



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

**Tuesday, May 21, 2024
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, MAY 21, 2024 - 5:00 P.M.**

1. Invocation
2. Call to Order/ Welcome
3. Pledge of Allegiance
4. Agenda Approval
5. Conflict-of-Interest Check
6. Approval of Minutes
 - a. Minutes of the Special Meeting of April 12, 2024 (Pages 1 – 3)
 - b. Minutes of the Regular Meeting of April 30, 2024 (Pages 4 – 15)
7. Public Comments on Agenda Items
8. Police Report – Chief Dixon (Pages 16 – 22)
9. Inspections Department Report – Inspections Director Evans (Pages 23 – 32)
10. Finance Department Report – Finance Officer McRainey (Pages 33 – 35)
11. Town Manager's Report – Town Manager Hewett (Page 36)
12. Discussion and Possible Approval of Ordinance 24-07, An Ordinance Amending Holden Beach Code of Ordinances, Chapter 92, Nuisances (Lighting) – Inspections Director Evans (Pages 37 – 42)
13. Discussion and Possible Scheduling of a Date to Hold a Public Hearing on Ordinance 24-10, An Ordinance Amending the Holden Beach Code of Ordinances, Section 94.03 Frontal Dune Policies and Regulations and Chapter 157: Zoning Code - Inspections Director Evans (Pages 43 – 49)
14. Discussion and Possible Action on Demolition of the Pavilion at Jordan Boulevard - Town Manager Hewett (Pages 50 – 53)

15. Discussion and Possible Approval of DEQ Offer to Fund Greensboro Street Lift Station – Town Manager Hewett (Pages 54 – 72)
 - a. Resolution 24-05, DEQ Project No. SRP-W-134-0021
16. Discussion and Possible Action to Direct Staff to Develop a Request for Proposals to Accomplish Tasks in the Adopted Pier Property Development Plan – Mayor Pro Tem Myers and Commissioner Paarfus (Pages 73 – 80)
17. Discussion and Possible Action on Instructing the Town Attorney to Investigate the Town of Holden Beach’s Legal Requirements from the Pier Grants – Mayor Pro Tem Myers and Commissioner Thomas (Pages 81 – 109)
18. Discussion and Possible Commitment from the Town’s Leadership on Working Together for the Betterment of the Town – Mayor Holden and Commissioner Dyer (Page 110)
19. Public Comments on General Items
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 May 21, 2024.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
FRIDAY, APRIL 12, 2024 – 3:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Friday, April 12, 2024 at 3:00 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Tom Myers; Commissioners Rick Smith, Page Dyer and Rick Paarfus; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Finance Officer Daniel McRainey; Fiscal Operations Supervisor Margaret Lancaster; Building Official Tim Evans; Police Chief Jeremy Dixon; and Fire Chief Doug Todd. Commissioner Tracey Thomas was unable to attend the meeting.

Mayor Holden called the meeting to order.

PUBLIC COMMENT

Cane Faircloth spoke on behalf of the Lockwood Inlet Association. He expressed their support of accepting the grant for the dredging of the Lockwood Folly Inlet.

Sylvia Pate spoke in support of accepting the grant for the dredging of the Lockwood Folly Inlet.

Brent Shaver urged the Board to create a situation that can have a fire station that can be manned 24/7.

FIRE DEPARTMENT ORGANIZATION AND FUNCTIONS

Chief Todd reviewed staffing in the Fire Department. He provided information on his budget and explained fire fees. If the Fire Department goes to 24/7 staffing, the current contract will need to be amended. They also have contracts with the county and Varnamtown. There is a seven-person board that governs the department. It is made up of community members and members of the department. Tri-Beach Fire Department has three stations. Chief Todd provided information on their response area, statistics, equipment and the rating system.

Chief Todd explained staffing the island 24/7 would not help with insurance costs, but it will help with response times. The potential impact of new development was discussed.

Sleeping quarters would be needed for overnight staffing. They would need a new building for that. The cost of a building would be the responsibility of the Town. He could work with the Town on specifications. Building Official Evans provided feedback on building a station at the current location. Chief Todd provided information on certifications and upcoming proposed changes to fire departments.

DISCUSSION AND POSSIBLE ACTION ON WATER RESOURCES' GRANT FOR LOCKWOOD FOLLY DREDGING

Assistant Town Manager Ferguson said the resolution to apply for the grant, a survey that shows the condition of the inlet when the Corps did the survey in March, a grant application and a budget amendment are before the Board. She talked about potential obstacles to the project. The state requested a preview of the application. On page 8 of the packet, they asked that the end contract date be changed to November. The final application will be updated to reflect that if the Board moves forward. Since it is time sensitive, Assistant Town Manager Ferguson asked that if the Board would like to move forward, they make the motion to submit the resolution and the grant paperwork to the state and give authority to the town manager to do all follow-on paperwork with contracting. That would mean it wouldn't come back to the Board when it is time to sign the grant and the contract with the dredger, Town Manager Hewett would sign off on it.

Motion by Commissioner Dyer to accept the resolution and the budget amendment and also give the town manager authority to execute all follow-on paperwork with contracts; second by Commissioner Paarfus.

Assistant Town Manager Ferguson explained if we do not get the grant, we would not follow through with the contract. Mayor Pro Tem Myers said it is his understanding that it is the Corps' legal responsibility to keep the inlet open. Somehow, we are taking the lead on the project, Oak Island isn't contributing and everything is an emergency. He is hoping that moving forward, it can be planned for ahead of time. Assistant Town Manager Ferguson said the Town does plan ahead. As part of the Board's advocacy efforts this year we asked for money to go into the Corps' budget for operation and dredging. If the federal government puts money into the budget, we can be on their schedule but we are still at their mercy on when they schedule to come here. How to proceed was discussed.

The motion passed by unanimous vote.

Town Manager Hewett explained there is a lot of coordination involved in this project and he is unsure if it will get done.

BUDGET WORKSHOP

Town Manager Hewett explained General Fund Revenue estimates are before the Board. For this exercise, the amount under ad valorem tax shows what it would be at the same tax rate as the current year. The tax rate, collection rate and the listed revenues were discussed.

Occupancy taxes and interest in the BPART Fund were reviewed. Parking revenue and grant revenue were also discussed.

ADJOURNMENT

Motion by Commissioner Smith to adjourn at 4:18 p.m.; second by Commissioner Dyer; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, APRIL 30, 2024 - 5:30 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, April 30, 2024 at 5:30 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Tom Myers; Commissioners Rick Smith; Tracey Thomas, Page Dyer and Rick Paarfus; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Finance Officer Daniel McRaine; Lieutenant Frank Dilworth; and Town Attorney Sydnee Moore.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Commissioner Thomas that we put a time limit on item 18a of 10 minutes for a public presentation; second by Commissioner Paarfus.

Commissioner Thomas explained it is a public presentation and that it is appropriate per the Rules of Procedure. Her proposal is 10 minutes. Commissioner Dyer said there was never a time limit on other presentations so she didn't take into consideration that she would need to find out how much time they need. Commissioner Thomas provided information from the Rules of Procedure. Commissioner Dyer said since they were accused during Candidates' Night that they don't listen to the public, it looks bad. The motion was further discussed. Ms. Ragland said 10 minutes would be sufficient.

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

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

CONFLICT-OF-INTEREST CHECK

No conflicts were disclosed.

APPROVAL OF MINUTES

Motion by Commissioner Paarfus to approve (a. Special Meeting of February 20, 2024, b. Special Meeting of March 8, 2024, c. Special Meeting of March 18, 2024 and d. Regular Meeting of March 19, 2024); second by Mayor Pro Tem Myers.

Mayor Pro Tem Myers asked if parking was enforced for the festival, Town Manager Hewett replied no.

The motion passed by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Jim Bauer talked about the permeability of Block Q. He suggested using gravel. He thinks the Town should go with trailer bathrooms for Block Q. He said for the pier, there should be a survey and the taxpayers should be heard. He asked where the lift station is, that should be taken care of.

Will Carter said they have a group called the Concerned Taxpayers Group. They think taxpayers should have a voice. He talked about the history of the Town. He directed people to their website, newholdenbeachpier.com. There is an opportunity for taxpayers to vote. He talked about the new pier he is proposing.

Ronnie Venters talked about his family's concerns for Block Q. They include the proposed boat trailer parking, traffic and the retention pond. He agrees the property needs bathrooms and would be a good space for the pavilion.

Ken Turner said he thinks the Town is headed in the right direction trying to provide some parking with Block Q. He talked about the current lighting ordinance. He said the Town needs to stick to no lights on the south side. He will provide a picture to the Board of the lighting at his neighbor's home. He asked if the Town could use the pier as the pavilion.

Steve Kimbrough talked about item 18b. He said it is about time we have an actual plan for the pier. He thinks the Board should move forward with the proposed plan or a similar one.

POLICE REPORT – LIEUTENANT DILWORTH

- Starting to see more folks here.
- Is sure everyone is happy the construction crew is gone from Ocean Boulevard and about how nice it is to drive down a smooth roadway. Reminded everyone to watch their speed. The bike lane is in place. It is not a parking area.

Commissioner Smith asked if we have any trouble from people using the bike lane to run. Lieutenant Dilworth replied he has not seen more than in the past. He explained there is no state law that prohibits them from being in the roadway.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Very busy. Went over numbers.
- Will be extremely busy through July with people trying to get their homes ready.

Inspections Director Evans agreed to bring an update on the ADA quarterly meeting to the May meeting.

FINANCE DEPARTMENT REPORT – FINANCE OFFICER MCRAINEY

- All funds are tracking for March, pretty in line with last year.
- If you look at the General Fund, the expenses are always a little higher in March because of the Town Hall debt service. Same situation in the Water Sewer Fund. That is the county sewer system payment.

Mayor Pro Tem Myers asked the status of the audit. Finance Officer McRaine answered the auditor will come in June to give a kickoff meeting to the Audit Committee.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 24-06, AN ORDINANCE AMENDING HOLDEN BEACH CODE OF ORDINANCES, TITLE VII: TRAFFIC CODE

Town Clerk Finnell explained the proposed amendment makes the necessary changes to allow for year-round paid parking as requested by the Board last month. It also removes H63 from Section 72.02 to reflect changes made at the previous meeting.

Motion by Commissioner Paarfus to approve (Ordinance 24-06); second by Commissioner Thomas; approved by unanimous vote.

BLOCK Q

Assistant Town Manager Ferguson explained the Board sent a tasker to the Parks & Recreation Advisory Board (PRAB). The PRAB spent several months, including special meetings to come up with a site plan for the Block Q site. On the proposed site plan, some of the taskers were eliminated to include things like playground equipment and food trucks.

Motion by Commissioner Paarfus that we just accept this as the work product from the PRAB and just curtail any further work by them at this point; second by Commissioner Smith.

Commissioner Smith said this is what we sent to the PRAB to do. They worked hard and came up with a relatively good plan. He said it is something the Board could work with and make some adjustments. Commissioner Paarfus explained he is not satisfied with it. The pavilion currently sits where the drainage features are, previous material hasn't been addressed. He said he appreciates the hard work, but thinks it is a more complex project and wants to take it off their backs. The Board will need to work on it. Commissioner Thomas stated she is disappointed in the recommendation; it is the exact plan the Board rejected in January with the pavilion added. She doesn't think the Town needs to spend all that money that we don't have to make 15 boat spots when we currently have 30 around the perimeter so we reduced the number, made them massive and we are paying \$330,000. She was hoping they would come up with something that would benefit the homeowners. After discussion, Mayor Holden clarified that the motion is to thank the PRAB for their work, the Board will review it and take it from them. Commissioner Paarfus agreed.

The motion passed by unanimous vote.

Motion by Commissioner Thomas to instruct staff to revise the stormwater plan to include only the bathroom and the bathroom parking as identified in the grant that we accepted last month; second by Mayor Pro Tem Myers.

Commissioner Thomas explained she thinks at this point it is important that the Town only spend money on the item the Board approved, the bathroom. Town Manager Hewett said based on the direction from the last meeting, staff has been proceeding with getting specifications for the piece of parcel for the bathrooms. It does not require a state stormwater permit, but because of the size of the parcel it does require a local permit. That will require professional engineering services. Inspections Director Evans added once that is done a local plan will need to be approved by the Inspections Department.

Mayor Pro Tem Myers explained he appreciates the work the PRAB has done. He said he thinks we need to move forward with the bathrooms, we accepted the grant. He believes that is on three parcels, so it would be stormwater retention on those parcels. With regards to the boat parking, the boat parking on the plan is designed to accommodate large 30/40-foot boats, four engines, triple axel trailers. Our residents and rental home visitors do not have that type of boat. Mayor Pro Tem Myers said he is not in favor of sacrificing the bulk of Block Q just to serve those large boats. He thinks the Town needs to serve the types of boats our constituents have and let the county serve their constituents. He likes the location of the pavilion, but he is not sure why we need something that big. Commissioner Dyer said she is not sure what is wrong with the current stormwater plan. If we go with any type of boat parking, whether it be paved or gravel in that spot, we will need a stormwater plan. If we put the pavilion there, we will need a stormwater plan. She said the current plan does the whole parcel so it will be set for what we move forward with. Commissioner Dyer said we paid for the plan and have it in the budget. With this, we will need to start over. She stated two plans will cost more money. The types of boats owned by property owners was discussed. Commissioner Dyer said there are thousands of property owners who don't vote, they need to be represented. She said they also serve the community. Commissioner Smith said we already did the study and now are going to start again; that seems to be a waste. He talked about the difficulty of parallel parking a boat trailer. He thinks having spaces is important for the Town's future.

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

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 24-07, AN ORDINANCE AMENDING HOLDEN BEACH CODE OF ORDINANCES, SECTION 92.32, UNLAWFUL LIGHTS

Inspections Director Evans explained that everything they bring to the Board is a recommendation. If the Board wants to make amendments, this is the time to do it. The lighting ordinance has been modified a couple of times over the last couple of years. There was some confusion between holiday lights and decorative lights and when they could be used. He said the end product makes it easier to understand what decorative lights are. When the ordinance was first amended, it was clear the Turtle Patrol and citizens did not want lights out there that would interfere with nesting season. Inspections Director Evans reviewed the proposed changes.

Lighting for safety, compliance/enforcement and solar lights were discussed. Commissioner Paarfus said he emailed some suggestions and asked Inspections Director Evans to review them.

After discussion, Inspections Director Evans will look into adding a little more clarity, as well as investigating solar lights and a comment made. He will try to have the information ready for the next meeting.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE TO HOLD A PUBLIC HEARING ON ORDINANCE 24-08, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 154: FLOOD DAMAGE PREVENTION

Inspections Director Evans provided background. We changed our ordinance in such a way that it drove our CRS rating lower so we went from a 10% discount to a 15% discount. FEMA guidelines and the National Flood Program are set up to have a state guided partner, which is the NC Department of Public Safety. We get visited once annually for an annual evaluation for the CRS. If something is not right, we can lose our rating. He said we get a five-year evaluation. This fall is when we get the next five-year evaluation. NC Department of Public Safety came down and made recommendations. They ran the recommendations through the CRS and they agreed with them. This ordinance has some text amendments. They removed things that were not necessary. Inspections Director Evans reviewed the proposed changes.

Motion by Commissioner Thomas to schedule a public hearing for this for the June BOC regular meeting; second by Commissioner Paarfus.

Commissioner Thomas with Commissioner Paarfus in agreement added to accept the consistency statement to the motion. The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON THE TRANSFER OF FILES AND PAPERS FROM THE FORMER ATTORNEY

Commissioner Thomas explained most of the documents have been provided. Attorney Moore stated she will pick up the remaining documents by the end of the week.

DISCUSSION AND POSSIBLE ACTION ON SELECTING A NEW TOWN ATTORNEY

Commissioner Thomas stated the Town received three proposals.

Motion by Commissioner Thomas to schedule some interviews for the three candidates for a permanent lawyer. She made the recommendation that they be remote on the lawyers' part since two are out of town.

Town Clerk Finnell will solicit the firms' availability and let the Board know. Firms can participate remotely if they choose.

DISCUSSION AND POSSIBLE ACTION ON CONFLICT-OF-INTEREST CONCERNS RELATED TO THE HOLDEN BEACH PROPERTY OWNERS ASSOCIATION

Commissioner Thomas explained that there has been discussion about conflict-of-interest at a prior meeting about serving on the HBPOA. The lawyer has investigated that and came to the conclusion there is no conflict in serving on the Board and on the HBPOA.

Motion by Commissioner Thomas to accept the Town attorney's findings and determination related to the conflict-of-interest of BOC members also being on HBPOA board; second by Mayor Pro Tem Myers.

Commissioner Smith asked if the attorney was working for the HBPOA. Commissioner Thomas replied absolutely not. It was brought up in a meeting and she addressed that in the letter. Commissioner Dyer said people have asked who instructed the attorney to send the letter to the HBPOA before a commissioner meeting. Mayor Pro Tem Myers explained there was an allegation at a meeting. Attorney Moore said she didn't see a conflict and was going to review the information. He said there was a HBPOA meeting and they needed to know so he asked her to document her findings. Commissioner Dyer said her understanding is the Board should vote to direct an employee to do a project. After discussion, Attorney Moore said she is a contractor, not an employee. She said it was a clarification of what was said at the meeting. Mayor Holden said he has been doing this for a long time. It is a bad practice to allow this type of activity at the expense of the Board without the knowledge and support of the other members. He recommended that any Board member not hire or request things from anyone without the fellow members knowing about it. Attorney Moore said it was not billed on the statement; it was a clarification of what she said at the meeting. It was okayed by the NC State Bar Ethics Department. Mayor Holden suggested notifying the whole Board if something like this is done.

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

HOLDEN BEACH PIER PROPERTY

Lisa Ragland went over the petition statement: if you want the HB Board to evaluate all viable options to save the pier and are against the demolition of this historic landmark. She went over the results and presented their list of viable options. She said the organization will bring money to the Town if a motion is passed to accept financial contributions and donations specifically for the purpose.

Commissioner Thomas asked if the 501c is official. Ms. Ragland responded yes; they received their letter of determination in February. They can legally collect money; they need to know the direction the Town wants to go. Commissioner Paarfus said he is not in favor of making a commitment today. He is not saying the Town wouldn't take the money. He has some concerns on the data. He said the bid process is not how you figure out the cost. He talked about using the proposed plan to move forward. Ms. Ragland thinks the concern is the public would like a commitment that the money would be used for the pier. Moving forward was discussed. Mayor Pro Tem Myers questioned if it costs more to save the pier than to replace it and how we are going to pay for it without inflicting an excessive financial burden on taxpayers or sacrificing other investments that are more important. Ms. Ragland said she believes the sewer lift station is a priority. She said the pier is not the must have, it is a nice to have which is why she thinks the people who would enjoy it would help pay for

it. She talked about a need for a commitment from the Town in order to raise funds. She said the Board agreeing to take money from them is the first step. Commissioner Dyer questioned why agreeing to accept donations would be a problem and to say the goal is to get the pier open. In order to get the pier open without raising taxes, the Town needs to involve all the commitments, private/public, grants and donations. Commissioner Smith asked if there is an avenue for them to donate funds to the Town for the purpose of rebuilding the pier. Commissioner Paarfus said he has the information, it is possible. Town Manager Hewett said he believes the Board would be best served by stipulating what purpose the funds would be used for if there is a desire to accept funds. Commissioner Thomas asked where the Town would stand if \$50,000 is donated, it costs \$2 million and we can't come up with the remaining money from the budget. Ms. Ragland suggested setting a minimum. Commissioner Thomas suggested getting a plan in place first. Ms. Ragland said the Town needs to explore options to see what the best option is. They will commit funds to any of the alternatives.

Commissioner Paarfus said he produced a plan with help from a bunch of folks on what he thinks is a rational approach to developing the pier property. He reviewed the highlights, He said we need to get information to make decisions. We need to look at the entire property. This plan will help get critical information such as construction cost estimates from the engineer and architect. It separated the property into two components, the pier and the pier house and then those can be broken into phases to fit within our financial capability. Commissioner Paarfus said he places a priority on the pier because it is the centerpiece of the property and is also in poor condition. He wants to get financial data. He went over background information. He asked people to review his plan. It is a starting point.

Motion by Commissioner Paarfus that we approve this document as the baseline approach to developing the pier property; second by Commissioner Thomas.

Commissioner Thomas said she thinks it is an excellent plan; Commissioner Paarfus put a lot of hard work into this. She thinks it is something the Board can use as a baseline. It will probably be evergreen, but she supports it and it is a great plan to move forward with. Mayor Pro Tem Myers said he thinks they have always been saying we didn't have a viable plan when we bought the property. He knows there was a plan that was developed in January 2022, but that plan is proving to be very unrealistic in terms of the numbers. He thanked Commissioner Paarfus for his time, effort and using his own money to roll the ball down the field. He agreed it is not perfect but agrees the Board should endorse it and move it forward. Commissioner Smith asked if the plan requires hiring engineers. Commissioner Paarfus explained how the Town would need to proceed to repair the pier and that you would need to have engineers to move forward. Staff will take the lead. He would like to take part in the development of the scope. He said the structural engineer that Mr. Hemingway used is the one who did the Oak Island pier. The Town will need to put money into engineering. Commissioner Dyer said there was a statement that Commissioner Paarfus stated he felt the pier project was handled in a way others don't agree with which was also the general consensus of those in attendance. She asked if Mr. Hemingway was in consensus. Commissioner Paarfus responded yes. Commissioner Dyer said if you pull the minutes, Mr. Hemingway said it was a viable option to get the pier rebid with the change of scope; now he is telling you he does not agree with that. Commissioner Paarfus said Mr. Hemingway said we would just jet the piles in. He was not correct about that. He is an architect, not an engineer. His statement concerning getting the pier open as cost efficiently as possible was relative to the design that they initially produced. Commissioner Dyer said when he was working for the Town, his recommendation is different from now. Mr. Hemingway's statement was further discussed. Stakeholders were discussed.

Town Manager Hewett asked if the Board is contemplating that the contract with the existing architect be severed. Commissioner Paarfus replied no. Town Manager Hewett said in order to procure additional engineering services, you would follow the Mini Brooks Act and we will need to advertise for it. He doesn't know if that will be a conflict with the arrangement between the architect and his engineer. If the Board wants to hire a separate engineer, it will require the process associated with the Mini Brooks Act. Commissioner Paarfus said he is not familiar with the scope; we will need to look at it.

The motion passed by unanimous vote.

Motion by Commissioner Thomas to instruct the attorney to determine our legal obligations of the pier grant; second by Mayor Pro Tem Myers. After discussion, Commissioner Thomas said she will withdraw the motion and she could put the item on the next meeting. Mayor Pro Tem Myers agreed.

Mayor Pro Tem Myers said in the plan, it describes a path for going forward. He would like to start action now. The information we need is budgetary level capital cost estimates for either repairing or replacing the pier. We also need budgetary ongoing operating and maintenance cost estimates associated with those options. He said we need someone to help us with potential funding strategies for those options.

Motion by Mayor Pro Tem Myers to direct Town staff to develop a RFP requesting this scope of service, which is the budgetary capital cost estimates, budgetary operating cost estimates and the development of funding strategies and then bring that back to Board here at our May meeting for approval prior to issuance; second by Commissioner Thomas.

Commissioner Smith said he thought the Board accepted the plan. Mayor Pro Tem Myers stated this is the next step. Town Manager Hewett said he is not sure he can get it accomplished within this timeframe.

Mayor Pro Tem Myers said he could withdraw the timing aspect of the motion. Commissioner Thomas agreed to the revision.

Commissioner Paarfus said he doesn't like the wording at this point. He thinks having just adopted this plan, he needs more time on how the staff should be directed.

The motion did not pass by a 2 – 3 vote with Mayor Pro Tem Myers and Commissioner Thomas voting for the motion and Commissioners Smith, Dyer and Paarfus voting in the negative.

Commissioner Smith said his request was going to be to ask staff to develop a RFP to rebuild the pier and make sure it meets all codes, but he thinks with what was brought to light, it may be smart to wait until we get reports. After discussion, no action was taken on this item.

Commissioner Smith said there have been private entities requesting a lease of the property. They would like to come back with a proposal to either repair or replace the pier house and/or the pier. This would be a request for people to put in proposals and the Board would listen to them when they come in. Commissioner Dyer added this carries on the public/private partnership. We would get RFPs from private entities to repair or replace the building and repair or replace the pier. The purpose is to have recreational space on the property that allows for retail, food vendors, restrooms,

outdoor showers and an entry ticket booth to the pier. This would allow the Town to provide recreational activities for the PARTF grant. The six camping spaces, the food vendors and the parking are already providing revenue. The revenue could go towards the debt service. The person would take on the maintenance. She said the Town would just be responsible for the debt service. There would also be a leasing agreement. Commissioner Dyer provided information on other private/public relationships. Commissioner Paarfus suggested having someone do a presentation if someone is interested and to not issue a RFP.

Motion by Commissioner Smith that we advertise for presentations for the pier building to be replaced.

Town Manager Hewett said the staff needs to discuss the technical aspects of the process with the Local Government Commission (LGC) before proceeding to assume issuing a RFP is correct. If we are going to solicit, we need to do it correctly the first time.

Commissioner Smith withdrew his motion.

Motion by Commissioner Dyer to ask the staff to ask the LGC what is needed for public/private partnership; second by Commissioner Smith; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PLACING THE TOWN MANAGER'S REPORT ON THE BOARD OF COMMISSIONERS' MEETING AGENDA

Mayor Pro Tem Myers said Town Manager Hewett provides the Board with an update, a written summary of critical initiatives, programs and projects that are going on. He feels it is important information and it should have a spot on the agenda.

Motion by Mayor Pro Tem Myers that we add a town manager report to our BOC agendas starting next month, second by Commissioner Thomas.

Mayor Holden cautioned the Board that it could be like reading an old newspaper. Due to the lead time, things could change between the report and the meeting. Mayor Pro Tem Myers said when we get to that point, he could verbally update the Board with the status. After discussion, Town Manager Hewett explained he doesn't mind where it is in the agenda. There could be some confusion because he tries to make the report pertinent and timely. He inquired on the form that is being requested. Mayor Pro Tem Myers said the current form is perfect. He said the format would be the same as the other reports on the agenda.

The motion passed with a 4 – 1 vote with Mayor Pro Tem Myers and Commissioners Thomas, Dyer and Paarfus voting for the motion and Commissioner Smith voting in the negative.

PUBLIC COMMENTS ON GENERAL ITEMS

Rick McInturf said he is encouraged with the talk tonight. He explained the HB Alliance stands ready to work with the Town. He provided information on a new app they created.

Jeremy Ridenhour provided history on the area and talked about the HB community. He said next time you say if you don't live on the island your vote shouldn't matter, think about the people who work over here and provide needed services.

Will Carter advised people to go to newholdenbeachpier.com. He explained they have the plan for a new pier site. He said legislators are looking for money. He wants to move forward.

Lisa Ragland is a real estate agent. She said there is so much negativity in the Town and it is discouraging people from coming here. Property managers she has spoken with have told her rentals are down 25%. Ms. Ragland talked about providing amenities to the public.

TOWN MANAGER'S REPORT

- Demolition of Pavilion – today we received one responsive bid for the work for \$25,000. Will present that for the Board's consideration at the May meeting.
- Lift Station 2 Greensboro Street Upfit – we have not received a response back from our submission to the NC Department of Environmental Quality. Once we do receive the offer to fund, the Board will need to vote to accept that.
- Canal Dredging – project in Harbor Acres is complete. Our engineer is certifying the quantities.
- Working on the potential Miss Kate Project in the Lockwood Folly Inlet. Made the grant application for the funding. Our coastal consultant engineer is coordinating with the permitting agencies.
- Pier Walkway and Emergency Ramp – we still need to refine some of the handicap spaces in the layout. We are working on that.
- Beach Accesses – we initially started out with the blue mats several years ago. It appears the blue mats will be the mechanism of choice in order to increase access to the beachfront. A general observation is the mats will be covered up and seems like it will be an ongoing maintenance issue.
- 114 Quinton Street – the bid was awarded at \$70,000, which is within the budget for the site's bathroom construction. This is a Key Bridge agreement item and we are attempting to close out the project before the end of the fiscal year and the prime tourist season.
- High Point Street – resurfacing is complete. The engineer is certifying the project.
- Ocean Boulevard Resurfacing/Bike Lanes – looks like Ocean Boulevard is getting close to completion. Five crosswalks will be put in at four locations. There will be two at Jordan Boulevard, 301, 567 and 915. Those locations were determined through the efforts of the Inspections Department's exercise several years ago. Those were the areas that met the DOT requirements and were approved and okayed by the Board.
- 796 OBW – has been advertised per the Board's direction. The initial offers are due to us Friday at noon.

Commissioner Thomas asked if it would make sense to draw attention to the crosswalks. Town Manager Hewett answered we will need to ask DOT. Lieutenant Dilworth went over the law. Inspections Director Evans reviewed criteria and next steps.

MAYOR'S COMMENTS

- We have a problem that oceanfront numbers are missing on a lot of houses. It is a Town ordinance that house numbers should be legible from the high tide area. Asked people who own oceanfront properties to check if you have numbers in place in case of an emergency. Check your house to see if you are in compliance with street numbers also.

- Asked the Board to reconsider the policy for take home vehicles. The property immediately behind him has Town vehicles on it over the weekend. It is technically leased to the rental company/coffee shop. Owns the property and has allowed the Town to park vehicles on it with no financial benefit. The Turtle Patrol also uses the property. The Turtle Patrol has asked about the Town vehicles. When a metal vehicle sits outside on Holden Beach day and night, it will rust. The value will go down quicker. Asked commissioners to revisit that. Town Manager Hewett said we can take care of not having vehicles parked out back over the weekend.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Myers

- Thanked everyone who is here physically or virtually listening in. Your involvement and interest in our matters is very important. Any input is appreciated.

Commissioner Smith

- It was a pleasure to come in this evening to see this many people in the room concerned about what is going on. It was enlightening how many people are all for keeping a pier. It is rather evident that it seems to be the general consensus or there wouldn't be the people here tonight.
- Thanked staff; the Police Department for keeping us safe; Inspections Director Evans you guys are overwhelmed with all building, you do a good job; Assistant Town Manager Ferguson, the rest of the staff, Town Clerk Finnell and Town Manager Hewett, you keep this place running smooth.

Commissioner Thomas

- Received several phone calls from homeowners who are concerned about content in the From the Mayor's Desk emails. Read from a recent email. The concern is separation of state and church. She asked if the mayor should be using his position to solicit financial gain for the chapel. Asked to be sensitive on what goes out from mayor's desk. Mayor Holden asked to be provided with the names of the people.

Commissioner Dyer

- There are a couple of things she wants to address for the sake of the public. There have been questions about why the Town isn't fixing the lift station. Clarified it was discussed whether the Town should take out a loan and fix it in a year and a half, versus going through the grant process. The grant process is slow and we are at the mercy of the grant. We are doing the Greensboro station. She was accused of not listening to the public when she ran for re-election. Her definition of the public is property owners, whether they are registered here to vote or not and the community surrounding Holden Beach, so those people have a say too. They come over here and spend money. Trying to listen to as much of the public as she can. They were accused of not being fiscally responsible. Concerned with a lot of the projects that have been stopped. We had to do continued dredging of the Lockwood Folly because the terminal groin was not accepted. We are having to do another stormwater plan when we will probably need the whole lot done eventually anyway. It would be nice to have the festival in Block Q and would take some pressure off the Police. We bought the pier property for the emergency access. We now have two accesses there for the people who live on the streets across from the pier. Those people requested that we keep the property for the access. It would have been nice if we bought the campground, we would have the revenue from that. The pier property is not just the pier itself. We have emergency access there, the campsites, provided much needed bathrooms there and

we have revenue coming in from paid parking. Some of the misconceptions were that we were irresponsible in buying a \$3 million property that is now worth double that, we have revenue from the campground and we provided much needed access for those homes in the area.

- Asked about the award the Town received. Assistant Town Manager Ferguson said the Town was given the award of Best Restored Beach by the American Shore and Beach Preservation Association in Washington, D.C. at the end of March. It was for the big project we did. Commissioner Dyer thanked the staff for all their hard work to make this happen.
- Thanked Merchants Association for a wonderful festival. The weather was beautiful. The Police worked overtime to protect everyone's property. Thinks it was a good turnout.

Commissioner Paarfus

- Thanked everyone for coming out and for your comments. Hope you have a good night.

ADJOURNMENT

Motion by Commissioner Paarfus to adjourn at 8:50 p.m.; second by Commissioner Dyer; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Holden Beach Police Department

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Calls For Service (April '24)

Printed on May 13, 2024

Descriptions	Totals	
911 Hang Up (911HU)	3	3
Administrative Call	1	1
Alarm (SIG45 Signal 45)	12	12
Animal Control Call	11	11
Animal Control Call; Call By Phone (10-21Law x21L)	1	1
Assist Other Agency (EMS)	1	1
Assist Other Agency (Law) (10-77 x77)	2	2
Attempt to Locate (ATL)	5	5
Breaking and Entering in Progress (10-62 x62)	1	1
Call By Phone (10-21Law x21L)	9	9
Careless & Reckless (C&R)	1	1
Coastal Watercraft Issue [Alpha]	1	1
Commercial or Industrial Fire Alarm [Charlie]	1	1
Crime in Progress (10-64 x64)	1	1
DCI Transaction	1	1
Debris in Roadway	4	4
Disabled Motorist (10-87 x87)	6	6
Disturbance or Disorderly Subject	5	5
Disturbance or Disorderly Subject; Assist Other Agency (EMS)	1	1
Domestic Disturbance (10-82 x82)	4	4

Descriptions	Totals	
Escort or Convoy (10-59 x59)	2	2
Falls [Bravo]	1	1
Hit and Run (Property Damage Only 10-54 x54)	2	2
Improperly Parked Vehicle (10-70 x70)	19	19
Keys In Vehicle or Lockout	1	1
Lost or Found Property	7	7
Lost or Found Property; Meet with Complainant (10-83 x83)	1	1
Medical Alarm [Bravo]; Alarm (SIG45 Signal 45)	1	1
Meet with Complainant (10-83 x83)	26	26
Meet with Subject or Officer (10-25 x25)	37	37
Noise Complaint	3	3
Open Door	3	3
Overdose or Poisoning (Accidental) [Delta]	1	1
Sewer Alarm or Light	1	1
Sick Person [Alpha]	1	1
Single Residential Fire Alarm [Bravo]	1	1
Special Check - Business - Residence (10-79 x79)	424	424
Special Check - Business - Residence (10-79 x79); Call By Phone (10-21Law x21L)	1	1
Special Operations Assignment (Signal 55 SIG55)	10	10
Stopping Vehicle (10-61 x61)	21	21
Suspicious Vehicle or Subject (10-60 x60)	7	7
Take Written Report (10-92 x92)	4	4
Test Call (Training or Maintenance)	1	1

Descriptions	Totals	
Traffic Accident (Property Damage Only 10-50PD x50PD)	1	1
Trespassers, Civil Papers (SIG63 Signal 63)	1	1
Water or Sewer Problems	6	6
Welfare Check	1	1
Welfare Check; 911 Cell Hang-Up or Open Line	2	2
	5	5
Totals	662	662



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HBPD Monthly Report (April '24)

Printed on May 13, 2024

Reported	Case Number	Address	Offenses	Disposition
04/01/24 15:16	HBP24-00024	842 OCEAN BLVD W	DAMAGE TO REAL PROPERTY	Closed - Case Created In Error
04/04/24 01:35	HBP24-00025	1255 LAKESEDGE DR	14-258.4 - MALICIOUS CONDUCT BY PRISONER; 14-34.7(C)(1) - ASSAULT PHY INJ LE/PROB/PAR OF	Closed - By Other Means
04/12/24 23:43	HBP24-00026	3211 HOLDEN BEACH	90-95(D)(4) - SIMPLE POSSESS SCH VI CS (M); 90-113 - MARIJUANA PARAPHERNALIA	Closed - By Other Means
04/14/24 20:20	HBP24-00027	OCEAN BLVD E /	90-113.22A - POSSESS MARIJ PARAPHERNALIA; 90-95(D)(4) - POSSESS MARIJUANA UP TO 1/2 OZ; 14-269(A1) - CARRYING CONCEALED GUN(M)	Closed - Cleared By Arrest
04/15/24 09:23	HBP24-00028	301.5 OCEAN BLVD	14-4 - LOCAL ORDINANCE VIOLATION	Closed - Unfounded
04/18/24 23:12	HBP24-00029	3219 HOLDEN BEACH	90-95(A)(3) - FELONY POSSESSION SCH II CS; 20-111(2) - CANCL/REVOK/SUSP CERTIF/TAG; 90-95(D)(4) - SIMPLE POSSESS SCH VI CS (M); 90-95(D)(2) - SIMPLE POSSESS SCH IV CS (M)	Closed - Cleared By Arrest
04/23/24 21:47	HBP24-00030	3400 HOLDEN BEACH	20-111(2) - CANCL/REVOK/SUSP CERTIF/TAG; 20-28(A) - DWLR	Closed - By Other Means
04/23/24 23:30	HBP24-00031	HOLDEN BEACH RD /	PAROLE VIOLATION; 90-113 - POSSES DRUG PARAPHERNALIA; 90-95(A)(3) - FELONY POSSESSION SCH II CS	Closed - Cleared By Arrest
04/27/24 01:39	HBP24-00032	3226 HOLDEN BEACH	20-154 - UNSAFE MOVEMENT; 20-141(B) - SPEEDING; 20-146 - DRIVE LEFT OF CENTER; 14-223 - RESIST/OBSTRUCT PUBLIC OFFICER; 20-138.1 - DRIVING WHILE IMPAIRED	Closed - Cleared By Arrest

Reported	Case Number	Address	Offenses	Disposition
04/27/24 14:34	HBP24-00033	125 DAVIS ST	14-27.33 - SEXUAL BATTERY	Closed - Unfounded
04/27/24 19:35	HBP24-00034	JORDAN BLVD	20-138.7(A) - OPEN CONT AFTER CONS ALC 1ST; 90-113.22A - POSSESS MARIJ PARAPHERNALIA; 90-95(A)(3) - SIMPLE POSS LESS THAN 1/2 OZ	Closed - By Other Means
04/28/24 17:47	HBP24-00035	1043 OCEAN BLVD W	14-72(B)(2) - LARCENY AFTER BREAK/ENTER; 14-54(A) - BREAKING AND/OR ENTERING (F)	Investigator Requested
04/28/24 20:50	HBP24-00036	OCEAN BLVD W /	20-141(B) - EXCEEDING POSTED SPEED; 20-158 - STOP SIGN VIOLATION; 20-141.5(A) - FLEE/ELUDE ARREST W/MV (M)	Closed - Cleared By Arrest
04/29/24 17:57	HBP24-00037	1044 SABBATH HOME	14-127 - INJURY TO REAL PROPERTY	Investigator Requested
04/29/24 21:07	HBP24-00038	101 S SHORE DR	14-33(B)(2) - ASSAULT ON A FEMALE; 14.32.5 - MISDEMEANOR CRIME OF DOMESTIC VIOLENCE	Closed - Cleared By Arrest

Total Records: 15



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Ordinance Violations (April '24)

Printed on May 13, 2024

Date	Defendant	Citation/Warning	Ordinance
04/05/24	KNOWLIN, ROBERT	Citation	Parking - No Parking Zones (All Other)
04/08/24	DIVINCENTIS, JEFFREY	Warning-Compliant	Parking - Roadway/Travel Lane
04/17/24	PEREZ, ETIFANIO	Warning-Compliant	Parking - Block Crosswalk/Sidewalk/Pedestrian Accessway
04/17/24	WOODALL, DEBRA	Warning-Compliant	Parking - Roadway/Travel Lane
04/20/24	JOHNS, BETTY	Warning-Compliant	Parking - Right-of-Way Violation (Sidestreet Between 9am & 5pm)
04/22/24	ROY, ELLEN	Citation	Parking - Roadway/Travel Lane
04/23/24	FRITSCHI, JAMES	Citation	Parking - Right-of-Way Violation (Sidestreet Between 9am & 5pm)
04/24/24	BOYED, AYDEN	Warning	Parking - No Parking Zones (All Other)
Total Records: 8			

LSV = 0



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State Citation (April '24)

Printed on May 13, 2024

Date	Defendant	Statutes/Charges
04/12/24	STEVENS, JEFFREY CRAIG, JR	90-95(D)(4) - SIMPLE POSSESS SCH VI CS (M); 90-113 - MARIJUANA PARAPHERNALIA
04/14/24	OBERRY, BRANDON ALEXANDER	90-113.22A - POSSESS MARIJ PARAPHERNALIA; 90-95(D)(4) - POSSESS MARIJUANA UP TO 1/2 OZ; 14-269(A1) -
04/14/24	KARNEY-RILEY, JOLEY NAREIA	90-95(D)(4) - POSSESS MARIJUANA UP TO 1/2 OZ; 90-113 22A - POSSESS MARIJ PARAPHERNALIA
04/15/24	UTLEY, WILLIAM KYLE	20-129.1 - ADDITIONAL LIGHTING EQUIP VIOL
04/23/24	DIAZ, KARLA YAMILET	20-111(2) - CANCL/REVOK/SUSP CERTIF/TAG; 20-28(A) - DWLR
04/27/24	TARLTON, THOMAS ALEXANDER	20-138.7(A) - OPEN CONT AFTER CONS ALC 1ST; 90-113.22A - POSSESS MARIJ PARAPHERNALIA; 90-95(A)(3) - SIMPLE POSS
04/27/24	TARLTON, BROOKE ASHLEY	20-138.7(A) - OPEN CONT AFTER CONS ALC 1ST

Total Records: 7

LSV = 0

Permit Report

04/10/2024 - 05/10/2024

Issued Date	Permit #	Permit Type	Project Cost	Total Fees	Total Payments
5/10/2024	240365	Repair	1,350	\$125.00	\$125.00
5/10/2024	240364	Electrical	700	\$100.00	\$100.00
5/10/2024	240363	New Construction	50,000	\$525.00	
5/10/2024	240362	Electrical	2,053	\$100.00	\$100.00
5/3/2024	240361	New Construction	0		
5/10/2024	240360	Electrical	1,950	\$100.00	\$100.00
5/9/2024	240359	Single Family Construction	313,000	\$8,583.34	\$8,583.34
5/9/2024	240358	Mechanical	34,526	\$200.00	\$200.00
5/9/2024	240357	Mechanical	13,850	\$200.00	\$200.00
5/9/2024	240356	Zoning	50	\$50.00	\$50.00
5/9/2024	240355	Boat Lift	5,600	\$125.00	\$125.00
5/8/2024	240354	Mechanical	17,313	\$200.00	\$200.00
5/8/2024	240353	Mechanical	13,245	\$200.00	\$200.00
5/8/2024	240352	Mechanical	7,790	\$100.00	\$100.00
5/8/2024	240351	Electrical	750	\$100.00	\$100.00
5/7/2024	240350	Boat Lift	9,000	\$225.00	
5/7/2024	240349	Mechanical	10,000	\$100.00	\$100.00
5/7/2024	240348	No Permit Required	20,000		
5/7/2024	240347	Plumbing	4,300	\$100.00	\$100.00
5/7/2024	240346	Mechanical	10,050	\$200.00	\$200.00
5/6/2024	240345	Repair	15,000	\$160.00	\$160.00
5/6/2024	240344	Mechanical	7,475	\$100.00	\$100.00
5/6/2024	240343	Mechanical	13,850	\$200.00	\$200.00
5/6/2024	240342	Mechanical	8,010	\$100.00	\$100.00
5/3/2024	240341	Bulkhead	25,000	\$250.00	
5/3/2024	240340	Electrical	4,200	\$100.00	\$100.00
5/2/2024	240339	Repair	62,230	\$585.07	\$585.07
5/2/2024	240338	Mechanical	7,150	\$100.00	\$100.00
5/2/2024	240337	Mechanical	4,750	\$100.00	\$100.00
5/2/2024	240336	Mechanical	11,289	\$200.00	\$200.00
5/2/2024	240335	Boat Lift	43,300	\$514.70	\$514.70
5/2/2024	240334	Repair	6,000	\$125.00	\$125.00
5/1/2024	240333	Zoning	17,000	\$50.00	\$50.00
5/1/2024	240332	Renovation	20,000	\$205.00	\$205.00
4/30/2024	240331	Mechanical	4,775	\$100.00	\$100.00
4/30/2024	240330	Mechanical	8,738	\$100.00	\$100.00
4/30/2024	240329	Mechanical	5,000	\$100.00	\$100.00
4/30/2024	240328	Mechanical	9,075	\$100.00	\$100.00
4/30/2024	240327	Mechanical	15,443	\$200.00	\$200.00

4/30/2024	240326	Mechanical	9,525	\$100.00	\$100.00
4/30/2024	240325	Mechanical	5,623	\$100.00	\$100.00
4/29/2024	240324	No Permit Required	24,500		
4/29/2024	240323	Mechanical	5,722	\$100.00	\$100.00
4/29/2024	240322	Plumbing	1,200	\$200.00	\$200.00
4/29/2024	240321	Electrical	400	\$200.00	\$200.00
4/26/2024	240320	Addition	16,000	\$169.00	\$169.00
4/26/2024	240319	Boat Lift	16,300	\$271.70	\$271.70
4/26/2024	240318	New Construction	24,000	\$341.00	\$341.00
4/26/2024	240317	Mechanical	5,125	\$100.00	\$100.00
4/25/2024	240316	Electrical	2,000	\$100.00	\$100.00
4/25/2024	240315	Electrical	10,000	\$100.00	\$100.00
4/25/2024	240314	Repair	11,089	\$125.00	\$125.00
4/24/2024	240313	Electrical	3,900	\$100.00	\$100.00
4/24/2024	240312	Single Family Construction	886,000	\$12,587.97	\$12,587.97
4/24/2024	240311	Renovation	15,000	\$360.00	\$360.00
4/24/2024	240310	Zoning	50	\$50.00	\$50.00
4/23/2024	240309	Zoning	50	\$50.00	\$50.00
4/23/2024	240308	Electrical	200	\$100.00	\$100.00
4/23/2024	240307	Mechanical	11,595	\$100.00	\$100.00
4/19/2024	240306	Mechanical	11,000	\$100.00	\$100.00
4/19/2024	240305	Electrical	600	\$100.00	\$100.00
4/18/2024	240304	Mechanical	3,000	\$100.00	\$100.00
4/18/2024	240303	Mechanical	4,000	\$100.00	\$100.00
4/18/2024	240302	Mechanical	5,520	\$100.00	\$100.00
4/17/2024	240301	Repair	3,500	\$175.00	\$175.00
4/17/2024	240300	Bulkhead	15,000	\$160.00	\$160.00
4/17/2024	240299	Mechanical	9,240	\$100.00	\$100.00
4/17/2024	240298	Mechanical	9,742	\$100.00	\$100.00
4/17/2024	240297	Mechanical	12,132	\$200.00	\$200.00
4/16/2024	240296	Repair	25,000	\$250.00	\$250.00
4/15/2024	240295	Electrical	3,500	\$100.00	\$100.00
4/15/2024	240294	Electrical	1,500	\$100.00	\$100.00
4/15/2024	240293	Mechanical	9,199	\$100.00	\$100.00
4/15/2024	240292	Mechanical	13,590	\$200.00	\$200.00
4/15/2024	240291	Zoning	50	\$50.00	\$50.00
4/15/2024	240290	Renovation	39,400	\$934.20	\$934.20
4/12/2024	240289	Mechanical	5,086	\$100.00	\$100.00
4/12/2024	240288	Mechanical	19,287	\$200.00	\$200.00
4/12/2024	240287	Boat Lift	20,000	\$205.00	\$205.00
4/12/2024	240286	Zoning	50	\$50.00	\$50.00
4/11/2024	240285	Electrical	1,475	\$100.00	\$100.00
4/11/2024	240284	Mechanical	3,861	\$100.00	\$100.00
4/10/2024	240283	New Construction	24,000	\$341.00	\$341.00

4/10/2024	240282	Mechanical	10,500	\$200.00	\$200.00
4/10/2024	240281	Mechanical	26,000	\$275.00	\$275.00
4/10/2024	240280	No Permit Required	6,276	\$50.00	\$50.00
4/10/2024	240279	Repair	3,000	\$175.00	\$175.00
			\$2,137,599	\$34,742.98	\$33,742.98

PERMIT SUMMARY REPORT

COMMERCIAL

Count 0
Total Fees \$0
Fees Paid \$0
Total Project Cos \$0

RESIDENTIAL

Count 87
Total Fees \$34,742.98
Fees Paid \$33,742.98
Total Project Cos \$2,137,599

TOTAL

Count 87
Total Fees \$34,742.98
Fees Paid \$33,742.98
Total Project Cos \$2,137,599

ACTIVE NEW HOME PERMITS = 41
OTHER ACTIVE PERMITS= 316
PERMITS ISSUED OVER \$30,000 = 36(AMOUNT INCLUDED IN ACTIVE TOTAL)
PERMITS ISSUED OVER \$100,000 = 13 (AMOUNT INCLUDED IN ACTIVE TOTAL)
PERMITS - SUBSTANTIAL IMPROVEMENTS =4(AMOUNT INCLUDED IN ACTIVE TOTAL)
PERMITS ISSUED WAITING PICK UP = 14
TOTAL PERMITS= 371

PERMITS IN REVIEW= 9
CAMA ISSUED= 3
ZONING ISSUED = 7

PERMITS SERVICED FOR INSPECTIONS FROM 4/10-5/10= 157
TOTAL INSPECTIONS MADE= 632

Holden Beach ADA Projects

Town of Holden Beach

SIMPLE GANTT CHART by Vertex42.com

<https://www.vertex42.com/ExcelTemplates/simple-gantt-chart.aspx>

Project Start:

Display Week:

Jul 17, 2023	Jul 24, 2023	Jul 31
17 18 19 20 21 22 23	24 25 26 27 28 29 30	31 1
M T W T F S S	M T W T F S S	M T

TASK	ASSIGNED TO	PROGRESS	START	END
114 OBE - Handicap parking lot				
Task 1	Staff requested survey	100%	4/3/23	4/17/23
Task 2	Received bill for Survey	100%	4/14/23	4/14/23
Task 3	Apply for CAMA permit	100%	4/24/23	4/24/23
Task 4	2nd Survey requested - Survey redone	100%	5/25/23	5/25/23
Task 5	CAMA permit issued	100%	5/25/23	5/25/23
6	Received estimates for work	100%	6/1/23	6/1/23
7	Architect designs for bathrooms	100%	6/12/23	11/2/23
8	Town purchased hardmatting for proper transition	100%	7/19/23	7/19/23
9	Received 2 bids for handrails	100%	7/27/23	7/27/23
10	award bid once reviewed (handrails)	100%	8/16/23	10/15/23
11	lay matting to max length	100%	9/1/23	10/15/23
12	Handrail install	100%	11/1/23	11/30/23

Display Week:

1

Jul 17, 2023 Jul 24, 2023 Jul 31

17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1

M T W T F S S M T W T F S S M T

TASK	ASSIGNED TO	PROGRESS	START	END
13	Stripe parking spaces and access routes	100%	11/1/23	11/30/23
14	Bathroom Specs/Design	100%	12/1/23	12/8/23
15	Permit Modification	100%	1/1/24	
16	Pre bid meeting	100%	4/16/24	4/16/24
17	Bathroom Out for Bid-completed	100%		4/23/24
18	Bid awarded to RHC	100%	4/27/24	4/27/24
19	Permit issued	100%	5/3/24	5/3/24
20	Start Construction	10%		6/28/24
21	Completed		6/28/24	6/28/24
East End - Ave E				
Task 1	Staff requested survey- Survey completed	100%	4/3/23	4/17/23
Task 2	Billed for survey	100%	4/14/23	4/28/23
Task 3	Apply for CAMA permit	100%	4/24/23	4/24/23
Task 4	2nd surevey requested - Survey redone	100%	5/25/23	5/25/23
Task 5	Reapply for CAMA permit	100%	5/25/23	5/25/23
6	CAMA permit on hold - waiting Signatures	100%		

Display Week: 1

Jul 17, 2023 Jul 24, 2023 Jul 31

TASK	ASSIGNED TO	PROGRESS	START	END
7	Signatures received - waiting CAMA approval	100%	8/2/23	8/2/23
8	CAMA permit #HB21-23 issued	100%	1/24/24	1/20/24
9	Develop New Roof line configuration of Bathroom	100%	1/20/24	2/26/24
10	Design Specs written	100%	2/27/24	4/24/24
11	Out for Bid	100%		
12	Redesign for Construction	100%		
13	Waiting CAMA modification to existing permit for the construction redesign over Dune	25%		
14	Once approved - Out for Bid		7/1/24	
15	Start Construction			early Fall 2024 (storm depending)

801 Access	Task	PROGRESS	START	END
Task 1	measure & mark vegetation line	100%	4/4/23	4/4/23
Task 2	Staff requested survey - survey completed	100%	4/6/23	4/17/23
Task 3	Billed for Survey	100%	4/14/23	4/14/23
Task 4	2nd Survey requested - survey redone	100%	5/25/23	5/25/23

1

Display Week:

Jul 17, 2023 Jul 24, 2023 Jul 31

17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1
 M T W T F S S M T W T F S S M T

TASK	ASSIGNED TO	PROGRESS	START	END
Task 5	Apply for CAMA permit	100%	5/1/23	5/1/23
6	CAMA permit on hold - waiting signature from 799 OBW homeowner	100%		
7	799 OBW homeowner signed	100%	6/19/23	6/19/23
8	CAMA permit issued	100%	6/26/23	6/26/23
9	on hold - waiting stormwater Engineer plans	100%		
10	Contract signed	100%	7/28/23	7/28/23
11	Stormwater plans developed	100%	10/1/23	10/15/23
12	Write Specifications	100%	1/1/24	1/1/24
13	Scheduled to be Out for Bid		7/1/24	
14	Start Construction			Fall 2024(storm depending)
700 Block Parking				
1	concrete pad poured	100%	9/1/23	9/15/23
2	parking spaces and access route painted	100%	10/1/23	10/15/23

Display Week: 1														
Jul 17, 2023							Jul 24, 2023							Jul 31
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	T

TASK	ASSIGNED TO	PROGRESS	START	END
JORDAN BLVD				
1	Schedule to start work	100%	10/1/23	10/1/23
2	met w/ contractor	100%	7/17/23	8/1/23
3	receive estimates	100%	7/31/23	8/1/23
4	layout and pour concrete	100%	8/1/23	9/1/23
5	move signs	100%	9/15/23	10/18/23
6	Stripe parking spaces and access route	100%	11/1/23	11/12/23
915 Walkway (Not part of Keybridge Mediation Agreement)				
1	staff requested survey	100%	4/3/23	4/17/23
2	Building Permit issued #19259	100%	6/28/23	6/28/23
3	walkway being removed and moved over to left	100%	7/21/23	9/13/23
	completed & inspected	100%	9/13/23	9/13/23
Halstead (Not part of Keybridge Mediation Agreement)				
1	get quote for concrete pad to be poured	100%	4/3/23	4/7/23
2	No CAMA permit required			
3	pour concrete - ADA compliant	100%	7/10/23	7/13/23

1		Display Week:		1											
Jul 17, 2023		Jul 24, 2023		Jul 31											
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1
M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T

TASK	ASSIGNED TO	PROGRESS	START	END
4	mark lines	100%	7/27/23	8/1/23
5	paint parking space and access route - by P&I Dept.	100%	8/1/23	8/1/23
6	project complete	100%	8/1/23	8/1/23
441 OBW				
1	measure and mark vegetation lines	100%	3/15/23	3/15/23
2	Staff requested survey	100%	4/3/23	4/17/23
3	set up meeting for CAMA requirements	100%	4/12/23	4/12/23
4	apply for CAMA permit	100%	4/25/23	4/25/23
5	2nd Survey requested - Survey redone	100%	5/25/23	5/25/23
6	re-mark vegetation lines	100%	5/25/23	5/25/23
7	Apply for CAMA permit - hand delivered	100%	6/21/23	6/21/23
8	CAMA permit & CAMA Exemption issued	100%	7/20/23	7/20/23
9	Bid issued to Will Richardson	100%	1/23/24	1/23/24
10	Permit issued	100%	1/24/24	1/24/24
11	Construction of Walkway completed	100%	1/25/24	2/20/24
12	Matting Installation - at east and west side of pier building	100%	3/15/24	3/29/24

1

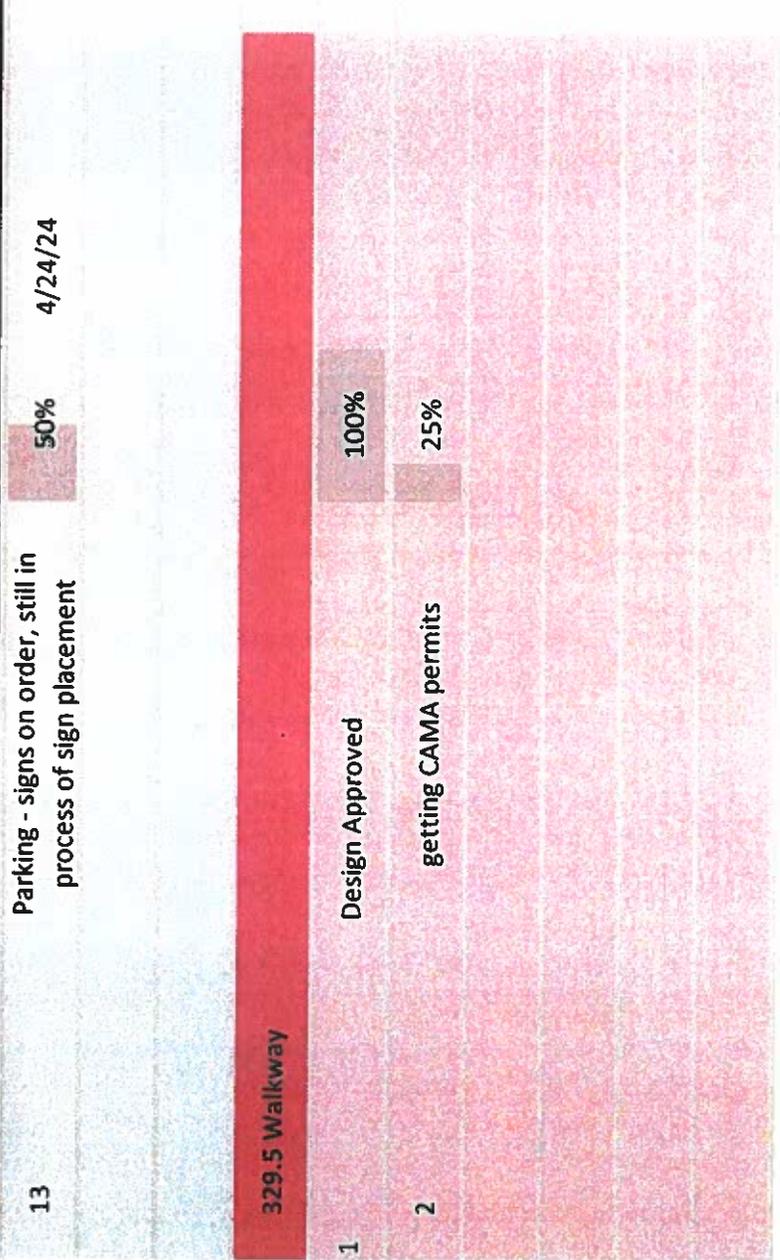
Display Week:

Jul 17, 2023 Jul 24, 2023 Jul 31

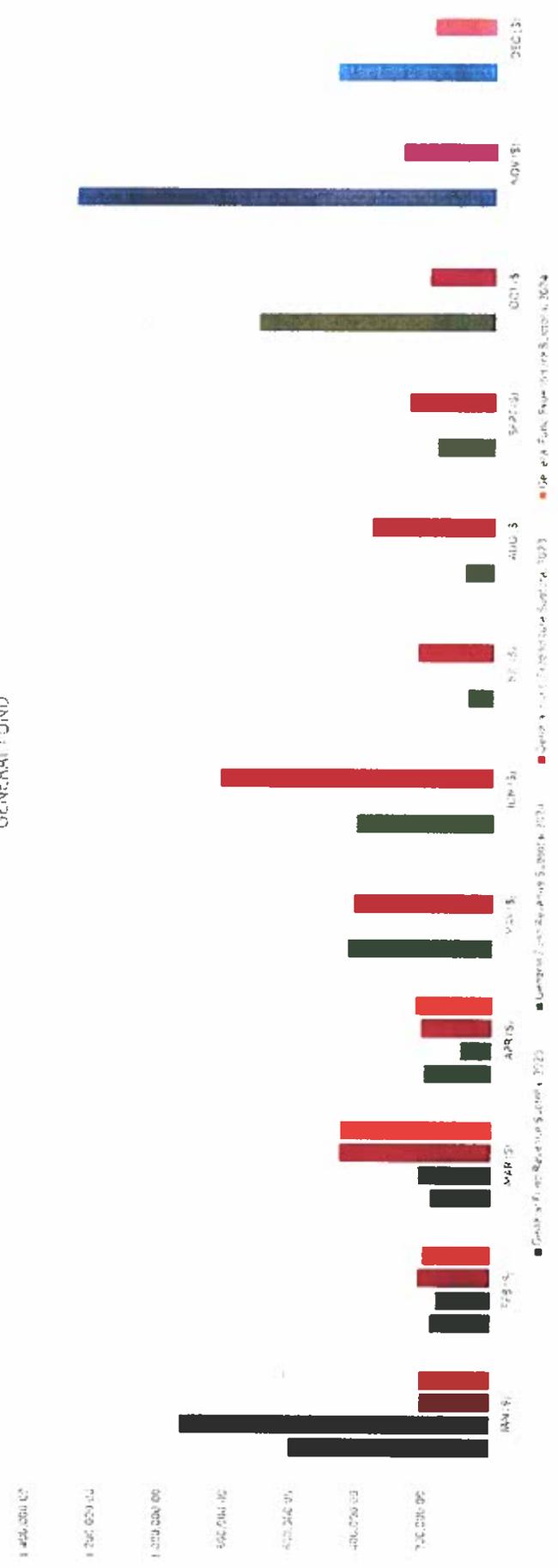
17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1

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TASK	ASSIGNED TO	PROGRESS	START	END
13	Parking - signs on order, still in process of sign placement	50%	4/24/24	
329.5 Walkway				
1	Design Approved	100%		
2	getting CAMA permits	25%		

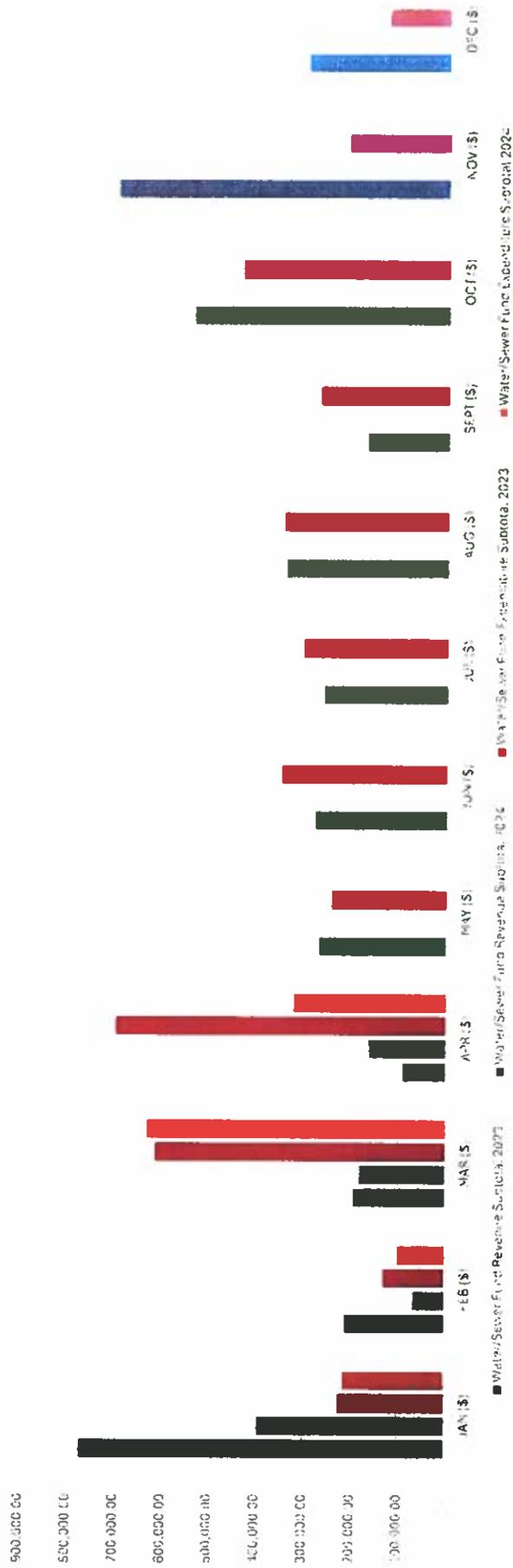


GENERAL FUND



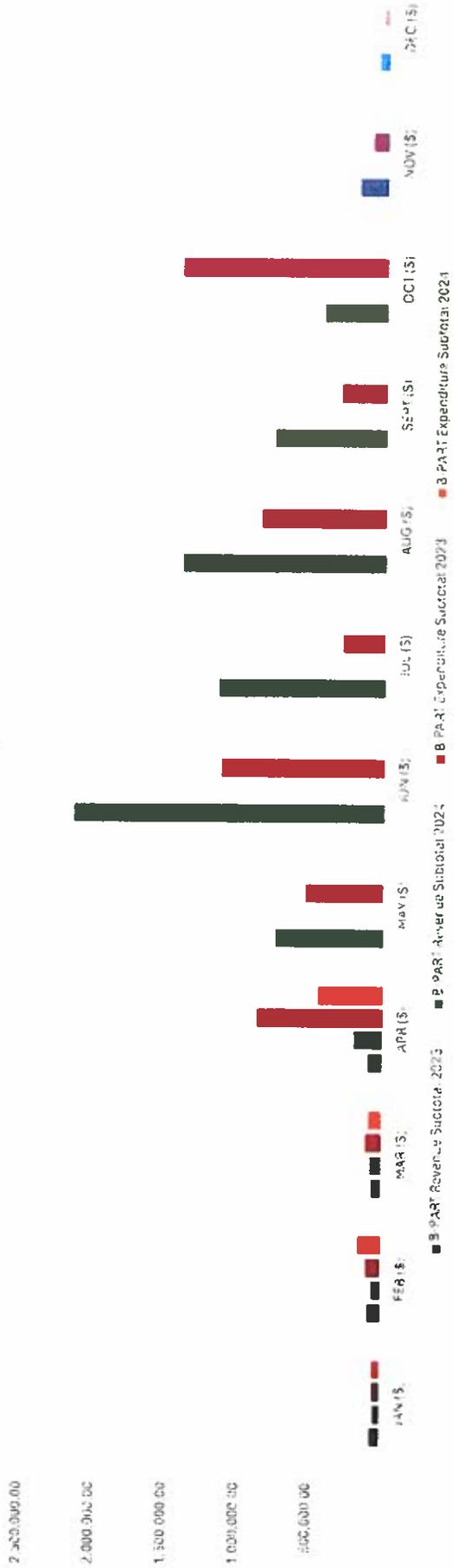
Legend: ■ Cash and Revenue ■ Lumpsum Contributions

Water/Sewer Fund



■ Water/Sewer Fund Revenue Submittal 2023 ■ Water/Sewer Fund Revenue Submittal 2024

BPAR:



Manager Talker May 2024

Lift Station 2 -Greensboro St – upfit

Town has received a state “offer to fund”

Offer will require BOC action.

Harbor Acres Canal Dredging

Project is complete; Reimbursement applied for. Can take up to 30 days

LWF navigation maintenance – Ms Katie

Coordinating Ms Katie schedule and availability with the Oregon Inlet Task Force.

ATM is detailing requirements with permitting agencies.

Targeting middle two weeks of June; subject to Merritt availability/host of other issues

441 OBW walkway and emergency ramp

Final touches (signage) and mitigation remain at “old” licensed site.

Staff anticipates being able to submit for grant reimbursement week of May 13th-17th.

796 OBW

No responses to initial advertisement of the Town’s upset bid offering.

Readvertised; will reassess approach if needed when second round (4 June) is over.

Beach Rangers

Begin patrols Monday, May 20th. That is also the day the ordinance takes effect for the summer season **with no pets on the strand between 9 a.m. and 5 p.m.**

Concerts

Summer concert season begins Sunday, May 26th with the Main Event Band playing in Bridgeview Park.

The park will be blocked from vehicular access beginning Saturday evening.

The splash pad will be closed on Sundays and the multipurpose court will close at 3 p.m. each Sunday

No seating will be provided- Everyone must bring their own chair for the event



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 5/21/24

FROM: Planning + Inspections

DATE SUBMITTED: 5/13/24

ISSUE/ACTION REQUESTED:

Amendments to the Town's light ordinance. Sections 92.30, 92.32 + 93.33

BACKGROUND/PURPOSE OF REQUEST:

Text amendments

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
REVIEWED BY FINANCE DIRECTOR:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY: YES NO

ADVISORY BOARD RECOMMENDATION:

FINANCE RECOMMENDATION:

TOWN MANAGER'S RECOMMENDATION:

ATTACHMENT:

§ 92.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DECORATIVE LIGHTS. Lights such as landscape lights used to enhance the appearance of an area and seasonal holiday lights. ~~Seasonal holiday lights may be used for a limited period of time (90) days with a maximum of 300 lumens.~~

DIRECT LIGHTS. Created from a fixture or a shield that focuses all light in a certain angle. **DIRECT LIGHTS** create a sharp contrast between light and shadow. Examples are floodlights, spotlights, can lights, and downlights.

DOORWAY LIGHTS. Lights attached to structures or walkways used to illuminate doors and immediate areas leading to entrances; to include those installed beneath houses.

DOWNLIGHTS. Decorative, low voltage lights directed downward to highlight a path or vegetation.

FLOOD/SPOT LIGHTS. Bare lights attached to buildings and used to illuminate a specific area (yards, driveways, walkways, and the like) normally for a limited time period. These may also be used as security lights.

SAFETY LIGHT. A light used to warn boats or vehicles of possible obstacles.

SECURITY LIGHT. A light (either automatic, motion- activated or manual) which can be illuminated overnight for the protection of people or property.

UPLIGHTS. Decorative low- voltage lights designed to highlight vegetation or decorative, low voltage lights directed upward to structures.

YARD LIGHT. A light whose fixture is not attached to a building, ramp, or deck and is over four feet above ground level.

('85 Code, § 3-11a.) (Ord. 92-10, passed 7-22-92; Am. Ord. 22-13, passed 6-21-22)

§ 92.32 UNLAWFUL LIGHTS.

It shall be unlawful for any outside light to be installed or directed:

(A) *To interfere with the vision of the operator of any motor vehicle on any street or waterway; or cast any amount of direct light more than 15 feet from the footprint of the residence, with the exception of light directed into a pool area.*

(B) *Decorative, **safety**, security, uplights or other lights on the south side of oceanfront homes which are set with automatic timers or day/night photocells.*

(C) *Decorative lights on the south side of oceanfront homes on walkways and walkway seating shall be limited to a maximum of 50 lumens and be amber, orange, or red in color.*

(D) *Any unnecessary oceanfront lighting during turtle nesting/hatching season from May 1 through October 31.*

(E) *That is not in compliance with the provisions of this subchapter.*

('85 Code, § 3-11b.) (Ord. 92-10, passed 7-22-92; Am. Ord. 94-24, passed 10-3-94; Am. Ord. 22-13, passed 6-21-22) Penalty, see § 92.99

§ 92.33 LIGHTS PERMITTED IN R-1 AND R-2 DISTRICTS.

(A) *Decorative lights, uplights, and downlights as long as not visible on the beach with restrictions defined in §§ 92.32(B) and (C).*

(B) *Flood or spot lights provided they are directed onto the owner's property. See 92.32(A)*

900

(C) *Doorway lights of 100 watts incandescent, 10-watt LED (~~1,600~~ lumens) or less per light.*

(D) *Security lights, attached to a building, and so shielded that no direct lighting is outside the owner's property. See 92.32(A)*

(E) *Pool lights within the confines of pool fencing or directed into the pool area.*

(F) *One yard light per living unit provided it does not exceed ten feet in height (measured from mean lot level) and does not exceed 900 lumens. See 92.32(A)*

(G) *External oceanfront lights used exclusively for safety purposes shall be limited to the minimum number, shielded to achieve their functional roles and may use motion activation. If motion activation is used it must keep the lights off except when approached and turn back off within five minutes.*

('85 Code, § 3-11c.) (Ord. 92-10, passed 7-22-92; Am. Ord. 94-24, passed 10-3-94; Am. Ord. 94-28, passed 12-5-94; Am. Ord. 22-13, passed 6-21-22)

ORDINANCE 24-07
AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 92 -
NUISANCES

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Chapter 92 - Nuisances be amended as follows.

Section One: Amend Section 92.30 as follows:

§ 92.30 *DEFINITIONS.*

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DECORATIVE LIGHTS. *Lights such as landscape lights used to enhance the appearance of an area and seasonal holiday lights. ~~Seasonal holiday lights may be used for a limited period of time (90) days with a maximum of 300 lumens.~~*

DIRECT LIGHTS. *Created from a fixture or a shield that focuses all light in a certain angle. **DIRECT LIGHTS** create a sharp contrast between light and shadow. Examples are floodlights, spotlights, can lights, and downlights.*

DOORWAY LIGHTS. *Lights attached to structures or walkways used to illuminate doors and immediate areas leading to entrances; to include those installed beneath houses.*

DOWNLIGHTS. *Decorative, low voltage lights directed downward to highlight a path or vegetation.*

FLOOD/SPOTLIGHTS. *Bare lights attached to buildings and used to illuminate a specific area (yards, driveways, walkways, and the like) normally for a limited time period. These may also be used as security lights.*

SAFETY LIGHT. *A light used to warn boats or vehicles of possible obstacles.*

SECURITY LIGHT. *A light (either automatic, motion- activated or manual) which can be illuminated overnight for the protection of people or property.*

UPLIGHTS. *Decorative low- voltage lights designed to highlight vegetation or decorative, low voltage lights directed upward to structures.*

YARD LIGHT. *A light whose fixture is not attached to a building, ramp, or deck and is over four feet above ground level.*

(‘85 Code, § 3-11a.) (Ord. 92-10, passed 7-22-92; Am. Ord. 22-13, passed 6-21-22)

Section Two: Amend Section 92.32 as follows:

§ 92.32 UNLAWFUL LIGHTS.

It shall be unlawful for any outside light to be installed or directed:

(A) *To interfere with the vision of the operator of any motor vehicle on any street or waterway; or cast any amount of direct light more than 15 feet from the footprint of the residence, with the exception of light directed into a pool area.*

(B) *Decorative, ~~safety~~, security, uplights or other lights on the south side of oceanfront homes which are set with automatic timers or day/night photocells.*

(C) *Decorative lights on the south side of oceanfront homes on walkways and walkway seating shall be limited to a maximum of 50 lumens and be amber, orange, or red in color.*

(D) *Any unnecessary oceanfront lighting during turtle nesting/hatching season from May 1 through October 31.*

(E) *That is not in compliance with the provisions of this subchapter.*

(‘85 Code, § 3-11b.) (Ord. 92-10, passed 7-22-92; Am. Ord. 94-24, passed 10-3-94; Am. Ord. 22-13, passed 6-21-22) Penalty, see § 92.99

Section Three: Amend Section 92.33 as follows:

§ 92.33 LIGHTS PERMITTED IN R-1 AND R-2 DISTRICTS.

(A) *Decorative lights, uplights, and downlights as long as not visible on the beach with restrictions defined in §§ 92.32(B) and (C).*

(B) *Flood or spot lights provided they are directed onto the owner’s property. See 92.32(A)*

(C) *Doorway lights of 100 watts incandescent, 10-watt LED (~~1,600~~ 900 lumens) or less per light.*

(D) *Security lights, attached to a building, and so shielded that no direct lighting is outside the owner’s property. See 92.32(A)*

(E) *Pool lights within the confines of pool fencing or directed into the pool area.*

(F) *One yard light per living unit provided it does not exceed ten feet in height (measured from mean lot level) and does not exceed 900 lumens. See 92.32(A)*

(G) *External oceanfront lights used exclusively for safety purposes shall be limited to the minimum number, shielded to achieve their functional roles and may use motion activation. If motion activation is used it must keep the lights off except when approached and turn back off within five minutes.*

(‘85 Code, § 3-11c.) (Ord. 92-10, passed 7-22-92; Am. Ord. 94-24, passed 10-3-94; Am. Ord. 94-28, passed 12-5-94; Am. Ord. 22-13, passed 6-21-22)

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

Section Five: This ordinance shall be effective on the 22nd day of May, 2024.

This the 21st day of May, 2024.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 5/21/24

FROM: Planning + Inspections

DATE SUBMITTED: 5/13/24

ISSUE/ACTION REQUESTED:

Change the frontal dune ordinance from the regulatory section to the land use section + schedule a public hearing

BACKGROUND/PURPOSE OF REQUEST:

To allow citizens a pathway for variances for walkways + sections wider than four feet

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
REVIEWED BY FINANCE DIRECTOR:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY: YES NO

ADVISORY BOARD RECOMMENDATION:

Approved by the Planning + Zoning Board

FINANCE RECOMMENDATION:

TOWN MANAGER'S RECOMMENDATION:

ATTACHMENT:

ORDINANCE 24-10
AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, SECTION 94.03
FRONTAL DUNE POLICIES AND REGULATIONS AND CHAPTER 157: ZONING CODE

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Section 94.03 Frontal Dune Policies and Regulations and Chapter 157: Zoning Code be amended as follows.

Section One: Amend Section 94.03 Frontal Dune Polices and Regulations as follows:

§ 94.03 FRONTAL DUNE POLICIES AND REGULATIONS

(A) **Definition.** For the purpose of this section, town's **FRONTAL DUNES** shall mean the dunes designated by the town's designee as the "frontal dunes"; otherwise, they are the first mounds of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection from ocean storms. Considering the fact that oceanfront property limits extend to the mean high water mark, the frontal dune may be located on private property. The town's **FRONTAL DUNE** although similar may be different than the state's CAMA designated dune, *so as to be located closest to the structure as possible to encourage maximum buffer from hazard.*

(B) **Purpose of the frontal dune.** It is desirable to maintain a continuous frontal dune along the ocean-front of the island, extending from Lockwood Folly Inlet to Shallotte Inlet. A continuous frontal dune thus maintained provides a single, ocean water surge flood control structure that serves to mitigate the effects of storms, that could by their very nature cause damage to public and private property. It is the intent of the town that the frontal dune be maintained to standard specifications and by sand renourishment, so that the above-mentioned protection can be provided.

(C) **Frontal dune policy and regulations.** The following policies and regulations apply: (penalty for failure to adhere is \$500.00 per violation).

(1) It shall be unlawful for any person or vehicle to cross the designated frontal dune, except for official town business or emergency access, unless such crossing is over a town approved ramp and/or stairs.

(2) **Frontal dune policy and restrictions.**

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the North Carolina Residential Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall

be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a six-foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune.

3. Steps shall be of open tread construction with a maximum riser height of eight and one-quarter inches and a minimum tread depth of nine inches, and shall meet the requirements of the North Carolina Residential Building Code.

4. In accordance with North Carolina State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

~~6. No structure other than one four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the one four foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6 foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built in accordance with all federal, state, and local building requirements. Exception: swimming pools maybe located south of the town's designated frontal dune, placement of pools and decking shall not extend more than 50 feet from the established seaward toe of designated frontal dune. This exception only applies when the CAMA dune is more seaward than the town's frontal dune.~~

Section Two: Add Section 157.024 *Previously Section 94.03(C)(2)(a)(6)* to Chapter 157: Zoning Code as follows:

DUNE RESTRICTIONS 157.024

- (A) No structure other than one four-foot wide wooden walkway shall be located south of the landward toe of the CAMA frontal dune, as designated by the local CAMA officer. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway.
- (B) Structures (other than one four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed ~~no later than December 31, 2003~~ if repairs exceed more than 50% of the structural value, in order to be in compliance with this section. ~~A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair.~~ Exception: town-owned CAMA accessways may utilize a six-foot walkway. ~~Exception: property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation.~~
- (C) Walkways shall be permitted and built in accordance with all federal, state and local building requirements.
- (D) ~~Exception:~~ swimming pools maybe located south of the town's designated frontal dune, placement of pools and decking shall not extend more than 50 feet from the established seaward toe of designated frontal dune. This exception only applies when the CAMA dune is more seaward than the town's frontal dune.
 - (b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.
 - (c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.

Section Three: Amend Section 157.060(D)(10) as follows:

~~§157.060 (D)(10)~~ *Location of accessory buildings.* Accessory buildings shall be located not less than five feet from property line. (a) see 157.024.

Section Four: Amend Section 157.061(D)(9) as follows:

~~§157.061 (D)(9)~~ *Location of accessory buildings.* Accessory buildings shall be located not less than five feet from property line. (a) see 157.024.

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

Section Six: This ordinance shall be effective on the 22nd day of May, 2024.

This the 21st day of May, 2024.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



TOWN OF HOLDEN BEACH PLANNING & ZONING BOARD STATEMENT OF CONSISTENCY AND ZONING RECOMENDATION

The Town of Holden Beach Planning & Zoning Board has reviewed and hereby recommends approval of amendments to Section 157 of the Towns Land Use Section.

After review, the Planning & Zoning Board has found that the recommended amendments are consistent with the adopted CAMA Land Use Plan and are considered reasonable and in the public interest for the following reasons.

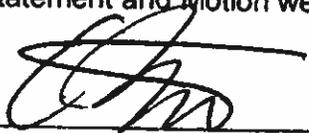
Use of Property: The amendment as recommended and initiated by staff to provide citizens with a due process pathway to avoid unnecessary hardships due to the Ordinance.

Economic Impacts: The CAMA Land Use Plan Goals and Objectives 3.2; Policies 3.2(A), 3.2(B), 3.2(G) and 3.2(M). The changes will support not alter the current Goals, Objectives, and Policies.

Environmental Impacts: Amendments align with current Goal 3.2 and Objective 3.2 of the CAMA Land Use Plan.

Upon approval by the Board of Commissioners the Comprehensive Plan will be deemed amended and shall not require any additional request or application for amendment.

The statement and Motion were adopted by a 4/0 vote this 23 day of April 2024.



Aldo Rovito, Vice Chair



TOWN OF HOLDEN BEACH BOARD OF COMMISSIONERS STATEMENT OF CONSISTENCY AND ZONING RECOMMENDATION

The Town of Holden Beach Board of Commissioners have reviewed and hereby recommends approval of amendments to Section 157 of the Towns Land Use Section.

After review, the Board of Commissioners have found that the recommended amendments are consistent with the adopted CAMA Land Use Plan and are considered reasonable and in the public interest for the following reasons.

Use of Property: The amendment as recommended and initiated by staff to provide citizens with a due process pathway to avoid unnecessary hardships due to the Ordinance.

Economic Impacts: The CAMA Land Use Plan Goals and Objectives 3.2; Policies 3.2(A), 3.2(B), 3.2(G) and 3.2(M). The changes will support not alter the current Goals, Objectives, and Policies.

Environmental Impacts: Amendments align with current Goal 3.2 and Objective 3.2 of the CAMA Land Use Plan.

Upon approval by the Board of Commissioners the Comprehensive Plan will be deemed amended and shall not require any additional request or application for amendment.

The statement and Motion were adopted by a _____ vote this _____ day of May 2024.

Alan Holden, Mayor



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 5/21/2024

FROM: Town Manager Hewett

DATE SUBMITTED: 5/9/2024

ISSUE/ACTION REQUESTED: Discussion and possible action on demolition of the pavilion at Jordan Boulevard.

BACKGROUND/PURPOSE OF REQUEST: The staff was instructed to get bids for the demolition of the pavilion and debris removal. The most responsive bid provides demolition and removal at \$25,000. The bid discusses concrete repair but based on the way the dance floor was initially constructed that should not be an issue.

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> N/A
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> N/A
REVIEWED BY FINANCE DIRECTOR:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY: YES NO

ADVISORY BOARD RECOMMENDATION: N/A

FINANCE RECOMMENDATION: Recommend approval

TOWN MANAGER'S RECOMMENDATION:

Recommend approval

ATTACHMENT: 1. Staff Memo

Attachment 1



Date: May 7, 2024

To: Mayor Holden and Board of Commissioners

From: Town Manager Hewett

Re: Pavilion Demolition

The attached bid was submitted by Coastal Carolina Construction for the demolition of the pavilion and debris removal. The cost for the demolition project is quoted at \$25,000. There has been subsequent discussion with the contractor regarding the second part of his bid for concrete repair. Based on the initial construction method for the dance floor, staff believes that concrete repair will not be needed or will be minimal if required. Approval/award of the bid by the Board can be funded from within existing resources by staff reprogramming "Block Q" funds to "Jordan Boulevard Maintenance/Operations".

A handwritten signature in black ink, appearing to read "D. W. Hewett". The signature is written in a cursive, flowing style.

Attachment: bid

Attachment 2



Coastal Carolina
CONSTRUCTION

This sealed bid is between Coastal Carolina Construction and the Town of Holden Beach.

Coastal Carolina Construction is proposing to remove the pavilion and all debris from the demolition. Demolition will include the walkway to the pavilion but not the walkway to the left of the pavilion leading to the pier.

Coastal Carolina Construction is proposing to remove the existing concert in front of the pavilion and walkway, the existing concrete decreases curb appeal and is cracking creating a trip hazard.

Removal of the pavilion: \$25,000.00

Removal & replacement of the concrete: \$24,000.00

Total Bid: \$49,000.00



Demolition Timeline

Permit application will be submitted within one business day from receiving notification of approved bid.

Demo will begin Within 14 days from receiving demo permit from the Town of Holden Beach.

Demo will take 3 weeks to complete, including replacement of concrete.



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 5/21/2024

FROM: Town Manager Hewett

DATE SUBMITTED: 5/13/2024

ISSUE/ACTION REQUESTED: Discussion and possible action on DEQ Offer to Fund Greensboro Street Lift Station #2 Hazard Mitigation Upgrade.

BACKGROUND/PURPOSE OF REQUEST: The funding offer has been received from DEQ in the amount of \$1,940,000. The next steps would be for the BOC to authorize the town manager to accept the offer and to adopt the attached resolution.

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A
REVIEWED BY FINANCE DIRECTOR:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY: YES NO

ADVISORY BOARD RECOMMENDATION: N/A

FINANCE RECOMMENDATION: Recommend approval

TOWN MANAGER'S RECOMMENDATION:

Recommend approval

ATTACHMENT: 1. Funding Offer Documents

2. Resolution

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

SHADI ESKAF
Director

Attachment 1



May 2, 2024

Mr. David Hewett, Town Manager
Town of Holden Beach
110 Rothschild Street
Holden Beach, North Carolina 28462

SUBJECT: Funding Offer
Project No. SRP-W-134-0021
Greensboro Street Lift Station #2 Hazard
Mitigation Upgrade

Dear Mr. Hewett:

The Town of Holden Beach has been approved for funding assistance according to the subject funding offer. This offer is made subject to the Assurances and Conditions attached to this document.

Upon your acceptance, please submit the following items to the Division, via email at DEQ.DWI.FundingOffer@deq.nc.gov:

1. One (1) copy of the original Offer and Acceptance Document executed by the Authorized Representative for the project, along with the Conditions and Assurances. **Retain the other copy for your files.**
2. A resolution adopted by the governing body accepting the funding offer and making the applicable Conditions and Assurances contained therein. (Sample copy attached)
3. Federal Identification Number and Unique Entity ID Number of the Recipient (UEID required for federally funded projects)
4. Sales-Tax Certification (attached)

The Site Certification and a Capital Project Ordinance (or budget ordinance covering the project) are due before disbursements begin.

Disbursement requests are to be submitted via Laserfiche at the following link: <https://edocs.deq.nc.gov/Forms/DW-Document-Upload-Form>. A reference copy of the

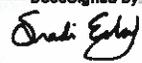


North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

Disbursement Request Form (also found on the DWI website) has been enclosed for your convenience.

On behalf of the Department of Environmental Quality, I am pleased to make this funding offer. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this offer package, please contact Jeff Poupart at jeff.poupart@deq.nc.gov or (919) 707-9248.

Sincerely,

DocuSigned by:

8300A872077B4C5...

Shadi Eskaf, Director
Division of Water Infrastructure, NCDEQ

Enclosures: Offer and Acceptance Document (two copies)
Assurances & Conditions
Federal ID and UEID Number Request Memo
Resolution to Accept Funding Offer (suggested format)
Sales-Tax Certification Form
Disbursement Request Form
Guidance Document (North Carolina Wastewater Funding Programs Overview)
Site Certification
Capital Project Ordinance (Sample)

cc: David Hewett, Town Manager (david.hewett@hbtownhall.com)
Leo Green, PE, Green Engineering (elg@greeneng.com)
Mark Hubbard (Via DocuSign)
Jeff Poupart (Via DocuSign)
DWI Administrative Unit (Via DocuSign)
Carrie Short (Via DocuSign)
Teresa Tripp (Via DocuSign)
DEQ.DWI.FundingOffer@deq.nc.gov
FILE: SRP-134 Project File (COM_LOX)
Agreement ID#: 2000073773



**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient	Project Number(s): SRP-W-134-0021
Town of Holden Beach 110 Rothschild Street Holden Beach, NC 28462	Assistance Listing Number: N/A Unique Entity ID Number: X3H3MMASH925

Funding Program

	<input type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	<input type="checkbox"/>			
Stormwater	<input type="checkbox"/>			
Wastewater	<input checked="" type="checkbox"/>			
State Revolving Fund-Repayable Loan	<input type="checkbox"/>			
State Revolving Fund-Principal Forgiveness	<input type="checkbox"/>			
State Reserve Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.L. 2023-134)*	<input checked="" type="checkbox"/>			\$1,940,000
American Rescue Plan Act - <i>Choose an item.</i>	<input type="checkbox"/>			

Project Description:

Greensboro Street Lift Station #2 Hazard Mitigation Upgrade

Total Financial Assistance Offer:	\$1,940,000
Total Project Cost:	\$4,884,357
Estimated Closing Fee**:	\$ 0
<i>For Loans</i>	
Interest Rate:	-- Per Annum
Maximum Loan Term:	-- Years

* Federal requirements will also apply to S.L 2023-134 projects co-funded with federal funds.

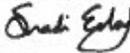
** Estimated closing fee calculated based on grant and loan amount.

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

DocuSigned by:  Signature	5/3/2024 Date
--	------------------

On Behalf of: Town of Holden Beach
 Name of Representative in Resolution: _____
 Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

Signature	Date
-----------	------

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER INFRASTRUCTURE**

Funding Offer and Acceptance

Legal Name and Address of Award Recipient **Project Number(s):** SRP-W-134-0021
 Town of Holden Beach
 110 Rothschild Street
 Holden Beach, NC 28462
Assistance Listing Number: N/A
Unique Entity ID Number: X3H3MMASH925

Funding Program

	<input type="checkbox"/>	Additional Amount for Funding Increases	Previous Total	Total Offered
Drinking Water	<input type="checkbox"/>			
Stormwater	<input type="checkbox"/>			
Wastewater	<input checked="" type="checkbox"/>			
State Revolving Fund-Repayable Loan	<input type="checkbox"/>			
State Revolving Fund-Principal Forgiveness	<input type="checkbox"/>			
State Reserve Loan	<input type="checkbox"/>			
State Reserve Grant	<input type="checkbox"/>			
State Reserve Earmark (S.L. 2023-134)*	<input checked="" type="checkbox"/>			\$1,940,000
American Rescue Plan Act - <i>Choose an item.</i>	<input type="checkbox"/>			

Project Description:

Greensboro Street Lift Station #2 Hazard Mitigation Upgrade

Total Financial Assistance Offer: **\$1,940,000**
Total Project Cost: \$4,884,357
Estimated Closing Fee:** \$ 0
For Loans
Interest Rate: -- Per Annum
Maximum Loan Term: -- Years

* Federal requirements will also apply to S.L. 2023-134 projects co-funded with federal funds.

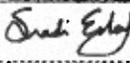
** Estimated closing fee calculated based on grant and loan amount.

Pursuant to North Carolina General Statute 159G:

- The applicant is eligible under Federal and State law,
- The project is eligible under Federal and State law, and
- The project has been approved by the Department of Environmental Quality as having sufficient priority to receive financial assistance.

The Department of Environmental Quality, acting on behalf of the State of North Carolina, hereby offers the financial assistance described in this document.

For The State of North Carolina: **Shadi Eskaf, Director, Division of Water Infrastructure
North Carolina Department of Environmental Quality**

DocuSigned by:  6300A872077B4C5 Signature	5/3/2024 Date
---	------------------

On Behalf of: Town of Holden Beach
 Name of Representative in Resolution: _____
 Title (Type or Print): _____

I, the undersigned, being duly authorized to take such action, as evidenced by the attached CERTIFIED COPY OF AUTHORIZATION BY THE APPLICANT'S GOVERNING BODY, do hereby accept this Financial Award Offer and will comply with the attached Assurances and the Standard Conditions.

Signature	Date
-----------	------

STANDARD CONDITIONS & ASSURANCES FOR STATE RESERVE PROJECTS**Project Applicant: Town of Holden Beach****Project Number: SRP-W-134-0021**

1. The Applicant intends to construct the project or cause it to be constructed to final completion in accordance with the Application approved for financial assistance by the Division.
The recipient acknowledges that in the event a milestone contained in the most recent Clean Water State Revolving Fund Intended Use Plan and/or the Letter of Intent to Fund is missed, the Department of Environmental Quality will rescind this Funding Offer.
2. The Applicant is responsible for paying for the costs ineligible for DWI funding.
3. The construction of the project, including the letting of contracts in connection therewith, conforms to the applicable requirements of State and local laws and ordinances.
4. As of the acceptance of this Funding Award Offer, steps A-D in the SRP Guidance will be complete. These Assurances, likewise, incorporate the most recent version of the SRP Guidance, and the Applicant hereby certifies by accepting this Funding Award Offer that it will adhere to the subsequent steps in the SRP Guidance document. The remaining steps generally govern project design, bidding, contracting, inspection, disbursements, closeout and repayment.
5. The Applicant will provide and maintain adequate engineering supervision and inspection.
6. The recipient agrees to establish and maintain a financial management system that adequately accounts for revenues and expenditures. Adequate accounting and fiscal records will be maintained during the construction of the project and these records will be retained and made available for a period of at least three years following completion of the project.
7. All SRP funds must be expended solely for carrying out the approved project, and an audit shall be performed in accordance with G.S. 159-34. Partial disbursements on this loan will be made promptly upon request, subject to adequate documentation of incurred eligible costs, and subject to the recipient's compliance with the Standard Conditions of this Award. The Applicant agrees to make prompt payment to its contractor, and to retain only such amount as allowed by North Carolina General Statute.
8. The applicant will expend all of the requisitioned funds for the purpose of paying the costs of the project within three (3) banking days following the receipt of the funds from the State. Please note that the State is not a party to the construction contract(s) and the Applicant is expected to uphold its contract obligations regarding timely payment.
9. The applicant acknowledges that any loan funds contained in this Funding Offer requires approval from the North Carolina Local Government Commission before they can be disbursed.

FEDERAL ID & Unique Entity ID # REQUEST MEMO

TO: All Loan and Grant Recipients

SUBJECT: Federal Identification Number

Please be advised that all local government units receiving grant or loan funds from the State of North Carolina must supply their Federal Identification Number to this office upon acceptance of your loan/grant offer. Therefore, please provide the information below and return to the Division via email at DEQ.DWI.FundingOffer@deq.nc.gov.

RECIPIENT: <hr/>
PROJECT NUMBER: <hr/>
FEDERAL IDENTIFICATION NUMBER: <hr/>
UNIQUE ENTITY ID: <hr/>

(Suggested Format)

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, the (unit of Government) has received a Directed Projects grant from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$ _____ to perform work detailed in the submitted application, and

WHEREAS, the (unit of government) intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):

That (unit of government) does hereby accept the 2023 Appropriations Act Directed Projects Grant offer of \$ _____.

That the (unit of government) does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That (name and title of authorized representative), and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the (date adopted) at (place), North Carolina.

(Signature of Chief Executive Officer)

Date

SALES-TAX REIMBURSEMENT CERTIFICATION FORM

(FOR FUNDING PROGRAMS IN THE DIVISION OF WATER INFRASTRUCTURE)

Applicant: _____

Project Number: _____

Check If Applicant is not a unit of government under North Carolina law

If Applicant noted above is a Unit of Government in North Carolina, check the applicable box below.

Sales Tax **IS** deducted in this scenario. Please show this on the disbursement requests.

The construction contract was bid with sales taxes and the unit of government will request reimbursement from the DOR.

Sales Tax **IS NOT** deducted in either of these scenarios.

The construction contract was bid with sales taxes and the unit of government will not request reimbursement from the DOR.

The construction contract was bid without sales taxes

(Printed Name and Title of Authorized Representative)

(Signature of Authorized Representative)

(Date)

DISBURSEMENT REQUEST FORM

NC Division of Water Infrastructure

Funding Recipient: _____ Page No. _____
 DWI Project No. _____ From: _____ To: _____

CONSTRUCTION <small>(Rename as appropriate)</small>	Cumulative Cost to Date	Minus Ineligibles	Minus Overruns Not App'd By Change Order	Subtotal of Payable Cost	Minus Retainage on Payable Cost	Minus Cumulative Sales Tax	Other Adjustments (Other Funds e.g.)	Minus Previously Paid to Date	Requested For This Pay Request
Contract 1	\$1,200,000	(\$100,000)	(\$100,000)	\$1,000,000	(\$50,000)	(\$50,000)	(\$500,000)	(\$300,000)	\$100,000
Contract 2	\$505,000		(\$5,000)	\$500,000	(\$25,000)	(\$10,000)		(\$400,000)	\$65,000
Contract 3									
Contract 4									
Contract 5									
ENGINEERING <small>(Rename as appropriate)</small>									
Item 1	\$250,000							(\$250,000)	\$0
Item 2									
Item 3									
Item 4									
OTHER COSTS <small>(Rename as appropriate)</small>									
Item 1									
Item 2									
Item 3									
PAY REQUEST TOTALS									
	Cumulative Cost to Date	(\$100,000)	(\$105,000)		(\$75,000)	(\$60,000)	(\$500,000)	(\$950,000)	\$165,000

Grant Percentage for SRF Projects: _____ %

I certify that to the best of my knowledge and belief the incurred costs being requested for disbursement are in accordance with terms of the project and that this request represents the monies due which have not been previously received and that an inspection has been performed and all work is in accordance with the terms and conditions of the award.
 - For applicable SRF projects, the project remains in compliance with Davis-Bacon and American Iron and Steel conditions or is the process of remedialing noncompliance.

You must check ONE of the boxes below or your payment will not be processed:
 The funds requested above have already been paid to the respective vendors, consultants & contractors by the funding recipient OR

The funds requested above have not been paid to the respective vendors, consultants & contractors.
 Funds received from the State will be disbursed to these entities within three (3) banking days.

Type or Print Name and Title _____ Date _____
 Signature of Authorized Representative _____
 DWI comments _____

Instructions and notes on how to use this form
 - Complete guidance for preparing disbursement requests can be found in section G.2. of the North Carolina SRF Program Overview and Guidance that was included with your Funding offer (applicable to State grants and loans too).
 - The form, as downloaded, is filled out with sample numbers. It is suggested that the sample be used as a reference (saved or printed).
 - Please submit ONE COPY of this form and backup documents when requesting funds.
 - Only the Authorized Representative can sign this form, unless declared otherwise in a resolution.
 - Construction contract line item overruns and engineering contract overruns must have approved change orders or engineering amendments before those costs will be paid.



**CERTIFICATION REGARDING UNIFORM RELOCATION
ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES
(URLAP) ACT OF 1970**

Applicant: _____
 Project No.: _____
 Project Name: _____

Please check appropriate boxes:

<p><input type="checkbox"/> I certify that all real property (including easements) has been acquired or condemnation proceedings have been entered into for property thereby providing legal access for this project.</p>
AND
<p><input type="checkbox"/> I certify to the best of my knowledge and belief that the acquisition of property specifically for the above referenced project is in compliance with the URLAP Act of 1970 (the Uniform Act). The acquisition either:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Acquisition of real property did not result in the displacement of any person, business or farm operation. <input type="checkbox"/> or relocation was involved in the land acquisition, the Federal Highway Administration (FHA) was contacted for technical assistance.
OR
<p><input type="checkbox"/> Compliance with the Uniform Act does not apply because the land and/or easements associated with the above referenced project were acquired prior to the inception of the project. Date land acquired: _____</p>

I understand that a false statement on this certification may be grounds for rejection or termination of this loan.

 Signature of Applicant's Authorized Representative or Attorney Date

 Typed Name and Title

Capital Project Ordinance

Be it ORDAINED by the Governing Board of the (Town of Anywhere), North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital Project Ordinance is hereby adopted.

Section 1: The Project authorized is the (construction/rehabilitation of a wastewater treatment/collection System) to be financed by (the sale of general obligation bonds/ARRA loan /federal loan/state loan / state grants and reserves).

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the board resolution, loan documents and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Engineering	\$ 120,000
Land	90,000
Construction	<u>1,440,000</u>
	<u>\$ 1,650,000</u>

Section 4: The following revenues are anticipated to be available to complete this project:

Federal/ARRA Loan	\$ 1,100,000
Proceeds from general Obligation Bonds	\$ 500,000
Transfer from Wastewater treatment capital Reserve	\$ <u>20,000</u>
	<u>\$ 1,650,000</u>

Section 5: The finance officer is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 5: Funds may be advanced from the General Fund for the purpose of making payments as due. Disbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project ordinance shall be furnished to the clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out this project.

Duly adopted this __ day of _____ 201__.

Signature, (Authorized Rep)

(Seal)

Attest: _____
Signature (Town Clerk)

North Carolina Wastewater Funding Programs Overview

Division of Water Infrastructure Website: <https://www.deq.nc.gov/about/divisions/water-infrastructure>

A) Application Filing

1. Application deadlines are twice a year. The deadlines are typically March and September.
2. If SRF and State Reserve funding are both available, an applicant will simply apply for funding and DWI will slot successful applications into the funding program that best suits the situation (most grant or principal forgiveness, most total dollars etc.)
3. Letter of Intend to Fund (LOIF) letters are mailed after DWI evaluation and State Water Infrastructure Authority approval. Recipients of LOIF letters are placed on a schedule for completing the rest of the steps to start construction.
4. Consult the website for the current application forms.

B) Engineering Report Submission and Approval (See website for guidance and details)

1. From the Date of the LOIF, an Engineering Report (ER) must be submitted within **4 months**.
2. From the Date of the LOIF, the ER must be approved within **9 months**.
3. Consult the website for submittal checklists and instructions.

C) Application Approval by the Local Government Commission

1. For projects with a loan component, the Local Government Commission must approve the ability to take on the requested debt. This is done after the Engineering Report is approved. DWI staff will transmit the required information to the LGC on behalf of the project applicant. **Note that LGC 108A & 108C forms are now not requested by DWI until the ER is approved. The ER approval letter asks the applicant to obtain the forms from the website and return them to DWI. Please do this as soon as possible.**
2. Terms:
 - a) Projects with interest bearing loans will receive the lower of two interest rates. The two rates are the current rate when applications are due and the rate when the LGC approves the loan. The Loan Offer (discussed in D, below) will reflect the lower rate. The rates are ½ the 20-year municipal bond buyers index. Certain, qualifying applications receive 0% interest loans.
 - b) The LGC sets the loan term with a maximum term of 20 years. Applicants may want to contact the LGC earlier than this to ensure they are able to meet LGC approval requirements. Currently the LGC is not allowed to review applications for \$1,000,000 or more unless a letter to the Joint Legislative Committee on Local Government and the Fiscal Research Division has been provided.
 - c) Loan Offers can be written for as much as 110% of the LGC approved amount. The applicant must justify this, and request it in writing from the DWI.
 - d) In some rare cases a 30 year term may be available. Please consult DWI management to discuss if this is potentially available for your situation.

D) Loan Offer

1. After approval of the Engineering Report and debt capacity by the LGC (for loans), a formal Award Offer is prepared which includes the Award's details and applicable assurances and conditions.

- a) Two copies of the Award Offer are sent to recipients. Return the following to DWI:
 - b) One signed copy (keep the other copy) of the Loan Offer.
 - c) Resolution accepting the Award Offer.
 - d) Federal ID and DUNS # form.
 - e) Sales Tax Certification.
 - f) A Fiscal Sustainability Plan (FSP) Certification for certain new SRF projects. This must be returned before a project's final reimbursement will be made.
2. In the event of bids that exceed the project budget, a loan increase for up to 10% can be authorized without additional approval of the LGC. Amounts above 10% require a modified application to be approved by the LGC.
 3. Closing Fees are invoiced with the Authority to Award letter. (paragraph F below). The Award Offer contained an estimated closing fee but actual closing costs are based on the total costs after bids are received. Loan Fees are 2% and Grant Fees 1.5%.

E) Plans and Specifications Approval (see website for guidance and details)

1. Plans & Specifications must be submitted within **15 months** of the LOIF.
2. Plans and Specifications must be approved within **19 months** of the LOIF letter. This includes issuance of all permits.
3. The project's plans and specifications must be approved by the Division prior to advertising for bids. Changes by addendum must be submitted to the Division for approval. Changes by change order must also be submitted for approval.

F) Bidding and Issuance of Authority to Award (ATA) the Construction Contract

1. Issuance of the ATA letter must be within **23 months** of the LOIF letter. Awarding contracts before issuance of the ATA letter is at the risk of the owner.
2. The contracts may be advertised as soon as plans & specifications are approved and permits are issued. NC General Statutes require the project to be advertised for 7 days, however DWI prefers projects to be advertised for 30 days. For the initial advertisement period, three bids must be received in order for an award to be made. The Plans & Specifications approval letter has the Project Bid Information form attached. It, and the other information described in it, must be submitted to and approved by this office **before contracts can be awarded**. This information is:
 - a. Project Bid Information Form, signed by authorized representative
 - b. Bid tabulation, sealed by the consulting engineer
 - c. Proposals of the successful bidders
 - d. Tentative award resolution from loan recipient subject to DWI approval
 - e. Engineer's recommendation
 - f. Proof of Advertisement
 - g. American Iron and Steel Certification (SRF only)
 - h. MBE/WBE requirements. (Detailed guidance on the website).
3. In an environment where program funding is limited, costs not demonstrated to be needed by the applicant, will immediately be made available in future funding rounds (deobligated).

G) Construction Phase of Project

1. Inspections

- a) Site Inspections will be conducted for all funded projects. Coordinate the Preconstruction Conference with the Inspector assigned to project. The number of inspections performed will be determined based on the length of the project, type of project, amount of funding involved and other factors. Any duly authorized representative of the State will have access to the work site and the contractor will provide proper facilities for such access and inspection. Further, any authorized representative of the State shall have access, for the purpose of audit and examination, to any records pertinent to the funds.
- b) A primary duty of the administering State agency is to guard against fraud, waste and abuse of Federal funds. To ensure proper use of Federal funds, State personnel may review submittals, daily logs, testing reports, as-builts and other appropriate construction documentation to verify that project elements meet approved specifications. Generally, any changes to unit quantities or changes in specifications that result in substantial monetary savings for the owner, will need to be documented by change order.
- c) Conformance with SRF standard conditions is a primary program responsibility. These include Davis-Bacon and American Iron and Steel currently.
- d) Additionally, inspections may uncover unsafe construction practices and environmental compliance violations. While not necessarily in SRF staff jurisdiction, deficiencies may be referred to appropriate enforcement agencies. Expeditious and timely use of SRF funds is a program goal and avoidance of any delay in construction is a concern, particularly delays associated with public health or worker safety which are of concern in their own right.

2. Disbursements (\$\$\$)

a) First Reimbursement

- i) Approval of Construction Contracts must happen with **24 months** of the LOIF letter. The following items are required for approval:
 - o Contract must be fully executed
 - o Notice to Proceed must be executed by owner and contractor
 - o The project specifications must include 100% performance and payment bonds. Bonds must be dated on or after contract date
 - o Original power of attorney must be dated on or after bonds
 - o The contractor must provide current Insurance
 - o All documents must be bound with the specifications
 - o Davis-Bacon Documents must be present in the specifications
- ii) Capital Project Ordinance submitted as required by G.S. 159-13.2. Alternately a budget ordinance that clearly identifies the project being funded by the SRF can be submitted.
- iii) All items under Item D,1.
- iv) Site Certificate
- v) Engineering Contracts and Engineering Procurement Certification (2 items)
- vi) Closing Fee must have been received

- vii) For Loans, promissory note executed and returned to the Local Government Commission (this is requested from the LGC upon receipt of the executed construction contract and is for the amount noted in the ATA letter)

b) Disbursements - General Information

- i) Forms can be found online. A sample was included with the Loan Offer
- ii) Disbursement requests should be sent to Jackie Moore; 1633 Mail Service Center; Raleigh NC 27699-1633.
- iii) All items must be approved in advance before being reimbursed.
- iv) One copy of the following information is required for reimbursements:
 - o Reimbursement request form with original signature.
 - o Contractor monthly estimates
 - o Engineering invoices
 - o Invoices for any other approved costs
 - o Eligible land costs will be reimbursed when the land has either been acquired or is under condemnation. In both cases and a copy of an offer to purchase the land must be submitted with the appraisal.
- v) Indicate cumulative totals on the reimbursement form
- vi) Check the appropriate box regarding whether or not contractors have already been paid. Note, that if the DWI funds are needed to pay the contracts, the funds must be disbursed within 3 banking days of receipt.
- vii) As noted in the Award Offer Assurances, sales taxes will be deducted from disbursements if an applicant indicates they intend to seek reimbursement for them from the Department of Revenue. A certification form is provided on our website to indicate what the owner intends to do regarding sales tax.
- viii) Note that Davis-Bacon certified payrolls and materials invoices that support the contract summary invoice do not need to be submitted with reimbursement requests.

c) Project Closeout and Final Disbursement

- i) Funds are held at 95% until the final payment is authorized.
- ii) Required items for final payment include:
 - o The inspector must issue final inspection report signifying that project is complete and all concerns have been satisfied and all change orders must have been submitted and approved.
 - o Final invoices must show zero retainage.
 - o Submit to Pam Whitley:
 - ✓ Engineer's certifications.
 - ✓ Owner's Certification of Completion
 - ✓ Signed Closeout Checklist.
 - ✓ Fiscal Sustainability Plan (CWSRF Only).

H) REPAYMENT (Loans Only)

1. Repayments will be reflected in the final promissory note and will be for the actual funds borrowed.
2. Repayments by the recipient begin on the May 1st or the November 1st that is between 6 months and 12 months after original project completion in the notice to proceed.
3. The May 1st payment includes principal and interest and the November 1st payment is only interest.
4. **Interest begins to accrue from the date of completion on the Notice to Proceed.** For multi-prime contracts the General contract will be used to set this date.
5. Construction Manager at Risk and Design Build Contracts, should set a date of completion in that contract.

I) Eligibility**1. Regulatory Authority - CWSRF**

- a) The types of projects that can be funded are loosely defined under Sections 212, 319 and 320 of the Clean Water Act. These can be described as publically owned wastewater treatment and transport systems and stormwater pollution treatment and control projects.

2. Construction - Items Not Eligible

- a) Project elements not related to the scope of the approved project.
- b) The SRF will pay to restore project related items such as road patching, sidewalks, fences, seeding, etc. Complete paving of streets unless warranted by disturbance of construction activities, even if required by NCDOT
- c) Note that items or rework that should be covered by bonds, insurance or liquidated damages will not be covered by the SRF funds.
- d) Any installation of service lines or service laterals outside the right-of-way.
- e) Operation and maintenance type work (e.g. sludge removal not necessary for construction of the project), or items such as spare parts.
- f) Extended warranties or maintenance contracts.
- g) Drinking water facilities are not eligible for CWSRF projects unless changes are necessary to complete the sewer project (e.g. moving a water line, providing potable water to wastewater facility).

3. Engineering and Technical Services - Eligibility Considerations

- a) Planning and Design Contracts
 - i. Must include task descriptions and these tasks must be associated with the project being built
- b) Construction Administration and Inspection
 - i) Task Description must be included and tasks must be associated with eligible construction work
 - ii) Typical tasks include but are not limited to: attending meetings, provide plan copies, review testing, review shop drawings, review payment applications, prepare change orders, coordinate with DWI, as-builts
 - iii) Price should be cost plus fixed fee or per diem with a ceiling. This fee schedule should be in the contract.
 - iv) Invoices must include hours, rate and task
 - v) Contract must be amended to pay beyond the ceiling. Must be accompanied by justification such as a corresponding change order.
- c) Other eligible engineering activities include bidding, O&M manuals, soils reports, hydro-geologic reports, TVing and cleaning of lines etc.

4. Other Eligibility Notes

- a) Legal - Legal fees for contract review and for advertisements etc.
- b) Real Property and easements associated with the approved project scope are eligible expenses. All cost items associated with acquiring the property may be paid for if properly documented.
- c) Preparation of permits required by Federal, or State regulations or procedures.
- d) Permits imposed by the applicant such as building permits are not eligible.

Attachment 2



Resolution # 24-05

DEQ Project No. SRP-W-134-0021

Whereas, the Town of Holden Beach has received a Directed Projects grant from the 2023 Appropriations Act, Session Law 2023-134, administered through the Drinking Water Reserve and Wastewater Reserve to assist eligible units of government with meeting water/wastewater infrastructure needs, and

Whereas, the North Carolina Department of Environmental Quality has offered 2023 Appropriations Act funding in the amount of \$1,940,000 to perform work detailed in the submitted application, and

Whereas, the Town of Holden Beach intends to perform said project in accordance with the agreed scope of work.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF HOLDEN BEACH:

That the Town of Holden Beach does hereby accept the 2023 Appropriations Act Directed Projects offer at \$1,940,000

That the Town of Holden Beach does hereby give assurance to the North Carolina Department of Environment Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That David W. Hewett, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 21st day of May at Holden Beach, North Carolina

Signature of Chief Executive Officer

Date



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE:05/21/2024

FROM: Tom Myers, Rick Paarfus

DATE SUBMITTED:05/09/2024

ISSUE/ACTION REQUESTED: Direct Town Staff to develop an RFP to accomplish tasks 1 and 2 of the recently adopted Pier Property Development plan. The RFP should also accomplish task 4 as it applies to the pier only. Once developed, it should be presented to the Board for approval prior to issuance.

BACKGROUND/PURPOSE OF REQUEST: The RFP should provide preliminary design information and budgetary (class 3) cost estimates for the 4 phases to repair the pier and the 2 phases to replace the pier as outlined in the plan. Life cycle Operating and Maintenance costs for both pier repair and pier replacement are to be developed as well.

FISCAL IMPACT: (circle one)

BUDGET AMENDMENT REQUIRED: YES/NO

CAPITAL PROJECT ORDINANCE REQUIRED: YES/NO

PRE-AUDIT CERTIFICATION REQUIRED: YES/NO

REVIEWED BY FINANCE DIRECTOR: YES/NO

CONTRACTS/AGREEMENTS: (circle One)

REVIEWED BY TOWN ATTORNEY: (YES/NO)

ADVISORY BOARD RECOMMENDATION:

TOWN MANAGER'S RECOMMENDATION:

FINANCE RECOMMENDATION:

ATTACHMENT: Class 3 estimate details, Pier Property Development w/o attachments

A Class 3 estimate is developed from a preliminary or basic engineering design (BED). The engineering phase of the project is 10% to 40% completed. An overview of the project scope is available along with the expected timeline. Class 3 cost estimate accuracy range: -20% to +30%. Preliminary references are also established for bidding. Examples of these include:

- plot plans
- general assembly drawings
- piping and instrument diagrams (P&ID)
- utility diagrams
- equipment lists
- general standards
- specifications

Detailed equipment specifications for critical equipment are included as well.

Usually, these have the most significant impact on the total project cost.

Given the level of detail of Class 3 estimates, its accuracy ranges from -10 to -20% on the low side and +10 to 30% on the high side.

PIER PROPERTY DEVELOPMENT

INTRODUCTION

The purpose of this document is to initiate discussion concerning development of the pier property by providing a baseline approach to that development. It is also intended to ensure that critical elements such as project cost estimates, life cycle costs, and a clearly defined project approach are addressed in the process. It is not intended to be the final project plan, but to serve as a starting point and to lay out the process for proceeding. Information presented below is partially based on discussions held with Bowman Murray Hemingway Architects (BMH), Andrew Consulting Engineers, and Mid Atlantic Engineering Partners. See attachments A and B for discussion summaries.

Development of the pier property should encompass the entire property, not just the pier and pier building. Development can however be separated into two separate components, namely the pier structure and the land parcels. Separation of the components (and components into phases) is necessary as funding is limited. Given that the pier is the primary feature of the property and considering its deteriorated condition, it is recommended that it be given first priority for funding. Development of the land parcel should not be constrained by a requirement to retain the current pier building, but should be based on a "clean sheet" approach to broaden the potential uses for the property. Renovation of a building in such poor condition that is several feet below the flood plain in an ocean front location is not advisable. A constraint that will have to be considered however are the requirements of the PARTF grant agreement that was entered into in 2022 which restricts the use of the property to recreational purposes indefinitely.

For each of these components, some form of financial/business case analysis should be performed to determine the development, operational and maintenance costs of any proposed options, as well as the potential revenue that can offset the above costs. Initial development costs will be produced in the preliminary design process and refined in the detailed design process. This information will assist decision makers in determining how/if the town can move forward as well as provide a foundation for seeking outside funding sources and partnerships. This is likely to be more complicated for parcel development in that several possible uses may have to be iteratively analyzed. Further, consideration must be given as to whether the town should enter into commercial real estate development that could compete with local businesses on the island (and off). Lessees would have to cover 100 percent of the debt service, maintenance and operations cost, insurance, etc. Otherwise they would be essentially subsidized by the tax payers which would not be fair to tax paying businesses on the island. Given today's delivery oriented society, dedicated space for deliveries from local businesses may be a viable option.

PIER

The pier component of the project needs to be addressed from two perspectives, namely repair and replacement. Preliminary design work, project cost estimates and life cycle costs (30 years) need to be developed by the technical agent for each perspective to support decision making.

PIER REPAIR

With regard to repairing the pier, the initial RFP issued by the town came in with a low bid that was 100% over the budgeted amount. This RFP was considered the minimum amount of work to be done to reopen the pier as efficiently as possible. In order to more closely match the budget, it was suggested that the scope be reduced and the project rebid. At that time, the primary cost reduction tool was to water jet the new pilings in versus driving them in. Subsequent discussions with BMH, Andrew

Consulting Engineers and Mid-Atlantic Engineering Partners determined that the piles must be driven in. Driving piles provides a determination/verification of the pile capacity (bearing load and uplift resistance) and greater resistance to lateral loading which cannot be obtained by jetting alone. However, cost savings could be achieved by doing the piling installation from the pier deck to minimize the use of floating plant (a significant cost driver). To accomplish repairs from the deck, the pier would have to be repaired from the shore out (replacing fasteners, bracing, etc) and possibly strengthened (additional stringers) to support equipment and materials for replacing piles and other structure. The added benefit of this approach is that future pile replacement, maintenance and storm damage repairs could likely be done from the deck avoiding considerable cost and accomplished in a more timely fashion. A structural analysis and design will be required to support this approach. The existing pier building would have to be razed to provide access for equipment and materials onto the pier. It should be noted that all present at the BMH meeting agreed that the building is a tear down. Since the building is in such poor condition that is several feet below the flood plain in an ocean front location, razing it should not be an issue.

The pier repairs will likely need to be accomplished in phases to fit within the available funding and not jeopardize higher priority projects. Preliminary design work, and project cost estimates for each phase must be developed for proper decision making. Suggested phases would be as follows:

1. Structural Stabilization of the existing pier – This will include replacement of all 16 major/ severely damaged piles, replacement of all fasteners, and a significant portion of the bracing, if not all, depending on analysis results. Analysis may call for additional bracing as well.
2. Safety repairs – This phase would complete repairs to make the pier safe for the public, to include handrails, ADA access, etc.
3. Complete remaining repairs – These repairs include plumbing, electrical and decking replacement.
4. Extend the pier to 250 feet – This final phase would restore the pier to its original 1000 feet and reach significantly deeper fishing waters than that available at the current 750 ft (4-8ft).

These phases could be combined into combinations of base bids with options based on funding availability.

PIER MAINTENANCE

Given the age of the pier components, (anywhere from 25 to 65 years), maintenance costs must be planned for. Contrary to what was originally reported in the pier inspection reports, the pier pilings are not greenheart hardwood (Greenheart wood is naturally decay and marine organism resistant, has a service life of 50 years, and is significantly stronger than treated pine or fir), but are pressure treated green wood of an unknown species (see final Mid Atlantic Report). Unfortunately, there are no maintenance or repair records available for the pier, so the exact age of the piles is not known. The current assumption is the last pile installation was possibly in 1999. Based on discussions with industry professionals, pressure treated pilings have an expected service life of 25 years. Fortunately, piling inspection results that included pic penetration and hammer testing found most, if not all the piles to be sound, except those with cracks or fissures. It should be noted that several of the damaged piles had damage at the pile cap where the dowel pin connection was made, which is likely to be an ongoing problem in the future. Consequently, a condition based maintenance program should be implemented with periodic and post storm inspections of the pier to allow for planned maintenance and repair. In addition to planned maintenance, repairs from storm damage need to be considered as well.

Given this consideration and the maintenance challenges cited above, a capital reserve fund for supporting the pier may be advisable.

PIER REPLACEMENT

The initial assumption here is that a new wood pier will be constructed as opposed to a concrete pier primarily due to cost. Although a concrete pier is preferred, it may not be financially supportable for a small tax base like Holden Beach. While the upfront cost to replace the pier will be higher than repairing the pier, the life cycle costs will likely be less. A better design with more robust components (larger/concrete piles, better bracing, known pile embedment, greater height above the surf) will provide a more storm resistant structure and new materials will greatly reduce maintenance costs for many years after construction. It may also be possible to leverage off the Oak Island pier replacement project to reduce engineering and cost estimating costs as well (Andrew Consulting was the design agent). It should be noted that the Oak Island pier was replaced for approximately 2.6M in the 2017-2019 time frame.

Funding a pier replacement will likely require financing the project with some sort of loan or bond. Any option to finance a pier replacement should be approved by the property owners/voters in a referendum or by some other reliable method. It is also possible to phase this project too by replacing the current 750 feet initially and constructing the last 250 feet at a different time to for funding flexibility.

Again, a condition based maintenance program should be implemented with periodic and post storm inspections of the pier to allow for planned maintenance. In addition to planned maintenance, repairs from storm damage need to be considered as well. Given this consideration and the maintenance challenges cited above, a capital reserve fund for supporting the pier may be advisable.

SITE DEVELOPMENT

Public (primarily the tax payers) input and the aforementioned financial analysis will drive the features to be developed on the site. In addition, site development will have to comply with the requirements of the PARTF grant contract. If a conflict arises, a contract modification could be possibly negotiated. For the features that are chosen, an annual cost for maintenance, repair and operation (life cycle cost) must be developed. This along with any debt service payments will be needed for decision making and budgeting purposes. In the event that some sort of building(s) are considered, the design should not impede access to the pier for maintenance and repair purposes. All features must be ADA compliant of course.

GOING FORWARD

It is recommended that the following tasks be initiated as soon as financially possible to provide decision making information for the BOC to determine how and when to proceed with the project. Specific Statements of Work should be developed for the technical agent to ensure the desired outcomes are obtained. In addition, a competent project manager needs to be identified to oversee this work.

- Task 1 - Initiate preliminary design work for repair of the current pier from the deck (in phases similar to that outlined above), to include cost estimates for each phase and a draft Maintenance and Repair Plan with yearly cost estimates.
- Task 2 - Initiate preliminary design and cost estimates for a new wooden pier (in phases as outlined above), to include cost estimates for each phase and a draft Maintenance and Repair Plan with yearly cost estimates.
- Task 3 - Initiate preliminary land site wide conceptual design(s) that comply with PARTF requirements to include initial cost estimates for construction, operation and maintenance.
- Task 4 - Conduct a financial/business case analysis should be performed to determine potential revenue that can offset the development costs. This should include some type of market analysis of any potential commercial/retail facilities that may be on the site.

FINANCING

Unexpended funds from the pier repair account should be available this year to fund the above preliminary design and financial work. For constructing the project, see attachment C, Town of Holden Beach Debt Service. It can be seen that in FY25-26, debt service will be reduced by approximately 484K. In FY26-27, another 702K debt is eliminated providing a running total of 1.186M that could be available to fund pier construction. It should be noted that in FY 27-28 the Central Reach Beach Renourishment debt will be paid off, but that the available funds may be applied to the Beach and Inlet reserve fund.

It is imperative that it be understood that **the pier is an amenity and will have to compete against critical infrastructure and other non critical projects for funding.** Examples of critical infrastructure projects include water system capacity increases, stormwater projects, fire station replacement (for 24/7 manning), road paving, beach and inlet maintenance, etc.

If the project cannot be funded within the existing budget, alternative financing such as a loan, bond, or grants, or some other method may be an option. In order to pursue these options, the above tasks must be complete so prospective financiers can adequately evaluate the request. It should also be noted, that from a state and county perspective, there are four other ocean fishing piers within an hour's drive from the Holden Beach causeway. This fact could adversely affect the attractiveness of state and county assistance. This is further exacerbated by the beach, canal and several fishing locations already in existence at Holden Beach.

Last, and perhaps most important, any financing arrangement must be approved by the voters/property owners given the magnitude of the costs involved. While a public hearing may be all that is legally required, they typically result in very poor attendance in part due to the fact that around 70% of the property owners do not live here and the hearings are not extensively advertised. A referendum during an election year (2025) may be more appropriate or some other iron clad way of assessing the property owners' position.

NOTIONAL TIMELINE

The following time line is an educated guess based on experience and will necessarily have to be refined based on more detailed discussion. It is also based on using the current technical agents (BMH,

Andrew Consulting) to leverage off the already completed work and Andrew Consulting's experience with designing the Oak Island Pier

Task 1 – 3 months – 7/1/2024-10/1/2024

Task 2 - 3 months – 09/1/2024-12/01/2024

Task 3 - 6 months – 02/01/2025-07/01/2025

Task 4 – Pier portion– 7/1/2024-10/1/2024; Site Portion - TBD depends on task 3 results

Actual construction times for pier repairs and land parcel development will depend on available funding and selected site features. Replacement of the pier is estimated to take 3 years based on construction of the Oak Island pier.

OTHER OPTIONS

Suggestions have been made to pursue a Public Private Partnership (PPP) in an effort to reduce the financial and operational burden on the Town. While a PPP is a viable option, attachments D, E and F clearly demonstrate that a lot of work must be completed before a partnership can be considered.

STAKEHOLDERS

The primary stakeholders for this project are the Holden Beach property owners as they have the financial responsibility for all costs associated with the pier, whether they use it or not. Businesses on the island are secondary stakeholders in that financial support for the pier could affect their overhead and for those businesses near the pier, their foot traffic volume. Day visitors are secondary stakeholders in that they are not financially responsible for the pier given that using the pier is optional for them. Renters/vacationers and are not considered stakeholders as they are customers of the rental property owners. Consequently, their interests are presumably represented by the rental property owners.

SUMMARY

The purpose of this document is to initiate discussion concerning development of the pier property by providing a baseline approach to that development. It is not intended to be the final project plan, but to serve as a starting point. Development of the pier property should encompass the entire property, not just the pier and pier building, with priority given to addressing the pier. Phases have been suggested to make the development financially manageable. A notional timeline for preliminary work has been outlined with possible funding scenarios to accomplish it. Last information concerning public private partnerships is provided along with stakeholder information.



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 5/21/2024

FROM: Tracey Thomas & Tom Myers

DATE SUBMITTED: 5/10/2024

ISSUE/ACTION REQUESTED:

Discuss and possible action on instructing the Town Attorney to investigate the Town of Holden Beach’s legal requirements from the Pier grants – the \$500k PARTF grant (for tract 1) and the \$180k Public Beach & Coastal Waterfront Access Program Grant (for Tract 2)

BACKGROUND/PURPOSE OF REQUEST:

The Town of Holden Beach received a PARTF grant for \$500K toward the acquisition of Tract 1 and also received a \$180k Public Beach & Coastal Waterfront Access Program Grant (for Tract 2) when they purchased the Pier property in 2022.

It is unclear what the legal requirements are for the grants and before we can finalize a Pier Plan, we need to understand exactly what we are legally required to provide based on the grants.

FISCAL IMPACT: (circle one)

- BUDGET AMENDMENT REQUIRED: NO
- CAPITAL PROJECT ORDINANCE REQUIRED: NO
- PRE-AUDIT CERTIFICATION REQUIRED: NO
- REVIEWED BY FINANCE DIRECTOR: NO

CONTRACTS/AGREEMENTS: (circle One)
REVIEWED BY TOWN ATTORNEY: (YES/NO) N/A

ADVISORY BOARD RECOMMENDATION: N/A

FINANCE RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION: N/A

ATTACHMENT-

- Christy’s PARTF Legal Requirements summary
- Pier PARTF Grant application
- Pier PARTF Grant agreement

PARTF Legal Requirements

- Development of recreational facilities must begin within five years of acquisition per the contract
- Must serve a public purpose; dedicated in perpetuity as a recreation site for the use and benefit of the public
- Can't engage with a vendor that is debarred or suspended
- Inspections will be completed by the agency
- Development on the site maintained for 25 years
- Components contained in the grant include the pier, beach access, parking, a pier house, camping sites, concessions, public restrooms, showers, and a deck

Note: Also attached is the PARTF grants manual. Anything included under land acquisition would apply. The above are the major legal stipulations but any additional questions regarding legality in either the contract document or the manual should be directed to the attorney for legal opinion.

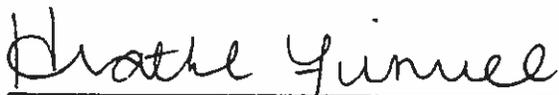
It has come to my attention that there is a clerical error in Section IV. Attestation and Execution of the N.C. Parks & Recreation Trust Fund Project Agreement (Grantee - Town of Holden Beach, Project Title - Holden Beach Pier).

The incorrect year was listed in my notary statement. J. Alan Holden, Mayor of Holden Beach, North Carolina personally appeared before me on the 19th day of October, 2022, not 2023.

The Town of Holden Beach is requesting this document be made part of the PARTF grant contract.

I, Heather Finnell, Town Clerk of the Town of Holden Beach, North Carolina, certify the attached is a true and accurate copy of the document in question.

This the 17th day of August 2023.



Heather Finnell, Town Clerk



STATE OF NORTH CAROLINA

CONTRACTOR'S FEDERAL I.D.

COUNTY OF WAKE

560944997

N.C. Parks and Recreation Trust Fund Project Agreement

Grantee: Town of Holden Beach
Project Number: 2023 - 1015

Project Title: Holden Beach Pier

Period Covered by This Agreement: 11/1/2022 to 10/31/2025

Project Scope (Description of Project): Land acquisition of 3 +/- acres, planning costs.

Project Costs: PARTF Amount \$ 500,000
 Local Government Match \$ 2,807,150

Conditions

The North Carolina Department of Natural and Cultural Resources (hereinafter called the "Department") and Town of Holden Beach (hereinafter referred to as "Grantee") agree to comply with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances described in the North Carolina Parks and Recreation Trust Fund (PARTF) administrative rules and grant application which are hereby by reference made a part of the PARTF grant contract and which are on file with the Division of Parks and Recreation. In addition, the Department and the Grantee agree to comply with the State of North Carolina's Terms and Conditions as listed in "Attachment A" to this contract.

Now, therefore, the parties hereto do mutually agree as follows:

Upon execution of this grant agreement, the Department hereby promises, in consideration of the promises by the Grantee herein, to obligate to the Grantee the grant amount shown above. The Grantee hereby promises to efficiently and effectively manage the funds in accordance with the approved budget, to promptly complete grant assisted activities described above in a diligent and professional manner within the project period, and to monitor and report work performance.

The parties to this contract agree and understand that the payment of the sums specified in this contract is dependent and contingent upon and subject to the appropriation, allocation and availability of funds for this purpose to the Department.

Section I. Eligible Project Costs and Fiscal Management

1. The PARTF grant amount must be matched on at least a dollar-for-dollar basis by the Grantee. To be eligible, project costs must be incurred during the contract period, be documented in the grant application, and described in the project scope of this agreement, and initiated and/or undertaken after execution of this agreement by the Grantee and the Department.
2. PARTF assistance for land acquisition will be based on the fair market value of real property or the sales price, whichever is less. Value must be based upon an independent appraisal by a licensed appraiser holding a general or residential certification from the North Carolina Appraisal Board. The Department shall review the appraisal as to content and valuation. Approval of appraised amounts rests with the Department. The Grantee agrees to begin development on PARTF acquired land within five (5) years of the date this contract is signed by the Department and Grantee in order to allow general public access and use.
3. Payment shall be made in accordance with the contract documents as described in the Scope of Work (Attachment B). Payment for work performed will be made upon receipt and approval of invoice(s) from the Grantee documenting the costs incurred in the performance of work under this contract. Invoices may be submitted to the Contract Administrator quarterly. Final invoices must be received by the Department within forty-five (45) days after the end of the contract

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period or contract completion, whichever occurs first. Accounting records should be based on generally accepted local government accounting standards and principles. Records shall be retained for a period of five (5) years following project completion, except those records shall be retained beyond five (5) year period if audit findings have not been resolved. All accounting records and supporting documents will clearly show the number of the contract and PARTF project to which they are applicable. The State Auditor shall have access to persons and records as a result of all contracts and grants entered into by state agencies and or political subdivisions in accordance with General Statute 147-64.7.

- 4. The Grantee agrees to refund to the Department, subsequent to audit of the project's financial records, and costs disallowed or required to be refunded to the Department on account of audit exceptions.

Section II. Project Execution

- 1. The Grantee may not deviate from the scope of the project without approval of the Department. When one of the conditions in the contract changes, including but not limited to the project scope, a revised estimate of costs, a deletion or additions of items, or need to extend the contract period, the Grantee must submit in writing a request to the Department for approval.
- 2. The Grantee shall be considered to be an independent contractor and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Grantee represents that it has, or will secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the Department.
- 3. In the event the Grantee subcontracts for any or all of the services covered by the contract:
 - a. The Grantee is not relieved of any of the duties and responsibilities provided in this contract;
 - b. The subcontractor agrees to abide by the standards contained herein or to provide such information as to allow the Grantee to comply with these standards, and;
 - c. The subcontractor agrees to allow state and federal authorized representatives access to any records pertinent to its role as a subcontractor.
- 4. In accordance with Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, the grantee agrees not to subcontract with any vendors debarred or suspended by the State of North Carolina and shall not knowingly enter into any lower tier covered transactions with a person or vendor who is debarred, suspended or declared ineligible.
- 5. The Grantee shall not substitute key personnel assigned to the performance of this contract without prior approval by the Department's Contract Administrator. Mrs. Christy Ferguson is designated by the Grantee as key personnel for purposes of this contract. The Department designates, Ms. Vonda Martin, Manager of Grants and Outreach, as the Contract Administrator for the contract.

Department Contract Administrator	Grantee Contract Administrator
NC Department of Natural and Cultural Resources Division of Parks and Recreation Attention: Ms. Vonda Martin, Manager of Grants and Outreach 1615 Mail Service Center Raleigh, NC 27699-1615 Telephone 919-707-93338 Email: Vonda.Martin@ncparks.gov	Town of Holden Beach Attention: Christy Ferguson 110 Rothschild Street Holden Beach, NC 28462 Telephone: 910-842-6488 Email: recsvs@hbtownhall.com

- 6. The Grantee agrees to comply with all applicable federal, state and local statutory provisions governing purchasing, construction, land acquisition, fiscal management, equal employment opportunity and the environment including but not limited to the following:

Local Government Budget and Fiscal Control Act (G.S. 159-7 to 159-42); Formal Contracts, Informal Contracts and Purchasing (including but not limited to G.S. 44A-26, G.S. 87-1 to 87.15.4, G.S. 133.1 to 133-40, G.S. 143-128 to G.S.143-135; Uniform Relocation Assistance Act (G.S. 133-5 to 133-18); Conflict of Interest (G.S. 14-234); Contractors

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Must use E-Verify (G.S. 143-48.5); Americans With Disabilities Act of 1990 (P.L. 101-336) and ADA Accessibility Guidelines; N.C. State Building Code; and the North Carolina Environmental Policy Act (G.S. 113A-1 to G.S. 113A-12), and Sales Tax Refund (G.S. 105-164.14(c)).

7. The Grantee agrees it provides a drug-free workplace in accordance to the requirements of the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D).
8. The Grantee agrees to permit periodic audits and site inspections by the Department to ensure work progress in accordance with the approved project, including a close-out inspection upon project completion. After project completion, the Grantee agrees to conduct grant contract compliance inspections at least once every five (5) years and to submit a Department provided inspection report to the Department.
9. The Grantee agrees land acquired with PARTF assistance shall be dedicated in perpetuity as a recreation site for the use and benefit of the public, the dedication will be recorded in the deed of said property and the property may not be converted to other than public recreation use without approval of the Department. The Grantee agrees to maintain and manage PARTF assisted development/ renovation projects for public recreation use for a minimum period of twenty-five (25) years after project completion.
10. The Grantee agrees to operate and maintain the project site so as to appear attractive and inviting to the public, kept in reasonably safe repair and condition, and open for public use at reasonable hours and times of the year, according to the type of facility and area.
11. The Grantee shall agree to place utility lines developed with PARTF assistance underground.
12. If the project site is rendered unusable for any reason whatsoever, the Grantee agrees to immediately notify the Department of said conditions and to make repairs, at its own expense, in order to restore use and enjoyment of the project by the public.
13. The Grantee agrees not to discriminate against any person on the basis of race, sex, color, national origin, age, residency or ability in the use of any property or facility acquired or developed pursuant to this agreement.
14. The Grantee certifies that it:
 - (a) Has neither used nor will use any appropriated funds for payment to lobbyists;
 - (b) Will disclose the name, address, payment details, and purposes of any agreement with lobbyists whom Grantee or its sub-tier contractor(s) or sub-grantee(s) will pay with profits or non-appropriated funds on or after December 22, 1989; and,
 - (c) Will file quarterly updates about the use of lobbyists if material changes occur in their use.

Section III. Project Termination and Applicant Eligibility

1. The Grantee may unilaterally rescind this agreement at any time prior to the expenditure of funds on the project described in this contract.
2. If through any cause, the Grantee fails to fulfill in a timely and proper manner the obligations under this contract, the Department shall thereupon have the right to terminate this contract by giving written notice to the Grantee of such termination and specifying the reasons thereof. In that event, the Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed in an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this contract.
3. Failure by the Grantee to comply with the provisions and conditions set forth in the formal application, PARTF administrative rules and this agreement shall result in the Department declaring the Grantee ineligible for further participation in PARTF, in addition to any other remedies provided by law, until such time as compliance has been obtained to the satisfaction of the Department.

Section IV. Attestation and Execution

N.C.G.S. §133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you (Contractor) attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

In witness whereof, the Department and the Grantee have executed the Agreement in duplicate originals, one of which is retained by each of the parties.

Town of Holden Beach	<i>J. Alan Holden</i>
Name of Grantee (Local Government)	Signature of Grantee (Chief Elected Official)
<i>J. Alan Holden</i>	<i>Mayor</i>
Typed or Printed Name of Official	Title of Official

(Notary Public Completes)

State of North Carolina

County of

Brunswick

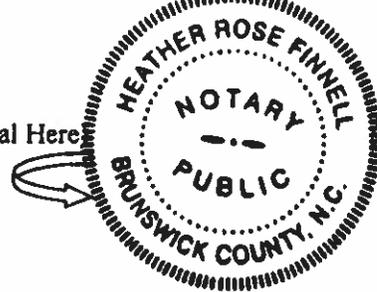
On this 19th day of October, 2023, J. Alan Holden

personally appeared before me the said named Mayor, to me known and known to me to be the person described in and who executed the foregoing instrument, and he (or she) acknowledged that he (or she) executed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

My commission expires: July 20, 2023.

<i>Heather Rose Finnell</i>
Signature of Notary Public

(Seal Here)



North Carolina Department of Natural and Cultural Resources
D. Reid Wilson, Secretary

By: *Dwayne Patterson*
Department Head or Authorized Agent
for Secretary Wilson

Title

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**General Terms and Conditions
Governmental Entities
May 1, 2011**

DEFINITIONS

Unless indicated otherwise from the context, the following terms shall have the following meanings in this Contract. All definitions are from 9 NCAC 3M.0102 unless otherwise noted. If the rule or statute that is the source of the definition is changed by the adopting authority, the change shall be incorporated herein.

- (1) "Agency" (as used in the context of the definitions below) means and includes every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political sub-agency of government. For other purposes in this Contract, "Agency" means the entity identified as one of the parties hereto.
- (2) "Audit" means an examination of records or financial accounts to verify their accuracy.
- (3) "Certification of Compliance" means a report provided by the Agency to the Office of the State Auditor that states that the Grantee has met the reporting requirements established by this Subchapter and included a statement of certification by the Agency and copies of the submitted grantee reporting package.
- (4) "Compliance Supplement" refers to the North Carolina State Compliance Supplement, maintained by the State and Local Government Finance Agency within the North Carolina Department of State Treasurer that has been developed in cooperation with agencies to assist the local auditor in identifying program compliance requirements and audit procedures for testing those requirements.
- (5) "Contract" means a legal instrument that is used to reflect a relationship between the agency, grantee, and sub-grantee.
- (6) "Fiscal Year" means the annual operating year of the non-State entity.
- (7) "Financial Assistance" means assistance that non-State entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Financial assistance does not include amounts received as reimbursement for services rendered to individuals for Medicare and Medicaid patient services.
- (8) "Financial Statement" means a report providing financial statistics relative to a given part of an organization's operations or status.
- (9) "Grant" means financial assistance provided by an agency, grantee, or sub-grantee to carry out activities whereby the grantor anticipates no programmatic involvement with the grantee or sub-grantee during the performance of the grant.
- (10) "Grantee" has the meaning in G.S. 143-6.2(b): a non-State entity that receives a grant of State funds from a State agency, department, or institution but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. For other purposes in this Contract, "Grantee" shall mean the entity identified as one of the parties hereto. For purposes of this contract, Grantee also includes other State agencies such as universities.
- (11) "Grantor" means an entity that provides resources, generally financial, to another entity in order to achieve a specified goal or objective.
- (12) "Non-State Entity" has the meaning in N.C.G.S. 143-6.2(a)(1): A firm, corporation, partnership, association, county, unit of local government, public authority, or any other person, organization, group, or governmental entity that is not a State agency, department, or institution.
- (13) "Public Authority" has the meaning in N.C.G.S. 143-6.2(a)(3): A municipal corporation that is not a unit of local government or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation and (ii) operates on an area, regional, or multiunit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.
- (14) "Single Audit" means an audit that includes an examination of an organization's financial statements, internal controls, and compliance with the requirements of Federal or State awards.
- (15) "Special Appropriation" means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.
- (16) "State Funds" means any funds appropriated by the North Carolina General Assembly or collected by the State of North Carolina. State funds include federal financial assistance received by the State and transferred or disbursed to non-State entities. Both Federal and State funds maintain their identity as they are sub-granted to other organizations. Pursuant to N.C.G.S. 143-6.2(b), the terms "State grant funds" and "State grants" do not include any payment made by the Medicaid program, the Teachers' and State Employees' Comprehensive Major Medical Plan, or other similar medical programs.
- (17) "Sub-grantee" has the meaning in G.S. 143-6.2(b): a non-State entity that receives a grant of State funds from a grantee or from another sub-grantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.

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(18) "Unit of Local Government has the meaning in G.S. 143-6.2(a)(2): A municipal corporation that has the power to levy taxes, including a consolidated city-county as defined by G.S. 160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.

Relationships of the Parties

Independent Contractor: The Grantee is and shall be deemed to be an independent contractor in the performance of this Contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Grantee represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with, the Agency.

Subcontracting: To subcontract work to be performed under this contract which involves the specialized skill or expertise of the Grantee or his employees, the Grantee first obtains prior approval of the Agency Contract Administrator. In the event the Grantee subcontracts for any or all of the services or activities covered by this contract: (a) the Grantee is not relieved of any of the duties and responsibilities provided in this contract; (b) the subcontractor agrees to abide by the standards contained herein or to provide such information as to allow the Grantee to comply with these standards, and; (c) the subcontractor agrees to allow state and federal authorized representatives access to any records pertinent to its role as a subcontractor.

Sub-grantees: The Grantee has the responsibility to ensure that all sub-grantees, if any, provide all information necessary to permit the Grantee to comply with the standards set forth in this Contract.

Assignment: The Grantee may not assign the Grantee's obligations or the Grantee's right to receive payment hereunder. However, upon Grantee's written request approved by the issuing purchasing authority, the Agency may:

- (a) Forward the Grantee's payment check(s) directly to any person or entity designated by the Grantee, or
- (b) Include any person or entity designated by Grantee as a joint payee on the Grantee's payment check(s).

Such approval and action does not obligate the State to anyone other than the Grantee and the Grantee remains responsible for fulfillment of all contract obligations.

Beneficiaries: Except as herein specifically provided otherwise, this Contract insures to the benefit of and is binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this Contract, and all rights of action relating to such enforcement, are strictly reserved to the Agency and the named Grantee. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Agency and Grantee that any

third person receiving services or benefits under this Contract is an incidental beneficiary only.

Indemnity

Indemnification: In the event of a claim against either party by a third party arising out of this contract, the party whose actions gave rise to the claim is responsible for the defense of the claim and any resulting liability, provided that a party may not waive the other party's sovereign immunity or similar defenses. The parties agree to consult with each other over the appropriate handling of a claim and, in the event they cannot agree, to consult with the Office of the Attorney General.

Default and Termination

Termination by Mutual Consent: Either party may terminate this agreement upon thirty (30) days notice in writing from the other party. In that event, all finished or unfinished documents and other materials, at the option of the Agency, shall be submitted to the Agency. If the contract is terminated as provided herein, the Grantee is paid in an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this agreement; for costs of work performed by subcontractors for the Grantee provided that such subcontracts have been approved as provided herein; or for each full day of services performed where compensation is based on each full day of services performed, less payment of compensation previously made. The Grantee repays to the Agency any compensation the Grantee has received which is in excess of the payment to which he is entitled herein.

Termination for Cause: If, through any cause, the Grantee fails to fulfill in timely and proper manner the obligations under this agreement, the Agency thereupon has the right to terminate this contract by giving written notice to the Grantee of such termination and specifying the reason thereof and the effective date thereof. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by the Grantee, at the option of the Agency, be submitted to the Agency, and the Grantee is entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials. The Grantee is not relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of this agreement, and the Agency may withhold payment to the Grantee for the purpose of set off until such time as the exact amount of damages due the Agency from such breach can be determined.

Waiver of Default: Waiver by the Agency of any default or breach in compliance with the terms of this Contract by the Grantee is not a waiver of any subsequent default or breach and is not a modification of the terms of this Contract unless stated to be such in writing, signed by an authorized representative of the Agency and the Grantee and attached to the contract.

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Availability of Funds: The parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Agency.

Force Majeure: Neither party is in default of its obligations hereunder if and it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable federal or State statutes of limitation.

Intellectual Property Rights

Copyrights and Ownership of Deliverables: Any and all copyrights resulting from work under this agreement shall belong to the Grantee. The Grantee hereby grants to the North Carolina Department of Environment and Natural Resources a royalty-free, non-exclusive, paid-up license to use, publish and distribute results of work under this agreement for North Carolina State Government purposes only.

Compliance with Applicable Laws

Compliance with Laws: The Grantee understands and agrees that is subject to compliance with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Equal Employment Opportunity: The Grantee understands and agrees that it is subject to compliance with all federal and State laws relating to equal employment opportunity.

Confidentiality

Confidentiality: As authorized by law, the Grantee keeps confidential any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Grantee under this agreement and does not divulge or make them available to any individual or organization without the prior written approval of the Agency. The Grantee acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this Contract or without the prior written approval of the Agency.

Oversight

Access to Persons and Records: The State Auditor and the using agency's internal auditors shall have access to persons

and records as a result of all contracts or grants entered into by State agencies or political subdivisions in accordance with General Statute 147-64.7 and Session Law 2010-194, Section 21 (i.e., the State Auditors and internal auditors may audit the records of the contractor during the term of the contract to verify accounts and data affecting fees or performance). The Contractor shall retain all records for a period of three years following completion of the contract or until any audits begun during this period are completed and findings resolved, whichever is later.

Record Retention: The Grantee may not destroy, purge or dispose of records without the express written consent of the Agency. State basic records retention policy requires all grant records to be retained for a minimum of five years or until all audit exceptions have been resolved, whichever is longer. If the contract is subject to Federal policy and regulations, record retention may be longer than five years since records must be retained for a period of three years following submission of the final Federal Financial Status Report, if applicable, or three years following the submission of a revised final Federal Financial Status Report. Also, if any litigation, claim, negotiation, audit, disallowance action, or other action involving this Contract has started before expiration of the five-year retention period described above, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular five-year period described above, whichever is later.

Time Records: The Grantee will maintain records of the time and effort of each employee receiving compensation from this contract, in accordance with the appropriate OMB circular.

Miscellaneous

Choice of Law: The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties to this Contract, are governed by the laws of North Carolina. The Grantee, by signing this Contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this Contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Amendment: This Contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Agency and the Grantee.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this Contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this Contract shall remain in full force and effect.

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Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this Contract.

Care of Property: The Grantee agrees that it is responsible for the proper custody and care of any State owned property furnished him for use in connection with the performance of his contract and will reimburse the State for its loss or damage.

Ownership of equipment purchased under this contract rests with the Agency. Upon approval of the Agency Contract Administrator, such equipment may be retained by the Grantee for the time the Grantee continues to provide services begun under this contract.

Travel Expenses: All travel, lodging, and subsistence costs are included in the contract total and no additional payments will be made in excess of the contract amount indicated in above. Contractor must adhere to the travel, lodging and subsistence rates established in the Budget Manual for the State of North Carolina.

Sales/Use Tax Refunds: If eligible, the Grantee and all sub-grantees shall: (a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to G.S. 105-164.14; and (b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Grantee may not use the award of this Contract as a part of any news release or commercial advertising.

Recycled Paper: The Grantee ensures that all publications produced as a result of this contract are printed double-sided on recycled paper.

Sovereign Immunity: The Agency does not waive its sovereign immunity by entering into this contract and fully retains all immunities and defenses provided by law with respect to any action based on this contract.

Gratuities, Kickbacks or Contingency Fee(s): The parties certify and warrant that no gratuities, kickbacks or contingency fee(s) are paid in connection with this contract, nor are any fees, commissions, gifts or other considerations made contingent upon the award of this contract.

Lobbying: The Grantee certifies that it (a) has neither used nor will use any appropriated funds for payments to lobbyist; (b) will disclose the name, address, payment details, and purpose of any agreement with lobbyists whom the Grantee or its sub-tier contractor(s) or sub-grantee(s) will pay with

profits or non-appropriated funds on or after December 22 1989; and (c) will file quarterly updates about the use of lobbyists if material changes occur in their use.

By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32: It is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipates bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24."

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Scope of Work

North Carolina Division of Parks and Recreation Parks and Recreation Trust Fund – Grants Program for Local Governments

Grantee: Town of Holden Beach

Title of Project: Holden Beach Pier

Project Number: 1015

Contract Number: 2023-1015

Amount of Grant: \$ 500,000

Amount of Match: \$ 2,807,150

Contact Person for Project: Christy Ferguson

Title: Recreation Director
Town of Holden Beach

Address:
110 Rothschild Street
Holden Beach, NC 28462

Telephone: 910-842-6488

Contact email address: recsvs@hbtownhall.com

Scope of Project: Land acquisition of 3 +/- acres, planning costs.

Length of Project: 36 months (11/1/2022 – 10/31/2025)

Schedule for Reimbursements: Grantee may submit bills quarterly after a significant portion of work has been completed on the project element(s). Not more than 90% of the grant will be reimbursed until the grantee completes the project elements specified in the grant (refer to detailed budget submitted with grant application).

The Town of Holden Beach grant application and support documentation are, by reference, part of the contract. The administrative rules of the N.C. Parks and Recreation Trust Fund are, by reference, a part of the contract.

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N.C. Parks and Recreation Trust Fund (PARTF): 2021-2022 Basic Facts and Assurances

Local Government Name: Town of Holden Beach

Federal Employee I.D. Number: 56-0944997

County: Brunswick

Local Government Contact Person for Grant*

Name: Mr. Ms. Christy W. Ferguson

Title: Assistant Town Manager

Organization: Town of Holden Beach

Mailing Address: 110 Rothschild Street

City: Holden Beach State: NC Zip: 28462

Telephone: 910-842-6488

E-mail: christy.ferguson@hbtownhall.com

**must be an employee of the sponsoring local government.*

Local Government Manager

Name: Mr. Ms. David W. Hewett

Title: Town Manager

Organization: Town of Holden Beach

Mailing Address: 110 Rothschild Street

City: Holden Beach State: NC Zip: 28462

Telephone: 910-842-6488

E mail: david.hewett@hbtownhall.com

Chief Elected Official

Name: Mr. Ms. J. Alan Holden

Title: Mayor

Mailing Address: 110 Rothschild Street

City: Holden Beach State: NC Zip: 28462

Type of Project:

- Land Acquisition Only
- Development Only (construction or renovation)
- Land Acquisition and Development

Site Control (check all that apply):

- Owned by local government
- To be obtained with this land acquisition project
- Has been obtained for this land acquisition project using an approved waiver that expires on this date: 6/13/2023
- Leased by applicant for 25 years or more
- Easement
- Owned by school board

Costs rounded to nearest dollar:

PARTF funds requested: \$ 500,000 .00
 Local government's matching funds: \$ 2,807,150 .00
 Total cost of project: \$ 3,307,150 .00

Recreation Resources Service (RRS) regional consultant: Bntany Shipp

Project Name: Pier Project

Is this an LWCF-funded park on these lists of NC projects? yes no

If yes, list the grant number(s): _____

Certification and Approval by Local Governing Board

I hereby certify the information contained in the attached application is true and correct and the required dollar-for-dollar matching funds will be available during the project period. This application has been approved by the local governing board.

Chief Elected Official:

Alan Holden

Print or Type Name



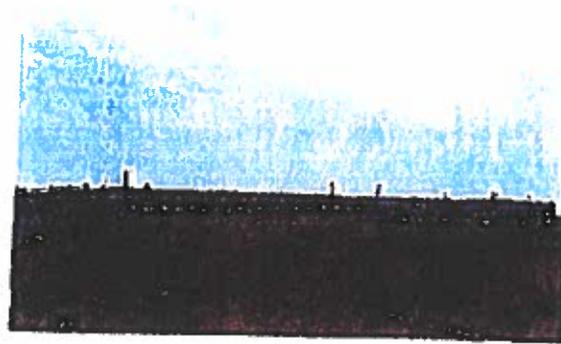
Title

[Handwritten Signature]

Signature

If two local governments are applying together, this form must be completed and signed by each local government. One applicant must be identified as the "primary sponsor" in the "Local Government Name" section.

THIS FORM MUST BE COMPLETED IN ITS ENTIRETY FOR YOUR APPLICATION TO BE CONSIDERED



Description and Justification for the: Holden Beach Pier Property Project

Local Government: Town of Holden Beach

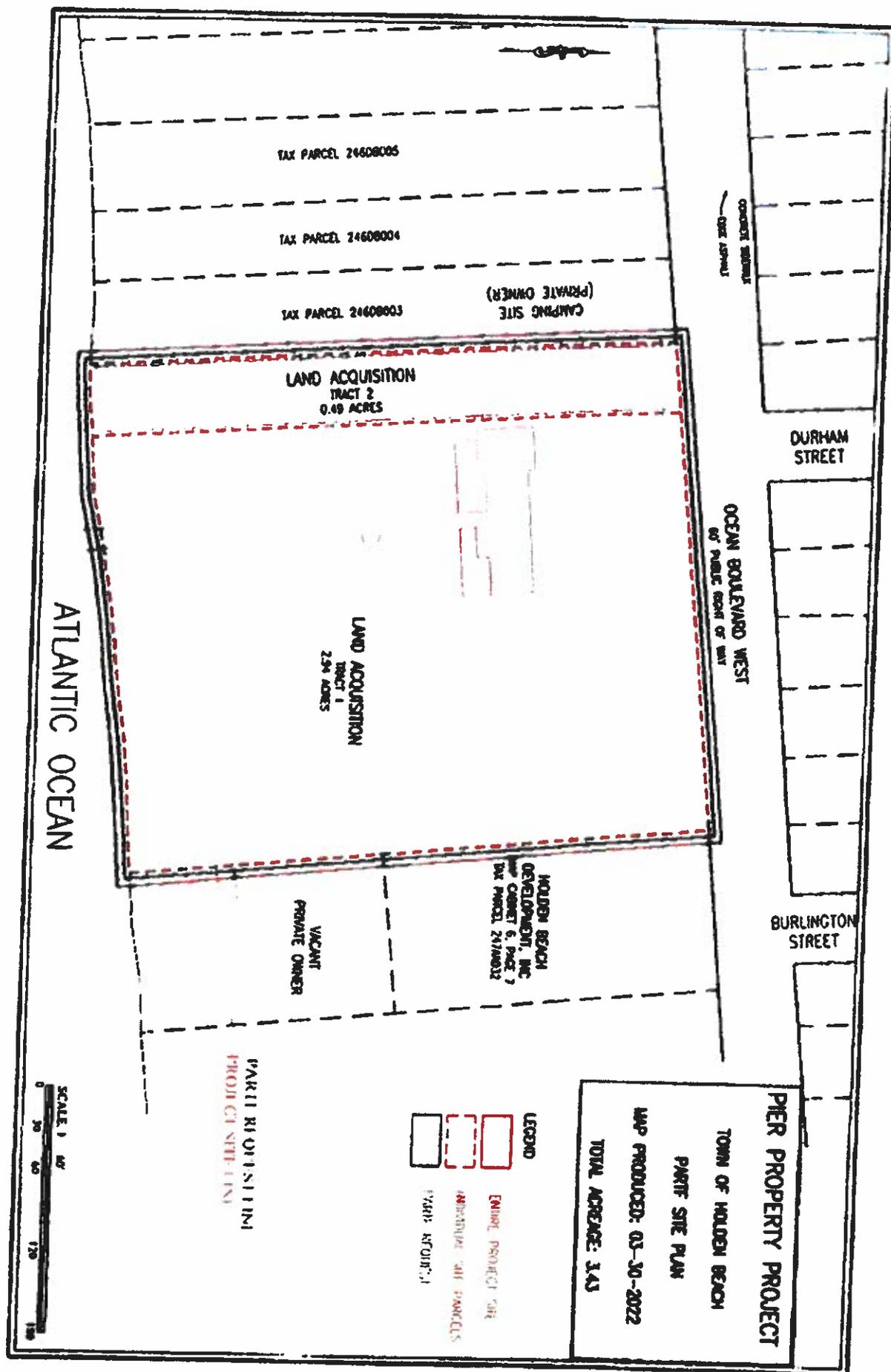
Description:

This is land acquisition only project. The property consists of 350 feet (300-foot-wide oceanfront lot and an adjacent 50-foot-wide oceanfront lot) of oceanfront property with a fishing pier. Recreational facilities include the pier, beach access, parking, a pier house, and six full-service camping sites. Additional proposed future facilities include an update to the pier house, a concession facility that will provide food for fisherman and the public, public restrooms and showers, and a deck.

Lot 1 dimensions: 2.94 acres; Lot 2: 0.49 acres.

Justification:

The Town of Holden Beach was presented with the opportunity to purchase the Holden Beach Fishing Pier which includes the ocean pier located on one 300-foot-wide oceanfront lot and an additional 50-foot-wide oceanfront lot. Collectively, these two lots have 350 continuous feet of oceanfront real estate and total slightly over 3 acres. The property is located in the center part of the island and provides access to 400+ canal properties, as well as many day trippers, that visit the beach daily and park at the pier. The current owner of this commercial property was looking to sell and if the property went to a private buyer all the above-mentioned attributes would be lost. Many canal property owners would have to walk between $\frac{1}{4}$ mile and a mile to gain access to the beach. The town negotiated a bargain sale as the sale price came in under the appraised value of the property. The property was identified as a future community park on page 40 of the 2021 Comprehensive Parks and Recreation Master Plan. Public surveys and focus group sessions showed that access to fishing and public water access were common high priorities. The town was just awarded a public beach and coastal waterfront access program grant for \$180,460.00 toward the cost of the 50-foot lot only. Besides the benefits already mentioned, the property also affords emergency vehicular access to the beach to assist with medical emergencies, access for trash collection along the beach strand, and a means to get large equipment on the beach for periodic beach nourishment. Our moniker is, "The Family Beach", and the acquisition of this iconic landmark for the town signifies commitment to maintain a culture that recognizes the importance of family and family-friendly recreational pursuits. As individuals spoke in previous public hearings, they referenced learning to fish from the pier and wanting to have the ability to take their grandchildren to fish and walk on the pier. The acquisition of the property adds an iconic attraction to what can be considered the biggest playground (the beach strand) the town has for the public and visitors to enjoy.



Project Costs continued

Project Costs

Applicant: Town of Holden Beach

Project Name: Pier Property Project

Project Elements (Include specific units — sizes, numbers, lengths, etc. — for each item)	Unit	Unit Cost	Total Item Cost
Building and/or Renovating Costs			
Cost to Build or Renovate:			
Contingency for the Cost of Building / Renovating Contingency (not to exceed 5% or \$50,000 of the cost to build, whichever is less)			
Land Value (Indicate purchase or donation)			
Land Acquisition <input checked="" type="checkbox"/> Purchase <input type="checkbox"/> Donation			
3.43 acres	1,020,408	3,500,000	
Planning and Incidental Land Acquisition Costs			
Construction management, site planning, preliminary design, survey and appraisals, or the cost of preparing the application (not to exceed 20% or \$200,000 of the cost of the project, whichever is less)			
legal fees and closing costs		\$57,150	
Total Project Cost:		\$3,307,150	
Total PARTF Grant Request:		\$500,000	
Total Local Match:		\$2,807,150	

Sources of the Applicant's Matching Funds

Use the format below to describe the sources of the applicant's matching funds. Indicate if these funds are currently available or are the funds yet to be approved. If funds are yet to be approved, list the date for approval. Matching funds must be available during the three-year grant period.

Applicant: Town of Parkland

Project Name: Green Park Redevelopment

Sources of the Applicants Matching Funds			
Type of Matching Funds	Amount of Funds	Funding Source	Availability
Cash	\$ 16,000	Private Donation	In Hand
	\$ 402,570	Town's Budget or Capital Improvement Plan (CIP)	Town's Approved CIP
Fee Simple Land Donation	\$ 56,400	Value of Donated Property	Pending PARTF Grant Approval
State Grant*	\$ 100,000	N.C. Land and Water Fund	Pending DNCR Approval by September 2022
Total Matching Funds:	\$574,970		

*PARTF allows other state and federal funding to be used as local match.

Applicant: Town of Holden Beach

Project Name: Pier Property Project

Sources of the Applicants Matching Funds			
Type of Matching Funds	Amount of Funds	Funding Source	Availability
Financing-Town	1,626,690	BPART Fund	In Hand
Cash	250,000	BPART Fund	In Hand
State Grant	180,460	CAMA Access Grant	Approved; Awaiting Disb.
Bargain Sale	250,000	Donation	In Hand
Federal Grant	500,000	LWCF Grant	* Pending Approval
Total Matching Funds:	\$2,807,150		

List of Properties to be Acquired

Applicant: Town of Holden Beach

Project Name: Holden Beach Pier Property

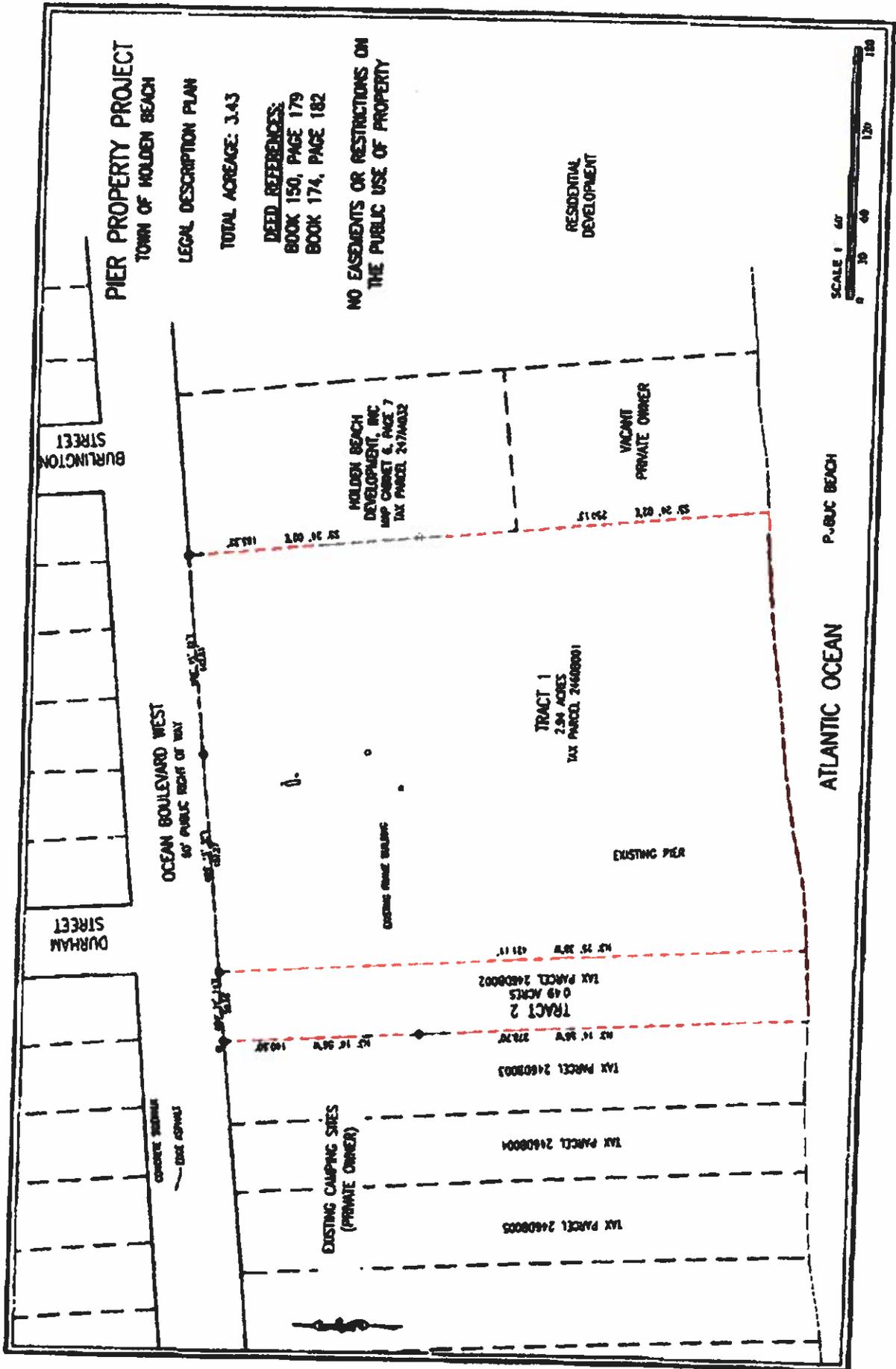
Will the property be: <input type="checkbox"/> Purchased <input type="checkbox"/> Donated <input type="checkbox"/> Required Donation <input type="checkbox"/> Bargain Sale?	Current Owner	Parcel		Estimated Value		Proposed Purchase Price
		Number	Acreage	Land	Improvements for Public Park Purposes ³	
Bargain Sale	H.B Fishing Pier, Inc	2	3.43	3,500,000		3,250,000
Totals:		2	3.43	3,500,000		3,250,000

¹ Required donation: The value of a land donation that is required by local statute, ordinance, or rule cannot be included as part of the local matching funds.

² Bargain sale - The owner is willing to sell the property for less than the appraised value.

³ Identify the value of each existing improvement that will be used or renovated for public park purposes.

Describe how an existing facility(s) will be used for public recreation as part of the project in this application in the space below.
 (example: existing boat ramp and dock will be renovated for public recreation use.)



Town of Holden Beach Pier Project**Legal Description**

March 14, 2022

Being all those certain tracts or parcels of land lying and being in Lockwood Folly Township, Brunswick County, North Carolina, being bounded on the north by Ocean Boulevard West, on the south by the Atlantic Ocean, on the east by the lands claimed by Holden Beach Development, Inc., as shown on Map Book 6, Page 7, Brunswick County Registry, and on the west by the lands claimed by Holden Beach Fishing Pier & Grill, Inc., as recorded in Deed Book 249, Page 42, Deed Book 246, Page 180 and Deed Book 190, Page 1144 and being more particularly described as follows:

Tract 1

Beginning at an iron rod found in the southern right of way line of Ocean Boulevard West (60' Public Right of way); said beginning point being located S22°32'04"W, 58.33 feet from a cotton spike found in the approximate intersection of the centerline of Durham Street and northern right of way of Ocean Boulevard West, having NC Grid Coordinates: N=59594.46 feet, E=2213200.82 feet (NAD 83-2011); thence with the southern right of way line of Ocean Boulevard West, N84°15'30"E, 157.27 feet to an iron pipe found; thence N84°15'12"E, 142.81 feet to an iron pipe found; thence leaving the southern right of way line of Ocean Boulevard West, S05°24'02"E, 415.45 feet to the mean high water line of the Atlantic Ocean dated February 2019; thence with the mean high water line of the Atlantic Ocean, S85°33'54"W, 6.85 feet to a point; thence S86°09'17"W, 45.46 feet to a point; thence S85°02'25"W, 43.44 feet to a point; thence S81°57'06"W, 44.23 feet to a point; thence S84°19'52"W, 43.74 feet to a point; thence S81°23'16"W, 46.10 feet to a point; thence S77°59'57"W, 43.68 feet to a point; thence S85°54'59"W, 41.51 feet to a point; thence N03°25'38"W, 266.11 feet to a new rebar set; thence N03°25'38"W, 155.00 feet to the Place and Point of Beginning.

Containing 2.94 Acres (127,881 Square Feet) as shown as Tract 1 on a survey titled "Boundary Survey for Town of Holden Beach, NC" as recorded in map Cabinet 135, Page 86, Brunswick County Registry, to which reference is hereby made for a more full and accurate description.

Tract 2

Beginning at an iron rod found in the southern right of way line of Ocean Boulevard West (60' Public Right of way); said beginning point being located S50°55'03"W, 93.12 feet from a cotton spike found in the approximate intersection of the centerline of Durham Street and northern right of way of Ocean Boulevard West, having NC Grid Coordinates: N=59594.46 feet, E=2213200.82 feet (NAD 83-2011); thence with the southern right of way line of Ocean Boulevard West, N84°28'14"E, 50.16 feet to an existing iron pipe found; thence leaving the southern right of way line of Ocean Boulevard West, S03°25'38"E, 155.00 feet to a new iron rebar set; thence S03°25'38"E, 266.11 feet to a point in the mean high water line of the Atlantic Ocean dated February 2019; thence with the mean high water line of the Atlantic Ocean, S85°54'59"W, 4.17 feet to a point; thence S86°17'49"W, 43.72 feet to a point; thence N88°02'06"W, 3.57 feet to a point; thence with the eastern line of the lands claimed by Holden Beach

Fishing Pier & Grill, Inc. aforesaid mentioned, N03°14'58"W, 279.20 feet to an existing Iron found;
thence N03°14'58"W, 140.00 feet to the Place and Point of Beginning.

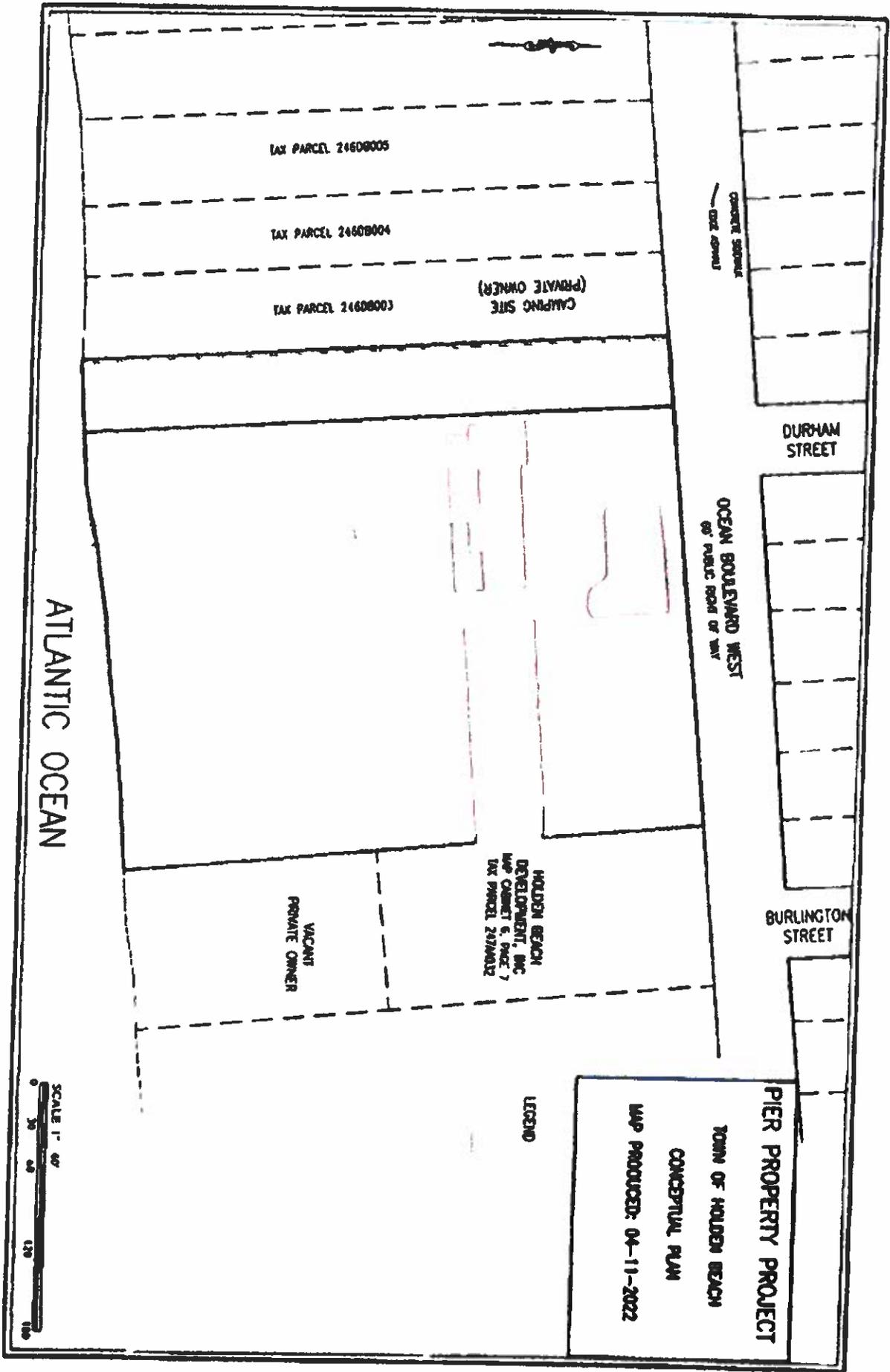
Containing 0.49 Acres (21,311 Square Feet) as shown as Tract 2 on a survey titled "Boundary Survey for
Town of Holden Beach, NC" as recorded in map Cabinet 135, Page 86, Brunswick County Registry, to
which reference is hereby made for a more full and accurate description.

Prepared by:



Christopher D. Stanley, PLS





ATLANTIC OCEAN

TAX PARCEL 24608005

TAX PARCEL 24608004

TAX PARCEL 24608003

CAMPING SITE
(PRIVATE OWNER)

CONCRETE SIDEWALK
(SEE APPENDIX)

DURHAM STREET

OCEAN BOULEVARD WEST
60' PUBLIC RIGHT OF WAY

BURLINGTON STREET

VACANT
PRIVATE OWNER

HOLDEN BEACH
DEVELOPMENT, INC.
MAP CABINET 6, PARCEL 7
TAX PARCEL 2474412

LEGEND

PIER PROPERTY PROJECT

TOWN OF HOLDEN BEACH

CONCEPTUAL PLAN

MAP PRODUCED: 04-11-2022



PARTF Scoring System for Grants

The members of the N.C. Parks and Recreation Authority use the PARTF scoring system as one of several tools to select grant recipients. Please provide all the information requested for each item. Attach a separate page if more space is needed to address any item. Before beginning, refer to the "Definitions" section (page 29) describing the requirements for planning and public involvement documents. A team of PARTF staff and regional consultants will evaluate each application based on the scoring system and make the final decision about the applicant's score.

Preparing an application for a PARTF grant is more than simply completing the application form. Creating a proposal for a high-quality park and recreation project requires adequate time to collect public input, review the results, and then plan for the project. You should also allow time to prepare the support documents that are vital in the evaluation of your application.

The planning and public involvement process has many benefits including:

- New recreational opportunities can be based on community preferences
- New parks can be located to respond to current deficiencies and future demands
- Recreational facilities can be built to meet the expectations of park visitors and minimize harm to the environment and
- PARTF funds can be used more efficiently.

PARTF Scoring System for Grants

Applicant: Town of Holden Beach

Project Name: Pier Property Project

A. Planning: (20 possible points)

1. Master plan for a park and/or greenway system (10 points)

- This item does not apply for applications proposing only land acquisition
- Please refer to pages 29-30 for the required components of the plan

- a. The applicant has a master plan created or revised within the past five years for the project site and the project conforms to the plan.

Date the plan was produced: _____ (9 points)

OR

- b. The applicant has a master plan created or revised within the past six years to ten years for the project site and the project conforms to the plan.

Date the plan was produced: _____ (4 points)

- c. The local governing board has adopted the master plan.

Date the plan was adopted: _____ (1 point)

Documentation Required:

1. A park master plan or greenway system plan.
2. A local governing board's meeting minutes or resolution as documentation of the adoption.
3. List the page number(s) and tab or highlight where the project is referenced in the plan.

2 Comprehensive systemwide parks and recreation plan for the local government's jurisdiction (7 points)
Please refer to page 30 for the required components of the plan

- a The applicant has a Comprehensive Systemwide Parks and Recreation Plan and the project conforms to the plan.

Date the plan was produced: 9/2021 (6 points)

- b The local governing board has adopted the systemwide plan.

Date the plan was adopted: 9/21/21 (1 point)

Documentation Required:

- 1. A comprehensive systemwide parks and recreation plan produced or revised in the past 10 years.
- 2. A local governing board's meeting minutes or resolution as documentation of the official adoption.
- 3. List the page number(s) and tab or highlight where the project is referenced in the plan

3. Capital improvement plan for parks and recreation (3 points) Please refer to page 30 for the required components of the plan

- The applicant has a capital improvement plan for parks and recreation and the project is identified in the plan.

Date the plan was adopted (required): 1/18/2022 (3 points)

Documentation Required:

- 1. A capital improvement plan.
- 2. A local governing board's meeting minutes or resolution as documentation of their adoption as a part of the local government's budget process.
- 3. List the page number(s) and tab or highlight where the project is referenced in the plan

8. Level of public involvement in developing and supporting the project: (15 possible points)

1. Public meetings (5 points):

- The applicant conducted a public meeting(s) *exclusively* for discussing the PARTF grant project and obtaining comments within the past 24 months. The public supported the project.

Date of the meeting(s): 4/18/22

Documentation Required:

- 1. Provide a title page that gives the name of applicant, the name of the project and identifies the document as "Public Meetings.
- 2. A document describing the means used to widely advertise the meeting, such as newspaper advertisements, Facebook, websites, and community announcements.
- 3. The minutes, including the discussion of the project, who was present and public comments.

2 Recreational needs survey (5 points):

- The results of a survey to determine the recreational needs in the applicant's jurisdiction show that the citizens support the project.
 - The survey must be conducted during the past ten years
 - Please refer to page 31 for the required components of the survey

Documentation Required:

1. The following information about the survey
 - Copy of the questionnaire
 - Results of the survey
 - Describe how the survey was distributed.
 - Give the date(s) of distribution and the number of surveys distributed.
 - Provide the number of respondents and demographic information that they are representative of the local government's jurisdiction.
 - Describe how the results of the survey show that the citizens support the project.
2. Include a title page that gives the name of applicant, the name of the project and identifies the document as "Survey of Recreational Needs."

3. Support from civic groups (3 points):

- The applicant presented the PARTF grant project to two or more local groups and received support for the project within the last 24 months. (Examples: civic groups, neighborhood associations, youth organizations, non-governmental advisory boards, etc.)

Documentation Required:

1. Include a title page that gives the applicant's name, the project's name and identifies the document as "Presentations to Local Groups."
2. The agenda and/or correspondence or other documentation from the groups that confirm the meeting dates and the presentations given by the applicant.

Note: Letters expressing support for the project do not count as presentations.

Name of the Organization	Date of the Presentation	Meeting agenda or letter from the organization
GFWC-HB (women's club)	4/12/2022	
Holden Beach Merchant's Association	4/13/2022	

4 Support from a parks and recreation board (2 points):

- The applicant presented the PARTF Grant project to the parks and recreation advisory board or a similarly appointed, non-elected group, and received a motion of support for the project within the last 24 months.

Date of the meeting(s): 4/7/2022

Documentation Required:

1. Include a title page that gives the name of the applicant, the project name and identifies the document as "Presentation to Advisory Board."
2. The minutes from the meeting that include support for the project.

D. The Suitability of the Site for the Proposed Project. (5 possible points) Explanations are needed below to be considered for each point.

1. **The site is suited for the proposed development with minimal adverse impact to the environment. (1 point)**

Please explain:

The site is suited for development of camping sites, public access including a Hatteras ramp and remodeling of the pier and (see att.)

2. **The location of the site enhances the park and the public's access to the park. (1 point)**

Please explain:

This is oceanfront property. The location of the site enhances the public's access to the public beach.

3. **The site is enhanced by the adjacent property uses. (1 point)**

Please explain:

Current adjacent property uses are residential, additional camping sites, and the public beach.

4. **The proposed site is large enough to adequately accommodate the proposed development. The proposed project will require minimal site preparation considering the geographic region where it is located. (1 point)**

Please explain:

Site preparation will be minimal because improvements are solely based on updating existing or prior facilities.

5. **The site is free of restrictive easements, overhead powerlines, or other intrusions (1 point):**

Yes No*

*Please explain:

There are currently no restrictive easements.

E. The applicant's commitment to operating and maintaining the project. (15 possible points)

1. **The applicant has a full-time parks and recreation department that will manage the project site to provide programming and to ensure adequate operation and maintenance. (15 points)**

2. **The applicant has a full-time staff, such as a public works, who will manage the project site to ensure adequate operation and maintenance. (8 points)**

3. **The applicant will manage the project site with part-time staff or by contractual agreement to ensure adequate operation and maintenance. (4 points)**

4. **An organized volunteer group, such as a civic group or youth sports association will operate and maintain the site. (2 points)**

Provide the name of the organization that will operate and maintain the site:

The site will be managed by lease and contractual agreements (TBD) to run the fishing pier, pier house, and future paid parking

If the applicant is not going to operate the site with full-time staff, (see items #3 & #4), describe how and when the site will be open to the public.

The public will be able to utilize the site each day for recreational pursuits. They will engage with contract staff

D. The Suitability of the Site for the Proposed Project

- 1. the remodeling of the pier house. Development will also include new public restrooms.**
- 2. The site also meets needs identified in the comprehensive master plan.**

F. Land Acquisition (15 possible points) (Does not apply for applications proposing development only.)

1. **If not purchased at this time, a significant natural, cultural, recreational, scenic, or highly threatened resource will be used for other purposes. (15 points)***
2. **The site is an excellent natural and/or recreational resource. (10 points)***
3. **The site is an average natural and/or recreational resource. (5 points)**

**Detailed explanation required.*

What is the specific significant resource?

The site provides one of the few remaining ocean fishing piers in the state. It also provides access to the public beach for hundreds of residents and visitors. If the property is not purchased, residents in the canal properties across the street will have a cumbersome walk to get to the next beach access. One of the main parking area for visitors will also be lost. The property is a significant cultural element in the town and we do not want to let it slip away to private development. The parks and recreation master plan survey indicated that respondents wanted more access to the water and fishing capabilities. The site provides both.

What is the specific potential threat?

If obtained by a private entity or individual, the property could be turned into condos and the current natural and recreational elements eliminated.



Town of Holden Beach
AGENDA TOPIC COVER SHEET

TO: Holden Beach BOC

MEETING DATE: 05/21/24

FROM: Mayor Holden & Commissioner Dyer DATE SUBMITTED: 05/10/24

ISSUE/ACTION REQUESTED: Discussion and Possible Commitment from the Town's Leadership on Working Together for the Betterment of the Town

BACKGROUND/PURPOSE OF REQUEST: There have been concerns from the public that call for the elected officials to work more in harmony.

FISCAL IMPACT: (select one)

BUDGET AMENDMENT REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
CAPITAL IMPROVEMENT PLAN ITEM:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
PRE-AUDIT CERTIFICATION REQUIRED:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
REVIEWED BY FINANCE DIRECTOR:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

CONTRACTS/AGREEMENTS: (select one)

REVIEWED BY TOWN ATTORNEY:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
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ADVISORY BOARD RECOMMENDATION: N/A

FINANCE RECOMMENDATION: N/A

TOWN MANAGER'S RECOMMENDATION: N/A