



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, OCTOBER 18, 2016 – 7:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, October 18, 2016 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem H. Ashley Royal; Commissioners Peter Freer, Kim Isenhour, John Fletcher and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Building Official Tim Evans; Shoreline Protection & Recreation Manager Christy Ferguson; Public Works Director Chris Clemmons; Water & Sewer Superintendent Eric Long; and Town Attorney Noel Fox.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Royal to approve the agenda as presented; second by Commissioner Fletcher; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Fletcher to approve the minutes of the Regular Meeting of September 20, 2016; second by Commissioner Isenhour; approved by unanimous vote.

Motion by Commissioner Fletcher to approve the minutes of the Emergency Meeting of October 5, 2016 as written; second by Commissioner Freer; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Dolly Mitchell wanted to thank Mayor Holden, Town Manager Hewett and staff for the efforts during the storm. They have been here 40 years, the communication was outstanding. Mrs. Mitchell stated the staff kept everyone informed and updated. She thanked them for protecting the island. In the past, people have come in and scavenged. She said a neighbor lost his dock. Mrs. Mitchell stated she remembers a hurricane when there was a mandatory evacuation. The National Guard was at the canals keeping people from coming in. She would like to see consideration of obtaining help to keep from being vandalized.

Rhonda Dixon stated she would like to echo what Mrs. Mitchell said. She knows how hard everyone worked to keep people safe and to communicate. Ms. Dixon stated she was surprised to see the terminal

groin on the agenda so soon after the storm. It seems to her a lot of things have changed. She urged the Board to make sure we have up-to-date information before the Town proceeds with the project.

Pat Sutton thanked everyone for their efforts. She said it seemed to them there wasn't enough information. She would like to see more. Ms. Sutton suggested that general information about what would happen in a disaster be provided to people before an event.

ANNUAL BEACH MONITORING REPORT – FRAN WAY, APPLIED TECHNOLOGY AND MANAGEMENT

Fran Way explained that Applied Technology and Management looks at volume and shoreline change annually for the Town. Annual monitoring has occurred since 2001. Nourishment and planning keeps us eligible as an engineered beach. The 2015 hurricane season was moderate. Ana did some damage in the spring. Joaquin related damage occurred in the fall. For the volume analysis, they collect survey lines every 1,000 feet from inlet to inlet. Volume calculations are done in the near shore. Mr. Way said in general the beach was hit pretty hard last year. It lost about 350,000 cubic yards from inlet to inlet. This is about twice as high as normal. The previous two years were milder. He showed a chart with the volume change on the island. The shoreline change (mean high water) line was basically stable. We saw gains and losses. Mr. Way said Holden Beach had severe erosion problems in the 90s and before that. The Corps and Town have really stepped up beach nourishment activities. If you compare the 2000 mean high water line to the 2016 mean high water line, the beach is in better shape than in was in 2000. The Town is doing well in keeping up with the erosion and getting ahead of it.

Mr. Way said last year, the Murden Project disposed about 30,000 cubic yards of beach compatible material in the near shore. The split haul hopper dredge is more favorable than a sidcaster dredge, but it is a bit more costly. The Central Reach Project is contracted to occur this winter. It is the biggest nourishment project the Town has done. The sand will be placed from 262 Ocean Boulevard East to 781 Ocean Boulevard West. It will put a lot of good beach compatible material down. Mr. Way said the terminal groin project is moving forward. It is still in the environmental impact stage. Ongoing management activities include the Central Reach Project, the terminal groin, shallow draft inlet permitting and annual monitoring data collection and reporting. Federal projects include the Lockwood Folly Inlet Crossing (piggyback) and Lockwood Folly Outer Chanel dredging. We could possibly benefit from FEMA funding because of Hurricane Matthew. The Town will work with FEMA on the Central Reach Project and the east end.

Mayor Pro Tem Royal said Mr. Way mentioned that the beach has migrated seaward 60' – 80' over the past 10 years. He thought he heard that beach management activities are the primary reason for that. He inquired if there is a longer term to look at to see if this is something that would occur independent from these activities. Mr. Way responded that there is pretty good shoreline data and aerials that go back about 100 years. He said it is a long term erosional signature. He said it is pretty clear from decade to decade that the shoreline is eroding. He said according to the state it is eroding two feet per year for a majority of the beach. He said you could have a couple of years of accretion, but the long term average is erosional. Commissioner Isenhour asked about the time period of the report. Mr. Way said they survey every spring and also take into account vegetation planting. It was completed prior to Matthew. They did have a surveyor out there this week. We will need that information for FEMA.

TERMINAL GROIN UPDATE DAWN YORK, DIAL CORDY

Dawn York provided a fact sheet to the Board. She explained the background of the project. The draft Environmental Impact Statement (EIS) was released last August. We had a public meeting in September 2015 and received comments until November. Ms. York stated they have reviewed and responded to the comments. The responses will be provided in the final EIS. They met with Oak Island and the Town to review any concerns. Ms. York said they are making great progress. They have completed all of the federal consultations. They have received the consultation letters. They have been working with Fran Way on finalizing the Inlet Management Plan. It is now final. Those revisions made based on the NC Division of Coastal Management comments have been addressed and incorporated into the Inlet Management Plan. Ms. York said now they are working to get the items addressed in the final document. They anticipate the final EIS to be published for review some time in December. There is a 45 day public comment period. They also anticipate having another public hearing if needed. They have a draft major permit application for CAMA. They hope for decisions by state and federal agencies by spring/ early summer.

Ms. York confirmed you will see the comments in the final EIS in response to Mayor Pro Tem Royal's questions. She said they have a spreadsheet that they will make publically available when the report is out. Mayor Pro Tem Royal said the sooner documents can be published the better. Ms. York provided information on the consultation letter process. She will check if she can provide the spreadsheet to the Board before the final EIS is released. She will also check if the consultation letters are available prior to the release.

POLICE REPORT – CHIEF WALLY LAYNE

- It is break-in season. Be vigilant and look out for each other.
- Apologized for not being here during Hurricane Matthew. Was out of town, but was in constant contact with his department. They did a great job. Learned a valuable lesson during Matthew. Will never plan a vacation during hurricane season.
- Dolly Mitchell said in her 40 years of being here the Town had a couple of winter storms that did as much damage to the beach as Matthew.
- Mayor Pro Tem Royal said the Police Department staff did an excellent job.

DISCUSSION AND POSSBLE ACCEPTANCE OF DONATION OF PROPERTY BY DEVANEY PROPERTIES, LLC

Building Official Evans stated Devaney Properties, LLC has an unusual piece of property that stretches from the edge of Heron Landing Wynd where the 404 wetlands start to Ocean Boulevard where the 404 wetlands line start there. It is 1.81 acres. They want to donate that parcel of land to the Town. Building Official Evans stated it meets and is encouraged by our CAMA Land Use Plan (LUP); it helps with our open area; and it adds points for our CRS rating. He can't see a negative impact of accepting. Mayor Pro Tem Royal asked if there is any cost to the Town. Mayor Holden stated it would be a loss of taxes. Building Official Evans stated it is zoned conservation. John Wessell is the attorney representing the owners. He asked if there were any questions.

Motion by Commissioner Fletcher to accept the property; second by Mayor Pro Tem Royal; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON SELECTION OF ENGINEER TO REVIEW SEWER SYSTEM VULNERABILITY

Town Manager Hewett explained the one response received to the Request for Services is in the agenda packages. Commissioner Freer stated it looked like the response didn't talk to the assessment and risk analysis, he would like clarification. He stated the three items the Board was looking for were assessment, risk analysis and proposed remedies. Commissioner Fletcher agreed. He said it looks like a great firm, but he didn't see a lot of experience of doing a risk assessment, followed by a ranking of the possible actions. Commissioner Freer would like the response to be refocused. Town Manager Hewett said the Request for Services pretty much mimicked the resolution that established the Sewer Committee. The Board can have them illuminate their response further or you can resolicit it. Town Manager Hewett read from the solicitation. The Board discussed the information submitted to the Town. Town Manager Hewett explained to select an engineer in North Carolina you solicit based on qualifications and then negotiate price. Commissioner Kyser said the Sewer Committee made recommendations, but the Town hasn't taken any real action. Commissioner Fletcher asked if the Town bought two new generators. Town Manager Hewett responded they were purchased, but they are not here yet. Commissioner Isenhour suggested it might be a matter of asking for more pointed information to help the Board make the decision. The Board would like to get more information and would like to address this soon. Town Manager Hewett said he did receive other inquiries, but this is the only one that responded. Right Angle Engineering did have access to the solicitation, but didn't submit an answer. Commissioner Kyser suggested asking them if they are interested.

Motion by Commissioner Freer to go back to Compass Pointe and ask them to focus on addressing the assessment and risk analysis that was requested in the RFP; second by Commissioner Fletcher.

Mayor Pro Tem Royal asked if the motion is specific enough for Town Manager Hewett to take action on, Town Manager Hewett replied yes. Commissioner Isenhour asked if it includes a call to our current firm. Commissioner Freer said no.

The motion passed by unanimous vote.

PRESENTATION ON POINTE WEST PARKING

Building Official Evans explained the background on this topic. He showed the area that you currently cannot park in Pointe West based on the existing ordinance. He showed the map the Planning & Zoning Board (P&Z) used when doing the parking ordinance update in June 2015. He reviewed the current ordinance and the proposed addition if the Board chooses to restrict parking in Pointe West. There is a public access location the Town has an easement for in the area. The LUP constantly discusses public access and the Town's ability to provide access to the public. It also references public parking. Commissioner Freer asked if there is a quantifiable amount required. Building Official Evans responded no, but in order to be in compliance with some of the items in the plan, we need to look at providing access. He discussed sections of the LUP.

Building Official Evans sent a letter to the Pointe West Property Owners Association because their stormwater is not in compliance with the Town's ordinance and they feel like it is not in compliance with the state issued permit. The letter said they would not issue any building permits until they reach compliance. Building Official Evans provided information on Coquina. He confirmed that the red text does

not represent staff opinion. The Board discussed consistency with the LUP. Building Official Evans said he thinks if you want to eliminate it, you need to find it somewhere else. Commissioner Freer stated he read that Oak Island and Ocean Isle Beach are looking at parking. He thinks the Town needs to focus on parking too. He doesn't think an easement entitles someone to park in front of someone's personal property. Attorney Fox explained that Town right-of-ways are for public purposes - public parking, water, sewer, etc. She believes what Building Official Evans is saying is that a consistency statement with the LUP is a very important statement in most zoning regulations. The Board would need to be able to say the changes to the code are consistent to the LUP. If you eliminate parking here, although it may not be quantifiable, it is a reduction of existing parking. Where would the public park if every property owner doesn't want parking in front of their property.

DISCUSSION AND ACTION ON DAVENPORT PROPERTY OWNERS ASSOCIATION'S REQUEST FOR PARKING RESTRICTION

Commissioner Kyser said the Davenport Property Owners Association made the same request as Pointe West about making their street no parking.

Mayor Pro Tem Royal said his concern has been equal and fair treatment of all the streets.

SELF-ASSESSMENT TO IDENTIFY LESSONS LEARNED FROM HURRICANE MATTHEW

Mayor Pro Tem Royal said the Board received comments from citizens during the hurricane. He believes it is important to demonstrate that we are eager to gain from lessons learned for events such as what we just experienced. He put together an example self-assessment methodology. Since he prepared the example, he has been made aware that it is typical to do a post event review. The objective would be to identify lessons learned from the Town response to Hurricane Matthew. He understands from Town Manager Hewett that staff has conducted some sort of debriefing after the event. Mayor Pro Tem Royal reviewed his example assessment. He thinks it is important to solicit input from the public. He said Town Manager Hewett could develop the method of obtaining the input. He recommends developing a self-assessment report to document methodology and results. He would like the results reported at the next public meeting.

Motion by Mayor Pro Tem Royal to implement a self-assessment to identify lessons learned from the Town of Holden Beach response to Hurricane Matthew; second by Commissioner Freer.

Mayor Pro Tem Royal said if the Town would like he would be happy to facilitate it, but he would not participate and wouldn't expect any other Board member to participate directly in the self-assessment. He stated it should be within Town Manager Hewett's purview. Mayor Holden asked how this proposal differs from what we have been done in the past. Mayor Holden stated this is a new path, you don't know what we already have. Mayor Pro Tem Royal said he doesn't want to exclude what is already done. The motion would include all of the other inputs and we would just produce a report that documents everything. Commissioner Freer asked if there is already a process in place for this. Town Manager Hewett stated he calls it an After Action Report. Commissioner Fletcher asked if it would include calls the commissioners received. Mayor Holden stated it has in the past. Town Manager Hewett asked about the tasker to come back to the Board at the next meeting. We still have things breaking. Mayor Pro Tem Royal stated his experience is when you have an event you need to do an assessment quickly.

Mayor Pro Tem Royal amended his motion to have the After Action Report be briefed at the next regular Board of Commissioners' meeting. Commissioner Freer is in agreement.

Mayor Pro Tem Royal said he would anticipate seeing the report include things done well and actionable items based on gaps that are identified.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON UPDATING PROHIBITED FIRES ORDINANCE

Commissioner Freer explained that someone sent a letter to the Board about grill fires in residential areas. He said the person who sent the letter included the Town ordinance and the recently updated Ocean Isle Beach ordinance. He would like to use the Ocean Isle Beach ordinance as a discussion guide to update the Town's fire ordinance if needed.

Motion by Commissioner Freer to ask input from the Tri Beach Fire Department and the Police Department regarding the possible update of our fire ordinance; second by Commissioner Fletcher.

Commissioner Freer said it could be sent to the Fire and Police chiefs and they can delegate it to whoever they want. Commissioner Kyser asked who would coordinate the effort. Building Official Evans is the highest certified fire inspector. He said the North Carolina Fire Code does not apply to residential dwellings. He agreed it would be an ordinance change. Attorney Fox said the commercial Fire Code is a good guide. She said she would be happy to assist in the effort if the Board desires. Mayor Pro Tem Royal said the Ocean Isle Beach ordinance is far more restrictive than what we have in place. It would be a significant change. Commissioner Freer agrees, he would use Ocean Isle Beach's ordinance as a guide, the Town wouldn't have to adopt theirs. Commissioner Freer said he wants to hear input from the Police Department and Fire Department before the Board discusses it and decides on an ordinance. He said Town Manager Hewett or Attorney Fox could write an ordinance after the input is received. Commissioner Kyser suggested including them in the discussion process. The Board discussed further who should be involved in the process and the current ordinance. Building Official Evans suggested that the input you would need is where you would like to restrict usage to. Town Clerk Finnell read the motion.

Commissioner Freer amended his motion to include the planning director. Commissioner Fletcher agrees with the amendment.

Commissioner Freer and Commissioner Fletcher agreed that Building Official Evans would be the lead, per Town Manager Hewett's suggestion. The motion passed by unanimous vote.

TOWN MANAGER'S REPORT

- The main feed water line crossing the Cape Fear River to Brunswick County experienced a major leak in the beginning of the week. Repairs are underway. Anticipated initially that the leak would be fixed today. That has permeated to a vague sometime next week solution. It started as a Stage 3 restriction, but because of some conservation measures it was lifted to a Stage 2. When we received the notification, we were running about 375,000 gallons per day. We are down to about 250,000 since we made everyone aware. The temporary fix will get us back to 50% production. You may have additional restrictions placed on you. Commissioner Freer asked if the Town has the capability of turning off the

extra meters. Town Manager Hewett replied the Town has started turning irrigation meters off. Public Works Director Clemmons added they have also been patrolling. Mayor Pro Tem Royal asked if it was related to corrosion. Town Manager Hewett stated no, he understands it is a concrete pipe. Mayor Pro Tem Royal asked what point the Town would need to secure the sewer system based on the availability of water to the Town. Public Works Director Clemmons explained it wouldn't cause damage to the system if water doesn't go into the system. Public Works Director Clemmons explained we are currently doing okay, pressure hasn't dropped. He said about one year ago the County signed an inter-basin transfer agreement, which is currently helping in this situation.

- Hurricane Matthew – met with technical beach advisors from the Corps and NC Emergency Management last week. We are conducting hard data surveys on the beach to attempt to quantify any sand losses for possible FEMA reimbursement. Should have that completed by the end of the week. As of today, there has not been a declaration for Category G losses. The emergency protective measures declaration has been made. Doesn't know when public assistance relating to the beach will be forthcoming locally. Many other locations are still conducting lifesaving operations.
- The Town is not activating the disaster debris contract. The actual debris won't qualify for FEMA reimbursements. Next pickup for yard debris is the 4th Friday of the month. Other residential waste is free at the landfill until the 26th. Commissioner Isenhour asked who is responsible for debris on property if it is not theirs. She also asked about the walkways that were affected by the storm. Building Official Evans said they are in violation of the Town's ordinance now that they are sitting in public trust water. He is advising people they need to end them at the toe of the frontal dunes. Intends to go out Thursday and mark all that are past the frontal dune. He is not sure if the Town would handle the debris. Town Manager Hewett said if the Town sponsored the funding for that sort of assistance, it will be from the Town's checkbook. Those types of expenses won't qualify for FEMA reimbursements. It doesn't meet the public requirement. Mayor Pro Tem Royal said these extensions are now in the public space. Commissioner Isenhour said your individual policy might be able to help. Building Official Evans said you could pass a moratorium on the ordinance, but those things are sticking out and could be a liability and a hazard.
- We are proceeding as scheduled with the Central Reach Project. The financing was approved October 4th. We closed with PNC on October 12th and issued the Bid Award on the 13th. Does not know of any holdups that will keep us from completing the project this winter. Mayor Pro Tem Royal asked if the scope increased based on the hurricane. Town Manager Hewett replied the permit is for 1.25 million yards. Mayor Pro Tem Royal inquired if the effectiveness of the project has changed as a result of the hurricane. Town Manager Hewett said we won't know until we get the data back to quantify the losses. The beach looks different today than it did four days ago. Not sure what it will look like when the project starts. It will be the same project, but it may be shifted to some degree. Mayor Pro Tem Royal asked if the possible FEMA reimbursement can be used to reduce the financing costs of the Central Reach Project. Town Manager Hewett stated those declarations typically take many months. We might be able to use it to reimburse expenses. Will have to see after the approval of losses. Thinks that is what the Board would want to do.
- Recreation Programs – SEARCH 5k had over 500 registered participants, with over 700 in attendance. We had the first overnight guest at the BIG dock. Boo at the Beach is this Friday. The Veterans Appreciation Breakfast is scheduled for November 4th at 9:00 a.m.
- Mayor Pro Tem Royal asked if we are assessing the budget impact of Hurricane Matthew. Town Manager Hewett said when we do the project files for reimbursement, we will have a hard dollar cost.

MAYOR'S COMMENTS

- Docks in canals - talked to Sheriff Ingram almost immediately after the storm cleared. Sheriff Ingram assured him he would have his boats in the water as soon as it cleared. He did and also had the helicopter fly over. They also were going to contact the Coast Guard. That was addressed, it just was not communicated.
- His sprinkler system is on a well. Not using the water system.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Royal

- Often times, adversity can either bring out the best or the worst in people. Pleased that it seemed to bring out the best this time. Neighbors were out helping each other. That was very encouraging.
- Election Day is coming up. Regardless of your preference, thinks we have a constitutional obligation to exercise that right to vote. Encourages everyone to do so.

Commissioner Freer

- Thanked Mayor Holden and all of the Town employees for their hard work during the hurricane.

Commissioner Isenhour

- Left during the hurricane. They were devastated by Hurricane Hugo growing up, so they leave no matter what category a storm is. Very pleased to know the staff was here taking care of everything and kept them informed. It was difficult to get through all of the flooding on the way back. When they reached the bridge, the officers were dealing with someone giving them a hard time. They were very professional. Made her proud.

Commissioner Fletcher

- Saw the quality of the staff we have. They stepped up like never before.

Commissioner Kyser

- Thanked the staff for everything they did during the storm and everything they do every day. They go above and beyond constantly.
- Early voting starts on Thursday. Just remember you can't complain about who is elected if you don't vote.

PUBLIC COMMENTS ON GENERAL ITEMS

Sheila Young said she realizes it was an unpredictable storm. She has a concern about communication. Emails did reach many people, but she is sure there are some people on the island that do not have email. Ms. Young said she is also concerned that when she received the email about the bridge, it was already closed, so she had no choice but to stay. She added that once the power went out, she couldn't read the communications. She hopes when the Town does an assessment, they will get input from the public. She thinks the Town can improve communication.

Richard Weigand said Ms. Young covered most of the points he was going to make. He added as part of the lessons learned project, the Town should take the time to give explanations. He said people weren't told why there were restrictions.

Mayor Holden addressed communications during the storm. He said if everyone read all of the emails or visited the website, they would have known what was going on. The emails were timely and to the point. There is always room for improvement. If anyone has a better suggestion to make everyone aware instantly, the Town would be happy to hear it.

ADJOURNMENT

Motion by Commissioner Isenhour to adjourn at 9:37 p.m.; second by Commissioner Fletcher; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk