



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, OCTOBER 15, 2024 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach North Carolina met for a Regular Meeting on Tuesday, October 15, 2024 at 5:00 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; Police Chief Jeremy Dixon; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Finance Officer Daniel McRaney; 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

Town Manager Hewett explained Shane Lippard from Right Angle Engineering has been detained and asked the Board to push item #9 to next month (Discussion and Possible Action on the Results of the Town of Holden Beach 2024 Pavement Condition Survey).

Motion to approve the agenda as changed by Commissioner Smith; second by Commissioner Paarfus; approved by unanimous vote.

CONFLICT-OF-INTEREST CHECK

No conflicts were disclosed.

APPROVAL OF MINUTES

Commissioner Smith asked if there are minutes to approve from the special meeting. Town Clerk Finnell answered they are not ready yet.

Motion by Commissioner Smith to approve the minutes (Regular Meeting of September 17, 2024) as written; second by Commissioner Paarfus; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Jim Bauer said he is addressing items 16 the concert venue, 17 pickleball courts, 19 open flame devices, 21 the stormwater master plan, 22 the emergency pumping plan and 24 the pier grants. He said to ask the people in the Town what they want to do before spending any more money. He said there is a lot of talent on the island that could help with an emergency pumping plan.

RECOGNITION FROM THE NATIONAL WEATHER SERVICE THAT THE TOWN IS STORM READY/TSUNAMI READY

Inspections Director Evans provided the background on obtaining this designation and introduced Steven Pfaff from the National Weather Service who provided information on the designation and presented the Town with a certificate.

PRESENTATION ON WATER AND SEWER SYSTEM ASSET MANAGEMENT PLAN

Public Works Director Clemmons introduced Barry Parks from Green Engineering. Mr. Parks explained what the plan included and how the research was conducted. As part of the project, utility staff were trained using equipment furnished by Green Engineering and utilizing the database created by Green Engineering they could locate exactly any of the assets in the system. That is important during storm events and it can be used in daily maintenance. He provided information on how the system worked.

Mr. Parks said overall the water system is in very good condition. The existing system is composed of approximately 22.32 miles of water lines, ranging in size from 1" to 12". There are 3,270 water services. The Town has one elevated storage tank, holding a maximum of 300,000 gallons. It has two 12" major transmission supply lines. Water treatment is provided by the county. There is capacity for many years in the future. He provided details on use, demand, growth, assets and fire flow. The amount of storage for the elevated tank is adequate, as the minimum state standards under 15A NCAC 18C 0805(c) is one half day's supply on an average day. It does not meet the standard the Town wishes for a peak day. Based on the projections, the Town would not meet the requirements in 2045. Ultimately a second tank is recommended by Green Engineering. The second tank is currently shown being funded in the 2033 and 2034 budgets in the Capital Improvement Plan before the Town fails to meet the state requirements. That could be adjusted. Current cost estimates are \$2,473,000 for a tank. A second vulnerability for the Town is the 12" AC main that runs all down Ocean Boulevard. In the event the 12" water line failed anywhere west of Sea Gull where the second feed comes in, about 10 percent of the system would be without water until the line is repaired. Mr. Parks explained that the Town authorized testing of the pipeline

at three locations and the testing showed the pipeline to be in excellent condition just a few years ago. Not all pipelines fail at the same time; this is a predictive tool.

Mr. Parks said Green Engineering also performed a brief review of the vacuum sewer system. They are currently designing an upgrade to station 2. That project should start very soon. He reviewed background and details on the wastewater system.

Mr. Parks provided information on staffing and succession planning.

Mayor Pro Tem Myers asked about stormwater inventory. Mr. Parks responded that some assets were inventoried, just the assets in the Town. Commissioner Thomas said she thought she heard they tested the water pressure and it was very good. Mr. Parks replied they performed hydraulic analysis on the system and based it on modeling numbers. They did not test pressure at every location. They reviewed fire flow data and it was put into their modeling. Commissioner Thomas said there have been some concerns about the pressure on the west end of the island in the case of a fire. Mr. Parks said based on the pressure analysis, there is good pressure within the system. Commissioner Thomas said on page 9, it seems they are saying the Town doesn't need a new water tower until 2046 based on the assumptions on the growth. Mr. Parks said that is when the Town would need one based on state requirements. They recommend the Town do that some time before that if growth tells us that. Growth was discussed. Commissioner Paarfus thanked Mr. Parks for answering his questions that he sent.

POLICE REPORT – POLICE CHIEF DIXON

- Reviewed the numbers in the report. Commissioner Thomas asked about shots fired in the report. Chief Dixon said that will be part of his PSA about hunting. He doesn't have the specifics on that, but his guess is it is from hunting. Mayor Pro Tem Myers said he received some complaints about speeding on the west end and advised them he would share the feedback with Chief Dixon.
- Staffing Levels - We are through the first quarter of the fiscal year. Had four applicants in three months. Reviewed candidate information. Mayor Pro Tem Myers asked how many of this month's incidents would have been referred to a detective. Chief Dixon went over some of the calls.
- Commissioner Smith asked about parking. Chief Dixon explained they are seeing more compliance. We also don't have the volume of people this time of year.
- The Town has ordinance 130.02 regarding hunting in Town limits. Provided information on hunting season and calls they receive during this time. If you hear shots fired, let the Police Department know.
- Be mindful, it is getting darker earlier. Went over safety rules for cyclists and state law for using sidewalks.

INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS

- Went over report.
- Went over the status of each item of the ADA Mediation Agreement and other ADA related items including 114 OBE, east end of Avenue E, 801 OBW, 700 block, Jordan Boulevard, 915 OBW, Halstead, 441 OBW and 329.5 OBW. The only outstanding thing we have is the ADA assessment. Believes we received a package back on that. We should be complete with all parts of the agreement within the tentative deadline.

FINANCE DEPARTMENT REPORT

- Went over the revised report that was created after working with Audit Committee members.

Mayor Pro Tem Myers asked about water/sewer charges. Finance Officer McRainey explained the capital charge will be billed with taxes.

TOWN MANAGER'S REPORT

- Greensboro Street Lift Station – TerraHawk has been getting their paperwork together so the contract can be executed. Their end should be accomplished by the end of the week. We have both approvals from the EPA and the NC Division of Water Quality.
- 796 OBW is set to close. Will temporarily book the proceeds from that sale to the Water & Sewer Miscellaneous Revenue. As a follow on in November, staff will bring a budget amendment back. Assuming there will be a desire to early pay off the debt that went with that.
- NC General Assembly convenes in mid-January. This is the long session. Normally crossover happens in early April/May timeframe. That would be the latest that a legislator can advance some legislation. If there is anything the Board wishes to ask, we need to start formulating those asks sooner rather than later.
- The Coastal Resources Commission meeting will be held in Ocean Isle Beach in mid-November. Was under the impression that the inlet hazard areas revision might be coming to the forefront in November but after dialoguing with Coastal Resources staff, it will probably be after the new year.
- The new certified population estimate for the Town is 1,054. That is the basis of distribution for many state distributed revenues.
- Ocean Boulevard Bike Lanes – DOT was about \$75,000 overbudget. Our share of the overage which is 42% of that is right at \$31,000. We are working with GSATS to identify potential substitute funding for that. Doesn't know if we will be successful with that. DOT has let us know that their standard for keeping the bike lanes clean is probably not the same as the Town's standard. Staff is evaluating the options available to us, in-house versus a contract for sweeping. Any arrangement will require an agreement with DOT before we can perform the work. Crosswalks and rights-of-way were discussed.

- ADA Self-Assessment RFQ - We received one response today that didn't indicate they have done any projects in North Carolina and it was about \$100,000. Has not read it completely, those are just the high points from the executive summary.
- Reviewed upcoming parks & recreation events.

Commissioner Paarfus added the Town has the RFQ for engineering services for the pier on the street.

AUDIT COMMITTEE REPORT REGARDING ANNUAL AUDIT

Mayor Pro Tem Myers reviewed the Audit Committee letter. The committee reviewed the draft audit report information. The audit will reflect very strong financial results with a total net position increase of over \$4.5 million. We will receive a clean opinion from the auditor. No internal control deficiencies were identified and there are no issues with the Water Resources Development Grant Program. The audit is on track for meeting the October 31st filing deadline with the Local Government Commission (LGC). The way the Water and Sewer Fund works, the LGC does not consider the capital fees as revenue. When you take that out of the revenue, it shows the Town has an operating loss. The Board will need to send a letter to the LGC explaining this. Overall, it is really good news. There are no recommendations from the committee. Commissioner Smith said in other words, we still have a very strong financial situation, as we did last year.

DISCUSSION AND POSSIBLE ACTION ON LONG-TERM SUMMER CONCERT VENUE

Commissioner Thomas thought the Board should talk about the summer concert venue since this season is over. She went over the background of using Bridgeview Park for the concerts. Assistant Town Manager Ferguson thinks the concerts were well attended. The main negative feedback she received was that the dance floor is behind the band. Some of the bands found it difficult to get equipment to the facility. There was positive feedback regarding the smell since it is not by the sewer station and people liked being on the water. She said it is not optimal as a long-term fix, but the Board would need to decide when they would like to complete a long-term fix.

Assistant Town Manager Ferguson confirmed that the Parks & Recreation Advisory Board (PRAB) did have a stage on the plan they previously completed for Block Q. Commissioner Smith thinks from photographs he has seen from other nearby islands, the Town could do something inexpensive instead of building what we had before. He asked the Board to let the PRAB recommend some things that the Town could do at Block Q. Commissioner Thomas agreed that is part of the discussion and she thinks that will come up when they talk about pickleball court locations. She inquired if the PRAB is currently reviewing the Parks & Recreation Master Plan. Assistant Town Manager Ferguson answered that the PRAB is looking at what has been accomplished in the plan. There will probably not be a new plan recommended in the budget until 2026. These items would be new, so the Board would need to send them a tasker since these items are not in the plan. Commissioner Dyer stated she

thinks the Town needs to find a permanent location and they need to task the PRAB to find the location. She said the Town could consider a portable stage or different types of stages. The community has mentioned they want it back in the old location, but we purchased Block Q, so both locations should be taken into consideration. Commissioner Dyer said ADA compliance needs to be taken into consideration. She explained there are a lot of things to consider. She thinks the Town needs to move forward to get something completed by the following season if it cannot be done by the next season. Commissioner Paarfus encouraged the Board to look at Block Q, Jordan Boulevard, the old pavilion site, under the bridge as a collective, whole project. It could be phased in. He thinks we have a combined really nice piece of real estate the Town can do some outstanding things with. Commissioner Paarfus stated he thinks a pro needs to come in. He explained he thinks we put ourselves at risk if we do a parcel at a time. Mayor Pro Tem Myers said he agreed with everything said, next year is coming. He is hearing that the fastest, easiest thing for next year is to put a portable stage on Block Q and see how it plays out. Other than that, the Town can make a commitment on building something. Assistant Town Manager Ferguson advised the Board that the bands' contracts need to be signed ahead of time and location information needs to be provided. She added the Inspections Department will need to weigh in on this as far as compliance. Commissioner Dyer doesn't agree with tying this into the pickleball courts. Commissioner Thomas asked if bands prefer to be flat or elevated. Assistant Town Manager Ferguson replied that it needs to be a flat surface. If it is elevated, they can back their truck to unload. Commissioner Paarfus inquired if there is a minimum square footage required. Assistant Town Manager Ferguson said the contracts vary. Our old stage was 40' by 40', most of the bands took up all of it. A lot of the contracts say at least 36'. We have large groups with multiple instruments who perform. She would need to look at the details of the portable stage she had a quote for in the past. Commissioner Paarfus said if money is available, we could do something portable. He doesn't think there is enough time to get a good permanent solution, but if funding is made available, it might be worth considering. Commissioner Thomas agreed with everything being said and would like to figure out what will work for next year and what would work for the long term. Permitting, locations and bathrooms were discussed. Assistant Town Manager Ferguson said on the site plan the PRAB completed, it showed a pavilion where the architect had said it was the best place for it to go based on studies they had done. She inquired if the Board is opposed to that spot on the plan. Commissioner Dyer said no. Commissioner Smith replied he doesn't see why we would need to start over. Commissioner Thomas said no, it was the boat parking that they were opposed to. Holding yoga at Block Q was discussed. Commissioner Smith would like Assistant Town Manager Ferguson to get that back in front of the Board by the next meeting to review.

Timing, how to move forward and stormwater were discussed. Commissioner Thomas said she thinks the Board is asking for the plan from before with just the stage and to take off all parking, then bring it back to the Board. She said if it needs to be taken to PRAB to do that, it's okay. Commissioner Smith said then Inspections Director Evans can look at it to give the Board the information needed to move forward. Inspections Director Evans inquired what the Board would like to review, the plan with things crossed out or an engineer or a design person to actually draw a site plan that is to scale for review. Commissioner Paarfus said it

is risky to try to shoehorn it in for next season given the timeframe. Commissioners Smith and Thomas agreed it can't get done for this season. Commissioner Smith thinks it needs to get started.

Commissioner Paarfus suggested that Assistant Town Manager Ferguson provide the previous drawing that showed the stage without getting the architect, the Board can give it a look and continue the discussion. Commissioner Thomas said the Board wouldn't approve anything, they would decide if they liked the concept and then it can be architecturally designed and permitted.

Assistant Town Manager Ferguson summarized that staff will bring back to the next Board meeting the same drawing that we had before, the Board will take a look at it again. If there is a wish to move forward then we will look at having the architect pull the parking spaces that are on it. The Board agreed by consensus. Commissioner Thomas added it sounds like will need to have one more year at the park.

DISCUSSION AND POSSIBLE ACTION ON HAVING THE PARKS & RECREATION ADVISORY BOARD DO AN EVALUATION OF ADDING PICKLEBALL COURTS TO THE ISLAND

Commissioner Dyer stated one of the Board's objectives was to consider locations for pickleball courts. She thinks with the growing popularity the Town has outgrown the current location. She would like the PRAB to look at some locations on Town-owned land. She said if the stage will be moved to Block Q, they can take into consider where the old pavilion was, there is land in the 800 block and there is land at the end of Lois and Gerda. There are a bunch of different sites, but specifications/requirements need to be determined. She would like the PRAB to supply the Board with cost estimates to the best of their ability on similar projects currently being constructed in the area.

Commissioner Thomas agreed that the Town has outgrown the facility for pickleball. She would like to include looking at Block Q to the tasker. She suggested talking to Lockwood Folly and Ocean Isle Beach to get cost ideas. Commissioner Paarfus is in favor of looking for new sites. He said the first thing is to establish some minimum requirements. He would like the PRAB to determine the requirements that are needed and then look at properties. He would like to see the pavilion area/Block Q addressed collectively, but there may be other properties that are viable. Town Manager Hewett said surveying and maybe wetland delineation may be required. He said staff needs to be able to use the Available to Appropriate line in the BPART Fund in case there is a line item that needs to be paid to do this work so we can execute it without being pennywise and pound foolish. Inspections Director Evans explained you need to take into account usable area to identify locations. Using funds to move forward was discussed. Town Manager Hewett said a budget amendment would not need to be completed. If funds are needed, it would be sourced from Available to Appropriate.

Motion by Commissioner Smith that we approve Town Manager Hewett to use \$5,000 and with the PRAB's recommendation on court sizes to find the location for us to put these; second by Commissioner Paarfus; approved by unanimous vote.

Commissioner Thomas asked if they would also look at other items that are appropriate such as proximity to bathroom facilities. Assistant Town Manager Ferguson replied she believes they would be considering if there is enough parking there and restrooms because you cannot have that type of occupancy without the restrooms.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 24-15, ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 72: PARKING REGULATIONS

Town Clerk Finnell stated in October 2022, the Board voted to suspend paid parking island wide for the festival. In January 2023, in response to a Board tasker, staff recommended that paid parking continue to be suspended island wide festival weekends. The proposed amendment updates the ordinance to reflect the past precedent of no paid parking during festival weekends and it also proposes removing the section pertaining to the HB Pavilion since the structure was demolished.

Motion by Commissioner Smith that we approve Ordinance 24-15; second by Commissioner Dyer; approved by unanimous vote.

Commissioner Thomas asked if the Town was supposed to renegotiate the contract with Otto Connect on the extended hours. Town Clerk Finnell advised the Board the amended contract was executed based on the Board's previous actions.

DISCUSSION AND POSSIBLE ACTIONS FOR NON-LEGISLATIVE ACTIONS TO INFORM THE PUBLIC OF HOLDEN BEACH CODE OF ORDINANCES §91.17, CONCERNING THE PLACEMENT OF OPEN FLAME DEVICES

Commissioner Paarfus said the issue is there have been reports of people having open flames under the house (charcoal grills, fire pits). The concern is he is not sure the public is aware of the ordinance that prohibits that. Chief Dixon has put a sign up, but that sign cannot be dedicated to that message. He would like to open it up for other ideas, such as refrigerator magnets and working with the rental companies to help disseminate information. Commissioner Dyer thinks working with the rental companies would help. It is an educational item. If you are providing these items, you should provide some sort of information to the people who are renting. Commissioner Smith suggested that staff could come up with recommendations to help educate renters and communicate the regulations effectively. Commissioner Dyer added the chief could make another video. Assistant Town Manager Ferguson said to remember things have costs associated. Commissioner Paarfus asked if someone could reach out to the rental agencies to see if they have ideas. Commissioner Thomas suggested that we also ask them if they would be willing to put magnets in the house if the Town bought them. Town Manager Hewett said staff can check.

The consensus of the Board is to solicit input from the rental companies.

DISCUSSION AND POSSIBLE ACTION FOR THE ADOPTION OF AN ACTION TRACKING TOOL FOR CERTAIN FISCAL YEAR 2024 – 2025 BOARD OF COMMISSIONERS' OBJECTIVES

Commissioner Paarfus stated the Board has 26 priorities. He is looking for a tracking tool to keep the Board informed of what is going on with a select number of the items. It would allow the Board to establish some expectations on progress. If there are obstacles the Board would like to know about that. Also, if the Board needs to make a shift in priorities if something comes up, they could look at something like that. Initially he proposed having something for the 1st of the month, but after speaking to Town Manager Hewett he thinks a good compromise would be to attach the items to the manager's report for each meeting. He said he is not implying Town Manager Hewett needs to discuss the items, but they should be kept current. He prepared a spreadsheet of the information he would like to see. If something isn't working, you can put nothing to report.

Motion by Commissioner Paarfus to include that information as available as identified in Attachment 3, which is that spreadsheet for the 8 items he suggested it for and have that included in the manager's report; second by Mayor Pro Tem Myers.

Town Manager Hewett asked if he is hung up on the format. Commissioner Paarfus replied no.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON AN AMENDMENT TO THE STORMWATER MASTER PLAN

Mayor Pro Tem Myers said in August, the Board adopted the Stormwater Master Plan presented to the Board. He assumes now the Town is starting to proceed down the path to try to get grants and external funding to get assistance in implementing the plan. Based on the last two storms, he thinks there are other areas that need to be added, most notably is Ocean Boulevard east of Dunescape. It is a significant flooding area and he thinks the Board should get it into the plan before it is too late. The canals continue to be a problem. He is not sure the Board would like to add that or have a separate study for that.

Motion by Mayor Pro Tem Myers to talk to McGill and get a quote to add the area on Ocean Boulevard East, just east of Dunescape as another critical area in the Stormwater Master Plan; second by Commissioner Thomas.

Town Manager Hewett asked if he is envisioning that staff will bring back a proposal from McGill for the Board to consider an amendment to the plan. Commissioner Paarfus asked why he doesn't want to include the canals. Mayor Pro Tem Myers answered he is open to that.

It just seems it maybe should be a separate report. Commissioner Smith stated the Town already has a plan. It can be amended at any time. We need to move forward with it. If we have to make all these adjustments, he thinks we are backing up. Commissioner Thomas asked if it would be to revise/update the master plan. Town Manager Hewett said that was his understanding. Mayor Pro Tem Myers agreed.

After discussion, Mayor Pro Tem Myers amended his motion to include two new areas for McGill, one is the area on Ocean Boulevard East, east of Dunescape and the other is the canals. Commissioner Thomas agreed with the amendment.

Commissioner Paarfus said he is good with these two projects but he doesn't want to hold up funding requests until this is done. He stated we are in the process, positioned well to get some funding and he doesn't want to hold it up. Commissioner Thomas said holding up the funding is not part of the motion. Commissioner Dyer agreed the Town shouldn't stop the current plan. She asked if the Town could move ahead with the current plan while doing this. Town Manager Hewett said we don't know McGill's timeline for producing the work. You could miss out on a whole calendar year of budget cycles. Mayor Pro Tem Myers said his understanding was funding was potentially an earmark and was 2025/2026 timing anyways. He inquired how far down the path we are. Town Manager Hewett replied we are engaged in conversations daily with legislators not only for the appropriations in the 5113 money, but also with near term appropriations out of the Federal Congress. It is at the state level too. After further discussion, Mayor Pro Tem Myers clarified that he wants to get these things added. If they get added in time to be included in the funding, that's great. If they don't get included in time, they won't get funded. Town Manager Hewett said we will get it done as quickly as we can. If it falls in the budget cycle, that's great. Commissioner Thomas said the motion does not say anything about stopping going forward with the funding, it just says get the quotes. Town Manager Hewett said the Board will get a proposal brought back to them.

The motion passed by 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.

DISCUSSION AND POSSIBLE ACTION ON DOCUMENTING AN EMERGENCY PUMPING PLAN

Mayor Pro Tem Myers provided background and said he thinks it would be helpful to document how the Town is coming up with the decisions on how to pump and deploy resources, sequences and priorities. He said it would document the decision process the Town is already using. He went over information that could be included.

Mayor Pro Tem Myers would like to direct the town manager to work with the Public Works director to document these issues so all can have the same understanding of what we are doing when everything is flooding and we are starting to put pumps out. Town Manager Hewett said the appropriate action would be to task the Town to develop a flood water management discharge plan that meets the requirements of the DEQ. Commissioner

Paarfus asked if it would include something that basically lets people know what we are doing and why; he is concerned about people's expectations. Town Manager Hewett said pumping is not a substitute for adequate infrastructure. He is a proponent for adequate infrastructure. Public Works Director Clemmons explained they have always done the pumping on an as needed basis. The pumping that has been done is based on the number of people affected and what the outcome would be. If sewer isn't running on the island, people cannot be here. He provided information on pumping completed in the past. He will focus on getting more equipment, but keep in mind there are six employees when they are fully staffed. Commissioner Smith said what Public Works Director Clemmons is saying is if the water gets over the valve puts and the sewer system becomes waterlogged, everyone needs to go. He needs to concentrate on those areas and he uses his best judgement. He said to put together a plan, the Town will need to get some kind of state approval. Public Works Director Clemmons explained that sewer issues are not always related to infiltration. He provided information on the system. Mayor Pro Tem Myers clarified he doesn't anticipate any change in the way it is being done now. This is just to document the logic so it can be communicated. Commissioner Dyer said the problem with documenting a plan is that each storm is different. You can't document something that Mother Nature will change. Public Works Director Clemmons is making excellent decisions. Mayor Holden stated he has been the emergency director for 15 years. He talked about all the ancillary services that need to be dealt with in an emergency situation. He said you can write down everything, but you need to react to circumstances that we are dealt with at the time. Mayor Holden said you need to look at the big picture for the whole Town. Mayor Pro Tem Myers stated the Town was recognized for storm readiness earlier in the meeting. The Town's Emergency Plan is very focused on hurricanes. This was to consider an addendum to the plan for pumping and major rain events. He will not push it if nobody wants it.

DISCUSSION AND POSSIBLE ACTION ON MULTI-JURISDICTIONAL DISASTER DEBRIS AGREEMENTS

Public Works Director Clemmons explained this is a multi-jurisdictional disaster debris agreement that the Town has been a part of since around 2009. There are two parts, debris management and monitoring. We utilized it a few years ago and it went smoothly. There is a primary and secondary contractor for both pieces.

Motion by Commissioner Smith that we continue with the agreements that we have now a, b, c, d to make sure we are covered about removing debris in a disaster; second by Commissioner Thomas; approved by unanimous vote.

TOWN ATTORNEY RESPONSE TO TASKER FROM THE BOARD OF COMMISSIONERS TO INVESTIGATE THE TOWN OF HOLDEN BEACH'S LEGAL REQUIREMENTS FOR THE PIER GRANTS

Attorney Moore went over her report. She said basically what it all comes down to is to develop the property for recreational use and continue to develop it. The specifics and exact

obligations are in the report. She said the Town has pretty much met the requirements for the PARTF grant other than the development requirement.

Commissioner Smith appreciates the effort put into the document. He thinks it is self-explanatory. He doesn't see anything different from his original conception of the plan. Commissioner Paarfus asked for confirmation of his understanding that the Town must develop the parcels for recreation, however we are not constrained to develop specific amenities as long as it is for recreation. Attorney Moore said for the most part yes and talked about ADA compliance. Commissioner Paarfus said also in the document it says the pier house can be removed, replaced or repurposed. He said as he understands it, the small parcel is encumbered by two grants. If the Town ever wants to pay our way out of the grants, the Town would need to pay essentially 133% of the current market value. Attorney Moore replied she does not know the exact number, but probably something around that. Commissioner Paarfus said for the pier, if the Town wanted to get out of the requirements, we would need to pay the current market value for the entire property. Attorney Moore agreed.

Commissioner Paarfus would like the formal opinion prepared so everything is codified. If a formal opinion is necessary was discussed. Mayor Pro Tem Myers and Commissioner Thomas provided details on their reason for supporting a formal opinion.

Motion by Commissioner Paarfus to have the attorney prepare a formal opinion to codify this situation; second by Commissioner Thomas.

Commissioner Smith asked whose legal opinion it will be. Commissioner Paarfus answered the Town's attorney. Commissioner Smith explained why he will not support spending another \$1,000 to get another document. Commissioner Dyer inquired why the Town would need a formal opinion when we have the guidelines for the grant. Attorney Moore replied she thinks they want to have a formal opinion for the future. Commissioner Thomas inquired if the report was from the grants or discussions with the people. Attorney Moore said a lot of it is available through the grants, but a good chunk was through talking to Brittany Shipp. Mayor Holden said if you want a formal opinion, you make it part of the record. Another term or two down the road, things may change. He doesn't know why you would document something already documented in the State of North Carolina. Mayor Pro Tem Myers said this is just the official attorney's opinion. It doesn't change anything. Commissioner Dyer said this isn't the attorney's opinion, it is the guidelines to the grant. Attorney Moore said there is not much interpretation. She went to Ms. Shipp with anything she was unsure of. Assistant Town Manager Ferguson stated Brittany Shipp is the regional coordinator for our division for PARTF. Commissioner Thomas said Attorney Moore needed to talk to Ms. Shipp to get the information clarified, that is what this document does so future people will know the requirements. Mayor Holden questioned if Ms. Shipp has authority to speak on behalf of North Carolina in the court of law. The Board continued to discuss the motion.

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.

PUBLIC COMMENTS ON GENERAL ITEMS

Martie Arrowood suggested putting magnets regarding open flames in water bills if the Board decides to move forward with those. She thinks it is a great idea to look at options for pickleball courts. She apologized to the PRAB, who spent a lot of time working on the master plan to have it voted down. It seems the Board is going back to the master plan as a reference. Mrs. Arrowood said she thought the flooding in the canals is tidal and doesn't understand why it would be part of the stormwater plan.

MAYOR'S COMMENTS

- Thanked everyone for being here.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Myers

- Thanks for sticking with us. It is the way government operates. We are here to serve.

Commissioner Smith

- Thanked staff, Inspections Director Evans and Development Services Officer Pigott for the hard work with the National Weather Service to get us the recognition we did.
- We have the Festival by the Sea at the end of the month. Hopes everyone comes to our island and enjoys the beautiful place.
- Terribly disheartening to watch our hard work we have done in years past go away.

Commissioner Thomas

- Thanked everyone for coming. We had an easy meeting last month and paid for it tonight. Thanks for sticking around.

Commissioner Dyer

- Make sure to continue to think about our neighbors. We have been affected by three hurricanes/tropical storms in the last couple of months, Debbie, Helene and Milton. We could have been in the path of any of these storms and been affected. Doesn't think anyone in the mountains expected to be devastated. We need to continue to support the people and the people who are going up there to bring supplies.
- Please support our Merchants Association with the festival next weekend. They do a lot for us and they give back to the community.

Commissioner Paarfus

- Thanked Public Works Director Clemmons for taking care of our systems in the professional manner he does. What Green Engineering had to say truly was a credit. The system is always there, which speaks volumes.
- Asked Inspections Director Evans to extend his thanks to Development Services Officer Pigott for all her hard work.
- Thanked Inspections Director Evans for pushing through on the ADA stuff and getting it done.
- Thanked everyone for coming out and sitting through it.

ADJOURNMENT

Motion to adjourn at 8:11 p.m. by Mayor Pro Tem Myers; second by Commissioner Thomas; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk