open session.
- (4) To establish or instruct staff or agents concerning the town’s position in negotiating the price or other material terms of an agreement for the acquisition of real property by purchase, exchange, or lease.
- (5) To establish or instruct staff or agents concerning the amount of compensation or other material terms of an employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment or employment of a public officer or employee or prospective public officer or employee, except when the individual in question is a member of the town board or other public body or is being considered to fill a vacancy on the town board or other public body. Final action to appoint or employ a public officer or employee must take place in open session.
- (7) To hear or investigate a charge or complaint by or against a public officer or employee. Final action discharging an employee or removing an officer must occur in open session.
- (8) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.
- (9) To view a law enforcement recording released pursuant to G.S. 132-1.4A.
- (10) On any other basis permitted by law.

(c) Closed Session Participants. Unless the board directs otherwise, the town manager, town attorney, and town clerk may attend closed sessions of the board. No other person may attend a closed session unless invited by majority vote of the board.

(d) Motion to Return to Open Session. Upon completing its closed session business, the board shall end the closed session by adopting a duly made motion to return to open session.

Rule 6. Meeting Minutes

(a) Minutes Required for All Meetings. The board must keep full and accurate minutes of all of its meetings, including closed sessions. To be “full and accurate,” minutes must record all actions taken by the board. They should set out the precise wording of each motion and make it possible to determine the number of votes cast for and against each motion. The minutes need not record discussions of the board, though the board in its discretion may decide to incorporate such details into the minutes.

(b) Record of “Ayes” and “Noes.” At the request of any member of the board, the minutes shall list each member by name and record how each member voted on a particular matter.

(c) General Accounts of Closed Sessions. In addition to minutes, the board must keep a general account of each closed session. The general account must be sufficiently detailed to provide a person not in attendance with a reasonable understanding of what transpired. The board may combine the minutes and general account of a closed session into one document, so long as the document contains both a complete record of actions taken and the level of detail required for a general account.

(d) Sealing Closed Session Records. Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board or, if the board delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the board. The sealed minutes and general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

Rule 7. Broadcasting and Recording Meetings

(a) Right to Broadcast and Record. Any person may photograph, film, tape-record, or otherwise reproduce any part of a board meeting that must take place in open session. Except as provided in paragraph (c) of this rule, any radio or television station may broadcast any such part of a Board meeting.

(b) Advance Notice. Any radio or television station that plans to broadcast any portion of a board meeting shall so notify the town clerk/town manager no later than twenty-four hours before the meeting. The failure to provide notice is not, by itself, grounds for preventing the broadcast of a board meeting.

(c) Equipment Placement. The town manager may regulate the placement and use of camera or recording equipment in order to prevent undue interference with a board meeting, so long as he or she allows the equipment to be placed where it can carry out its intended function. If the town manager determines in good faith that the equipment and personnel necessary to broadcast, photograph, or record the meeting cannot be accommodated without undue interference to the meeting, and an adequate alternative meeting room is not readily available, the town manager may require the pooling of the equipment and the personnel operating it.

(d) Alternative Meeting Site. If the news media request an alternative meeting site to accommodate news coverage, and the board grants the request, the news media making the request shall pay the costs incurred by the town in securing an alternative meeting site.

Part IV. Organization of the Board

Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

(a) Scheduling Organizational Meeting. The board must hold an organizational meeting following each general election in which board members are elected. The organizational meeting must be held either

(1) on the date and at the time of the board's first regular meeting in December following the election or
(2) at an earlier date, if any, set by the incumbent board. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required by law.

(b) Oath of Office. As the first order of business at the organizational meeting, all newly elected members of the board must take and subscribe the oath of office set out in Article VI, Section 7, of the North Carolina Constitution. Each member's oath must be filed with the town clerk. Although a member who is not present for the organizational meeting may take the oath of office at another time, every member must take, subscribe, and file the oath before he or she begins performing any of the duties of the member's office.

(c) Selection of Mayor Pro Tempore. As the second order of business at the organizational meeting, the board shall elect from among its members a mayor pro tempore using the procedures specified in Rule 38. The mayor Pro Tempore shall serve at the board's pleasure.

Part V. Types of Meetings

Rule 9. Regular Meetings

(a) Regular Meeting Schedule. The board shall hold a regular meeting on the third Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held in the Holden Beach Town Hall and begin at 5:00 p.m. The board shall adopt a meeting schedule each year consistent with this rule. A copy of the board's current meeting schedule shall be filed with the town clerk and posted on the town's website.

(b) Change to Meeting Schedule. Notwithstanding paragraph (a) of this rule, the board may amend its regular meeting schedule to add or delete meetings or to change the date, time, or location of one or more meetings on the schedule. The amended schedule shall be filed with the town clerk at least seven (7) calendar days before the day of the first meeting held pursuant to the revised schedule and posted on the town's website.

Rule 10. Special Meetings

(a) Calling Special Meetings. A special meeting of the board may be called by the mayor, the mayor pro tempore, or any two board members. A special meeting may also be called by vote of the board in open session during a regular meeting or another duly called special meeting.

(b) Notice to the Public. At least forty-eight hours before a special meeting of the board, notice of the date, time, place, and purpose of the meeting shall be (1) posted on the board's principal bulletin board or, if the board has no such board, at the door of the board's usual meeting room and (2) delivered, e-mailed, or mailed to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the town clerk. Furthermore, if the board has a website maintained by at least one town employee, notice of the special meeting's date, time, place, and purpose shall be posted on the website in advance of the meeting.

(c) Notice to Members.

(1) *Meeting called by the mayor, the mayor pro tempore, or any two board members.* At least forty-eight hours before a special meeting called by the mayor, the mayor pro tempore, or any two board members, written notice of the meeting stating its date, time, and place, as well as the subjects to be considered along with any supporting documents, shall be delivered to the mayor and each board member or left at his or her usual dwelling place.

(2) *Meeting called by vote of the board in open session.* When a special meeting is called by vote of the board in open session during a regular meeting or another duly called special meeting, the motion or resolution calling the special meeting shall state the meeting's date, time, place, and purpose. Written notice of the special meeting's date, time, place, and purpose along with any supporting documents shall be mailed or delivered at least forty-eight hours before the meeting to each board member not present for the meeting at which the special meeting was called, and to the mayor if he or she was not present at that meeting.

(d) Transacting Other Business. Unless all members are present or any absent member has signed a written waiver of notice, only those items of business specified in the notice to board members may be taken up at a special meeting. Even when all members are present or any absent member has signed a waiver, the board may take up an item of business not covered by the notice only if the board first determines in good faith that the item must be discussed or acted upon immediately.

Rule 11. Emergency Meetings

(a) Grounds for Emergency Meeting. Emergency meetings of the town board may be called only to address generally unexpected circumstances demanding the board's immediate attention.

(b) Calling Emergency Meetings. There are two methods by which an emergency meeting of the board may be called.

- (1) The mayor, the mayor pro tempore, or any two members of the board may at any time call an emergency board meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each board member or left at his or her usual dwelling place at least six hours before the meeting.
- (2) An emergency meeting may be held when the mayor and all members of the board are present and consent thereto, or when any absent member has signed a written waiver of notice.

(c) Notice to Media of Emergency Meetings. Notice of an emergency meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written request with the town clerk for notice of emergency meetings. To be valid, the request must include the newspaper's, wire service's, or station's telephone number. Notice may be given by telephone, e-mail, or the same method used to notify board members. Notice must be provided immediately after board members have been notified and at the expense of the party notified.

(d) Transaction of Other Business Prohibited. Only business connected with the emergency may be considered at an emergency meeting.

Rule 12. Recessed Meetings

(a) Calling Recessed Meetings. When conducting a properly called regular, special, or emergency meeting, the board may recess the meeting to another date, time, or place by a procedural motion made and adopted, as provided in Rule 31, Motion 3, in open session. The motion must state the time (including the date, if the meeting will resume on a different day) and place at which the meeting will reconvene.

(b) Notice of Recessed Meetings. If the board has a website maintained by one or more town employees, notice of the recessed meeting's date, time, and place must appear on the webpage prior to the meeting. No further notice of a properly called recessed meeting is required.

Part VI. Agenda

Rule 13. Agenda

(a) Draft Agenda.

- (1) *Preparation.* The town clerk shall prepare a draft agenda in advance of each meeting of the town board.
- (2) *Requesting placement of items on draft agenda.* For a regular meeting, a request to have an item of business placed on the draft agenda must be received by the town clerk along with any supporting documents at least seven working days before the date of the meeting. The town clerk must place an item on the draft agenda in response to a board member's timely request.
- (3) *Supplemental information/materials.* If the board is expected to consider a proposed policy, resolution or ordinance, or amendment to any such, a copy of the proposed policy, resolution or ordinance, or amendment, shall be attached to the draft agenda. An agenda package shall be prepared that includes, for each item of business listed on the draft agenda, as much background information on the topic as is available and feasible to provide.
- (4) *Delivery to board members.* Each board member shall receive a hard or electronic copy of the draft agenda and the agenda package. For a regular meeting, the agenda and agenda package shall be furnished to each member at least three working days before the meeting. For special and emergency meeting requirements, see Rules 10 and 11.
- (5) *Public inspection.* The draft agenda and agenda package shall be available to the public when the documents are ready to be, or have been, circulated.

(b) Adoption of the Agenda.

- (1) *Adoption.* As its first order of business at each meeting, the board shall review the draft agenda, make whatever revisions it deems appropriate, and adopt a formal agenda for the meeting.
- (2) *Amending the agenda.* Both before and after it adopts the agenda, the board may add or subtract agenda items by majority vote of the members present and voting, except that
 - the board may not add to the items stated in the notice of a special meeting unless the requirements in Rule 10(d) are satisfied;
 - the board may not subtract items in the proposed agenda stated in the notice of the special meeting unless those calling the meeting agree and
 - only business connected with the emergency may be considered at an emergency meeting.
- (3) *Designation of items "For Discussion and Possible Action."* The board may designate an agenda item "for discussion and possible action." The designation signifies that the board intends to discuss the item and may, if it so chooses, take action on the item following the discussion.
- (4) *Designation of items For Discussion".* Items added to the agenda at a meeting in combination with supporting information will be designated "for discussion" with any action deferred to a later session, unless the item could be considered time critical, in which case a motion will be made for the item to be considered "for discussion and possible action". The motion must receive affirmative votes equal to at least two-thirds of the board members present, not counting the mayor, unless the mayor has the right to vote on all questions before the board.

(c) **Consent Agenda.** The board may designate part of an agenda for a regular meeting as the *consent agenda*. Items may be placed on the consent agenda by the person(s) charged with preparing the draft agenda if the items are judged to be noncontroversial and routine. Prior to the board's adoption of the meeting agenda under subparagraph (b)(1) of this rule, the request of any member to have an item moved

from the consent agenda to unfinished business must be honored by the board. All items on the consent agenda must be voted on and adopted by a single motion, with the minutes reflecting the motion and vote for each item.

(d) Informal Discussion of Agenda Items. The board may informally discuss an agenda item even when no motion regarding that item is pending.

Rule 14. Acting by Reference to Agenda or Other Document

The board shall not deliberate, vote, or otherwise take action on any matter by reference to the agenda or any other document with the intention of preventing persons in attendance from understanding what action is being considered or undertaken. The board may deliberate and vote by reference to the agenda or any item on the agenda, including the consent agenda, provided copies of the agenda are available for public inspection at the meeting and are sufficiently worded to enable the public to understand what is being deliberated or acted upon.

Rule 15. Agenda Items from Members of the Public

If a member of the public wishes to request that the board include an item on its regular meeting agenda, he or she must submit the request to the town clerk by the deadline specified in Rule 13(a)(2). The board is not obligated to place an item on the agenda merely because such a request has been received.

Rule 16. Order of Business

Items shall be placed on a regular meeting agenda according to the order of business. The usual order of business for each regular meeting shall be as follows:

- adoption of the agenda,
- approval of the consent agenda,
- approval of the previous meeting minutes,
- public hearings,
- public comments,
- administrative reports,
- committee reports,
- unfinished business, and
- new business.

Without objection, the mayor may call agenda items in any order most convenient for the dispatch of business.

Part VII. Role of the Presiding Officer

Rule 17. The Mayor

(a) Presiding Officer. When present, the mayor shall preside at meetings of the board.

(b) Right to Vote. The mayor may vote only when an equal number of affirmative and negative votes have been cast.

(c) Recognition of Members. A member must be recognized by the mayor (or other presiding officer) in order to address the board, but recognition is not necessary for an appeal pursuant to Rule 31, Motion 1.

(d) Powers as Presiding Officer. As presiding officer, the mayor is to enforce these rules and maintain order

and decorum during board meetings. To that end, the mayor may

- (1) rule on points of parliamentary procedure, to include ruling out of order any motion clearly offered for obstructive or dilatory purposes;
- (2) determine whether a member or other speaker has gone beyond reasonable standards of courtesy in his or her remarks and entertain and rule on objections from other members on this ground;
- (3) entertain and answer questions of parliamentary procedure;
- (4) call a brief recess at any time; and
- (5) adjourn in an emergency.

(e) Appeals of Procedural Rulings. A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1.

Rule 18. The Mayor Pro Tempore

(a) Presiding in Mayor's Absence. When present, the mayor pro tempore shall preside over board meetings in the mayor's absence with all the powers specified in Rule 17(d).

(b) Delegation of Mayor's Powers/Duties. In the mayor's absence, the board may confer on the mayor pro tempore any of the mayor's powers and duties. Likewise, if the mayor becomes physically or mentally unable to perform the duties of his or her office, the board may by unanimous vote declare the mayor incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When the mayor announces that he or she is no longer incapacitated, and a majority of the board concurs, the mayor shall resume the exercise of his or her powers and duties.

(c) Duty to Vote. Even when presiding over a board meeting, the mayor pro tempore has the same duty as other members to vote on all questions unless he or she has been excused from voting on a matter in accordance with Rule 28.

Rule 19. Other Presiding Officer

If both the mayor and mayor pro tempore are absent, the board may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the powers listed in Rule 17(d). Service as a temporary presiding officer does not relieve a member of the duty to vote on all questions unless excused from voting pursuant to Rule 28.

Rule 20. When the Presiding Officer Is Active in Debate

If the mayor becomes active in debate on a particular proposal, he or she shall have the mayor pro tempore preside during the board's consideration of the matter. If the mayor pro tempore is absent or is also actively debating the matter, the mayor shall designate another member to preside until the matter is concluded. Similarly, if the mayor pro tempore or a temporary presiding officer is presiding and takes an active part in debating a topic, he or she shall designate another board member to preside temporarily.

Part VIII. Motions and Voting

Rule 21. Action by the Board

Except as otherwise provided in these rules, the board shall act by motion. Any member may make a motion, not including the mayor.

Rule 22. Second Required

A motion, other than a procedural motion pursuant to Rule 31, shall require a second.

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of Motion

The member who introduces a motion may withdraw the motion unless the motion has been amended or the presiding officer has put the motion to a vote.

Rule 25. Debate

The presiding officer shall state the motion and then open the floor to debate, presiding over the debate according to the principles listed below.

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has already spoken.
- To the extent practicable, the debate shall alternate between proponents and opponents of the measure.
- No member may speak more than twice on the same substantive motion. A member's first speech on a substantive motion shall be limited to 10 minutes, and any second speech on the same motion shall be limited to five minutes. The same rules apply to debate on a procedural motion, except that a member's first speech shall not exceed five minutes, and any second speech shall be limited to two minutes. The presiding officer shall be responsible for enforcing time limits. Additional speaking time for a member when requested may be allowed if so decided by a majority, not including the member speaking.

Rule 26. Adoption by Majority Vote

A motion is adopted if supported by a simple majority of the votes cast, a quorum being present, except when a larger majority is required by these rules or state law.

Rule 27. Changing a Vote

A member may change his or her vote on a motion at any time before the presiding officer announces whether the motion has passed or failed. Once the presiding officer announces the result, a member may not change his or her vote without the unanimous consent of the remaining members present. A member's request for unanimous consent to change a vote is not in order unless made immediately following the presiding officer's announcement of the result.

Rule 28. Duty to Vote

(a) Duty to Vote. Every board member must vote except when excused from voting as provided by this rule.

(b) Grounds for Excusal. A member may be excused from voting on a matter involving the member's own financial interest or official conduct, though not if the proposal in question is one to alter the compensation or allowances paid to board members. Members may also be excused from voting when prohibited from voting under G.S. 14-234 (contract providing direct benefit to member), G.S. 160A-381(d) (legislative zoning decision likely to have a direct, substantial, and readily identifiable financial impact on member), or G.S. 160A-388(e)(2) (member's participation in quasi-judicial decision would violate affected person's right to an impartial decision maker). Questions about whether a basis for excusal exists should be directed to the town attorney.

(c) Procedure for Excusal.

- (1) *At member's request.* Upon being recognized at a duly called meeting of the board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.
- (2) *On board's initiative.* Even when a member has not asked to be excused from voting on a matter, a majority of the remaining board members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).

(d) Consequence of Non-Excused Failure to Vote. Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member's failure to vote shall be recorded as an affirmative vote, provided

- (1) the member is physically present in the board chamber or
- (2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

(e) Failure to Vote on Certain Zoning Matters. A member's unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance. Instead, the member's unexcused failure to vote shall be recorded as an abstention.

(f) Mayor's Duty to Vote. The provisions of this rule apply to the mayor.

Rule 29. Voting by Written Ballot

(a) Secret Ballots Prohibited. The board may not vote by secret ballot.

(b) Rules for Written Ballots. The board may decide by majority vote or unanimous consent to vote on a motion by written ballot. Each member must sign his or her ballot, and the minutes must record how each member voted by name. The ballots must be made available for public inspection in the town clerk's office immediately following the meeting at which the vote took place and remain there until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 30. Substantive Motions

A substantive motion is not in order if made while another motion is pending. Once the board disposes of a substantive motion, it may not take up a motion that presents essentially the same issue at the same meeting, unless it first adopts a motion to reconsider pursuant to Rule 31, Motion 14.

Rule 31. Procedural Motions

(a) Certain Motions Allowed. The board may consider only those procedural motions listed in this rule. Unless otherwise noted, each procedural motion may be debated and amended and requires a majority of votes cast, a quorum being present, for adoption.

(b) Priority of Motions. The procedural motions set out in this paragraph are listed in order of priority. A procedural motion is not in order so long as another procedural motion of higher priority is pending, except that

- any procedural motion other than an appeal under Motion 1 is subject to amendment as provided in Motion 12, and
- a motion to call the question (end debate) may be made with regard to any procedural motion in accordance with Motion 9.

When several procedural motions are pending, voting must begin with the procedural motion highest in priority, provided that a motion to amend or end debate on the highest priority motion must be voted on

first.

Motion 1. To Appeal a Ruling of the Presiding Officer. Any member may appeal the presiding officer's ruling on whether a motion is in order or on whether a speaker has violated reasonable standards of courtesy. The presiding officer's response to a question of parliamentary procedure may also be appealed by any member. An appeal is in order immediately after the disputed ruling or parliamentary response and at no other time. The member who moves to appeal need not be recognized by the presiding officer, and if timely made, the motion may not be ruled out of order.

Motion 2. To Adjourn. This motion may be used to close a meeting. It may not interrupt deliberation of a pending matter. It is not in order if the board is in closed session.

Motion 3. To Recess to a Time and Place Certain. This motion may be used to call a recessed meeting as permitted under Rule 12. The motion must state the time (including the date, if the meeting will reconvene on a different day) and place at which the meeting will resume. The motion is not in order if the board is in closed session.

Motion 4. To Take a Brief Recess.

Motion 5. To Follow the Agenda. This motion must be made at the time an item of business that deviates from the agenda is proposed; otherwise, the motion is out of order as to that item.

Motion 6. To Suspend the Rules. To be adopted, a motion to suspend the rules must receive affirmative votes equal to at least two-thirds of the board's actual membership, excluding vacant seats and not counting the mayor if the mayor votes only in case of a tie. The board may not suspend provisions in these rules that are required under state law.

Motion 7. To Divide a Complex Motion. This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

Motion 8. To Defer Consideration. The board may defer its consideration of a substantive motion, and any proposed amendments thereto, to an unspecified time. A motion that has been deferred expires unless the board votes to revive it pursuant to Motion 13 within 100 days of deferral. A new motion having the same effect as a deferred motion may not be introduced until the latter has expired.

Motion 9. To End Debate (Call the Previous Question). If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

Motion 10. To Postpone to a Certain Time. This motion may be employed to delay the board's consideration of a substantive motion, and any proposed amendments thereto, until a designated day, meeting, or hour. During the period of postponement, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6.

Motion 11. To Refer a Motion to a Committee. The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the board must take up the motion if asked to do so by the member who introduced it.

Motion 12. To Amend.

(a) Germaneness. A motion to amend must concern the same subject matter as the motion it seeks to alter.

(b) Limit on Number of Motions to Amend. When a motion to amend is under consideration, a motion to amend the amendment may be made; however, no more than one motion to amend and one motion to amend the amendment may be pending at the same time.

(c) Amendments to Ordinances, Policies or Resolutions. Any amendment to a proposed ordinance, policy or resolution must be reduced to writing before the vote on the amendment.

Motion 13. To Revive Consideration. The board may vote to revive consideration of any substantive motion that has been deferred pursuant to Motion 8, provided it does so within 100 days of its vote to defer consideration.

Motion 14. To Reconsider. The board may vote to reconsider its action on a matter, provided the motion to reconsider is made (a) at the same meeting during which the action to be reconsidered was taken and (b) by a member who voted with the prevailing side. For purposes of this motion, “the same meeting” includes any continuation of a meeting through a motion to recess to a certain time and place (Motion 3). The motion is not in order if it interrupts the board’s deliberation on a pending matter.

Motion 15. To Rescind. The board may vote to rescind an action taken at a prior meeting provided rescission is not forbidden by law.

Motion 16. To Prevent Reintroduction for Six Months. This motion may be used to prevent the reintroduction of a failed substantive motion for a time, but it is in order only when made immediately following the substantive motion’s defeat. To be adopted, this motion must receive votes equal to at least two-thirds of the board’s actual membership, excluding vacant seats and not counting the mayor, unless the mayor may vote on all questions. If this motion is adopted, the ban on reintroduction remains in effect for six months or until the board’s next organizational meeting, whichever occurs first.

Part IX. Ordinances and Contracts

Rule 32. Introduction of Ordinances

For purposes of these rules, the “date of introduction” for a proposed ordinance is the date on which the board first votes on the proposed ordinance’s subject matter. The board votes on the subject matter of a proposed ordinance when it votes on whether to adopt or make changes to the proposed ordinance.

Rule 33. Adoption, Amendment, and Repeal of Ordinances

(a) Adoption of Ordinances.

- (1) *Proposed ordinances to be in writing.* No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.
- (2) *Adoption on date of introduction.* To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two-thirds of the board’s actual membership, excluding vacant seats and not counting the mayor, unless the mayor has the right to vote on all questions before the board.
- (3) *Adoption after date of introduction.* To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all board members not excused from voting on the matter. In calculating the number of affirmative votes necessary for approval, the board shall count the mayor if he or she votes on all questions. If the mayor votes only in the case of tie, the mayor’s vote counts if there is an equal division.

(b) Amendment and Repeal of Ordinances. The same voting requirements that govern the adoption of proposed ordinances also apply to the amendment or repeal of an ordinance.

Rule 34. Adoption of the Budget Ordinance

(a) Special Rules for the Adoption or Amendment of the Budget Ordinance. Notwithstanding any provision in the town charter, general law, or local act,

- (1) the board may adopt or amend the budget ordinance at a regular or special meeting of the board by a simple majority of those members present and voting, a quorum being present;
- (2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board; and
- (3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

(b) Notice Requirements for Budget Meetings. During the period beginning with the submission of the budget to the board and ending with the adoption of the budget ordinance, the board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as

- each member of the board has actual notice of each special meeting called for the purpose of considering the budget and
- no business other than consideration of the budget is taken up.

(c) No Authority for Closed Sessions. This rule shall not be construed to authorize the board to hold closed sessions on any basis other than the grounds set out in Rule 5.

Rule 35. Approval of Contracts and Authorization of Expenditures

(a) Contracts to be in Writing. No contract shall be approved or ratified by the town board unless it has been reduced to writing at the time of the board's vote.

(b) Approval of Contracts. To be approved or ratified, a contract must receive affirmative votes equal to at least a majority of all board members not excused from voting on the contract, including the mayor's vote in the event of a tie.

(c) Authorization of Expenditure of Public Funds. The same vote necessary to approve or ratify a contract is required for the board to authorize the expenditure of public funds, except when the expenditure is authorized pursuant to Rule 34.

Part X. Public Hearings and Comment Periods

Rule 36. Public Hearings

(a) Calling Public Hearings. In addition to holding public hearings required by law, the board may hold any public hearings it deems advisable. Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets forth the subject, date, place and time of the hearing. The board may schedule hearings or delegate that responsibility to town staff members, as appropriate, except when state law directs the board itself to call the hearing. If the board delegates scheduling authority, it must provide adequate guidance to assist staff members in exercising that authority.

(b) Public Hearing Locations. Public hearings may be held anywhere within the town or within the county where the town is located.

(c) Rules for Public Hearings. A quorum of the board shall be required for all public hearings required by state law. The board may adopt reasonable rules for public hearings that, among other things,

- fix the maximum time allotted to each speaker,
- provide for the designation of spokespersons for groups of persons supporting or opposing the same positions,
- provide for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of a hearing subject to the open meetings law, for those excluded from the hall to listen to the hearing), and
- provide for the maintenance of order and decorum in the conduct of the hearing.

(d) Notice of Public Hearings. Any public hearing at which a majority of the board is present shall be considered part of a regular or special meeting. Consequently, the relevant notice and related requirements of the open meetings law, as set out in Rules 9 through 12, apply to such hearings. Some statutes mandate additional notice for particular types of hearings, and such notice must be provided together with notice of the meeting during which the hearing will take place.

(e) Continuing Public Hearings. The board may continue any public hearing without further advertisement to a time and place certain, provided the time (including the date, if the hearing will resume on a different day) and place of the continued hearing are announced in open session. Except for hearings conducted pursuant to paragraph (g), if a quorum of the board is not present for a properly scheduled public hearing, the hearing must be continued until the board's next regular meeting without further advertisement.

(f) Conduct of Public Hearings. At the time appointed for the hearing, the mayor shall call the hearing to order and proceed to allow public input in accordance with any rules adopted by the board for the hearing. Unless the board extends the hearing, when the time allotted for the hearing expires, or when no one wishes to speak who has not done so, the mayor shall entertain a motion to close the hearing, and the board shall resume the regular order of business.

(g) Public Hearings by Less Than a Majority of Board Members. Nothing in this rule prevents the board from appointing a member or members to hold a public hearing on the board's behalf, except when state law requires that the board itself conduct the hearing.

Rule 37. Public Comment Periods

Subject to waiver by an express resolution of the BOC, the following regulations shall apply and be enforced with respect to any public comment period at any regular or special meeting of the BOC.

(a) Frequency of Public Comment Periods. The board will provide the public an opportunity to comment on an agenda item at both regular and special meetings. The board must provide at least one opportunity for public comment each month at a regular meeting, except that the board need not offer a public comment period during any month in which it does not hold a regular meeting.

(b) Time and Location: Unless posted otherwise as required by law, the BOC convenes its monthly public hearings and regular meeting on the third Tuesday of each month at 5:00 p.m. at Town Hall.

The agenda will contain one or more items entitled "Public Comment Period." Typically, the Public Comments Periods will be titled Public Comments on Agenda Items and Public Comments on General Items. For special meetings, time and location will be provided at least 48 hours prior to the meeting as described in Rule 10. Public comment will be limited to those topics considered at the meeting.

(c) Sign-up Sheet: Any member of the Public who wishes to address the BOC as a speaker or as a spokesperson at a regular meeting for a group during Public Comments on Agenda Items must register on the sign-up sheet located at the Town Clerk's seat between 4:00 p.m. and 4:55 p.m. on the night of the meeting by listing his/her name, address, the name of any group for which he or she is a spokesperson, and comment topic(s).

The same procedure as described above will apply for special meetings, except registration on the sign-up sheet located at the Town Clerk's seat will be limited to the 30 minutes before the start of the session.

Speakers who wish to address the BOC under Public Comments on General Items are not required to register. The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board's real or apparent jurisdiction.

(d) Speaking Order: Speakers and spokespersons will be called on in the order in which the names appear on the sign-up sheet. Each speaker or spokesperson will then proceed, one at a time in order of sign-up. Before beginning comments, each speaker or spokesperson will state his/her name and the name of any group for which he or she is the spokesperson.

(e) Time Allotted for Each Speaker: Each speaker will be allotted 3 minutes to comment during the designated public comment period or periods at any meeting, unless this speaker or spokesperson requests the time limit is extended, to no more than 6 minutes, on the sign-up sheet for agenda item comment or at the beginning of a comment on a general item, and the extension is acceptable to the majority of the BOC. To allow an opportunity for others to participate, each speaker or spokesperson shall have only one opportunity to speak during any comment period. Except for such designated comment periods, persons in attendance at any meeting shall not speak or otherwise interrupt the meeting, except with the consent of the BOC by majority vote.

(f) Written Comments: At the end of the allotted time, a speaker or spokesperson may also submit written comments to the Town Clerk, who will copy written comments to the mayor and all BOC members the following business day, if a sufficient number of copies is not provided by the speaker or spokesperson. A speaker's or spokesperson's comments may be summarized in the meeting minutes if a legible, written copy is not submitted to the Town Clerk, and all such written comments or materials shall be available as public records.

(g) Number of Speakers on Each Topic: It is recommended that large groups or delegations select their spokesperson in advance of sign-up.

(h) Topic Exclusions: Speakers or spokespersons will not comment on matters which concern: the candidacy of any person seeking public office, including the candidacy of the speaker or spokesperson;

(i) Address to the BOC: Speakers will address all comments to the BOC as a whole; and will not address or question one or more BOC members, the Mayor or any town staff members, officials and employees as individuals. Speakers will address members of the BOC, the Mayor, town staff

members, officials and employees and other members of the THB Public with courtesy and will not do or say anything that will interfere with the dignity and decorum of the meeting. Discussions between speakers or spokespersons and the audience will not be allowed, and no member of the BOC, the Mayor or any town staff members, official or employee will respond to the comments or questions of any speaker or spokesperson until after all speakers and spokespersons on the sign-up have completed their comments.

(j) Response to Comments: At the end of all speakers' and spokespersons' comments, any member of the BOC may request that the Town Manager (or his or her designee) respond to a concern raised by the speaker.

(k) Questions on Comments: At the end of all speaker's and spokesperson's comments, any member of the BOC may ask any speaker such questions as they might deem necessary and appropriate for clarification.

(l) Action by Board of Commissioners: Speakers and spokespersons should not expect BOC deliberation or action on any subject matter brought up during the Public Comment Period. Topics requiring further investigation will be referred to the Town Manager (or his or her designee), and may be scheduled for consideration as an agenda item during a future regular meeting.

(m) Monitoring and Enforcement. The Mayor or presiding officer shall act as the monitor for all public comment periods for the purpose of recognizing speakers and spokespersons from the sign-up list. The Town Clerk will enforce the time allotted to speakers or spokesperson, timing to begin after recording the speaker's name and address for the public record, by announcing "Time" when the allotted time expires.

Rule 38. Public Address to the Board

(a).Request to Address BOC. Any person or group who wishes to address the BOC pursuant to Rule 38 at any regular or special meeting shall submit a written request to the Town Clerk prior to the cutoff date for the agenda package (i) identifying the speaker or spokesperson, (ii) stating the subject matter of the proposed address, (iii) proposing the date of the meeting to be addressed (and explaining if the request is time sensitive), (iv) explaining why the subject matter cannot be adequately addressed during a public comment period, and (v) stating the time allotment requested.

(b).Invitation to Address BOC. The Mayor, any other member of the BOC or the Town Manager may submit a request on behalf of any person or group prior to the cutoff date for the agenda package. If the materials required for the agenda package noted in point (d) below are timely submitted, the address will be listed under the public hearing section of the agenda; otherwise, the address will be noted as a "pending request or invitation to address the BOC; in either case with all of the details required by point (c) below. When the speaker has been invited to address the BOC by the mayor, another member of the BOC or the Town Manager, the agenda shall name the official issuing the invitation.

(c). Speakers and Spokespersons Must be Listed on Approved Agenda. No speaker or spokesperson shall address the BOC at any regular or special meeting pursuant to Rule 5 unless: (i) the address is listed on the agenda for that meeting presented in the agenda package and approved by majority vote at the meeting; (ii) the agenda identifies the speaker or spokesperson, if he or she is a spokesperson identifies the group being represented, summarizes his or her credentials and summarizes the subject matter of the address; (iii) if the speaker is acting as the representative of another person or legal entity (for example, if the speaker is a lawyer representing a client) the agenda shall identify that person or entity; and (iv) the proposed time period has been allotted to the address.

(d). Agenda Package. No speaker or spokesperson shall address the BOC at any regular or special meeting unless the agenda package for that meeting includes a written copy or summary of his or her proposed remarks and copies of any materials he or she proposes to present as part of his or her address, or it is agreed between the speaker/spokesperson and Town representative before the draft agenda is finalized that the Town will receive either electronic or paper copies of presentations made at the meeting at which they are made.

(e). Approving Addresses or Presentations Listed on Proposed Agenda. By approving the agenda at a meeting by majority vote without change to any addresses listed in the public hearing section, the BOC will be deemed to have approved such requests or invitations. Subsequently, during the meeting, the BOC may by adoption of a motion adjourn prior to hearing the address, reduce the time allotted or suspend the address if the speaker or spokesperson departs from the subject matter or fails to adhere to the rules of decorum outlined in section (i), below.

(f). Approving Pending Requests or Invitations. The BOC shall vote on each pending request listed on the agenda. By motion, the BOC may approve a pending request or invitation for the current meeting or for a later meeting, defer or table consideration of the request or invitation or deny it. Unless otherwise specified by the motion, all pending requests and invitations approved for the current meeting will be added as the last items on the agenda, and requests and invitations approved for the later meetings will be added to the public hearing section of the tentative agenda for such meeting.

(g). No Assurance.

(h). Speakers or Spokespersons Invited by the Mayor. In the case of speakers or spokespersons invited by the Mayor (individually or with others), the Mayor will be deemed to have “joined the debate” and the Mayor Pro Tempore shall preside at the meeting during such address and any questions or comments by the BOC or others related to the address.

(i). Decorum. All speakers and spokespersons addressing the BOC pursuant to Rule 38 shall do so in a courteous, respectful and appropriate manner. By way of example, and without limitation, speakers and spokespersons shall address the BOC as a whole and shall not address remarks or

questions to the Mayor or any individual BOC member, shall not, without the consent by majority vote of the BOC answer questions or otherwise engage with the audience during the meeting, or use the address as an opportunity to campaign for office, solicit business or solicit donations.

(j). Time Limit. The presiding officer shall serve as monitor and enforcer for all addresses to the BOC, and shall announce "time" when the time period allotted on the agenda has expired. If the allotted time period is more than ten minutes, the Town Clerk will issue a "one minute warning." Without the consent by majority vote of the BOC, a speaker or spokesperson shall not continue beyond the allotted time period. At the conclusion of the address or any extension thereof, the BOC may, by majority consent allot an additional period of time for questions to the speaker or spokesperson from the BOC and/or, as specified by the BOC, from town officials or from the audience.

(k). Enforcement. The presiding officer of the meeting shall diligently and strictly enforce these rules with respect to all addresses by speakers and spokespersons pursuant to Rule 38. Any member of the BOC may (i) make a motion directing the presiding officer to require compliance with these rules and admonish the speaker, spokesperson or members of the audience, and, if non-compliance continues, (ii) make a motion to terminate the address, which shall be voted upon immediately and without debate.

Part XI. Appointments and Appointed Bodies

Rule 39. Appointments

(a) **Appointments in Open Session**. The board must consider and make any appointment to another body or, in the event of a vacancy on the board, to its own membership in open session.

(b) **Nomination and Voting Procedure**. The board shall use the following procedure to fill a vacancy in the board itself or in any other body over which it has the power of appointment. The mayor shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

(c) **Mayor**. The mayor may make nominations and vote on appointments under this rule.

(d) **Multiple Appointments**. If the board is filling more than one vacancy, each member shall have as many votes in each balloting as there are slots to be filled, and the votes of a majority of the total number of members voting shall be required for each appointment. No member may cast more than one vote for the same candidate for the same vacancy during a single balloting.

(e) **Duty to Vote**. It is the duty of each member to vote for as many appointees as there are appointments to be made, but failure to do so shall not invalidate a member's ballot.

(f) **Vote by Written Ballot**. The board may vote on proposed appointments by written ballot in accordance with Rule 29.

Rule 40. Committees and Boards

(a) Establishment and Appointment. The board may establish temporary and standing committees, boards, and other bodies to help carry on the work of town government. Unless otherwise provided by law or the board, the power of appointment to such bodies lies with the board.

(b) Open Meetings Law. The requirements of the open meetings law apply whenever a majority of an appointed body's members gather in person or simultaneously by electronic means to discuss or conduct official business. They do not apply to meetings solely among the town's professional staff.

(c) Procedural Rules. The board may prescribe the procedures by which the town's appointed bodies operate, subject to any statutory provisions applicable to particular bodies. In the absence of rules adopted by the Board, an appointed body may promulgate its own procedural rules, so long as they are in keeping with any relevant statutory provisions and generally accepted principles of parliamentary procedure.

Part XII. Miscellaneous

Rule 41. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting for which amendment of the rules is one of the meeting's stated purposes. Any amendment to these rules must be consistent with the town charter, any relevant statutes, and generally accepted principles of parliamentary procedure. To be adopted, a motion to amend these rules must be approved by a majority of the board's members, excluding vacant seats and counting the mayor only if the mayor may vote on all questions.

Rule 42. Reference to Robert's Rules of Order Newly Revised

The board shall refer to *Robert's Rules of Order Newly Revised* for guidance when confronted with a procedural issue not covered by these rules or state law. Having consulted *Robert's*, the mayor shall make a ruling on the issue subject to appeal to the board under Rule 31, Motion 1.



Holden Beach Police Department

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

Phone: 910-842-6707
Fax: 910-846-6907
lbspd@lbtownhall.com



Calls For Service (November '23)

Printed on December 11, 2023

| Descriptions | Totals | |
|--|--------|----|
| 911 Hang Up (911HU) | 3 | 3 |
| Administrative Call | 2 | 2 |
| Alarm (SIG45 Signal 45) | 16 | 16 |
| Animal Carcass in the Roadway (10-86 x86) | 1 | 1 |
| Animal Control Call | 2 | 2 |
| Armed Robbery (10-65 x65) | 1 | 1 |
| Assist Other Agency (Law) (10-77 x77) | 1 | 1 |
| Attempt to Locate (ATL) | 3 | 3 |
| Breaking and Entering in Progress (10-62 x62) | 2 | 2 |
| Breathing Problems [Delta] | 1 | 1 |
| Call by Phone (10-21EMS x21E) | 1 | 1 |
| Call By Phone (10-21Law x21L) | 14 | 14 |
| Careless & Reckless (C&R) | 4 | 4 |
| Chase or Pursuit (10-43 x43); Stopping Vehicle (10-61 x61) | 1 | 1 |
| Chest Pain or Discomfort [Delta] | 2 | 2 |
| Convulsions or Seizures [Charlie] | 1 | 1 |
| Crime in Progress (10-64 x64) | 1 | 1 |
| Debris in Roadway | 3 | 3 |
| Disabled Motorist (10-87 x87) | 6 | 6 |
| Domestic Disturbance (10-82 x82) | 1 | 1 |

| Descriptions | Totals | |
|---|--------|-----|
| DOT Notifications | 1 | 1 |
| Drunk Driver (10-55 x55) | 1 | 1 |
| Falls [Bravo] | 1 | 1 |
| Gas Leak or Odor [Bravo] | 1 | 1 |
| Hemorrhage [Bravo] | 1 | 1 |
| Hit and Run (Property Damage Only 10-54 x54) | 1 | 1 |
| Improperly Parked Vehicle (10-70 x70) | 18 | 18 |
| Investigation (Law) | 1 | 1 |
| Keys In Vehicle or Lockout | 2 | 2 |
| Lost or Found Property | 2 | 2 |
| Meet with Complainant (10-83 x83) | 12 | 12 |
| Noise Complaint | 2 | 2 |
| Open Door | 1 | 1 |
| Psychiatric or Abnormal Behavior or Suicidal [Bravo]; Welfare Check; Suicidal [Bravo] | 1 | 1 |
| Service Call [Alpha] | 1 | 1 |
| Sick Person [Alpha] | 2 | 2 |
| Special Check - Business - Residence (10-79 x79) | 502 | 502 |
| Special Operations Assignment (Signal 55 SIG55) | 2 | 2 |
| Stopping Vehicle (10-61 x61) | 17 | 17 |
| Suspicious Vehicle or Subject (10-60 x60) | 5 | 5 |
| Suspicious Vehicle or Subject (10-60 x60); Call By Phone (10-21Law x21L) | 1 | 1 |
| Take Written Report (10-92 x92) | 6 | 6 |
| Traffic Accident (Property Damage Only 10-50PD x50PD) | 3 | 3 |

Descriptions**Totals**

| | | |
|---|------------|------------|
| Traffic Control (10-58 x58) | 4 | 4 |
| Trespassers | 1 | 1 |
| Unconscious or Fainting [Charlie]; Assist Other Agency (Fire) | 1 | 1 |
| Unconscious or Fainting [Delta] | 1 | 1 |
| Water or Sewer Problems | 2 | 2 |
| Water or Sewer Problems; Call By Phone (10-21Law x21L) | 1 | 1 |
| | 2 | 2 |
| Totals | 662 | 662 |



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hbp@d.hbtownhall.com



HBPD Monthly Report (November '23)

Printed on December 11, 2023

| Reported | Case Number | Address | Offenses | Disposition |
|----------------|-------------|------------------|--|------------------------------|
| 11/12/23 16:48 | HBP23-00119 | 653 OCEAN BLVD W | 20-141(M) - FAILURE TO REDUCE SPEED; 20-138.1 - DRIVING WHILE IMPAIRED | Closed - Cleared By Arrest |
| 11/13/23 20:12 | HBP23-00120 | 441 OCEAN BLVD W | SUICIDAL SUBJECT | Closed - By Other Means |
| 11/14/23 11:18 | HBP23-00121 | 332 SERENITY LN | 14-72(A) - MISDEMEANOR LARCENY | Closed - Resolved by Parties |
| 11/15/23 11:03 | HBP23-00122 | 114 OCEAN BLVD E | 14-127 - INJURY TO REAL PROPERTY | Closed - Unfounded |
| 11/21/23 10:37 | HBP23-00123 | 167 OCEAN BLVD W | 14-100 - OBTAIN PROPERTY FALSE PRETENSE | Investigator Requested |

Total Records: 5



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Ordinance Violations (November '23)

Printed on December 11, 2023

| Date | Defendant | Citation/Warning | Ordinance |
|----------|------------------------------|-------------------|--------------------------------------|
| 11/08/23 | TOD ANTHONY CAMPBELL, VICKIE | Warning-Compliant | Parking - All Other No Parking Zones |
| 11/10/23 | ANDREWS, HAMLIN | Citation | Parking - Right-of-Way Violation |
| 11/12/23 | TERHUNE, JILL | Citation | Parking - Right-of-Way Violation |
| 11/13/23 | BELL, NATALIE | Citation | Parking - Non-LSV in LSV Only Area |
| 11/17/23 | GAMBILL, JUDY | Citation | Parking - Handicap Violation |
| 11/25/23 | GURNEY, GREGGORY | Warning-Compliant | Parking - Roadway/Travel Lane |
| 11/25/23 | WILSON, MATTHEW | Citation | Parking - Opposite Direction |
| 11/25/23 | SKILES, KEITH | Citation | Parking - Right-of-Way Violation |
| 11/27/23 | CONNAUGHTON, PAULINE | Warning | Parking - Roadway/Travel Lane |
| 11/28/23 | PEREZ, OSBELI | Warning-Compliant | Parking - Roadway/Travel Lane |

Total Records: 10

LSV = 0



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State Citation (November '23)

Printed on December 11, 2023

| Date | Defendant | Statutes/Charges |
|----------|------------------------|--|
| 11/12/23 | MCAULIFFE, MICHAEL LEE | 20-141(M) - FAILURE TO REDUCE SPEED |
| 11/17/23 | JACOBS, JOHN OWENS | 20-141(B) - SPEEDING |
| 11/17/23 | BLACKWELL, TRAVIS | 20-148 - DRIVE LEFT OF CENTER-PASS RGHT; 20-137.4A(A) - TEXTING/EMAIL VIOL MOTOR VEH |

Total Records: 3

LSV = 0

Permit Report

11/11/2023 - 12/11/2023

| Issued Date | Permit # | Permit Type | Project Cost | Total Fees | Total Payments |
|-------------|----------|--------------|--------------|------------|----------------|
| 11/3/2023 | 230088 | Addition | 200 | \$125.00 | \$125.00 |
| 12/6/2023 | 230086 | Addition | 60,000 | \$925.00 | |
| 11/17/2023 | 230032 | Addition | 28,000 | \$377.00 | |
| 11/29/2023 | 230025 | Addition | 55,000 | \$620.00 | \$620.00 |
| 11/14/2023 | 230022 | Addition | 7,500 | \$125.00 | \$125.00 |
| 11/14/2023 | 230021 | Addition | 7,500 | \$125.00 | \$125.00 |
| | 230015 | Addition | 18,000 | \$187.00 | \$187.00 |
| 12/6/2023 | 230082 | Boat Lift | 10,000 | \$225.00 | |
| 11/27/2023 | 230045 | Bulkhead | 20,000 | \$205.00 | \$205.00 |
| 11/27/2023 | 230044 | Bulkhead | 25,000 | \$250.00 | \$250.00 |
| 11/14/2023 | 230020 | Demolition | 233,140 | \$375.00 | \$375.00 |
| 12/4/2023 | 230071 | Electrical | 1,100 | \$100.00 | \$100.00 |
| 12/4/2023 | 230070 | Electrical | 1,600 | \$100.00 | \$100.00 |
| 12/4/2023 | 230069 | Electrical | 1,600 | \$100.00 | \$100.00 |
| 12/4/2023 | 230068 | Electrical | 1,600 | \$100.00 | \$100.00 |
| 12/4/2023 | 230067 | Electrical | 1,600 | \$100.00 | \$100.00 |
| 11/30/2023 | 230059 | Electrical | 5,000 | \$100.00 | |
| 11/29/2023 | 230057 | Electrical | 950 | \$100.00 | \$100.00 |
| 11/17/2023 | 230034 | Electrical | 750 | \$100.00 | \$100.00 |
| 11/17/2023 | 230026 | Electrical | 1,250 | \$100.00 | \$100.00 |
| 12/11/2023 | 230094 | House Moving | 447,170 | \$1,500.00 | |
| 11/14/2023 | 230019 | House Moving | 2,000 | \$175.00 | \$175.00 |
| 12/11/2023 | 230093 | Mechanical | 15,450 | \$200.00 | |
| 12/11/2023 | 230092 | Mechanical | 4,998 | \$100.00 | \$100.00 |
| 12/6/2023 | 230085 | Mechanical | 12,182 | \$200.00 | |
| 12/6/2023 | 230080 | Mechanical | 35,805 | \$300.00 | \$300.00 |
| 12/4/2023 | 230073 | Mechanical | 7,475 | \$100.00 | \$100.00 |
| 12/4/2023 | 230072 | Mechanical | 9,400 | \$200.00 | \$200.00 |
| 12/4/2023 | 230066 | Mechanical | 12,764 | \$200.00 | |
| 12/1/2023 | 230065 | Mechanical | 9,425 | \$200.00 | \$200.00 |
| 12/1/2023 | 230064 | Mechanical | 11,650 | \$200.00 | \$200.00 |
| 11/30/2023 | 230060 | Mechanical | 15,674 | \$200.00 | \$200.00 |
| 11/29/2023 | 230058 | Mechanical | 4,455 | \$100.00 | \$100.00 |
| 11/29/2023 | 230055 | Mechanical | 6,300 | \$175.00 | \$100.00 |
| 11/29/2023 | 230054 | Mechanical | 9,783 | \$200.00 | \$200.00 |
| 11/29/2023 | 230053 | Mechanical | 10,371 | \$100.00 | \$100.00 |
| 11/28/2023 | 230050 | Mechanical | 9,095 | \$100.00 | \$100.00 |
| 11/27/2023 | 230049 | Mechanical | 9,450 | \$200.00 | \$200.00 |
| 11/27/2023 | 230048 | Mechanical | 8,350 | \$100.00 | \$100.00 |
| 11/27/2023 | 230047 | Mechanical | 10,500 | \$100.00 | \$100.00 |
| 11/17/2023 | 230028 | Mechanical | 11,880 | \$200.00 | \$200.00 |
| 11/16/2023 | 230024 | Mechanical | 11,915 | \$100.00 | \$100.00 |
| 11/14/2023 | 230018 | Mechanical | 35,439 | \$300.00 | \$300.00 |

| | | | | | |
|------------|--------|---------------|---------|--------------------|--------------------|
| 12/6/2023 | 230087 | No Permit | 22,800 | | |
| 11/29/2023 | 230076 | No Permit | 10,000 | | |
| 12/5/2023 | 230075 | No Permit | 17,000 | | |
| | 230051 | No Permit | 10,000 | | |
| 12/5/2023 | 230078 | Plumbing | 3,000 | \$100.00 | \$100.00 |
| 12/5/2023 | 230077 | Plumbing | 4,900 | \$100.00 | \$100.00 |
| | 230097 | Renovation | 200,000 | \$5,595.00 | |
| 12/7/2023 | 230090 | Renovation | 22,800 | \$230.20 | \$230.20 |
| 12/6/2023 | 230084 | Renovation | 72,500 | \$737.50 | \$737.50 |
| 12/5/2023 | 230074 | Renovation | 300,000 | \$3,335.00 | |
| 11/27/2023 | 230046 | Renovation | 14,000 | \$151.00 | \$151.00 |
| 11/22/2023 | 230042 | Renovation | 24,000 | \$241.00 | \$241.00 |
| 11/22/2023 | 230041 | Renovation | 30,000 | \$695.00 | \$695.00 |
| 11/21/2023 | 230039 | Renovation | 78,000 | \$827.00 | \$827.00 |
| 11/20/2023 | 230037 | Renovation | 28,000 | \$277.00 | \$277.00 |
| 11/29/2023 | 230033 | Renovation | 25,000 | \$250.00 | \$250.00 |
| | 230031 | Renovation | 40,000 | \$485.00 | \$485.00 |
| 11/17/2023 | 230027 | Renovation | 232,000 | \$2,823.00 | \$2,823.00 |
| 11/16/2023 | 230023 | Renovation | 92,424 | \$1,166.82 | |
| | 230014 | Renovation | 3,000 | \$125.00 | \$125.00 |
| 11/13/2023 | 230013 | Renovation | 151,860 | \$1,401.74 | \$1,401.74 |
| 12/11/2023 | 230095 | Repair | 150,000 | \$1,885.00 | |
| 12/7/2023 | 230089 | Repair | 10,000 | \$125.00 | |
| 12/6/2023 | 230083 | Repair | 13,800 | \$149.20 | \$149.20 |
| 12/1/2023 | 230063 | Repair | 7,800 | \$125.00 | \$125.00 |
| 12/1/2023 | 230062 | Repair | 9,081 | \$125.00 | |
| 11/27/2023 | 230043 | Repair | 16,000 | \$169.00 | \$169.00 |
| 11/14/2023 | 230017 | Repair | 23,000 | \$232.00 | \$232.00 |
| 11/14/2023 | 230016 | Repair | 78,000 | \$737.00 | \$737.00 |
| 12/11/2023 | 230098 | Single Family | 812,137 | \$9,018.87 | |
| 12/11/2023 | 230096 | Single Family | 824,000 | \$8,692.35 | |
| 12/1/2023 | 230061 | Swimming | 67,330 | \$880.97 | \$880.97 |
| 11/17/2023 | 230030 | Swimming | 62,500 | \$837.50 | \$837.50 |
| 11/17/2023 | 230029 | Swimming | 61,000 | \$824.00 | \$824.00 |
| 12/8/2023 | 230091 | Zoning | 50 | \$50.00 | \$50.00 |
| 12/6/2023 | 230081 | Zoning | 50 | \$50.00 | \$50.00 |
| 11/29/2023 | 230056 | Zoning | 50 | \$50.00 | \$50.00 |
| | 230052 | Zoning | 50 | \$50.00 | \$50.00 |
| 11/22/2023 | 230040 | Zoning | 50 | \$50.00 | \$50.00 |
| | 230038 | Zoning | 50 | \$50.00 | \$50.00 |
| | 230036 | Zoning | 25 | \$25.00 | \$25.00 |
| | 230035 | Zoning | 0 | \$50.00 | \$50.00 |
| | | | | \$52,405.15 | \$18,660.11 |

Total Records: 76

12/11/2023

PERMIT SUMMARY REPORT

COMMERICAL

| | |
|--------------------|----------|
| Count | 2 |
| Total Fees | \$870 |
| Fees Paid | \$870 |
| Total Project Cost | \$80,000 |

RESIDENTIAL

| | |
|--------------------|-------------|
| Count | 82 |
| Total Fees | \$51,353.15 |
| Fees Paid | \$17,790.11 |
| Total Project Cost | \$4,627,578 |

TOTAL

| | |
|--------------------|-------------|
| Count | 84 |
| Total Fees | \$52,405.15 |
| Fees Paid | \$18,660.11 |
| Total Project Cost | \$4,707,578 |

ACTIVE NEW HOME PERMITS = 35
OTHER ACTIVE PERMITS= 252
PERMITS ISSUED OVER \$30,000 = 30 (AMOUNT INCLUDED IN ACTIVE TOTAL)
PERMITS ISSUED OVER \$100,000 = 3 (AMOUNT INCLUDED IN ACTIVE TOTAL)
PERMITS ISSUED WAITING PICK UP = 21
TOTAL PERMITS= 308

PERMITS IN REVIEW= 16
CAMA ISSUED= 4
ZONING ISSUED = 17

PERMITS SERVICED FOR INSPECTIONS FROM 11/11-12/11 = 79
TOTAL INSPECTIONS MADE= 270



Date: December 4, 2023

To: Mayor Holden and Board of Commissioners

From: Christy Ferguson, Assistant Town Manager (CF)

Re: Pier Phase 1

The Town received two bids at the second scheduled bid opening for the Holden Beach Pier Phase 1, Paragon Building Corp and TD Eure. The most responsive bid appears to be Paragon at \$2,197,181. This has been certified by the architect. The board has a few options moving forward including:

- Award the bid as is and direct staff on preparation of a budget amendment for the \$1,197,181 budget shortfall
- Direct staff to engage in value engineering and negotiation with Paragon to incrementally reduce scope of work to better align with existing budget appropriations
- Direct staff to engage in value engineering to reduce the scope of work and totally rebid the project

Attachment 1: Bid Tab

PROJECT NAME:
Holden Beach Pier Repair and Renovation
Holden Beach, North Carolina

Bid Date: Tuesday, November 28, 2023, 2:00pm

514 Market Street Wilmington, NC 28401
Phone: 910.762.2621
www.bmbarch.com



| COMPANY | LICENSE # | BB | MBE | AFF A | AFF B | Add #1 | Base Bid | Alternate #1 |
|---|-----------|----|-----|-------|-------|--------|-------------|--------------|
| Atlantic Coast Industrial Marine Construction | 79158 | | | | | | NO BID | |
| Carolina Marine Works | 87039 | | | | | | NO BID | |
| Intercoastal Marine | 74488 | | | | | | NO BID | |
| Kowen General Contractors | 87725 | | | | | | NO BID | |
| Paragon Building Corp | 87725 | ✓ | ✓ | ✓ | | ✓ | \$2,197,181 | \$75,000 |
| SJ Hamill Construction | 87517 | | | | | | NO BID | |
| TD Eure | 75459 | ✓ | ✓ | ✓ | | ✓ | \$3,900,000 | \$372,000 |

This is a Certified Bid Tabulation

BOWMAN MURRAY HEMINGWAY ARCHITECTS

BY: Greg C. Hemingway (sp)



Date: December 12, 2023

To: Commissioners and Mayor Holden

From: Chris Clemmons, Public Works Director C. C.,

Re: Amendment to Solid Waste and Recyclables Collection, Transportation and Disposal Agreement

Waste Industries has provided the Town with a proposed amendment to the Solid Waste and Recyclables Collection, Transportation and Disposal Agreement. The current agreement's term is through December 31, 2023.

The amendment would extend the initial term by two years, with the end date being December 31, 2025. Pursuant to the terms of our contract, current rates would be adjusted by 3%. The second pickup rate is proposed to be increased from \$10.82 per month per cart to \$11.15 and the curbside recycling rate would increase from \$6.19 to \$6.38 per month.

Staff recommends approval.

**FOURTH AMENDMENT TO SOLID WASTE AND RECYCABLES COLLECTION,
TRANSPORTATION AND DISPOSAL AGREEMENT**

THIS THIRD AMENDMENT TO SOLID WASTE AND RECYCABLES COLLECTION, TRANSPORTATION AND DISPOSAL AGREEMENT (this "Third Amendment") made and entered into this 6th day of December , 2023 by and between WASTE INDUSTRIES, LLC, doing business as GFL Environmental, a North Carolina limited liability company ("WI"), and the TOWN OF HOLDEN BEACH ("Customer").

RECITALS

- A. WI and Customer are parties to a Solid Waste and Recyclables Collection, Transportation and Disposal Agreement dated February 21, 2017, as previously amended and extended (the "Agreement").
- B. WI and Customer desire to extend the term of the Agreement and make certain other changes as set forth herein.

AGREEMENTS

NOW, THEREFORE, in consideration of the Recitals, the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to amend the Agreement as follows:

1. As contemplated by Section 1 of the Agreement, the parties confirm their mutual desire to extend the Term by two (2) years, such that it runs through December 31, 2025.
2. Exhibit A to the Agreement regarding rates is hereto deleted in its entirety and replaced with Exhibit A attached hereto.
3. Except as specifically modified herein, the Agreement shall remain in full force and effect as written (and as previously amended). Capitalized terms used and not otherwise defined herein will have the meanings as set forth in the Agreement.

IN WITNESS WHEREOF, this Third Amendment to Solid Waste and Recyclables Collection, Transportation and Disposal Agreement is executed and delivered on behalf of the undersigned by their duly authorized representatives as of the date first set forth above.

{Signatures on Following Page}

TOWN OF HOLDEN BEACH

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

WASTE INDUSTRIES, LLC dba GFL

ATTEST:

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Town Finance Officer

Exhibit A

Residential Curbside Trash (second pickup) - The charge for once per week secondary residential curbside trash to CUSTOMER from CONTRACTOR shall be \$11.15 per month per cart. CONTRACTOR will provide one 95 (ninety-five) gallon cart for MSW to each address using the Services. CUSTOMER may request additional carts for residents. Additional carts will be billed directly to property owner. This pickup service will be provided on Saturdays for the months of June, July, August & September.

Curbside Recycle - CONTRACTOR will provide a 95 gallon recycle container for the voluntary program for a price of \$6.38 per month per property owner. Processing fees/payment will be tied to the best negotiated agreements with local processors. These fees/payments will be mutually agreed upon but not reasonably withheld. Waste Industries will supply documentation as a part of the process of negotiations.

Rolloff Service - 30 cubic yard container at Laydown Yard on Scotch Bonnet for \$55.00 delivery, \$97.00 per month rent, \$178.86 per haul & \$72.00 per ton for MSW tonnage.