Town of Holden Beach
Board of Commissioners
Regular Meeting

Tuesday, December 18, 2018
7:00 PM

Holden Beach Town Hall
Public Assembly
1. Invocation

2. Call to Order/ Welcome

3. Pledge of Allegiance

4. Agenda Approval

5. Approval of Minutes
   a. Minutes of the Special Meeting of October 23, 2018 (Pages 1 – 4)
   b. Minutes of the Special Meeting of November 20, 2018 (Pages 5 – 13)
   c. Minutes of the Regular Meeting of November 20, 2018 (Pages 14 – 33)

6. Public Comments on Agenda Items

7. Guest Speaker, FOCUS Fiber Optic Service Presentation – Kris Ward, Director of Business Development, ATMC (Pages 34 – 35)

8. Discussion and Possible Nomination of Board Member to the Mayor Pro Team Position - Per Town Ordinance (Page 36)

9. Discussion and Possible Nomination of Board Member to the Executive Secretary Position - Per Town Ordinance (Page 36)

10. Discussion and Possible Action on Bridge Rehabilitation Project – Town Manager Hewett (Pages 37 – 39)

11. Receipt of Inlet and Beach Protection Board Report – Commissioner Freer (Page 40)


13. Discussion and Possible Action – Construction Management Services of the Vacuum Sewer System #4 Upgrade Status Report – Public Works Director Clemmons


BOC Agenda 12/18/18
15. Discussion and Possible Action to Implement Board Rollback Decisions from the December 18th Workshop – Commissioner Kwiatkowski  

16. Discussion and Possible Approval of Amending the Fee Schedule – Town Manager Hewett  
   a. Resolution 18-13, Resolution Amending the Holden Beach Fee Schedule (Recycling Charges)  
   b. Resolution 18-14, Resolution Amending the Holden Beach Fee Schedule (Special Event Fees)  

17. Discussion and Possible Action on Poyner Spruill LLP Proposal Concerning Consulting Services – Town Manager Hewett  
   a. Ordinance 18-17, An Ordinance Amending Ordinance No. 18-10, The Revenues and Appropriations Ordinance for Fiscal Year 2018 – 2019 (Amendment No. 4)  

18. Discussion and Possible Approval of Ordinance 18-18, An Ordinance Amending the Holden Beach Code of Ordinances, Chapter 30: Town Government and Officials (Section 30.26 Audit Committee of the BOC) – Commissioner Fletcher  

19. Discussion and Possible Action on Amending the Rules of Procedure  
   b. Part VI. Agenda, Rule 13. Agenda, Section B – Commissioner Kwiatkowski  

20. Discussion and Possible Action Related to Large/ Party Houses on Holden Beach – Mayor Pro Tem Sullivan  

21. Discussion and Possible Scheduling of a Date for Setting 2019 BOC Objectives with Town Management – Commissioner Kwiatkowski  

22. Discussion and Possible Action on Lockwood Folly Dredging Issues – Vicki Myers, Chair Inlet & Beach Protection Board  

23. Discussion and Possible Approval of Board of Commissioners’ 2019 Meeting Schedule – Town Clerk Finnell  

24. Town Manager’s Report  

25. Mayor’s Comments  

26. Board of Commissioners’ Comments  

27. Public Comments on General Items  

28. Adjournment
TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
TUESDAY, OCTOBER 23, 2018 – 4:00 P.M.

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Tuesday, October 23, 2018 at 4:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Mike Sullivan; Commissioners Pat Kwiatkowski, Joe Butler, John Fletcher and Peter Freer; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Planning Director Tim Evans; and Town Attorney Noel Fox.

Mayor Holden called the meeting to order at 4:05 p.m.

POYNER SPRUILL LLP PRESENTATION CONCERNING CONSULTING SERVICES

Mayor Holden welcomed former Congressman Mike McIntyre. Mr. McIntyre introduced Glenn Dunn from his law firm in Raleigh and Roger Gwinn from the Ferguson Group which is a research and legislative monitoring group that they work with in Washington so they have eyes and ears on the ground at all times. Mr. McIntyre provided background on his firm and their relationships with agencies and groups. The law firm is a statewide law firm, but they are part of a national network. Former Governor Jim Hunt was a partner in the firm. He was the founder of a national network of attorneys that has a selected law firm in each state capital. The group is called SCG, State Capital Group. SGC has key law firms in each state and also in over 30 countries. Mr. McIntyre is the gatekeeper for that nationally and internationally. Over the last three years since he retired from Congress they have been doing legal work for many communities in many different capacities.

Mr. McIntyre said some of the areas they have helped with are negotiations, discussions and obtaining funds as appropriate depending on what the issue/project is with federal, state and county entities. They work with the Corps quite regularly. They also work with state agencies like CAMA. Glenn Dunn was the former general counsel for DENR, which is now DEQ. He named other entities and individuals they work closely with.

Mr. McIntyre explained that he had worked with Town Manager Hewett, who presented them with a wish list of all types of projects. He talked about the list and said they would need to know the Board’s priorities.

Mr. McIntyre provided information on legislative language they worked on and had approved; different projects they took part in; and relationships they have. He talked about different funding/grant programs they have knowledge of and how they helped communities obtain the funding.
Mr. Gwinn provided information on the Ferguson Group, their staff and some of their experience. They have been around for 36 years and focus on public agencies. They are a bipartisan group. They are the folks on the ground in Washington, D.C. He said it is a great partnership. They provide information to help understand what the opportunities are in terms of securing federal assistance. That will help the Board in setting priorities. In terms of support, they also provide support on the grant side. He provided examples.

Mr. Gwinn said they provided a packet of information and wanted to touch on one issue to show the kind of information they provide. He referred to the packet that showed where we are on the process and the challenges of the Brunswick County Beaches Project. There is $550,000 left to complete the General Revaluation Report (GRR). That report is necessary to move forward on the project. They are being told by the Corps that the amount will need to come from non-federal money because there is an imbalance in the federal/non-federal cost share. He talked about potential issues. He said they would work with the Town to narrow down and develop solutions. He said the last money that went to the project was $947,000, earmarked by former Congressman McIntyre in the FY 2011 Appropriations Bill.

Mr. Dunn provided information on the first time he came to Holden Beach. He is primarily a regulatory attorney and worked on quite a bit of coastal projects and with local governments. In addition to the CAMA program, he was also general counsel for the Department of Environment and Natural Resources. He talked about his experience and projects he worked on. Most of his work has been consultation and helping things stay moving in the permitting area and in the environmental documentation area. He talked about contacts he has. Mr. McIntyre stated Mr. Dunn was chosen by the state, the feds and all of the environmental groups as the mediator for the Bonner Bridge. He moved people toward the solution.

Mr. McIntyre provided information on additional grants they worked on. They stay involved in the NC Beaches, Inlet and Waterways Association and the American Shore Beach Preservation Association.

Commissioner Freer asked how they work with our current house representatives. Mr. McIntyre said they work regularly with them. The work he is doing currently involves Congressman Rouzer and Congressman Walter Jones. They also work with Senator Tillis and Senator Burr. He talked about his working experience with them.

Commissioner Freer said they work with other coastal communities and sometimes the Town competes with them. He asked how they handle that. Congressman McIntyre said legally and ethically they don’t want to be in a conflict of interest. If the Town is the client, their duty would be to us and not to whoever comes along. Right now they don’t work with either direct neighbor.

Commissioner Butler said he doesn’t know how much history he was told. He is sure Mayor Holden and Town Manager Hewett presented them with a list of the issues we currently have and what our priorities are, but he wasn’t privy to them. When he attended a meeting with the Corps he had his eyes opened that someone above made a decision that the Town would be losing sand that we normally, traditionally obtained. He explained how critical sand is to us. He doesn’t want to go back to where we were in 2005 when we tried to protect the east end of the island with sandbags. He thinks the Town has done an outstanding job throughout the years working with the Corps and federal agencies to obtain sand on the east end. The other project we had that was a tremendous impact to the island was the Central Reach Project. The funding for that was primarily on the backs of the residents of the
Town. He talked about going through Florence and Michael. Without having sand on the beach and without having a preventative action program in place we are in trouble. Especially because over the past years the sand that came out of the Lockwood Folly Inlet came to Holden Beach and the decision has been made that we would not be getting the sand. We weren’t even communicated with. Mr. McIntyre said that is why he said he knows tourism is the number three industry in North Carolina. That’s his message as he works with people that need to know how important it is that we sustain tourism. He agrees sand is critical. Commissioner Freer said he thinks we are unique to other communities because we stop at the bridge. They are interested in restaurants and other types of economic development because they go off the bridge. Sand is our economic development. Mr. Dunn said he is not familiar with all of the facts on the decision to put the sand on Oak Island instead of Holden Beach, but he is surprised to hear that it sounds the decision was made without an environmental assessment or some sort of document with public hearings. That is atypical for a governmental decision.

Commissioner Kwiatkowski asked how they derive support from the municipality they represent. She inquired if they get involved in organizing a grassroots group or does he find those don’t resonate much with the kind of focused work they need to do. She asked what kind of informational background documents they request or how they request information. She said it’s nice to understand the level of participation and what the expectation for support is. Mr. McIntyre said because of legal duty and client relationships there are certain essential things they need to know and who they answer to. One thing they make sure is they answer to the person who has hired them to help them. If that is a town council, then they represent the council, not an individual, but the town as a whole. They work with who has been given the authorization. Generally, they do a monthly legislative report. They do visits only when necessary. The answer is to the group or body that hired them. If you want to generate support for a concern or issue that is great, but that would be between the Board and the public. They would answer to the Board and the staff assigned to work with them. If they need information, they would rely on staff to provide it. Mr. Gwinn understands that putting information together can be a challenge. They look for ways to reduce the effort to assist. It is helpful to have resolutions adopted. Part of what they do is provide draft resolutions and letters. Congressman McIntyre said the Ferguson Group can pull research information together. He explained anytime you can package information and get other people in similar situations together that will get more support for your concern.

Commissioner Fletcher asked about the financial relationship. Mr. McIntyre said the amount would depend on what the Board decides. They would be glad to negotiate that. There would be a monthly retainer, billed monthly. It would be agreed upon for a year’s time, depending when the relationship started. Then both parties can evaluate. Expenses are a separate item. Any proposal will include the Ferguson Group’s fees so you don’t need to worry about two firms. The expenses are itemized and separated out. Grant writing is a separate expense. There are some specialized expenses.

Mayor Holden asked Mr. McIntyre to touch on their relationship in the Topsail area. Mr. McIntyre said they were hired two and half years ago. Initially they focused on a handful of key coastal issues. Topsail was very pleased with their work so they expanded their services. In the third year, they expanded more. When they do their monthly legislative report they report on what occurred on the issues. They bring them up to speed on the current issues. They started at three issues and are up to about seven or eight. They now asked for a two year extension to lock in the rates.

Mayor Holden echoed what Commissioner Butler was discussing about the Lockwood Folly Inlet. He said if we had someone with ears in the background we would not have been ambushed. In the world
of politics having people knowing what is going on is what it takes to get things done. He thinks the most meaningful thing is their firm has the ability to lobby and go after funding and permits. It is not just one or two services, it is like a buffet. We pay for the services as we need them.

Ashley Royal was on the Board the first time the firm came. We now have the benefit of the memory of what happened since then to now. He thinks we are seeing the effect of that. Mr. Royal believes we have evidence that the Town needs to take some action. He said he doesn’t look at securing services that you need as an expense. It is an expense, but if you look at the future of the Town it is an investment. The reality is we can maintain the family beach atmosphere only if they take action to protect and preserve the family beach. He said he doesn’t think the Town has the expertise or relationships necessary to influence other decision makers.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 5:28 p.m.; second by Commissioner Freer; approved by unanimous vote.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk
TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
TUESDAY, NOVEMBER 20, 2018 – 10:00 A.M.

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Tuesday, November 20, 2018 at 10:00 a.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Mike Sullivan; Commissioners Pat Kwiatkowski, Joe Butler, John Fletcher and Peter Freer; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Public Works Director Chris Clemmons; and Detective Jeremy Dixon.

WORK SESSION TO DRAFT AT LEAST A THREE AND POSSIBLY FIVE YEAR REVENUE VS. COST ESTIMATE TO HELP PLANNING FOR GROWING FUND AND RESERVE BALANCES

Commissioner Kwiatkowski said she would like to encourage participation from the audience. She said this will not be the only work session. If the Board is going to draft a plan, we will need to have a lot of components. This one is about trying to figure out additional revenue streams that could be possible. She incorporated the public suggestions into the background document. Some of them may not be legal or are not possible, but that is what they can discuss today. If something is identified as a good idea, she would like a commissioner to take it to work with staff and if necessary with Attorney Fox for legal. The Board can get a probability of success, estimate of money and steps that need to be taken to get the revenue stream in hand in time for the Board’s revenue discussions for next year. She said once the Board gets the revenues identified that they think they can do and revenue increase estimates in hand, then they have to look at what it means against the projected costs over the next three – five years. She tried to keep this to increases in revenue. Commissioner Kwiatkowski said there were a few suggestions on cost cutting, but that to her needs to be a separate meeting and has to happen during budget discussions as well. Commissioner Freer said he would like to see a cost discussion as well and then bring them together. Commissioner Fletcher volunteered to run the cost workshop. He will work with Town Manager Hewett and staff to put together the same type of workshop on expenses. Commissioner Freer encouraged him to also look at debt.

Elaine Jordan said she is here because of the notice that was sent out. She said when she saw the notice she was very disturbed, distressed and disappointed. She said perhaps the Board’s explanation gives her a little more comfort, but when she sees a notice about increasing revenues, her thoughts are that this is a government. She said the Town isn’t a manufacturer, it doesn’t make things to increase revenues. The only way to increase revenues for a government is to increase taxes or impose additional fees. She said that is a problem. Ms. Jordan said the 2019 revaluation is just around the corner. She said the Holden Beach economy is nothing but real estate. Ms. Jordan said the Board needs to wait to see the new tax base. She also asked the Board to look at expenses to see if the Town really needs them. She said she
thinks the Town needs to look at the taxes being avoided by those who are renting their homes privately. She said you may need to spend money to garner more money. Ms. Jordan stated they got back onto this island too late after Hurricane Florence. She said the Town was the last island to open and as property owners they only got on the island 90 minutes before the general public. The communication was good during the storm. She said don’t tell her there was a legal issue. She said she called all sorts of government entities and there were no restrictions on people getting back on the island. Commissioner Kwiatkowski said this is off topic. Commissioner Freer asked when the 2019 revaluation will be complete. Ms. Jordan replied the county does the values. They would be effective in January 2019.

Commissioner Kwiatkowski said beach nourishment is the first priority in everybody’s mind on what the Town is saving money for. She took a look at what our property tax and BPART revenues have been since 2008. Town Manager Hewett supplied her with numbers that were taken from the Audit Report of each year. She tried to take a look between 2018 – 2022 if we kept up with about a 3% increase in our property tax and about a 5% increase in occupancy tax a year. What those numbers would look like is under Scenario 1. She is projecting it with keeping the property tax rates the same. Scenario 2 is assuming we have another couple of good years ahead of us and then have a slight downturn in the economy. It was to get an idea of the range of monies we may look at having. Commissioner Kwiatkowski tried to estimate where we were on our Capital Reserve Fund for beach nourishment knowing that we have put money into it, including this year we took the $0.02 ad valorem tax transfer into it; we are saying we would like to have a 5% savings target from occupancy tax revenues and we were going to put the money that is currently in escrow with the county for paying back our central reach obligation into it. She came up with a number of about $5.6 million of committed funds. She tried to go forward with what ifs. The best number she came up with is maybe $8.25 million on our way to $10 million. This is all an estimate. She said this an exercise anyone can challenge. This isn’t taking into account if the Town invests and what kind of investment income we could get. Commissioner Kwiatkowski believes as a Board they need to have a hard look at this. She thinks it behooves the Board to have a discussion on a yearly basis to see if there are potential revenue streams we can tap into to enhance our General Fund and our Capital Reserve Fund.

Commissioner Kwiatkowski said the callout did get quite a few suggestions of ways we could possibly get additional monies. There are a total of 20 of them, 18 under General and BPART and two under infrastructure. She suggested the Board go over them one by one and have people say if they think it is worth looking into further.

Commissioner Freer mentioned General Fund Balance. Commissioner Kwiatkowski said the 70% General Fund Balance is the Board’s policy today, but that doesn’t mean it can’t be modified. Commissioner Freer said that was made several years ago and he thinks the Board should readdress that. He said that was when we were coming from 34% and we have done a really good job. In his mind back then he wanted to present a realistic goal, not the ultimate goal. He said our peers are well over 100% for a reason. Commissioner Kwiatkowski suggested having Commissioner Freer put that on the December Board agenda. Commissioner Freer asked how FEMA reimbursements fit in with the sand fund and different funds we are dealing with. He understands it is complicated because we are dealing with reimbursements and there is a timing element. He thinks that discussion should be had at some point as well. Mayor Pro Tem Sullivan stated he thinks to get to the issue he would like to have clarified, he would need to clarify the question. He said you would need to drill that down for Town Manager Hewett to answer the question. He said the Board talked about it. We got a lot of money put back into the Town’s coffers that we had no
idea we were going to have. We spent it and that meant we didn’t need to spend money out of BPART and that enabled the Town to increase the BPART Fund. He said if you look at the BPART Fund it has more money than it did before the Central Reach Project. Commissioner Freer said reimbursement, it was money spent. It was not free money. Mayor Pro Tem Sullivan said he then needs to understand how the reimbursement process works. He provided an example of reimbursement. Commissioner Kwiatkowski asked the Board to stay on topic. If we need to have a workshop on the FEMA process, she is sure Town Manager Hewett would be happy to do that.

Commissioner Fletcher said the first item is an ABC Store. He is not sure if you can just have one and that the state doesn’t allocate them. He said we have one close and it is moving closer. He is not sure of the legalities. Commissioner Fletcher said one of the things here is that we don’t have bed and breakfasts. He asked if he is correct that we can’t have bed and breakfasts. Town Manager Hewett responded that it is probably a zoning/ permitted use question as much as it is related to the occupancy tax permitted collections. He would need to check into that. Commissioner Fletcher suggested that may be an opportunity to obtain revenue.

Commissioner Kwiatkowski said someone did make the recommendation that there be a rental property certification annually. Town Manager Hewett said that is illegal, there is specific legislation that prohibits that.

Commissioner Freer said he is not sure how formal the VRBO monitoring is today. Assistant Town Manager Ferguson explained that Fiscal Operations Clerk Lancaster keeps a list and explained how it is investigated. Commissioner Freer asked if we could formalize that. His understanding is that some of our neighbors have a more formalized version in place. He understands that is a growing area. Commissioner Fletcher agreed. He said it is not controlled and there are increasing amounts of people who want to open their house for that reason. He said then they start feeding people and it becomes a bed and breakfast. Commissioner Kwiatkowski said she understands the suggestion is there should be a formal process and that should be instituted once the process is created and approved. Commissioner Freer agreed. Commissioner Kwiatkowski asked if he has some examples of what our neighbors do. Commissioner Freer replied that his understanding is that Ocean Isle has a more formal approach. Mayor Pro Tem Sullivan asked if we have any knowledge on how much money the current process brought in this year. Assistant Town Manager Ferguson said she would ask Fiscal Operations Clerk Lancaster. Ms. Jordan said Air B&B does collect taxes, but the other websites don’t. Commissioner Butler thanked Ms. Jordan for bringing the information to the Board’s attention. He said it has a direct impact on revenue. He suggested that this may need to be a special subject.

Commissioner Kwiatkowski said items 4 & 5 are both about parking. She said they received several comments about the possibility of paid parking. The day parking lot for beachcombers came from an individual who she thinks got the idea from what is done in several northeastern states. There is nothing illegal about creating paid parking. This would need a considerable effort from someone to lead it in terms of what it would take and what the estimate of revenue would be. Mayor Pro Tem Sullivan stated it is on the agenda for tonight. Commissioner Kwiatkowski asked if it is about revenue or about solving parking problems. Commissioner Butler said based on the Citizens Advisory Committee, the Town doesn’t have a parking problem. He said we have more of a problem of people not looking for parking areas and wanting to park as close as they can to the beach. He talked about going to the beach in New Jersey. He said the
committee counted over 500 spaces throughout the island. The individual parking areas that the Town has was about 250 spots. The committee determined at that point that the Town has sufficient parking. He would suggest leaving this discussion up to the committee. Mayor Pro Tem Sullivan added that the tasker specifically will have something on paid parking so the Board can let them do the research.

Assistant Town Manager Ferguson spoke with Fiscal Operations Clerk Lancaster and she said the process is pretty formalized. They have a spreadsheet they update monthly. They send out letters to people they find are not on the list. Sometimes people send something back and can prove they are with a company and only use the websites to advertise. At this time Fiscal Operations Clerk Lancaster feels like the Town is capturing it. She does work with the companies. Mayor Pro Tem Sullivan thinks we should find out how many locations are being monitored compared to how many properties are being identified to get an understanding of what we are capturing. The Board talked about having Fiscal Operations Clerk Lancaster present at a future meeting.

Commissioner Kwiatkowski said she doesn’t understand how it works to charge day parking for beachcombers. Mayor Pro Tem Sullivan said he thinks what the person was saying is if you go to the Jersey Shore, you pay to go to the beach and you pay to park your car. Commissioner Butler added they also sell monthly passes.

Town Manager Hewett doesn’t think the Town has franchise enabling legislation to allow canopy service and vacation rental equipment service company annual fees. He agreed to look into it. Public Works Director Clemmons said he believes the Town charged privilege licenses in the past and that turned out to be illegal. Town Manager Hewett explained that the privilege was removed. Mayor Pro Tem Sullivan asked if the ice cream carts are the same. Commissioner Kwiatkowski said there was no detail provided when that item was submitted so she put it on the list. She said it is food carts.

Commissioner Kwiatkowski said she doesn’t know exactly what they mean by pet tags. She explained that no detail was provided and asked if anyone had insight on how that works. Ms. Jordan said there is a long seminar on this topic, it is not a simple topic. The Board talked about the suggested item.

Commissioner Kwiatkowski said that moving to e-billing for water and sewer bills is more of a cost reduction. You wouldn’t be using postage. Commissioner Fletcher mentioned going paperless. Mayor Pro Tem Sullivan said you would need to give the Town a tasker; how much does it cost to mail the bills out as opposed to how much it would cost electronically. Commissioner Butler stated that an issue may be folks may not be online. Town Manager Hewett added that electronic billing and automated billing services that the Town has put in place were put in place as an option for people. This seems to be counteractive to that. We have a lot of people utilize the walk through option. Commissioner Fletcher said you can make payments, but e-billing is not an option currently. You get a paper bill. Commissioner Freer said he knows water is one of the last direct hooks to our property owners and it may have been on purpose to not make it electronic. Commissioner Kwiatkowski talked about personal experience with electronic notifications. She said voluntary is great, mandatory is a separate thing. Mayor Pro Tem Sullivan said one way to accomplish both to some degree would be to let people opt out. Commissioner Fletcher said the opt out option doesn’t always work. Town Manager Hewett said this one is a bit deeper than putting stamps on a bill. Receiving a bill is directly tied to the preservation of service. We know we send a bill to them. Whether they get it digitally is another thing. Mayor Pro Tem Sullivan understands it may not
be feasible, but he thinks we should look at it to determine the cost and to see if enough people will participate. Town Manager Hewett agreed to look at it.

Commissioner Kwiatkowski would like to group items 9 & 19 because they are both about food. She thinks we can go back to when there was an Italian ice request. It really has to do with food services not associated with a permanent building. She asked if food trucks are legal and if it is worth pursuing to see if it brings sufficient revenue. Town Manager Hewett responded that in the past both of those were viewed as itinerant merchants/ peddling and not allowed. That would be subject to a follow-up interpretation. Commissioner Kwiatkowski said that would mean if it does look favorable there would need to be an ordinance change. Town Manager Hewett said he thinks the Town would need to amend permitted uses in the Zoning Ordinance. Commissioner Kwiatkowski asked if there is enough potential revenue to explore the possibility and if it looks attractive the Board could look at the ordinance. Mayor Pro Tem Sullivan asked if restaurants on the island pay a fee in addition to their property taxes. Town Manager Hewett replied no. Mayor Pro Tem Sullivan said he thinks before the Town decides on inviting food trucks in, this would have an adverse impact on the few restaurants on the island and he thinks the Town needs to check with them. If the Town is only going to get a small amount of income he would not want to have an adverse impact on the people who have been on the island trying to make a living. Commissioner Butler said in addition there could be issues with the Board of Health and inspections. He, along with Commissioner Freer agree with Mayor Pro Tem Sullivan. Anne Arnold asked how you would just limit it to food if you change the ordinance for vendors. Commissioner Kwiatkowski responded that her understanding is that the Town does have the ability to define what to allow. The question then would be can you control the number you allow. It would need to be investigated under today’s legal framework. This needs consideration if the Board decides it is valuable enough to pursue. She has heard comments that people would like more food opportunities on the island. She said there are two ways of looking at it. Does it harm the existing restaurants or does it supplement them because it is a different service? She would be happy to work with staff on this, but if it is determined it is not possible it is not worth taking the time. Commissioner Butler would be more concerned about the people currently on the island. Commissioner Freer agrees. Mayor Pro Tem Sullivan doesn’t find it as an attractive option. Commissioner Fletcher said Dominos delivers all sorts of things so food is available. Ms. Jordan asked if there is a way to have food trucks if it is part of an existing brick and mortar building. Commissioner Kwiatkowski said she wishes Attorney Fox was here. She thinks she read that there was recently a challenge on that in Carolina Beach. Town Manager Hewett said he thinks that Attorney Fox is well versed and qualified to speak to the specifics. Commissioner Kwiatkowski said she will speak to Attorney Fox tonight, but she is still sensing there is not warmth on this.

Commissioner Kwiatkowski said it would need an advocacy effort for the Town to be able to charge a municipality $0.05 prepared food/ meals tax. Other vacation towns do things like this in multiple states. She asked if the Town sees it as worth pursuing. Ms. Jordan said the restaurants on the causeway off of the island wouldn’t need to pay so there would be an immediate competitive disadvantage for the restaurants on the island. Commissioner Kwiatkowski said it sounds like this is not something the Board wants to pursue.

Commissioner Kwiatkowski said the item about state/ county annual match for municipality sand reserve fund contribution/ 401K concept would also need an advocacy effort. She asked if you can get an idea through that the towns that are saving to capital reserve funds deserve an annual match of some sort. It
would not be for when a disaster hits, it would be save along the way, just like retirement. Someone would need to come up with a plan on how this would happen and if there are other kind of monies available through grants or matching. Town Manager Hewett said although he doesn’t foresee this happening in time for an upcoming budget impact, that this particular concept should be integrated into our discussions on our sand fund that has been established by the General Assembly. He would submit that there is room for this type of idea or concept to become involved in the upcoming and near term state budget discussions where this type of idea may gain some traction. Commissioner Freer stated we almost have it already. The county contributes a certain percentage and a town is supposed to. If you don’t have that you won’t get the project. He said it is a similar concept. Town Manager Hewett said that is the Shallow Draft Inlet Navigation project by project funding. The sand fund is a separate fund and is probably a fairly broad concept at this time. This indicates a type of savings instead of on a project. Commissioner Freer agrees you should expand to multiple years instead of project by project. It is an interesting concept. Town Manager Hewett said it is directly related to how we engage with our local and federal representatives to help craft legislation that would help enable this type of thing. Commissioner Kwiatkowski said this interests her a lot and asked Town Manager Hewett if they could work out a thought process on how you would go about jump starting this. This may take a couple of years to get it rolling, but if you do it is an annual win. Town Manager Hewett said the way the Shallow Draft Inlet Navigation Fund came out was it was an iterative process over three years to find a source of funds and negotiate how it would integrate with the Memorandum of Agreement. Commissioner Kwiatkowski will get with Town Manager Hewett.

Commissioner Kwiatkowski said the next item is Town sponsored 5k races, where there is an enrollment fee. She is not sure the frequency imagined. Assistant Town Manager Ferguson said when it says Town sponsored she is assuming they are talking about the Town completely running it. As a runner, if they are charging a $25 - $35 fee, they would want real timers, not the low-key process we typically do for something like the Turkey Trot. She thinks the better answer for this proposal would be what the Board will see on tonight’s agenda. She talked about a proposal from the Parks & Recreation Advisory Board that will be on the agenda. The only other race we currently offer besides the Turkey Trot is through a partnership with the school system. Nick Westfall announced at the last one that he will no longer do that so if we are going to offer that we will need to do it as the Town. With the good that goes along with the race where they are building on the school programs and fighting childhood obesity she doesn’t see charging and still maintaining numbers. She thinks the overall health benefit is better than charging $25 - $35 for that. Commissioner Freer said he gets asked a lot of questions about what parks & rec does and how it positively affects the taxpayers and visitors. He said Assistant Town Manager Ferguson does a good job getting free food and things. He thinks we should stand back and look at all of the events we do. What is the dollar cost and dollar gain? He thinks a lot of the events have grown into something that takes a lot of time, money and effort from the Town staff. He thinks we should take a look at all of them and we need to figure out what they are costing the Town. Assistant Town Manager Ferguson said they were presented the spreadsheet for the for profit races. It was about $800 for man and machine for the Police Department. That doesn’t include the time beforehand with the race routes. That is why they went with the $1,500 fee. Commissioner Freer said it is only an example of what he is talking about. He said we have a lot of other things we do, including the festivals. He is not against the festivals, but he doesn’t think we understand what they cost us and what benefit they give us both financially and non-financially. He said he is talking about everything. He knows they take a lot of time from multiple staff members. Commissioner Freer said he is not passing judgement, but we don’t have any information to understand the pluses and minuses. He will propose that in a different meeting.
Assistant Town Manager Ferguson said summer camps can make money. She is assuming this item is similar to what she worked at Oak Island. They would bring in anything from $6,000 – $10,000 on registration day. It’s all day, instead of the one day we do now and you need to have dedicated staff. There is the expense side of it as well. She thinks a lot of local programs are growing because the programs that were offered through the school with Communities in School went away. People are looking for more options. Ms. Jordan asked if the anticipated kids coming would be vacationers or kids from local people. Assistant Town Manager Ferguson provided examples of people who attended camp in Oak Island. Commissioner Kwiatkowski read the request and said she thinks the request was meant more for the vacationers on the island. Mayor Pro Tem Sullivan asked if you need certification to be a counselor. Assistant Town Manager Ferguson said what Oak Island did was to try and hire teachers. They liked to get around 24 kids. If you get 18 – 20 you could do okay as far as breaking even. It depends what the going rate is right now. They would charge $70 - $80 a week for a 9:00 a.m. – 2:00 p.m. camp. Commissioner Kwiatkowski said the question becomes if it is a camp for visitors'/ vacationers' children, what is the likelihood of getting a couple of dozen a day. It seems to be a high level of complexity. Assistant Town Manager Ferguson said it would have to be weekly and you would need to have sign ups early. The Board talked about if people would use this service while on vacation. Mayor Pro Tem Sullivan asked if it could be done three days a week. Commissioner Kwiatkowski inquired if the Board would like a logistical examination of this to see whether there is something that is worthwhile that could make money and not require the Town to staff up for a daycare center. Mayor Pro Tem Sullivan suggested that it be extended to others besides vacationers. Assistant Town Manager Ferguson will provide the Board with information on this item.

Town Manager Hewett said you cannot do impact fees for future construction. Town Manager Hewett said there is a section in the Town’s Code Book we need to delete.

Commissioner Kwiatkowski said the next item is increase in fines for improper parking, littering, speeding and other code violations. Commissioner Fletcher asked what the Town is getting now for violations. Town Manager Hewett said he hesitates using penal code enforcement for revenue production. The Board agrees. Commissioner Kwiatkowski said the idea is to stop inappropriate behavior not increase fees.

Commissioner Kwiatkowski said the next item, increase in business license and other permit fees is similar to another item that was discussed, it is illegal. Town Manager Hewett said those were the business/privilege licenses.

Commissioner Kwiatkowski explained someone did propose if money is needed, a property tax increase might need to be considered.

Commissioner Kwiatkowski stated the possible increase in cell tower leases was a specific item from someone who has experience in the business. If the Town is interested, they could come in and talk about if we could get more than we currently get. She said if Town Manager Hewett thinks it would be worthwhile to follow up with the individual, the contact is in the email they sent. Town Manager Hewett stated with the continued digitalization of information it is not just a cellphone tower anymore. This is probably a viable market to address. We had our eyes on this as an opportunity for a long time. Mayor Pro Tem Sullivan asked if it is realistic. He said he knows the Board and the prior Board were asked to grant
a reduction in a current lease. Town Manager Hewett said he thinks that request is standard annual thing, but he does not know the answer to that. He thinks as things become more digital it opens other opportunities that we haven’t forecasted previously. Commissioner Freer inquired if the Town ever looked at why Sprint doesn’t have service on the island. Town Manager Hewett said we have five or six carriers up there, he would need to look at it. Ms. Jordan stated you need to look at those leases really carefully.

Commissioner Kwiatkowski said there are also a couple of ideas relating to infrastructure, which is basically starting to save for the future. One of the items was to make sure the Board set permanent development fees, presumably higher than the temporary status quo. There was another recommendation to bump the water and sewer rates up by 5% per year for three years and escrow all of the additional revenue. She said the first item is in the Board’s remit. She doesn’t see the second item as any different than raising taxes, which is something the Board doesn’t particularly want to do. Town Manager Hewett explained under the Local Government Fiscal Control Act you can’t just escrow additional funds. You need to have a capital project defined for that. Unless there is a capital project finite, he thinks you would have a hard time justifying it. You are basically creating a kitty for an unknown and he doesn’t think the Board should entertain that.

Commissioner Kwiatkowski asked if anyone had anything else. She said the idea of the ABC Store as she recalls wasn’t having an ABC Store. It was pursuing if the Town could be granted some of the revenues from the nearby store. Town Manager Hewett said Holden Beach is the only Brunswick County beach that doesn’t have an ABC Store. Some of the towns have two. The law in Brunswick County for ABC Stores is very specific. He doesn’t know the type of money we are talking about at the one nearby. He thinks it is worthy of some more investigation as to what that might be and what type of framework could be established. It might be that it is not worth it for the Town. He does not know what is involved with having an ABC Store for Holden Beach since Brunswick County has one nearby. He thinks the Town needs to do some legwork. Commissioner Fletcher said they all have more mainland presence. Town Manager Hewett said there are a lot of specifics involved with an ABC Store. For example our restaurants have to acquire their liquor from a designated ABC Store. That is a direct one to one revenue that is generated here and goes to Brunswick County. Commissioner Kwiatkowski inquired if it is worth having Town Manager Hewett do some digging on this to see if there is an opportunity. Town Manager Hewett said this is already on his radar to see if there are opportunities.

Commissioner Kwiatkowski summarized the meeting items that have action items:

1 – Town Manager Hewett will keep his eyes open and if there is an opportunity he will pursue them.
4 - Paid parking will be part of the remit of the new committee the Board will discuss tonight.
11 - The state/county annual match—she will put something together with Town Manager Hewett on how the Board could move forward. It’s an idea that can match up well with the state sand fund. It’s just spending the time on advocacy to make sure this concept gets into it.
12 - Assistant Town Manager Ferguson will be talking tonight on event fees where this fits in. The Board can revisit this item if they want to after they listen to her tonight.
13 - Assistant Town Manager Ferguson will put together a rough concept on what it takes for summer camp and what it looks like for three and five day programs, what it will take in terms of resources and breaking even.
18- Town Manager Hewett has the name of a person on the island who sent the message saying they have expertise on cell tower leases.

2- VRBO – the idea of a formal process. It seems we do have one. We will have a presentation from staff at an upcoming meeting to hear about what is done.

The Board still has development fees in front of them.

Commissioner Kwiatkowski stated Commissioner Fletcher said he would lead the workshops on costs. Commissioner Fletcher said he will need to talk to Town Manager Hewett and each of the departments. Commissioner Kwiatkowski said her thought was that the Board would try to have some of the revenue ideas with some estimated monies together for discussion for the budget. The Board usually talks about revenues about March/ April. Timeliness is important here. She said when she starts to get feedback from people she will talk to everyone about a second workshop if needed.

Ms. Jordan stated on the charts she thinks Commissioner Kwiatkowski was assuming a 3% increase every year on property tax. Commissioner Kwiatkowski said on collected property tax. Scenario 1 is assuming we get a 3% increase annually in property tax because that has been somewhere along the line that has been a number to expect when things are good. Ms. Jordan said the problem with that assumption is that property revaluation is every four years. She stated generally the only way you would get a property tax increase is by increasing the rate or having new construction. Commissioner Kwiatkowski said this is predominately from new construction. New construction adds to the base. You can also have a big property improvement where they will come out and do a reassessment.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 11:34 a.m.; second by Commissioner Freer; approved by unanimous vote.

________________________________________
J. Alan Holden, Mayor

ATTEST:

________________________________________
Heather Finnell, Town Clerk Finnell
TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, NOVEMBER 20, 2018 – 7:00 P.M.

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, November 20, 2018 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Mike Sullivan; Commissioners Pat Kwiatkowski, Joe Butler, John Fletcher and Peter Freer; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Police Chief Wally Layne; Public Works Director Chris Clemmons; Planning & Inspections Director Tim Evans; 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

Town Manager Hewett requested to remove #20, Possible Acquisition of Lot 9, Sea Aire Estates from the agenda. Commissioner Butler would like to add Discussion and Possible Action to Amend the Rules of Procedures for the Board of Commissioners.

Motion by Commissioner Freer to delete #20 and add; second by Commissioner Fletcher.

Commissioner Freer withdrew his motion, with Commissioner Fletcher in agreement.

Motion by Commissioner Freer to remove agenda item #20; second by Commissioner Fletcher; approved by unanimous vote.

Motion by Commissioner Butler to add to the agenda Possible Action and to Amend the Rules of Procedure for the Board of Commissioners. Mayor Holden suggested adding it as #20, replacing the item just removed. The motion was seconded by Commissioner Fletcher.

Commissioner Butler started explaining why he is recommending that the second sentence contained in Rule 13 of the Rules of Procedure be revised. Mayor Holden said that the motion is to put the item on the agenda. The discussion of the matter would follow only if the item is approved. Mayor Pro Tem Sullivan said he objects to this being placed on the agenda, despite the fact he is very much in favor of public comments. He said this is another example of not having an item placed on the agenda when it is supposed to be placed. He said he is assuming the special meeting the Board held is what caused this to become an
issue. Mayor Pro Tem Sullivan said at the special meeting there was an objection to allowing people to have public comment. Although he is firmly in favor of public comment, he has been consistent that any agenda item that is not on the agenda should not be considered if the Board is given material at the last moment. He was given the document earlier today, but he doesn’t believe the other members were. The public has no idea what this issue is. The whole idea of having an agenda is so the public, as well as the Board, are made aware of the issues, have an opportunity to study those issues and have an opportunity to make comments on those issues. Whether it is an issue he is in favor of or one he is opposed to it shouldn’t be on the agenda unless it is put on the agenda in the proper way. Commissioner Kwiatkowski added she did revise the Rules of Procedure. Although it does seem simple to make an amendment and it can be, she would prefer that everyone have what is proposed ahead of the meeting. The document has areas you need to refer back and forth on. She thinks everyone needs to have the information ahead of time, to have the whole document in front of them so they could look at the change and see how it affects other sections. Commissioner Kwiatkowski stated it is not an objection to amending the rules. She thinks it should be done appropriately, put it on the agenda and have the information given out ahead of time. It is a big document, it is kind of hard to just flip it into where it belongs. Commissioner Freer said it is a discussion and possible action so the Board doesn’t need to take action if the Board doesn’t feel comfortable. He said we have been flexible because if you want to get technical items 15 and 19 have no backup. There is no way of knowing what is really meant by those agenda items, by him or the public. He said he added backup for item 17 for which there was none. Commissioner Freer said he thinks a little flexibility is not a bad thing. Mayor Pro Tem Sullivan stated as the secretary Commissioner Freer could have rejected those items and kept them off the agenda if he thought they didn’t have enough documentation. He said from the very first meeting he sat on the Board there was a last minute change that was an important one. He said at least 2/3 of the meetings held have had last minute additions to the agenda. It shouldn’t be a regular way of doing business. He said if Commissioner Freer feels as the secretary that there is not enough information don’t put it on the agenda, but don’t put something on the agenda at the last minute. He said those are two different issues. Commissioner Freer said he would definitely argue with the 2/3 statement. He said he is being flexible and he thinks that should be a part of how the Board does business. Commissioner Kwiatkowski added that sometimes the intent of the agenda item is so clear by the sentence that is given that writing two sentences as a backup document doesn’t add anything. Mayor Holden stated as mayor he would appreciate being made aware of things like this before the meeting. Commissioner Butler said he will withdraw it. He thought because of the simplicity associated with this, because of the issue that occurred at the last meeting, it was important enough to him to get it on the table. He wants to make sure this is taken care of going forward. Commissioner Butler will carry it over until the December meeting.

Mayor Pro Tem Sullivan said when we talk about public comment this goes back to the last special meeting we had. We had a meeting where we had our environmental attorney come here and give a presentation. After the presentation was finished not one person on the Board asked a question. Not one person asked him what we should do. Not one person inquired where we should go and what would benefit the Town, but four days later he gets a notice we are having a special meeting and we are going to sue the island west of us. At that meeting because it was a special meeting, he moved that the Board have public comment so people could comment on if this was a good idea. He said three people said no. Mayor Pro Tem Sullivan said there is nothing in our rules that say you can’t have public comment during a special meeting. He agrees there should always be public comment, but there is also a process and said we shouldn’t just change it to make it easy. He said we should have allowed public comment, especially
because in that audience we had a county representative, a state representative and the mayor and staff from Ocean Isle. He was told one of the reasons we wouldn't do that was because we already knew what they were going to say and we didn't need to hear that. When someone is going to speak against his position that is what he wants to hear. He doesn't need someone who is going to support his decision to speak. He wants people to speak always. Mayor Pro Tem Sullivan stated he is the one that made the motion and the motion was turned down. He wants them to speak, they can speak as long as they would like, but the process needs to be followed. Commissioner Freer said they can't speak as long as they would like. The Board has rules and we need to follow the rules. The rules are three minutes. We have rules for special meetings, we follow those rules. He said there were communications before that from the attorney that were sent to all of the Board to explain what was going on. He said Mayor Pro Tem Sullivan is going back to the other meeting where it's their prerogative to ask questions. He said he is criticizing him for not asking a question for something that he understood the issue. His understanding of the rules is the Board didn’t have to have a comment section at a special meeting. He said it would have been okay if he wanted to suspend those rules, that is what Commissioner Fletcher did halfway through the meeting and the Board agreed to that. Mayor Pro Tem Sullivan explained he understood the issue and saw no sense moving forward with the amicus brief. It was clear to him so why would he ask any questions. He doesn’t believe there is anything in the rules that prohibits comments during a special meeting. He said there are rules for comment, but none of the rules apply if you don’t let people comment. Commissioner Fletcher said you cannot add an agenda item to a special meeting unless it is an emergency, but we can say may we waive the Rules of Procedure. That is what he did. He didn’t vote at first because you are not allowed to change the agenda.

Commissioner Butler withdrew his motion. He will put it in the December agenda.

Motion by Commissioner Fletcher to approve the agenda with #20 removed and everything else staying the same; second by Commissioner Freer; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Fletcher to approve 5a, b and c (minutes of the Special Meeting of October 5, 2018, minutes of the Regular Meeting of October 23, 2018 and minutes of the Special Meeting of November 1, 2018); second by Commissioner Butler; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made.

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

Mr. Way explained every year they do a beach analysis. They look at volume change, shoreline change, and do 48 transects on the beach and a few on Oak Island. This annual survey has been occurring since 2001. It is primarily for planning for nourishments, as well as for FEMA eligibility. The annual monitoring is from July - July. Surveying usually occurs in the spring. They collect the data and process it. This is talking about the 2017 hurricane season. Florence and Michael were much worse than anything we had in 2017. It was a favorable year prior to Florence and Michael. He showed images and provided information on the
Central Reach Project in 2017. He talked about how they do volume analysis. Mr. Way said you don’t usually see a lot of sand moving deeper than 12 feet. With Hurricane Matthew we did see material move. When they did the volume analysis they found that the beach gained about 440,000 cubic yards without doing a renourishment. Usually the beach will not gain sand like that unless you are actively putting sand out there. The material that moved offshore beyond 12 feet for Matthew moved back onshore. That is good, it is showing some recovery. They did do some wading depth surveys post Michael and Florence, but we won’t know what is really going on out there until next spring. Mr. Way explained that pretty much the whole beach accreted over the past year. There was erosion on the east end and also a little on the west end. The west end has been pretty stable. The sand from the Central Reach Project is moving west and will continue to benefit the western shoreline. They are keeping an eye on it. He discussed the mean high water chart. The volume is still there, but the mean high water line changed significantly. He showed where we are still seeing some erosion on the west end. It is still a nice dune system. They will look at it. One idea they had is to look into going into a secondary dune system. He said they can talk to Steve Mercer to see if he has any ideas to get the wide dune system a little more beefy, a little more landward of where the beach grasses are. Mr. Way said the shoreline is almost 200 feet wider than it was in 2000. If you compare it to background erosion it is even wider. He said it is basically saying the Town has done a good job and their beach management activities have been successful. We are not only keeping up with erosion, but we are getting ahead of it in most spots. Over the past five years have seen more erosion than normal on the west end. They will keep an eye on that.

Mr. Way said there is some pressure from other communities. The sand from the Lockwood Folly Inlet traditionally went to the east end every other year. Oak Island is getting the sand this year. That is difficult because the east end really relies on that sand source. He will continue to work with the Town to try and figure something out. He talked about the bend widener project. The county is looking to try to widen and possibly deepen the area he showed to get the material for the beach. It will be difficult, especially because of the shipwrecks, to do any sort of beach nourishment project. The county is interested in it so we will continue to coordinate with them on that because it is really important. Florence and Michael FEMA mitigation is ongoing. Central Reach additional offshore borrow area planning needs to be looked at in the near future.

Commissioner Freer asked if the ongoing items are in the document. Mr. Way replied yes. Commissioner Freer said he looked at page 2-35, 2.9, the Terminal Groin Project and expected a more detailed, robust description. He said we had Resolution 18-02 and a couple of meetings. Mr. Way asked if he meant detailed in the process and procedures. He said he didn’t agree with some of the information in the resolution. Commissioner Freer said there are some comments from Coastal Division Management. He said he doesn’t know if he can make the statement in paragraph 3. He said it was an experimental program and he doesn’t know it is defined. Mr. Way said the modeling and the analysis did show that. He said he can revise it. Commissioner Freer encouraged him to look at the resolution and the information from the April meetings. Mr. Way said he did look at it and there were some things from an engineering standpoint that he didn’t agree with.

Commissioner Fletcher said he is a turtle rider. This year they dredged the Shallotte inlet. His thought was after that we had severe erosion on the west end. He asked if there is a linkage between the dredging and what the sand did to beach. Mr. Way explained there could be. Around 2001, they took way too much material out of the Shallotte Inlet, about 1.8 million cubic yards. There was some obvious effects on
Holden Beach’s west end. Since then they stepped that down to about 600,000 cubic yards. Depending on where they put that, they can place that too close to the Holden Beach shoreline where the material could go right back into that borrow area. He said they can look into that a little more. Whenever there is dredging activity in Shallotte they look at it. Commissioner Fletcher asked if the deepening and widening of the Lockwood Folly Inlet might have the same severe effect on our east end. Mr. Way said they are proposing only about 250,000 cubic yards of material so it is much smaller than the Shallotte Dredging Project, but yes. Shoals would move naturally from Oak Island and attach on the east end. When you start moving the material artificially the hole out there you created has to fill in before that natural system continues to work. It is a dangerous balancing act. From a navigation point of view it is much easier to navigate.

Commissioner Butler said based on the east end of the island it looks like we lost 140,000 cubic yards. Mr. Way confirmed yes. Commissioner Butler said Mr. Way mentioned 500,000 cubic yards of material and asked if there are any suggestions that may be a ray of light pertaining to Holden Beach receiving the material without getting into a contest with our neighbors. Mr. Way replied that will be difficult. Oak Island is talking about needing 15 million cubic yards of material. This is a small fraction of what they need. They are treating hotspots. The Town had a good project for a small section of the shoreline that needed it. It was perfectly suited, especially when the Town started to piggyback. He talked about how the sand source we used for the Central Reach Project is now in jeopardy. He said he will continue to work hard with the Town to make sure we have all of our sand sources lined up. Commissioner Freer said when we did what some people call the eastern reach, we had 120,000 cubic yards and we lost 140,000 so we would have been close to replenishing the whole loss. Mr. Way said that project is every two years and they don’t think it can go four years. Both sides of the Central Reach Project will benefit from it, but when you get a Florence or a Michael we are already stressing that project. He said it did hold up well, but we are not getting many summers off and the winters can be energetic. He confirmed they will be doing extra analysis on the east end. Commissioner Butler said there is a lot of data in the report, it is really good. Mr. Way said he can issue a revision to the report and add more stuff.

RECEIPT OF INLET AND BEACH PROTECTION BOARD REPORT

Commissioner Freer said part of the Inlet and Beach Protection Board’s charge is to give the Board a written report. If anyone has any questions, they can ask them, but he is okay with accepting the report. There is no action needed.

POLICE REPORT – CHIEF WALLY LAYNE

• Tonight was a special occasion. His longest serving officer retired after 30 years of service. Had a little get together for him. Ready to hire his replacement. Have someone in mind. The paperwork has gone to the state. The state said they have a 10-day turnaround on that now. Hopefully by the middle of December we will have another officer on board. Thinks he will be an asset to the department and to the Town. He has been working for the Sheriff’s Department for five years. He is from Varntamtown and is very familiar with the island. Looking forward to getting him on board.
• Wished everyone a safe and happy Thanksgiving.
• Not experiencing any major crime waves. Hopes that will continue through the winter.
DISCUSSION AND POSSIBLE ACTION – CONSTRUCTION MANAGEMENT SERVICES OF THE VACUUM SEWER SYSTEM #4 UPGRADE STATUS REPORT – LEO GREEN, GREEN ENGINEERING

Mr. Green said the Board has a status report on the project. It doesn’t include the vacuum pump that was purchased directly by the Town. It’s been delivered and is in place. TA Lovings’ contract price is $1,205,000. As of the end of October, they have requested $327,000. The Notice to Proceed was issued July 9th. The substantial completion date is January 5th, with the final payment February 7th. At the present time they are projecting a completion date of January 19th. He is running about 20 days behind his projected scheduled. There may be justification for a few days being lost to the hurricane. Mr. Green feels we will be in good shape as far as completing the project during the slow season before the spring rush. He thinks some of the delay we are experiencing could probably be attributed to a subcontractor. Workmanship is good. They are satisfied to date with the project.

Commissioner Freer asked about the completion date. Mr. Green responded the completion date is the 19th; they will demobilize and clear the site by the 25th. Commissioner Freer asked if they are on budget. Mr. Green replied there will be some minor changes. There are some credits and some additional costs, but nothing major. Mayor Pro Tem Sullivan inquired what he anticipates the final cost will be. Mr. Green answered he can’t anticipate anything over $1,210,000 - $1,215,000. He doesn’t have the original price in front of him. Public Works Director Clemmons said the pump station equipment the Town purchased directly was about $170,000. They also had the backup skid for emergency purposes that was $15,000, so it was a little less than $200,000. Town Manager Hewett said those were programmed and budgeted expenses. He believes the original contract price was $1,205,000. Mr. Green said that includes electrical. Mayor Holden asked if Planning & Inspections Director Evans had anything to add and if he is satisfied with the inspections. Planning & Inspections Director Evans responded that inspections are different than what the Board discussed here. It is a conflict of interest for him to be involved in design systems, talks about contracts and dollars. Everything they have called in has been inspected. They have fixed, repaired or worked with us to take out any deficiencies. The work we have done there is fantastic as far as that goes. We are having some problems with approvals of changes, but that is not changes to the system and doesn’t affect anything as far as operation. It is just an administrative portion of the law that needs to be followed so we have accurate documentation of what we are doing. He said the engineer is going a great job. Mr. Green said Public Works Director Clemmons, Planning & Inspections Director Evans and all of the staff have been a great help. They have monthly progress meetings.

DISCUSSION AND POSSIBLE ACTION – APPROVAL OF AUDIT COMMITTEE CHAIR AND BYLAWS

Commissioner Fletcher said in the material that was passed out ahead of time there was a revision to the charter and a set of bylaws that the Audit Committee passed. The charter was approved by the Audit Committee, but then it has to come to the Board for its approval. The charter was based on the one that is used for Fayetteville, which was recommended by our Town Attorney. As it was drafted for the Audit Committee, the Town Attorney reviewed it, came up with a final draft. The Chief Executive of the Government Finance Officers Association reviewed the one the attorney did and passed it. The auditor doing the internal control reviewed it and said it was fine. What you have today is a version the attorney provided, a last minute update for this and the only difference is in the first line of the charter the Audit Committee serves as an advisory board for the Town’s Board of Commissioners. He said the rest of the
charter material stays the same. He asked Attorney Fox if that is correct. Attorney Fox said she does not agree with his presentation of events as they unfolded. She said what the Board has is front of them is what she provided to Commissioner Fletcher to provide to the Audit Committee. She is assuming that is also what the other entities approved. What is in the packet is not what she sent to the Audit Committee. Commissioner Fletcher said that is what the Audit Committee sent back, their requested changes. He said we are back to what the attorney gave us originally and the Audit Committee asked to make some additional bylaws, but the attorney suggested that we pull those out and go with what we have here and she will work with the Audit Committee to make sure we haven’t violated any of the Open Meeting Law as we put the bylaws together.

Motion by Commissioner Fletcher that the Board approve this amendment to Ordinance 30.26, the Audit Committee, in the form that was given to us today by the Town Attorney; second by Commissioner Freer.

Commissioner Kwiatkowski asked if it would be more appropriate to say confirm instead of ensure for items 6 and 7. She said these will be things that will be happening by recommendations of an auditor. She asked isn’t it for them to confirm and if there is an issue bring it back to the Board for the Board to decide what action needs to be taken. She said confirm seems to be more in line with what the Audit Committee’s responsibilities are. Commissioner Fletcher and Attorney Fox do not have objections to that terminology. Attorney Fox said ultimately the Board is the entity that is responsible for ensuring that the financial affairs of the Town are being operated in accordance with the law.

Mayor Pro Tem Sullivan asked about appointment of terms; with all other advisory boards and committees the whole list of people who wish to serve on that board is submitted to the Board to look at and to determine who would be on there. For the Audit Committee, that is left for the chairman to select who he thinks is qualified. He would prefer if the Board selected the members of the Audit Committee the same way they select the members of the other committees. He thinks the members of the Board are qualified to look at the resumes of the applicants and to determine if they are qualified to serve. Commissioner Fletcher said the chair does not pick. He said the Audit Committee in full reviews every proposal of someone who wants to serve, evaluates them. Three of those members are highly qualified accountants and auditors themselves. Two are people who ran companies on their own. He said the Board felt when they put this together that they were more qualified than the overall Board is to select the proper people to have on the committee. Mayor Pro Tem Sullivan said the document says the public members shall be appointed by the chair. Commissioner Fletcher said they are, only based on a complete review and agreement by the Audit Committee. Attorney Fox said she thinks it is subject to review by the Board. She suggested it might make the process easier if she obtain the Board’s input and then supply it to the Audit Committee. Approving just the charter tonight was discussed. Mayor Holden said it makes him nervous that a committee is selecting their own members when the liability is coming back to the commissioners. Commissioner Fletcher said the Audit Committee proposes to the Board and the Board approves. The Board will see everyone’s bio. Mayor Pro Tem Sullivan stated his point is the way it is now, 10 people could express their interest. Commissioner Fletcher said they come here to the Board first and the Audit Committee reviews them. He said all of the nominees that brought themselves forward, everyone comes and makes a presentation to the Board. He said that goes to the Audit Committee, which looks at all of their credentials and experience and they tell him to nominate those to the Board. It is the Board’s choice. Mayor Pro Tem Sullivan said they will go to the Audit Committee and they will say these are the two that we think are most qualified. He thinks the Board should look at all 10 people and
determine if they are qualified. Commissioner Fletcher asked if he will know what is required to be on an Audit Committee. Mayor Pro Tem Sullivan replied that is why Commissioner Fletcher is there, he is an expert. He can tell the Board the things they need to look at. Commissioner Freer asked what the best practices are and asked if this is what they do in Fayetteville. Attorney Fox responded that Fayetteville is different. She believes in that situation you have outside professionals and more than one commissioner serving on the committee so it is not apples to apples. She thinks that generally consistency is good. If you treat all of the advisory committees the same it leaves it without the ability for people to scrutinize. If the Board is appointing all the other advisory committees, then the Board should appoint members of this committee too. If you want to carve out specific requirements you can add those. Commissioner Kwiatkowski compared it to a job description and said the preferred qualifications for the candidates could come from the Audit Committee. She said it wouldn’t be that a recommendation or an opinion coming from the chair isn’t valuable, but she tends to agree we should do this the same way across all of the advisory boards. This one needs more structure about qualifications perhaps than some of the others. Commissioner Fletcher said the Audit Committee interviews the people, not just looks at bios. They sit and interview. He said a lot of it is attitude. Do you belong on the Audit Committee; are you going to be able to tell the Mayor or the Town Manager that there is a problem with this before it is brought to the Board. Some aren’t well suited to be on that. They want to be on there for a different reason. The Audit Committee, the five of them that are all qualified do a pretty good job so far. Commissioner Fletcher said that was the view three years ago when the Audit Committee was reestablished; the Board would trust one of their own to be in charge of four outsiders that are qualified to make that call, but they don’t make that decision. The Board makes that decision and they can overrule it. You will see the bios. Mayor Pro Tem Sullivan stated he thinks they understand that, but the issue is that the applicant pool is cut down at the discretion of the people that are already on the Board. He said that doesn’t sit right that the current board members get to choose the other board members that they are going to work with. He said as Commissioner Fletcher said, if you interview someone and you don’t think their personality is up to what you think it should be, that is a pretty subjective way of evaluating somebody and he doesn’t think it is what we should rely on. We could schedule time to have people go through an interview and there is no reason why Commissioner Fletcher can’t lead the interview. He thinks we should be the same with all of the advisory boards and that in the interest of protecting the Town we do it so the Board, the people who are ultimately responsible for what goes on, are the ones who make the decision. He said the decision was made three years ago. That was a different Board. Four people ran together as a team so there wasn’t a lot of difference when it came to implementing or not implementing an issue. Now there is a different Board. Now you want to change the document that was drafted three years ago. Part of that change he is suggesting is that the Board makes the decision on who will be on the committee.

Attorney Fox said in what she supplied to Commissioner Fletcher, she tried to make the terminology in terms of the title areas with the previous ordinance for the Inlet and Beach Protection Board. She explained how that was structured. Making things consistent with Town ordinances helps the Board, staff and members of the advisory boards. Mayor Pro Tem Sullivan said for the sake of being consistent if we don’t want to use the word ensure in item 6, should we also change it in item 7. Commissioner Fletcher said we did. Town Manager Hewett said it is in item 5 too.

Motion by Commissioner Kwiatkowski to defer approving this until after the Audit Committee meets to go through the comments and finalize the charter and at the same time the Town Attorney could be working with the Audit Committee on their bylaws.
Attorney Fox asked if the Board’s consensus is that the appointment should be consistent with other advisory boards. Commissioner Freer said there is a motion on the floor. Town Clerk Finnell read the motion. Commissioner Freer said this board is different because we have a commissioner on the Board so it isn’t consistent with the other boards. He thinks the qualifications to be on that board are different as well.

Mayor Holden asked Attorney Fox to show him in writing what the Board is about to consider to approve. Commissioner Fletcher said he put the proposed change at the table; just the two words were changed. Town Clerk Finnell said she prefers an ordinance, like the Board always does. This is not an ordinance. Typically the Board discusses something, tells her what to bring back to the next meeting and the Board passes it in the form of the ordinance. She said the changes could be brought to the December meeting. Attorney Fox said what she sent in October to Commissioner Fletcher included additional things the Board had set forth in the Inlet and Beach Protection Board. She said that is not included in the current charter the way it is outlined. Town Clerk Finnell said she can draft it and have Attorney Fox review it before the next meeting. Mayor Holden asked if the commissioners are asking him to move the question or are we in agreement to wait until the next meeting when it comes back. Commissioner Fletcher stated to take the vote to give this to her.

The motion passed with a 3-2 vote with Commissioners Butler, Fletcher and Freer voting for the motion and Mayor Pro Tem Sullivan and Commissioner Kwiatkowski voting in the negative.

DISCUSSION AND POSSIBLE ACTION ON POYNER SPRUILL LLP PROPOSAL CONCERNING CONSULTING SERVICES

Town Manager Hewett explained the Board has two proposals in their packets tonight in response to the presentation by Mr. McIntyre at a previous meeting and the subsequent direction to bring back the proposals. The first proposal in the package outlines 10 services, identified as Option 2 on page 41. The price for that suite of services is a retainer of $9,500 a month. The Option 1 proposed services are outlined on page 49. Those five subject areas are proposed at a cost of $7,500 per month. The term for each one is for a year. In follow-up discussions with Mr. McIntyre he wanted to express their flexibility to work with the Board if there is a desire to modify the services. In order to consider either, you would need to appropriate funds. The budget amendment proposed is for $66,500, which is the amount to appropriate for the $9,500 proposal through the end of the year. Town Clerk Finnell said she sent out the budget amendment separately and did not print it.

Mayor Pro Tem Sullivan stated when he looked at the agreement under General Waivers of Conflicts he had concerns with subsection b. He said we would be hiring this firm as our advocate. He read from the language in the retainer. He stated the way he reads it is that they can represent us and another client at the same time and argue in favor of that client to the Town’s detriment. He finds that unacceptable. Attorney Fox said she thinks some of it comes out of North Carolina rules for advising clients of conflict. If you chose to undertake representation of two clients that may be aligned at this time and a conflict becomes apparent down the line, then you would typically have to withdraw unless the client consents to continue with the conflict. She assumes that is why that provision is in there, but she doesn’t know how to interpret it other than the plain meaning of the words. Mayor Pro Tem Sullivan said it doesn’t even say
to him that they would withdraw, it says that they could take an adverse position to the Town. He stated the Town could be paying them and they could be arguing to our detriment. Attorney Fox said their representation is subject to the applicable rules of professional conduct and that is stated in the contract. Mayor Pro Tem Sullivan provided an example regarding the previous meeting relating to Ocean Isle’s permit. Attorney Fox said her understanding is the firm would need to withdraw from representation of both parties, unless the parties consented. She said she could confirm that if the Board would like. Mayor Pro Tem Sullivan replied he would like that.

Commissioner Fletcher stated he has a concern that the minimum fee for one of them is $114,000 a year plus any other expenses and the use of the other consulting firm with no guarantee the Town would get anything. His concern is this is a really pricey deal. He would be interested in seeing other firms that do this and if they are more competitive. He thinks it was $1,500 a month retainer the first time they came. He thinks this is a big risk. Commissioner Butler added there are a lot of dollars involved. He asked if we can really afford this. The other side of the equation is do we have to afford it. He stated a number of people attended the NC Beach Inlet and Waterway Association (NCBIWA) annual conference. He explained there were people at the conference who had so many different ideas. He asked if the Board is fully utilizing Attorney Fox’s capabilities. He inquired if the Town has exhausted our avenues with this group and the other people associated with this group. He said this is a lot of money. He is not saying we won’t get anything out of our money, but he wants to know if there are other options. Commissioner Butler stated he thinks the Town needs to step back and look at this again and make a few phones calls. Commissioner Freer said he went to the Atlantic Intercostal Waterway Association meeting; a regional meeting. Just like in North Carolina, there was an individual whose job was to advocate for the group and the individuals represented in the group. He said we are a member of both of these organizations and thinks we should become much more involved. Commissioner Freer said he was open to Mr. McIntyre’s presentation. He thought it was something the Board should strongly consider, but he is taken back by the price. Without any actions, goals or projected results, he thinks the price is too rich for us.

Commissioner Kwiatkowski stated she thinks federal is very important and that is something that Mr. McIntyre brings. She said there was the discussion that you could always pare back. Other clients he had started out smaller and added as it went on. The question would be if the Board could pare it down to two; it would probably be Lockwood Folly and beach renourishment. She said the Board can refine it. This is a pick your top priority, let them work on it and show what they can do, then you can add onto it after the first successes or if you got what you need that is okay. She said the cost didn’t surprise her, but suggested the Board could widdle back Option 1 further to get something within what the Board is willing to spend. Mayor Pro Tem Sullivan said one of the Board’s major concerns is Lockwood Folly and whether the Town gets the material from dredging. There seems to be an opportunity coming up this year where a decision will be made on what they will dredge, how much material will be removed and where it will be placed. He asked if they determined when those decisions will be made. Town Manager Hewett replied it is his understanding that when the bids were opened on October 30th, they exceeded the available budget so they need to circle back around and go back to the procurement process. Assistant Town Manager Ferguson said at the NCBIWA conference last week the person giving the report said it looks like they would be able to work through their issues and the contract was going to be awarded to Southwinds for the sand to be put on Oak Island. Mayor Pro Tem Sullivan said he knows we already lost that sand, but we are concerned about the ongoing projects. He said we decided to pay $47,000 to ATM to do a study to justify why the Town should get that sand. He inquired if we retained this company would they be able
to benefit us on the projects that are scheduled but haven’t been decided yet or will the lack of our having easements make it void. He asked if we need to strike now. Town Manager Hewett stated he thinks the dredging of the inlet will require federal involvement regardless of what plant is used. That is also tied into the development of the state’s dredge, which will take a couple of years. In general, his feelings are that this federal dredging issue is a game that is played above the rim with seven footers and played at a court at the capital. The type of intercessor that is looking out for the Town’s interests for the Corps’ prospective would have benefit. He reminded the Board we just had an election that now has the majorities in the house split. That will prove to be a more challenging playing field for getting involved and making sure federal dollars come this way to southeastern North Carolina. Mayor Pro Tem Sullivan asked if the Board needs to make a decision now to influence the decision that will be made on the bend widener. He also asked if we are still up in the air about the easements. Attorney Fox said we are waiting on a determination from the Real Estate Department of the Corps on if we need easements based on the information we sent them in support of the fact that we do not need easements. We are still collecting easements in the meantime, but we are hoping they will say we do not need easements. Assistant Town Manager Ferguson said she is not sure if they closed the bend widener issue or not. The last word we received at the Brunswick Shoreline meeting is that they said they would be willing to sit down and talk to both towns after the contract was executed and they had a low bidder. There has been no follow up from the Corps so she doesn’t know if their timeline changed based on the contract being stalled. Commissioner Freer asked if it is also a Town funding issue as well. Town Manager Hewett replied yes as far as a burden share. The Board discussed the bend widener project further.

Commissioner Butler said the one thing the Town needs to get out of the way is the easement issue. Attorney Fox stated they are sending out a follow-up letter for folks they haven’t heard from on Monday. She is planning on following up with her contact at the Corps next week to see where the Real Estate Department is with their determination.

Commissioner Kwiatkowski said there has been comment that this is expensive and yes it is expensive. There hasn’t been discussion of where people would feel comfortable. There has been a discussion on the importance of federal, then there is also state and county. There has been discussion of there might be a need to look for other providers to get competitive bids. She asked if the Board wants to look for other providers, who would do it, how and when. She asked what the priorities are on federal, state and local levels. Commissioner Kwiatkowski asked what the Board wants as their top priorities to start to get our voice heard. She inquired about the next steps if the Board does believe lobbying is needed. She said it comes down to what the Board is comfortable with spending. There is never a guarantee of a win, but you can look at people’s track records. Commissioner Freer added that the Board talked about the regional and state groups that do offer advocacy. He said in the language in the proposal he doesn’t see any actions, goals or projected results. Mayor Pro Tem Sullivan suggested that the Board could ask them to send something that would describe how they would plan to help us in the Lockwood Folly. He asked if the advocacy groups mentioned become advocates for one municipality against the other or do they just advocate for the general area to get funds that can be dispensed to all of the various components. He said what the Town needs is someone that will take our side. Commissioner Freer said the Town could ask them to work with two municipalities and have an agreement where we share those resources. Mayor Pro Tem Sullivan stated that Fran Way just said we can’t share resources. If we get the 200,000 cubic yards every two years that will stabilize the east end, but we can’t go every four years. He asked if an advocacy group would really help us in this type of circumstance or do we need a firm that has some weight.
Commissioner Butler said the cloud over the Town’s head right now is the sand in the Lockwood Folly. He said we can certainly use some help on that issue. Mayor Pro Tem Sullivan said the Town lost the sand this year and we don’t want to lose it two years from now so he asked if it is time to obtain a lobbyist firm. Commissioner Freer asked if he thinks Holden Beach getting the sand over Oak Island is a federal level decision. Mayor Pro Tem Sullivan responded it is the Corps who made the decision; that is a federal entity. The Board talked further about what level the decision was made on.

Commissioner Butler said maybe the Town needs to go back to see what they can do for the Town as far as the Lockwood Folly Inlet and see if they can size the project down. Commissioner Fletcher said this is $9,500 a month to start and that doesn’t include the cost of representation or the out of pocket costs. Mayor Pro Tem Sullivan agrees we don’t need the premier representation. He suggested that Town Manager Hewett contact the firm and ask if they can do a scope of work specific to Lockwood Folly and then the Board can revisit this at the next meeting when the Board gets the scope of work. He is intrigued by the idea of being able to get federal grants. If they are aware of grant money the Town could tap into they could pay for themselves. He thinks those two issues are important. Town Manager Hewett said for clarity they are asking for a redo of the proposal and to concentrate on federal issues relating to the Lockwood Folly Inlet maintenance and federal issues relating to beach nourishment. Commissioner Butler said that sums it up. Mayor Pro Tem Sullivan said they would like a better idea of exactly what the scope of work is; what they would do and how they would do it, who it would influence and how it would benefit us. Commissioner Freer said he calls that a deliverable. Commissioner Kwiatkowski added a deliverable, estimated timeframe and a probability of success. Additionally, what their success level is when they have done these sorts of jobs in the past and what some of the steps taken to help justify the cost given are.

Mayor Holden passed the gavel to Mayor Pro Tem Sullivan. He said about three years ago he offered the suggestion the Town hire someone to represent and speak for us and it went nowhere. A year ago it came up again and it went nowhere. His interpretation tonight is that the Board is not enthusiastic about it again this year. He is happy to have seen commissioners at the NCBIWA meeting and to hear they felt it was a good meeting and they learned something. He said what continues to tear him up is that those who have been doing it for decades have no voice. When they are trying to share what they have learned by going to these meetings over decades, they might as well not say anything. Mayor Holden said in the last three years Holden Beach has gone downhill in our sand project. The highlight the Town has had in recent years is something that the groundwork was done years before; the $15 million sand project. He thinks everyone generally agrees it has been a successful program. He said we are now essentially voting that we don’t need one of the main voices that helped make that happen. He said we are saying we don’t need the person that was voted the best member of Congress as far as working both sides of the aisle. He said he was voted by both parties as being the most professional working both sides and easiest to work with when he was in Washington for 18 years. He said he is dejected. We just got over a battle about suing the town next door. He said we are going down the tubes in public relations and in our power. We need to get something positive going. If you want to ride in a Mercedes, get a Mercedes. If you want to ride in a Pinto, get a used Pinto and bounce down the road. He asked if they want successful representation that knows what they are doing or if they want to go shopping again. He challenges anyone to find any dirt on Mr. McIntyre. He told the Board we can choose how we want to hire them and they will fix the agreement to the Board’s satisfaction. We need to do something. Ocean Isle has a project going on over there. Oak Island has jerked the sand away from us. It’s done behind the scenes. You need to have contacts, trust and go to meetings repetitively to build these bonds. If you don’t want to hire Mr. McIntyre, hire someone
with a good reputation that knows what they are doing. We need to do something or else we will watch the money go to other places. Mayor Holden stated if anyone wants to disagree with what he is saying, he is willing to listen. It’s tough watching some of your fellow elected officials laugh at you for what your town has done recently. He hopes the Town can get better or we will get beat worse.

Commissioner Kwiatkowski asked if the Board could agree on the top two priorities they would like a cost estimate on. She asked if it was the inlet and renourishment because there was some discussion about grants. She asked if the Board could move to ask Town Manager Hewett to approach the firm again and ask them for an estimate for those two topics and some more information around steps that would be taken and a sort of estimate of how long before some meaningful results can be expected. Commissioner Fletcher added what it will cost the Town extra; the retainer doesn’t have anything to do with the work. Attorney Fox explained they are guaranteed a certain amount a month, whether the Town uses their services or not. If you used them it is billed against the retainer they are collecting, up to $9,500. If you go above that, then you pay them. They have a range of hourly rates in there.

Motion by Commissioner Kwiatkowski that the Town Manager approaches Poyner Spruill with the additional questions around the cost and the basic steps for specifically Lockwood Folly Inlet and beach renourishment; second by Commissioner Fletcher; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON AMENDMENT OF THE SCOPE OF WORK FOR THE RECENTLY CREATED PARKING ADVISORY COMMITTEE

Commissioner Butler explained that last month the Board discussed parking and a couple of other things that didn’t end up in the motion. He would like to amend the scope of work for the recently created Parking Advisory Committee within the Planning & Zoning Board. He said that would include the next phase of the project and taking a look at Jordan Boulevard. He understands that a number of years ago there was an engineer the Town hired that developed an architectural drawing that we cannot locate. He suggested contacting that company and trying to resurrect the drawing. The other item on there was the discussion about the possible implementation of the kiosk technology for parking. Right now we are looking for different revenue sources.

Motion by Commissioner Butler to amend the scope of work to include those; second by Commissioner Fletcher.

Commissioner Butler confirmed his motion is for the items listed on page 54.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 18-18, AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 50: SOLID WASTE

Commissioner Kwiatkowski explained it is not her intent to approve the ordinance today. She said she thinks this is the first time people are seeing this version. The intent is for the Board to amend the existing Code of Ordinances related to solid waste to make it more clear and complete and in cases where education doesn’t work, more enforceable. She said they tried up front to define all of the different types
of waste we are discussing; to go through container specifications; the requirements for the number of specifications; how garbage is supposed to be kept in the cans; and what the collection rules are. There is a section in there about yard waste. She said it is very specific about the number of cans that have to be maintained by rental properties. It also is very clear that violations will be subject to penalties. Commissioner Kwiatkowski said we only received a couple of written comments when we asked the public for suggestions. This is the product of the Town staff and attorney coming up with what they think is a clear, concise, enforceable ordinance.

Commissioner Freer said he saw two comments and asked if they were included since they came late. Commissioner Kwiatkowski replied Gail’s had a lot to do with corals, which to her is dealing somewhat with the rollback issue, which is the next topic to discuss. Amending this ordinance without having a rollback decision makes no sense. She believes the intent is to make the rollback decision before this would start to be enforced. Commissioner Freer said there is an effective date of tomorrow. Commissioner Kwiatkowski said she thinks originally there was something about enforcement actions not starting until May 1st. She will need to look. Commissioner Freer said he will go through it and give his comments. He agrees that rollback is an integral part of this. Commissioner Butler asked if it would be helpful to clarify the information regarding the services Waste Industries is willing to provide. He said there is a lot of confusion out there right now. He suggested using the website and the newsletter and stated the more we communicate the better. Town Manager Hewett stated he thinks when we get to a resolution on the ordinance and the rollback problem is the appropriate time to send that type of information out because what would be sent out about the existing ordinance and rollback would be wrong and in conflict. Commissioner Kwiatkowski asked that comments be sent within a week so they can be incorporated. Mayor Pro Tem Sullivan said when he looks at the document under yard waste and rental homes there are adverbs that might make it harder to enforce this than if we struck those adverbs. He would like consistently taken out. He also said we should get rid of abnormal and similar words so it doesn’t confuse the issue. Commissioner Freer asked if having two penalties, criminal and civil is normal. Attorney Fox replied yes. Commissioner Kwiatkowski said the objective is to have a final version that the Board can vote on in December. She hoped to hear public comment today, but we haven’t. Maybe after getting the information out there if people have concerns they will express them before the meeting.

DISCUSSION OF WASTE CAN ROLLBACK OPTIONS AND IMPLICATIONS

Commissioner Kwiatkowski said it is amazing how many rollback options you can come up with. She provided examples. She thinks the best thing to do is to have a workshop in December to sit down together to get through this. Commissioner Freer suggested including the ordinance itself to the workshop. Commissioner Kwiatkowski agreed the Board could work on ordinance finalization and the definition of the rollback program. She asked Town Clerk Finnell to obtain the Board’s availability for the first half of December. Mayor Pro Tem Sullivan asked if the Board could get some type of estimates on the costs of the various options. Town Manager Hewett said he thinks to expand that service would rise to a level of you would need to bid that out to get a good competitive estimate. Anything else would be speculative. Until we have a service provider that goes out there and does an estimate to set that up in January it may not be realistic to do that. He is not comfortable with guessing. Those types of things need to be bid out. Mayor Pro Tem Sullivan said it would be hard to make a decision not knowing how that decision would affect taxpayers or homeowners of the Town. Commissioner Freer said we haven’t defined what we are asking him to look at so he agrees with Town Manager Hewett. Town Manager Hewett said we might be
able to get something worthy of discussion, but it will be holey as Swiss cheese. It would be based on discussions with our current vendor, but he is not sure if the vendor will be willing to do that. Commissioner Freer said he thinks the Board should narrow down what they would ask him to go out to bid for.

DISCUSSION AND POSSIBLE DESIGNATION OF VOTING DELEGATE AND/ OR ALTERNATE DELEGATE FOR THE NCLM ADVOCACY GOALS CONFERENCE

Commissioner Kwiatkowski stated the NCLM is having an advocacy goals conference where participating municipalities would be involved in the discussion and voting in reducing 33 advocacy goals down to the 15 the NCLM will focus on over the next couple of years. We missed the opportunity to send goals in. By us going to this we can get a flavor of how this is working and have input. She and Town Manager Hewett are going and were told to designate a voting delegate. She would like the Board to agree that having Town Manager Hewett cast our votes at the meeting would be the appropriate delegate.

Motion by Commissioner Kwiatkowski that David Hewett be designated as the delegate to vote for Holden Beach at the Advocacy Goals Conference; second by Mayor Pro Tem Sullivan.

Commissioner Butler asked for information on some of the goals. Commissioner Kwiatkowski said they were sent on the NCLM’s communications. Commissioner Butler asked if they are in line with the Town’s expectations. Commissioner Fletcher said some apply to us and some don’t.

Mayor Holden said we have a representative from the NCLM in the audience. Anne White, the designee for Southeastern NC, introduced herself.

Commissioner Freer said he thinks Town Manager Hewett understands the Town’s needs.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON THE SCOPE OF THE INLET AND BEACH PROTECTION BOARD’S INVOLVEMENT

Mayor Pro Tem Sullivan asked to have this item placed on the agenda because he attended the last meeting of the Inlet and Beach Protection Board (IBPB), along with a number of other commissioners. It seemed that the IBPB was questioning their scope of responsibility, the tasks they should undertake and if they need permission from the Board to do certain things. As he listened to it he thought they could use direction. He knows they tried to do that during the joint meeting when the IBPB was first formed. He has a concern that as dedicated as they are, they could do a tremendous amount of work and research on a topic that the Board may not want work or research on. He called the chair of the committee to see if they have the same concern. She told him they do not. Mayor Pro Tem Sullivan stated this is an open invitation to the advisory board that if they need some direction the Board is willing and eager to assist in any way they can. Commissioner Freer said he asked that ordinance be placed as backup for this agenda item. He read from the ordinance and said the Board codified the ask of the Board pretty definably. If they are doing work to support what he just read, it is pretty clear. The Board accepted the ordinance. He thinks the next topic is another board that is working on something they weren’t tasked with. He thinks they are
doing the right thing looking at something. Mayor Pro Tem Sullivan agrees that the ordinance is clear, but that doesn’t mean the ordinance is being adhered to. There were questions if they should look into items that the Board voted on. Mayor Pro Tem Sullivan said he is not criticizing the board. He is asking if they need to get together to make sure what Commissioner Freer just read is understood to be the objective.

Vicki Myers, chair of the IBPB, asked what it was Mayor Pro Tem Sullivan thought the IBPB discussed that the Board already voted on. Mayor Pro Tem Sullivan responded he would need to look. Mrs. Myers reviewed the items on the agenda. Mayor Pro Tem Sullivan said it might have been the amicus brief. He said this is getting more complicated than he intended. He would like to know if she feels the IBPB needs to have a meeting or if she feels comfortable that everyone understands what is expected. Mrs. Myers responded that they are all familiar with the ordinance and what the Board is asking them to do. The long-term plan for the beach will take a lot of background research on their parts. She thinks the IBPB is working diligently to do it. It will be broad and she is assuming they want that in the report. Mayor Pro Tem Sullivan agreed. Commissioner Fletcher said he thinks the Board agrees that if any of our boards or committees have a question they can ask. Mrs. Myers said she thinks their board is the only one who sends a monthly memo. Attorney Fox said it sounds like on occasion more than three members have attended these meetings and reminded the Board that if they engage in dialogue they would be running afoul of the Open Meeting Law. She said the Board should not all attend those meetings. If the Board wants to participate in a task they should undertake that as the Board. Commissioner Butler said he thinks Town Manager Hewett did an excellent job of explaining that.

The Board recessed from 9:42 p.m. – 9:47 p.m. in order to fix the recording equipment.

**DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATION FROM THE PARKS & RECREATION ADVISORY BOARD REGARDING SPECIAL EVENT FEE IMPLEMENTATION**

Assistant Town Manager Ferguson explained that at the request of Town Manager Hewett, the Parks & Recreation Advisory Board (PRAB) began to look at races. She provided the background. The idea was to try to bring the Town more in line with other municipalities. The Turtle Patrol has been the group on our island that provides volunteers. What they found in other places is the groups that assisted would get their donation, but the town would also get money back. We were not getting money back as a town. The PRAB proposed a motion by Vice Chair Willis to charge a special event fee of $1,500, in which the Town has discretion to waive the fee for non-profits and if the number of Police Officers exceeds five, an additional fee will be charged. Member Tucker seconded the motion and it was approved by unanimous vote. If the Board wants to move forward with this we will need to bring it back in December to include it in the fee schedule. The next race it will take effect for will be in January because the September race was moved to January due to a hurricane.

Commissioner Butler asked if this is similar to what others charge. Assistant Town Manager Ferguson provided information on what the others charged. The PRAB looked at the man and machine requirements for the Police and worked off of that. The main target is for the for profit companies. She did make them aware when they changed the date that the item was currently before the PRAB and it would be going to the Board so they may be seeing a fee. Commissioner Kwiatkowski suggested the Board say the Town has the discretion to reduce or waive if appropriate. She said you can put for example for non-profits. Commissioner Freer asked where they came up with five officers. After discussion, Assistant Town
Manager Ferguson explained that the calculation covers up to four Police Officers and their vehicles. Solid waste is also built in. Commissioner Freer inquired who would make the decision. Assistant Town Manager Ferguson responded the Town Manager.

Commissioner Freer thinks he would like PRAB to look at other festivals and other activities the Town spends money on and doesn’t get reimbursements from. Assistant Town Manager Ferguson explained in regards to the festival there is a $7,000 line item in the BPART Fund to cover trash fees. The HB Merchants do not turn over the information on the profit for the festival. Town Manager Hewett said the HB Merchants Association is the sponsoring group of the festival. Commissioner Freer asked if they are a for profit organization. He said we are spending budget money to support it. Town Manager Hewett is not sure if they are for profit. Commissioner Freer said for him it is an equivalency thing. His question is if someone is making money off of the festival. We are paying tax dollars to support that. Attorney Fox said she thinks what she is hearing is to look at a special event fee. She doesn’t think it should be based on just profit versus non-profit. She thinks you need to have an idea of the outlay for the Town for providing the services that allow these events to take place. She asked if the Town has a special event application. Assistant Town Manager Ferguson said the PRAB worked on creating a form. Attorney Fox said it should be predictable when someone wants to do one of these events. She thinks it would be easier from an administrative standpoint. Commissioner Freer agreed with Attorney Fox’s concept, but not for non-profits. He would like it for any special event. Commissioner Fletcher said he thinks the Town should be recovering at least the costs. Assistant Town Manager Ferguson asked if the Board wants to move forward with this for the race and then broaden it or have it come back once the PRAB evaluates other options. The Board talked about the options. Town Manager Hewett would like to see the Board entertain a special event fee at the next meeting so we can address races specifically. Festivals will be another issue. It has a much broader prospective. Holden Beach is a good place to hold these types of events. We felt we have been inundated with these race requests. He is seeing the logistics tall that goes along with supporting those kinds of things and he would like to do something to offset those costs.

Commissioner Kwiatkowski said the motion is adopted specifying races and with the change of waiving or reducing fee as discussed earlier; second by Commissioner Freer.

Mayor Holden asked if Town Clerk Finnell needed verbiage explaining the previously discussed portion of the motion. Town Clerk Finnell said she understands and it will be brought back to the Board next month for final approval because of the fee schedule.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION FOR CREATING GOLF CART SPECIFIC PARKING PLACES IN THE VICINITY OF SOME OF THE PUBLIC BEACH ACCESSES

Commissioner Kwiatkowski said we all know that golf carts are getting more popular. There were several tickets issued last year. She was wondering if it would be valuable for staff to look at side street parking opportunities where they are close to beach accesses. She knows there is a side street by 884 OBW that has marsh on one side of the street. Her idea is to have staff identify some of these side streets. She suggested looking into having the front end of side streets designated specifically for a few golf carts to make it easier for people to drop all of the kids and stuff off. It would be an opportunity to give golf carts
someplace specific to park where they are not competing with larger vehicles. Commissioner Freer said
golf carts are considered cars. Commissioner Kwiatkowski agreed and said this would be to give them a
preference at the front of some of the side streets near walkways. Similar to what some towns do for
motorcycle parking. She asked if the Board agrees that staff can investigate. Commissioner Freer agreed
and said the Board should look at cars to be put in those places as well. Planning & Inspections Director
Evans stated you can't park within a certain amount of feet of an intersection so that will eliminate the
first 100 feet at an intersection. He added we have the rule that allows homeowners to put items out as
long as they meet the ordinance so he doesn't know how you would designate the areas. Commissioner
Kwiatkowski stated these would be the streets that have marsh on one side, areas like Swordfish where
after the first half there is a stretch of right-of-way that then goes into the marsh. Planning & Inspections
Director Evans said he thinks there are three of those, he is not sure if they line up with the beach accesses.
Town Manager Hewett said we will take a look at that to see if it fits.

Mayor Holden said every time the Town makes a decision about allowing parking in different areas in
residential neighborhoods, it makes a tremendous impact on the value of properties in the area. 194
Ocean Boulevard East lost a $751,000 contract on the property because of the newly located parking lot
next door. He is sure some other realtors can verify this type of thing. He asked the Board to take into
consideration the neighborhoods when they consider these kind of things.

DISCUSSION AND POSSIBLE ACTION ON VEHICLE REPLACEMENT POLICY

Town Manager Hewett said we are proposing the Board approve a Vehicle Replacement Policy in order to
better prepare for budgeting and replacing of our vehicles. The way we do it now is we inventory every
year. As a baseline we are proposing to start with making an adjudication when a vehicle has 70,000 miles
or seven years. Once it is replaced the vehicles get recycled as a spare or they are disposed of with the
money put back into the fund the vehicle was purchased from. Here on the island if a vehicle is over seven
years it starts to show heavy age. 70,000 miles was a Kentucky windage on the breakpoint of being able
to capture value on the resale. Mayor Holden said part of that formula is the idle hours. Town Manager
Hewett added this is a trigger to evaluate, but it isn't something that needs to be done. This is a budget
officer guidance document to consider as part of the Board's fiscal policies.

The consensus of the Board is to move forward with the Vehicle Replacement Policy.

TOWN MANAGER'S REPORT

- King Dredging is fully mobilized onsite and the dredge is in the canals. Scotch Bonnet containment area
  is about ready to go. The soft schedule for dredging operations has them starting in Holden Beach
  Harbor for seven – eight weeks, beginning the 1st of December through January 25th. Heritage Harbor
  is January 26th – February 25th and Harbor Acres is February 26th – April 9th. If you haven't made
  arrangements for your dock and your boat you still have some time to do that.
- Matthew – Asked the congressional liaison, Chance Lambeth, for help on the outstanding $350,000 of
  reimbursements that continues to be held up.
- Florence – we have a program manager that has deployed here locally. Holding weekly meetings with
  the program manager. The problem is that while we have taken care of the smaller categories of
damages for the storm, we don’t have a beach technical advisor (TAC) that can write the project worksheet for our beach damages. We are waiting for the federal beach TAC to come down and write the worksheet. We need to have that done and submitted before it can be approved. It will be at least a couple more weeks before they can get here and address all of the North Carolina beaches. We are ahead of the game because we have a pretty good program. The program manager said we are way ahead in terms of our program and our beach management plan. There was an indication that she would like to consider that our staff be included in the FEMA North Carolina Working Group as subject matter experts once the TAC is onsite. We will see how that works, wants to make sure to take care of Holden Beach.

- Michael - we submitted estimated losses to the state for a possible federal declaration. Doesn’t know if that will happen, but we submitted it.
- Next Coastal Resources Commission Meeting will be held at Brick Landing Plantation November 27, 28 and 29. Doesn’t know the agenda.

**MAYORS’ COMMENTS**

- Happy Thanksgiving. Glad you are here.
- The number of check-ins for the whole Thanksgiving week is the highest it has ever been this year at his company. There is an evolvement in the vacation industry where the whole family is coming to the beach more every year. They are coming and having the food brought in. It is a change that he has seen take place.

**BOARD OF COMMISSIONERS’ COMMENTS**

Mayor Pro Tem Sullivan
- Wished everyone a happy Thanksgiving.
- Suggested if you have any input on the rollback or waste issue you email the Board or show up here at the next meeting when they discuss it. It is a lot easier to make a decision when you have everybody’s input. He appreciates any input anyone has.

Commissioner Kwiatkowski
- Thanked everyone for coming and staying. Have a happy Thanksgiving.

Commissioner Butler
- Happy Thanksgiving. Thanks for hanging in there. Appreciates it.

Commissioner Fletcher
- Have a safe and happy Thanksgiving and he will see you next time.

Commissioner Freer
- Ditto.
PUBLIC COMMENTS ON GENERAL ITEMS

Planning & Inspections Director Evans said annually they hold a contractors informational meeting. Every year they have guest speakers. They spend a tremendous amount of time to educate the contractors on the island. A lot of the staff gets involved. CAMA Official Rhonda Wooten and Secretary Ava Cain spend a tremendous amount of time prepping and getting things ready. It is important that the Town recognize that staff is involved with this and it saves the contractors and taxpayers money. He thanked staff for helping because everyone made it a success.

Vicki Myers said the IBPB meeting was October 25th. The amicus brief meeting was November 1st so she doesn’t think that was the issue. She said she wanted to clarify that.

ADJOURNMENT

Motion by Commissioner Fletcher to adjourn at 10:23 p.m.; second by Commissioner Butler; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk
Brunswick’s Provider of Choice
ATMC has proudly served the residents of Brunswick County for over 60 years, providing a full range of services including Telephone, Cable TV, ATMC Home Security, Broadband Internet and more. Most importantly, we back it all with award-winning customer service.

The ATMC Advantage
Unlike some providers' so-called 'advanced fiber networks', ATMC's Fiber Optic network goes all the way to your home providing you with the most advanced voice, video, data and security services through one amazing connection. Whether it’s broadband speeds of up to 1 Gigabit, over 130 high definition channels, or any number of new applications on the horizon, the FOCUS Fiber Optic connection ATMC provides is powerful enough to meet the demands of tomorrow.

The Benefits of Fiber to the Home (FTTH)
- **Power** - FTTH has the ability to deliver more bandwidth and faster broadband speeds than any other connection
- **Value** - A home in an FTTH community is worth more than a similar home in a non-FTTH community.
- **Reliability** - Fiber Optics are resistant to corrosion, not susceptible to lightning damage, and have a longer life expectancy.
- **Flexibility** - FTTH homes are better equipped for the communication and entertainment technologies of tomorrow.
- **Environmental** - FTTH is green, energy-efficient and less intrusive in your neighborhood.

1-844-755-1814 • atmc.com/FOCUS
State-of-the-Art Services backed by Award-Winning Customer Service

ATMC provides Voice, Video and High Speed Internet services delivered over a 100% Fiber Optic network.

Blazing Fast Internet

ATMC provides incredible speeds of up to 1 Gigabit - That's the fastest Internet in Brunswick County! You'll get the speed you need to transform your home into an entertainment powerhouse. Stream movies and television with no buffering and connect wirelessly with Wi-Fi@Home.

Crystal Clear Digital Cable TV

ATMC has all the best TV you want to see! Plus, great features like Video On Demand, Whole-Home DVR and brilliant High Definition. Watch many of your favorite shows online or on your mobile device with ATMC2Go.

Reliable Telephone

Flexible Unlimited Calling Plans with the most popular calling features including Voice Mail, Caller ID, Call Waiting ID and many more.

ATMC Home Security & Smart Home Solutions

ATMC Security offers 24/7 monitoring against burglary/intrusion plus real-time video, home automation and money-saving energy applications that can be conveniently controlled right from your smartphone or PC. All this for up to 50% less than national security providers.

Local Customer Service

ATMC offers the very best communications services backed by award-winning, local customer service. With offices throughout Brunswick County, including The Villages at Brunswick Forest, we offer fast, local service and we're just around the corner!

1-844-755-1814
atmc.com/FOCUS

*Statement based on: The Impact of North-American FTTH Deployments. Michael C. Rhoades, President, IFA Market Research & Consulting. 1 Whole-Home DVR service fee does not include cost of DVR and additional HD boxes. Whole-Home DVR service will only work on a minimum of 5 additional HD boxes. HD channels may not be broadcast in high definition. HDTV required. 2 ATMC2Go services are determined by Cable TV package subscription. Messaging Data rates may apply if used on a mobile device. Not all services are available with ATMC2Go. Other restrictions apply. Up to 29% lower in comparison to advertised rates of AT&T and other security monitoring service providers. Some features require a broadband connection, equipment and Alarm360 service. May require electrical wiring not provided by ATMC. September 2017
§ 30.05 MAYOR PRO TEMPORE.

(A) The BOC shall elect from one of its members: (1) a Mayor Pro Tempore, and (2) an Executive Secretary, who shall not be the same member. The normal term of office of both the Mayor Pro Tempore and the Executive Secretary shall be one year, commencing at the first regular meeting in December; provide, however that each shall serve at the pleasure of the BOC.

(B) The Mayor Pro Tempore shall discharge the duties and exercise the powers and authority of Mayor in the absence, disability, disqualification of the Mayor and during a vacancy in the office of Mayor; provided his or her rights and duties as BOC shall remain unimpaired; except he or she shall receive the salary or expenses of Mayor when serving in that capacity. No additional oath of office shall be required of the Mayor Pro Tempore upon assuming the duties of the Mayor beyond that oath taken at the time of appointment to Mayor Pro Tempore.

(C) The Executive Secretary shall be responsible for: (1) creating the agenda for each regular and special meeting of the BOC, and (2) assembling all supporting agenda package materials, in consultation with the Mayor, other members of the BOC and the Town Manager and Town Attorney, as applicable. The Executive Secretary shall timely deliver the same to the Town Clerk for copying, delivery and publication in accordance with these ordinances and the Rules of Procedure provided for herein. The Town Clerk and Town Manager shall provide logistical and advisory support to the Executive Secretary in performing these functions and the Town Attorney shall provide legal interpretation or support as requested by the Executive Secretary. No notice of any regular or special meeting of the BOC, nor any agenda or agenda package materials with respect thereto shall be delivered or published by the Town Clerk without the express prior authorization of the Executive Secretary.

(Ord. 07-04, passed 5-22-07; Am. Ord. 15-08, passed 12-16-15)

Statutory reference:

Mayor Pro Tempore; disability of Mayor, see G.S. § 160A-70
From: Law, Anthony W [mailto:awlaw@ncdot.gov]
Sent: Friday, December 7, 2018 2:53 PM
To: holden@atthebeachnc.com; David Hewett <david.hewett@hbtownhall.com>
Cc: Kimes, D. Chad <ckimes@ncdot.gov>; Bowen, Kevin G <kgbowen@ncdot.gov>
Subject: Bridge rehabilitation project

Mayor Holden and Mr. Hewett,

I hope you are both doing well. As you may recall a couple of months ago we presented two bridge railing options at your Commissioners meeting in reference to the Holden Beach bridge rehabilitation project, for your review and consideration. The Town chose the three horizontal rail design as shown in the attachment titled “Holden Rail Retrofit – Options 1 and 2.” Upon further consideration, we requested our design consultant provide a third railing option for the bridge rail retrofit, which I have attached, titled “Holden Rail Retrofit – Option 3.” The idea for this option came from the latest Surf City bridge design, which includes a smaller vertical “picket” than the option provided at the council meeting, and may provide greater visibility. The support posts in this option are modified slightly as well.

The Town’s prior decision is still a perfectly valid option and it is not our intent to complicate matters with this proposal, we just wanted to extend this option to you, since it is also being extended to Ocean Isle Beach. We are currently under contract with Coastal Gunite Construction to perform the rehab work and will need to provide them with your choice of the 3 options. If you will please review the attachments and provide us with a response by Friday, December 14, 2018, if at all possible, it will be greatly appreciated and can help the project stay on schedule.

If you have any questions please feel free to contact me at the number listed below.

Best regards,

Anthony W. Law
Assistant Division Construction Engineer
Division Three
NCDOT -Division of Highways
awlaw@ncdot.gov

910-341-2000
5501 Barbados Blvd.
Castle Hayne, NC 28429-5647
Date: November 29, 2018

To: Holden Beach Board of Commissioners

From: Vicki Y. Myers, Inlet and Beach Protection Board Chair

Re: November Meeting Update

The Inlet and Beach Protection Board (IBBP) met November 29 and the following issues and topics were addressed:

**Annual Beach Monitoring Report:** Fran Way of ATM gave an in-depth presentation and answered questions about the report.

**Comprehensive Long-Term Plan:** A working framework for the long-term plan was discussed and agreed upon. Sample reports will be distributed and members will be thinking about which areas they would like to participate in.

**Status of the Beach and Inlets:** Staff provided an overview of conditions and issues relative to the beach strand and inlets in the aftermath of Hurricanes Florence and Michael. The Board was updated on the LFI situation and voted to schedule a special meeting. The County is looking for feedback in an expedited manner.

**Community Engagement Newsletter:** To meet the goal of serving as a link to the community as specified in the establishing ordinance, a regular (possibly quarterly) community newsletter will be created and distributed.

**Meetings:** Members of the Board attended the NC Beach, Inlet and Waterway Association Annual Meeting, the Atlantic Intercoastal Waterway Association Meetings and the CRC meetings.
# Activity Log Event Summary (Totals)

**HOLDEN BEACH POLICE DEPT.**

(11/01/2018 - 11/30/2018)

<table>
<thead>
<tr>
<th>Event Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>911 Hang Up/Open Line</td>
<td>2</td>
</tr>
<tr>
<td>Alarm Activation</td>
<td>26</td>
</tr>
<tr>
<td>Assist Motorist</td>
<td>2</td>
</tr>
<tr>
<td>Attempt to Locate-ATL</td>
<td>2</td>
</tr>
<tr>
<td>Domestic Disturbance</td>
<td>1</td>
</tr>
<tr>
<td>Escort/Relay</td>
<td>9</td>
</tr>
<tr>
<td>Found Property</td>
<td>3</td>
</tr>
<tr>
<td>Maintenance Call (Not HB Public Works)</td>
<td>1</td>
</tr>
<tr>
<td>Meet with Complainant</td>
<td>1</td>
</tr>
<tr>
<td>Open Door</td>
<td>4</td>
</tr>
<tr>
<td>Parking</td>
<td>5</td>
</tr>
<tr>
<td>Public Assist</td>
<td>2</td>
</tr>
<tr>
<td>Supplemental (to prior report - use original OCA)</td>
<td>2</td>
</tr>
<tr>
<td>Suspicious Person</td>
<td>1</td>
</tr>
<tr>
<td>Traffic Control</td>
<td>1</td>
</tr>
<tr>
<td>Water Rescue</td>
<td>2</td>
</tr>
<tr>
<td>Administrative Call</td>
<td>3</td>
</tr>
<tr>
<td>Animal Complaint</td>
<td>2</td>
</tr>
<tr>
<td>Assist Other Agency</td>
<td>7</td>
</tr>
<tr>
<td>Business Check</td>
<td>64</td>
</tr>
<tr>
<td>EMS/Medical Call</td>
<td>4</td>
</tr>
<tr>
<td>Found Person</td>
<td>1</td>
</tr>
<tr>
<td>Keep Check</td>
<td>13</td>
</tr>
<tr>
<td>Maintenance/Water Leaks (HB Only)</td>
<td>2</td>
</tr>
<tr>
<td>Noise/Nuisance Complaint</td>
<td>1</td>
</tr>
<tr>
<td>Other Town Function</td>
<td>1</td>
</tr>
<tr>
<td>Phone Call (requested to call subject)</td>
<td>10</td>
</tr>
<tr>
<td>Residence Check</td>
<td>7</td>
</tr>
<tr>
<td>Suspicious Activity</td>
<td>1</td>
</tr>
<tr>
<td>Suspicious Vehicle</td>
<td>3</td>
</tr>
<tr>
<td>Trespassing</td>
<td>1</td>
</tr>
</tbody>
</table>

Total Number Of Events: 184
TOWN OF HOLDEN BEACH
ORDINANCE 18-16

AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
CHAPTER 50: SOLID WASTE

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach,
North Carolina that the Holden Beach Code of Ordinances, Chapter 50: Solid Waste be amended
as follows:

Section One: Amend Chapter 50: Solid Waste to read as follows:

CHAPTER 50: SOLID WASTE

Section

50.01 Definitions
50.02 Container specifications
50.03 Burning or burying of garbage regulated
50.04 Accumulation and collection
50.05 Collections prohibited
50.06 Yard waste
50.07 Transporting waste materials; covering during transport
50.08 Rental homes
50.99 Penalty

§ 50.01 DEFINITIONS.

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

BUILDING MATERIAL SCRAP. All scrap material from the construction, reconstruction,
remodeling or repair of a building, walkway, driveway, sign or other structure, including, but not
limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber, insulation,
fixtures (e.g., commodes, sinks) or wrappings for materials or any other materials necessary for
the construction, reconstruction, remodeling or repair of a building.

GARBAGE. All animal, fruit and vegetable matter, all small cans, glassware, crockery, bags, and
other small containers in which matter has been left or stored.

LARGE HOUSEHOLD ITEMS. Accessories or fittings for a particular use inside, outside or
around a house including but not limited to tables and chairs; sofas and recliners; bed frames;
dressers; mattresses and box springs; small electronics such as computers and televisions; refrigerators; ovens and microwave ovens; washing and drying machines.

PUTRESCIBLE WASTE. Solid waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to cause obnoxious odors and to be capable of attracting or providing food for birds or animals.

REFUSE. All other types and kinds of materials intended to be discarded, scrapped, or otherwise disposed of.

RECYCLABLE REFUSE. Types and kinds of materials intended to be discarded, scrapped or otherwise disposed of that are defined as recyclable material under the current waste collection contract, e.g., cardboard; newspaper; magazines; small metal and glass containers and certain type of plastic containers in which matter has been stored and possibly residues left.

SUMMER RENTAL SEASON. The period of time that garbage collection occurs twice weekly per town contract.

YARD WASTE. All wastes pertaining to a landscaped/managed property, including but not limited to tree limbs, leaves, shrubbery, weeds, plants or grass.

('85 Code, § 9-1.1) (Ord. 5, passed -- ; Am. Ord. 10-90, passed 5-15-90)

§ 50.02 CONTAINER SPECIFICATIONS.

(A) Residential requirements.

(1) Garbage will be kept only in contractor-owned and provided standard, 90-gallon capacity roll-out containers. Each residence is authorized one container; however, additional containers are available for a set monthly fee.

(2) Recyclable refuse can be disposed of in standard garbage containers. Alternatively, 90 gallon capacity containers for recyclable materials only are available by contract through the town for a set annual fee. They will be provided to a property in addition to, not in replacement of, the required number of garbage containers.

(3) Property owners are responsible to assure they have sufficient 90-gallon containers to properly contain refuse prior to collection. Garbage placed on top of or beside the container(s) will not be picked up by the contractor, nor will garbage placed in non-standard containers.

(B) Commercial requirements.

(1) All commercial establishments catering to the public in such a manner as to create refuse shall be required to place an adequate number of refuse containers in such positions and locations as to encourage their use.

(2) All such commercial related containers shall be maintained in a sound and presentable condition.
(C) No person shall throw, place, or deposit any garbage or refuse of any kind, in any place or in any public or private property, except in approved containers or as otherwise provided in accordance with the provisions of this section.

(D) Containers on town-owned property and other public areas are for the use of the town and for the general use of residents and visitors using the public areas. It shall be unlawful for anyone otherwise to place commercial or residential waste or refuse into such containers.

('85 Code, § 9-1.2) (Ord. 5, passed - - ; Am. Ord. 93-18, passed 10-20-93; Am. Ord. 94-02, passed 2-7-94; Am. Ord. 95-06, passed 2-22-95) Penalty, see § 50.99

§ 50.03 BURNING OR BURYING OF GARBAGE REGULATED.

It shall be unlawful to burn or bury garbage or trash for the purpose of disposal unless a special permit has been issued by the Town Police Department.

('85 Code, § 9-1.3) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.04 ACCUMULATION AND COLLECTION.

(A) All garbage and household refuse shall be kept in proper containers as required by this chapter and it shall be unlawful for any person to permit garbage to accumulate or remain on any premises longer than is reasonably necessary for its removal. It is the intent of the town that all containers be secured in such a manner either next to non-elevated or underneath elevated houses, except on collection days when they are to be placed at street side, so that the town street right-of-way remains clear of empty containers, and so that containers are not damaged or overturned by high winds or other occurrences. Containers will be located at street side no earlier than 6:00 p.m. the evening before designated collection days during the summer rental season. For the rest of the year containers will be located at street side no more than 48 hours before the designated collection. All containers should be returned to the normal house-side storage location by 6:00 p.m. the day after collection.

(B) It shall be the duty of every owner or occupant of every building or premises where garbage or refuse exists, to reasonably and regularly clean the 90-gallon containers and other legal refuse collection containers.

(C) The owners, occupants and lessees of all property, jointly and severally, are required to control all refuse, placing such refuse in proper containers and/or arranging for collection or other disposal disposition in accordance with the provisions of this chapter.

(D) Garbage and household refuse will be collected and removed from the aforesaid containers or cans in accordance with the schedule set forth in the garbage collection service contract, executed independently from this chapter.

(E) This chapter shall be enforced by the town either by civil proceedings or by removing and disposing of litter according to the provisions and procedures for abatement of litter as provided in this chapter and as prescribed by G.S. 160A-174, 160A-175, 160A-193, and 160A-303.1, including the provisions for notice and hearings provided or referred to therein.
§ 50.05 COLLECTIONS PROHIBITED.

All matter, refuse, and materials such as industrial refuse, building materials and scraps, tree trimmings, walkway scraps, or any other refuse from building or remodeling, large containers, or large household items shall not be accepted or picked up as part of the regular garbage collection service contract.

('85 Code, § 9-1.5) (Ord. 5, passed - - ; Am. Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.06 YARD WASTE

Yard waste will be accepted under certain conditions and at defined times under a contract separate from the standard waste collection contract. Permissible, properly bundled or bagged, yard waste must not be placed at roadside for collection more than two weeks prior to a scheduled collection. Property owners who are found in violation may receive written notice from the town that they are in violation of town ordinance in that regard. Those so affected will be asked to correct the situation so they come into compliance with the code or receive a civil fine of $50 per day per offense.

§ 50.07 TRANSPORTING WASTE MATERIALS; COVERING DURING TRANSPORT.

All persons transporting waste material, construction material, or any manner of loose materials over the public or private roadways in the town shall insure that such materials are not lost or scattered on or along the rights-of-way of such roadways. These materials shall be securely covered during transit in such manner as to prevent the loss thereof from the transporting vehicle.

('85 Code, § 9-1.7) (Ord. 10-90, passed 5-15-90) Penalty, see § 50.99

§ 50.08 RENTAL HOMES.

(A) Rental homes, as defined in Chapter 157, that are rented as part of the summer rental season, are subject to high numbers of guests, resulting in large volumes of trash. This type of occupancy use presents a significantly higher impact than homes not used for summer rentals. In interest of public health and sanitation and environmental concerns, all rental home shall have a minimum of one trash can per two bedrooms. Homes with an odd number of bedrooms shall round up (for example one to two bedrooms - one trash can; three to four bedrooms - two trash cans; five - six bedrooms - three trash cans, and the like).

(B) Any property found in violation of division (A) above shall be subject to the penalties listed in § 50.99.

(Ord. 07-13, passed 11-27-07)

§ 50.99 PENALTY.

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

(B) Civil. In accordance with § 10.99(B) of this code of ordinances, the civil fine for violation of any provision of this chapter shall be $50 per offense.
('85 Code, § 9-1.8) (Ord. 5, passed 6-15-87; Am. Ord. 10-90, passed 5-15-90; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 99-02, passed 2-8-99)

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

Section Three: This ordinance shall be effective the 19th day of December, 2018. Penalties will not be enforced until May 1, 2019.

Adopted this the 18th day of December, 2018.

ATTEST:

________________________
J. Alan Holden, Mayor

________________________
Heather Finnell, Town Clerk
Issue: Trash can rollback without corrals (which WI no longer will take from and return to).

Needed: A solution to the unsightly and unsafe roadside empty and full bins that linger after scheduled collection, particularly on Saturdays during season.

Background:
Under the current program which only provides rollback on Ocean Blvd, a significant portion of HB does not have waste bin rollback service, resulting in a large number of empty (and some full) bins being very near or even partly in the road (and subject to blowing or being knocked over). Particularly on Saturdays during season, roadside bins pose increased risk to drivers who are already distracted with locating their rental.

Activities to Date:
Waste bin storage location and rollout and rollback times have been proposed for an amended waste ordinance. Requiring rollback of both empty and full bins if service is provided has been agreed.

Next Steps:
The BOC must decide which of the possible solutions is appropriate for rollback services to begin no later than mid-May 2019.

Decisions needed:
Rollback service level and payment method needs to be decided. Without a decision on rollback service, enforcement of aspects of the proposed ordinance is not feasible.

Possible Outputs:
Rollback service has multiple possibilities, several with the same overall cost (payment methods differ) – the preference is not to increase town cost/budget.

Options and comments:
1. Stay as is (all Tuesdays plus Saturdays during season, OB only), paid out of BPart.
   
   This is not fair to non-OB property owners under the amended ordinance which has clear rollback deadlines for enforcement.

2. No rollback service
   
   Owners would need to contract with providers or arrange rollback with neighbors. A significant number of fines (and dissatisfaction) in year 1 is inevitable. While this reduces town costs and produces a "level playing field" wrt enforcement, the initial and short term (hopefully) result would not be attractive or safe.

3. Whole island Tuesdays and Saturdays only during season (mid-May to end September), paid out of BPart
This might or might not increase cost, but with the increase in number of rentals leading into season and lasting through Thanksgiving there will be many weeks of rental property bin issues. In addition, it does not address the needs of second home owners who use their properties periodically through the whole year.

4. Whole Island all Tuesdays plus Saturdays during season

This maximizes island esthetics and safety and provides service for all owners. Cost is the same for all permutations; there are various options for payment. Some possibilities are presented below

a. BPart only (town cost increase)
b. Combined general fund and BPart (town cost increase)
c. Combined BPart and fees to break even

One option would be use BPart for island wide Saturday service during season (mid-May through September) and charge fees for year round Tuesdays. Another would be use BPart for all service during season and charge fees for Tuesdays off season.

Fees could be flat (same for all owners) or according to number of trash cans (recycle bin not used in the total so as not to discourage recycling on the island).

A graduated example: Fee 1 for properties with 1 trash bin, Fee 2 for properties with 2 to 4 bins, Fee 3 for properties with 5 or more bins. Fee levels set so break even is achieved.
Date: December 10, 2018

To: Commissioners and Mayor Holden

From: David W. Hewett, Town Manager

Re: Resolutions 18-13 & 18-14

The Town needs to implement two fee schedule changes.

Currently the Town is not assessed a processing fee for recyclables. As reflected in the current contract between the Town and Waste Industries, beginning in January 2019 the Town will be assessed a processing fee that is tied to the best negotiated agreements with local processors. Waste Industries has informed us the increase for the upcoming year will be $14.92 per bin. The fee schedule needs to be updated to reflect the change. Resolution 18-13 increases the fee by $14.92.

The information in Resolution 18-14 regarding Special Event Fees was discussed at the November meeting. It includes the language change suggestion that was approved in the motion.

Both resolutions require changes to the fee schedule. Recommendation is to adopt the fee schedule changes by adopting Resolution 18-13 and Resolution 18-14.
Exhibit A

Residential Curbside Trash (second pickup) - The charge for once per week secondary residential curbside trash to CUSTOMER from CONTRACTOR shall be $6.58 per month per cart. CONTRACTOR will provide one 95 (ninety-five) gallon cart for MSW to each address using the Services. CUSTOMER may request additional carts for residents. Additional carts will be billed by the number of carts requested multiplied by the monthly rate of $8.40 and billed directly to property owner. This pickup service will be provided on Saturdays for the months of June, July, August & September.

Curbside Recycle - CONTRACTOR will provide a 95 gallon recycle container for the voluntary program for a price of $4.00 per month per property owner. There will be no processing fees charged for recyclables through December 31, 2018. Beginning January 1, 2019, processing fees/payment will be tied to the best negotiated agreements with local processors. These fees/payments will be mutually agreed upon but not reasonably withheld. Waste Industries will supply documentation as a part of the process of negotiations.

Dumpster Service - Once per week service at Public Works for $122.40 per month.

Rolloff Service - 30 cubic yard container at Laydown Yard on Scotch Bonnet for $55.00 delivery, $87.00 per month rent, $157.32 per haul & $64.00 per ton for MSW tonnage.

This document had been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.
### ADMINISTRATION FEES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Decals</td>
<td></td>
</tr>
<tr>
<td>First 4 Decals</td>
<td>$0</td>
</tr>
<tr>
<td>On Island Business</td>
<td>$10.00 each</td>
</tr>
<tr>
<td>Off Island Business</td>
<td>$10.00 each</td>
</tr>
<tr>
<td>Replacement Decals</td>
<td>$5.00 each</td>
</tr>
<tr>
<td><strong>Curbside Recycling</strong></td>
<td><strong>$82.68 annually</strong></td>
</tr>
<tr>
<td>User Fee (Holden Beach Pavilion, all other Town facilities)</td>
<td>$75.00</td>
</tr>
<tr>
<td>Bridgeview Public Dock Fees. Said fees are per day and not to exceed three consecutive days.</td>
<td></td>
</tr>
<tr>
<td>Dock Fee</td>
<td>$1.25 per foot</td>
</tr>
<tr>
<td>Sewer Pump Out</td>
<td>$5</td>
</tr>
<tr>
<td>Laundry</td>
<td>$5</td>
</tr>
<tr>
<td>Shore Power 20, 30 amp</td>
<td>$5</td>
</tr>
<tr>
<td>Shore Power 50 amp</td>
<td>$10</td>
</tr>
<tr>
<td><strong>Special Event Fee for Races</strong></td>
<td><strong>$1,500</strong></td>
</tr>
</tbody>
</table>

*Ability to waive or reduce for non-profits. If number of Police Officers exceeds five, an additional fee will be charged.*

### PRIVILEGE LICENSE FEES

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Off-Premises Unfortified Wine, Off-Premises Fortified Wine or Both</td>
<td>$10.00</td>
</tr>
<tr>
<td>Off-Premises Malt Beverages</td>
<td>$5.00</td>
</tr>
<tr>
<td>On-Premises Malt Beverages</td>
<td>$15.00</td>
</tr>
<tr>
<td>On-Premises Unfortified Wine, On-Premises Fortified Wine or Both</td>
<td>$15.00</td>
</tr>
</tbody>
</table>

### WATER RATES

**Basic Rates**

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base rate per month per dwelling unit, business or commercial service – includes initial 2,000</td>
<td>$18.00</td>
</tr>
<tr>
<td>Each 1,000 gallons for 2,001 – 6,000 gallons</td>
<td>$3.10</td>
</tr>
<tr>
<td>Each 1,000 gallons over 6,000 gallons</td>
<td>$4.10</td>
</tr>
<tr>
<td>Base rate for meters installed for additional services as defined in §51.03(A)(2) of the Code of Ordinances</td>
<td>$7.50</td>
</tr>
<tr>
<td>Each 1,000 gallons for 0 – 6,000 gallons</td>
<td>$3.10</td>
</tr>
<tr>
<td>Each 1,000 gallons over 6,000 gallons</td>
<td>$4.10</td>
</tr>
</tbody>
</table>
RESOLUTION 18-13
RESOLUTION AMENDING THE HOLDEN BEACH FEE SCHEDULE

WHEREAS, As reflected in the Solid Waste and Recyclables Collection, Transportation and Disposal Agreement between the Town and Waste Industries, beginning in January 2019 the Town will be assessed a processing fee based on the best negotiated agreements with local processors; and

WHEREAS, the increased annual cost per bin due to the new costs is $14.92, increasing the total assessed to $82.48; and

WHEREAS, the Holden Beach Fee Schedule needs to be updated to reflect the addition of the processing fee.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Town of Holden Beach, North Carolina does hereby amend the fee schedule to reflect the new recycling fee of $82.48 per bin.

BE IT FURTHER RESOLVED, that this fee should be effective for recycling services beginning on January 1, 2019.

This the 18th day of December, 2018.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk
RESOLUTION 18-14
RESOLUTION AMENDING THE HOLDEN BEACH FEE SCHEDULE

WHEREAS, The Parks & Recreation Advisory Board reviewed race recommendations for the Town of Holden Beach; and

WHEREAS, The Parks & Recreation Advisory Board recommended implementation of a special event fee to offset the cost incurred to the Town for such races; and

WHEREAS, The Board of Commissioners reviewed the proposal in November and added language to reduce or waive if appropriate.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Town of Holden Beach, North Carolina does hereby amend the fee schedule to reflect the addition of a $1,500 special event fee for races, in which the Town has the discretion to reduce or waive the fee if appropriate.

NOW THEREFORE BE IT FURTHER RESOLVED, that if the number of Police Officers exceeds five, an additional fee will be charged.

This the 18th day of December, 2018.

ATTEST:

_________________________
J. Alan Holden, Mayor

_________________________
Heather Finnell, Town Clerk
November 29, 2018

VIA EMAIL
David Hewett, Town Manager
Town of Holden Beach
110 Rothschild Street
Holden Beach, NC 28462

RE: Engagement for Legal Services

Dear Mr. Hewett:

Reference is made to our telephone conference of November 21 and your letter of November 26. I am pleased that the Council has asked our firm to consider serving as outside counsel for the Town of Holden Beach. This letter sets for the terms with respect to governmental matters and consultation as you requested in your letter of November 26.

Client. The Town of Holden Beach ("Client") will be our only client in this matter. (This does not include individual members of the town council, the mayor or the town staff but rather the town as an incorporated municipality.)

Scope of Engagement. We have agreed to advise and assist you with governmental matters and legal issues that arise and the Client hereby engages Poyner Spruill LLP to perform the following services in accordance with the terms and conditions set forth in this Agreement: working with the Client to secure federal assistance and project management regarding: (1) federal issues related to beach nourishment at Holden Beach, North Carolina, and (2) federal issues related to Lockwood Folly Inlet maintenance. The Client acknowledges and agrees that Poyner Spruill LLP does not have control over third party decision makers, and, that Poyner Spruill makes no representations, warranties, or guarantees that it can achieve any particular results. Poyner Spruill LLP shall act in good faith with the necessary due diligence in connection with its performance of the services described herein. Two local meetings with the Council and two trips to Washington, D.C., per 12-month period, as well as a monthly status report, are included in the services to be provided. Our work for this engagement will be on the federal level. It is understood that The Ferguson Group will be assisting our firm on your behalf. As the need arises for specialized assistance, such as grant writing or for legislative monitoring/research, then fees and costs incurred for such services will be billed separately to the client.

Retainer. The retainer for our services will be $6,975.00 per month. Unless either of us terminates this engagement, this retainer will remain in place through December 31, 2019. Out-of-pocket expenses and costs relating to our representation are not included in the monthly fee, but will be billed separately as
incurred. Our work under this new contract will commence when we receive written authorization from you, and the monthly retainer in any event will be the minimal monthly fee for our services rendered during any portion of the month for which it is paid.

Other Engagements of Poyner Spruill LLP. You may choose from time to time to engage other Poyner Spruill attorneys on other matters that are not included in this engagement. The conditions and scope of our representation in such matters shall be documented in a separate engagement with you. And unless agreed to otherwise at the time of engagement, our fees and such other matters will be based primarily on the hourly rate for each attorney and paralegal devoting time to such matters.

Fees and Expenses. Attached to this letter is a copy of our Standard Terms of Representation which would control such matters. If an appearance before an adjudicating body of either of the executive or judicial branches is requested, then services may be provided by our firm at an hourly rate, which currently could range from $375 to $575 per hour. If needed, time devoted by paralegals would be charged at hourly rates ranging from $175-$280 per hour.

General Waiver of Conflicts. By engaging the firm to represent the Client pursuant to the terms of this letter, the Client understands and agrees that the firm has represented and may in the future represent other clients in other matters (a) that may be similar to the matters for which we have been engaged by the Client, and (b) that are not substantially in conflict with our work for the Client but are directly or indirectly adverse to the Client. As a condition to our representation, the Client agrees that we may continue to represent or may undertake in the future to represent any or all of those clients generally described in the prior sentence, subject to the applicable rules of professional conduct. We agree, however, that notwithstanding the foregoing waiver, your prospective consent to conflicting representation contained in this section shall not apply in any instance where, as a result of our representation of you, we have obtained proprietary or other confidential information of a non-public nature, that, if known to such other client, could be used in any such other matter by such client to your material disadvantage.

Conclusion of Matter. This matter will conclude when all work has been completed. Following the conclusion of the matter, you may request your files to be returned to you; otherwise they will be retained by the law firm and disposed of in accordance with our retention policy as noted in the “Conclusion of Representation; Retention and Disposition of Documents” section of the attached standard terms representation.

If the foregoing and the enclosed standard terms of representation accurately state the terms of our engagement, then this is the confirmation of our agreement with you regarding this matter. If the foregoing and the enclosed representation do not accurately state the terms of our engagement, please let us know immediately.
We will look forward to hearing from you. Thank you again for giving us the opportunity to work with you.

Sincerely,

Mike McIntyre
Senior Advisor & Director of Government Relations
Member of Congress, 1997-2015

cc: J. Alan Holden, Mayor
STANDARD TERMS OF REPRESENTATION

This document sets forth the standard terms of our engagement as your lawyers. Unless modified in writing by mutual agreement, these terms will be an integral part of our agreement with you. Therefore, we ask that you review this document carefully and contact us promptly if you have any questions. You should retain this document in your file.

The Scope of Our Work

The legal services that we will provide to you are described in our engagement letter.

Any expressions on our part concerning the outcome of your legal matters are expressions of our best professional judgment, but are not guarantees. Such opinions are necessarily limited by our knowledge of the facts and are based on the state of the law at the time they are expressed.

It is our policy that the person or entity that we represent is the person or entity that is identified in our engagement letter and does not include any affiliates of such person or entity (i.e., if you are a corporation or partnership, any parents, subsidiaries, employees, officers, directors, shareholders, elected or appointed officials or partners of the corporation or partnership, or commonly owned corporations or partnerships; or, if you are a trade association, any members of the trade association). Accordingly, for conflict of interest purposes, we may represent another client with interests adverse to any such affiliate without obtaining your consent.

Who Will Provide the Legal Services

Customarily, each client of the firm is served by a principal lawyer contact. You are free to request a change of principal lawyer at any time. Subject to the supervisory role of the principal lawyer, your work or parts of it may be performed by other lawyers and legal assistants in the firm. Such delegation may be for the purpose of involving lawyers or legal assistants with special expertise in a given area or for the purpose of providing services on the most efficient and timely basis.

Communications

If at any time, you have any question about our services, staffing, billing or other aspects of our representation, please do not hesitate to let us know. It is important to us that you are satisfied with our services and responsiveness at all times. The Firm has assumed in accepting this engagement that we are permitted to communicate with you and your personnel in person or by telephone, first-class mail, fax, express delivery services and/or e-mail. The firm will employ encryption when required to protect personally identifiable information and/or private health information or as requested by the client. If you require special exceptions to our general communications policy, now or in the future, please notify us promptly.

How Fees Will Be Set

(This section does not apply to the monthly fee described in the attached engagement letter, but would apply to all matters undertaken by the firm absent written agreement otherwise with respect to any other engagement.)

To help determine the value of our services, each of our lawyers and legal assistants maintain time records for each client and matter. We record our time in units of tenths of an hour. The time records are reviewed monthly by the billing attorney assigned to you before a statement is rendered. All attorneys and legal assistants of the Firm are assigned hourly rates based primarily on experience and expertise. Our hourly rates are adjusted from time to time (generally once a year) and may change during the course of our engagement. We view such rates as only a benchmark, and not as the sole determinant, of the value of our services for billing purposes. Instead, the amount of our billing statement will be the fair value of the services as determined by the billing attorney taking into account the time records for the matter, the types
of services we have been asked to perform, any special level of expertise required, the novelty and complexity of the issues presented, the time constraints imposed on us, the extent to which our investment in office systems have efficiently produced a high-quality product, the size and scope of the matter, results obtained, and other relevant circumstances.

Client Responsibilities

You agree to pay our statements for services and expenses as provided below. In addition, you agree to be candid and cooperative with us and will keep us informed with complete and accurate factual information, documents and other communications relevant to the subject matter of our representation or otherwise reasonably requested by us. Because it is important that we be able to contact you at all times to consult with you regarding your representation, you will inform us, in writing, of any changes in the name, address, telephone number, contact person, e-mail address, state of incorporation or other relevant changes regarding you or your business. Whenever we need your instructions or authorization in order to proceed with legal work on your behalf, or to transfer custodial responsibility of records, we will contact you at the latest business address we have received from you. You agree to notify the Firm of changes of status such as name, address and other contact information.

Responses to Audit Letters

From time to time, you may ask us to issue to your accountants a legal opinion in connection with an audit of your financial statements. In most cases, we charge a flat fee for issuing these opinions. We also charge a flat fee for issuing updates to our opinion letters. Please note that we reserve the right to increase the fee if, in preparing an opinion letter, it is necessary to analyze multiple, complex loss contingencies.

Estimates

We are often requested to estimate the amount of fees and costs likely to be incurred in connection with a particular matter. Whenever possible, we will furnish such an estimate based upon our professional judgment, but always with a clear understanding that it is not a maximum or fixed-fee quotation unless specifically stated as such. The ultimate cost frequently is more or less than the amount estimated because of conditions over which we have little or no control. Our actual fees will be determined in accordance with the policies described herein.

Administrative Expenses and Other Disbursements

For matters that are billed hourly, we currently have a flat rate administrative expense charge of $10.25 per billed hour which is calculated in lieu of telephone charges, photocopying, postage, facsimile, and other typical administrative expenses. We reserve the right to prospectively make minor adjustments in this amount or change to an equivalent percentage charge. For all matters (hourly or otherwise), you will be charged separately for extraordinary disbursements made by us on your behalf, such as special postage, third-party delivery charges, travel, bulk photocopying, secretarial overtime, if necessary, and use of other service providers such as investigators, printers or experts. In litigated matters, we include payments made by us for process servers, court reporters, deposition transcript expenses, witness fees and the like. We also make separate charges for the use of "Lexis" and other computerized legal research systems that often significantly reduce lawyer research time. Invoices from third party providers of ancillary services with significant costs may be sent directly to you for payment.

Billing Arrangements and Terms of Payment

We will bill you on a regular basis, normally each month, for fees, administrative expenses and disbursements. We make every effort to include disbursements in the statement for the period in which the disbursements are incurred. However, some disbursements are not available to us until following months, in which case a supplemental statement will be rendered to you for these additional charges or an estimated
amount will be included in the initial billing and an adjustment made when the actual disbursement information is available. You agree to make payments within 30 days of receiving our statement. Unpaid fees, expenses and disbursements accrue interest at the maximum rate permitted by state law, but not exceeding 1¼% per month (18% per annum) from the beginning of the month in which they became overdue.

We will give you prompt notice if your account becomes delinquent, and you agree to bring the account or the deposit current. If the delinquency continues and you do not arrange satisfactory payment terms, we will withdraw from the representation and pursue collection of your account. You agree to pay the costs of collecting the debt, including court costs, filing fees and a reasonable lawyer’s fee.

Trust Deposits

All trust deposits we receive from you will be placed in a trust account for your benefit. As approved by the North Carolina Supreme Court, your deposit will be placed in a pooled account if it is not expected to earn a net return, taking into consideration the size and anticipated duration of the deposit and the transaction costs. Other trust deposits will also be placed in the pooled account unless you request a segregated account. Interest earned on the pooled account is payable to the North Carolina State Bar to fund programs for the public’s benefit. Interest earned on the segregated trust account will be added to the deposit for your benefit and will be includable in your taxable income. The monthly fee paid pursuant to the engagement letter attached is not a trust deposit, but rather a fee paid the firm for services.

Termination of Engagement

You may at any time terminate our services and representation upon written notice to us. Such termination shall not, however, relieve you of the obligation to pay for all services already rendered, including work in progress and remaining incomplete at the time of termination, and to pay for all expenses incurred on your behalf through the date of termination.

We reserve the right to withdraw from our representation as required or permitted by the applicable rules of professional conduct. We will try to identify in advance and discuss with you any situation that may lead to our withdrawal and if withdrawal ever becomes necessary we will give you written notice of our withdrawal. In the event that we terminate the engagement, we will take such steps as are reasonably practicable to protect your interests in the specified matter, and you agree to take all steps necessary to free us of any obligation to perform further, including the execution of any documents necessary to perfect our withdrawal. We will be entitled to be paid for all services rendered and costs or expenses incurred on your behalf through the date of withdrawal. If permission for withdrawal is required by a court or arbitration panel, we will promptly request such permission, and you agree not to oppose our request.

Conclusion of Representation; Retention and Disposition of Documents

Unless previously terminated, our representation of you in any matter will terminate on the date that we provide our last legal service to you in connection with that matter. Representation pursuant to the monthly fee agreement as described in the attached engagement letter shall terminate when you or we terminate such relationship pursuant to the prior section (See Termination of Engagement). At the conclusion of the matter, if you would like for us to return any of your records or property, please contact us promptly. Should you request return of any of your records or property, we reserve the right to assess reasonable fees and costs associated with any time spent or expenses incurred in fulfilling your requests. Our own records pertaining to the matter, and any records or property that you do not request be returned to you, will be retained by the firm for a reasonable time after termination of our engagement on the matter, consistent with our records retention program. At the conclusion of the relevant retention period, we will securely dispose of the applicable records and property in our possession pertaining to the closed matter.
Post-Engagement Matters

You are engaging the firm to provide legal services in connection with a specific matter. After completion of the engagement, there may be changes in applicable laws or regulations, or new legislation or court decision that could have an impact upon you, your future rights and liabilities, or the matter for which we are engaged hereunder. You understand and agree that you are not engaging us to monitor new legislation or court decision, or changes in laws and regulations that occur after we have completed the engagement described above, and you agree that we are not responsible for advising you of any such new legislation or court decisions, or changes in laws or regulations.

Your Right to Arbitrate

If you disagree with the amount of our fee, please take up the question with your principal lawyer contact or with the Firm's managing partner. Typically, such disagreements are resolved to the satisfaction of both sides with little inconvenience or formality. In the event of a fee dispute which is not readily resolved, you have the right to request mediation and arbitration under supervision of the District Bars for the jurisdictions in which we practice or the State Bar, and we agree to participate fully in that process.

Questions

If you have questions about any aspect of our arrangements or our statements please feel free to raise those questions. It is very important that we proceed on a clear and satisfactory basis in our work for you. We are open to the discussion of all of these matters and we encourage you to be comfortable in letting us know if you have any questions or concerns regarding these arrangements.

Thank you.
 Holden Beach Renourishment Project, NC: Background, Status and Proposed Scope of Work

Background

The Brunswick County Beaches Project is part of a comprehensive plan for coastal storm damage reduction extending from the Cape Fear River down to the North Carolina/South Carolina border. The project was authorized in the Flood Control Act of 1966, in accordance with recommendations of the Chief of Engineers contained in House Document #511, 89th Congress, at an original estimated cost of $12,310,000.

The project is broken into two segments: 1) the Ocean Isle Beach portion of the project; and 2) the Oak Island/Caswell Beach and Holden Beach portion of the project.

The Ocean Isle portion of the project was constructed in 2001 and consists of several berms and a dune covering approximately 3.2 miles of shoreline. This is a 65% Federal/35% non-Federal cost shared project, with periodic nourishment envisioned on a three-year basis for a period not to exceed 50 years from the time of initial construction was completed in 2001. Nourishment occurred this fiscal year, and the next nourishment is expected to occur in fiscal year 2021, subject to the availability of funds.

The Oak Island/Caswell Beach and Holden Beach portion of the project is unconstructed. This portion of the project would provide for eventual construction of a dune with a base generally bordering at or near the building line and an adjacent shoreline berm. The exact features and scope of the project are presently undefined, but could cover a potential cumulative area of more than 24 miles of shoreline. A General Reevaluation Report for this portion of the project is being conducted in response to requests from the towns of Long Beach, Yaupon Beach, Caswell Beach,
and Holden Beach in 1994, in order to determine the project scope and whether it should be expanded to protect more homes and businesses.

The Reevaluation Report focuses on the communities located on the two barrier islands known as Oak Island and Holden Beach. Oak Island, which is approximately 13 miles long, is occupied by the Towns of Oak Island (formerly Long Beach and Yaupon Beach) and Caswell Beach. West of Oak Island is the island of Holden Beach, which is approximately 11 miles long and occupied by a town of the same name. The two islands are separated by Lockwoods Folly Inlet.

The General Reevaluation Report is investigating measures and plans for the sole purpose of coastal storm damage reduction. Brunswick County is a frequent landfall site for hurricanes and tropical storms tracking along the mid-Atlantic coast. In addition to direct land-falling storms, many other storms have passed offshore and have impacted the study area.

Storm reduction needs are typically met through berm and dune beach fills, using material taken from upland areas or dredged from offshore borrow sites, and in some cases building relocations, or coastal storm structures, such as groins and breakwaters. In addition to identifying a potential plan of improvements, the General Reevaluation Report will determine if there is sufficient borrow material to construct and nourish the project reach for 50 years without causing significant environmental impacts.

The General Reevaluation Report for Oak Island and Caswell Beach was initiated in November 1996 and for Holden Beach in October 1997. These efforts were combined into a single General Reevaluation Report, which presently is unfinished. A path forward must be developed for completing the General Reevaluation Report and considering a possible project for implementation.

Status

Securing the funding to complete the General Reevaluation Report. The Corps has spent about $8 million on this effort to date, and estimates it will cost an additional $550,000 to complete the General Reevaluation Report. The study efforts are 50/50 cost shared between USACE and the participating communities (Holden Beach, Caswell Beach, and Oak Island). The non-federal project sponsors have not provided any funding to support the study effort to date. The Corps Headquarters has determined that; 1) no additional Federal expenditures are authorized for Report completion; and 2) 100% non-Federal funds are to be used to complete the study coupled with the execution of an agreement that includes a non-Federal upfront repayment plan for the sponsors’ proportionate share of sunk Federal costs which, to this point, have been fully Federally funded.

Identifying an appropriate project plan. The original plan of improvements was intended to reduce the total average annual damages of about $25 million due to hurricane and storm action and coastal storm damage erosion. The total value of adjacent property is about $500 million. The General Reevaluation report will consider whether the original project area should be expanded to protect more homes and businesses, considering the project’s overall benefits and costs. In 2012, the Corps produced a draft General Reevaluation Report and Environmental Impact Statement for coastal storm damage reduction, Pre-alternative Formulation Briefing and agency technical review. This report envisioned that the scope of the project and the amount of sand placed along the shoreline would be greatly
Increased. The report was never finalized and released to the public; however, it has generated concern (among Corps reviewers and others) that the project as envisioned may be too large and costly to receive funding, based on recent Federal appropriations made available for beach nourishment projects.

Obtaining sufficient borrow material available to construct and nourish the project for 50 years. The General Reevaluation Report will verify that adequate borrow material can be obtained from upland borrow sites and other sites offshore. Locating a sufficient supply of suitable quality sand at affordable prices may be an issue if the project is greatly expanded.

Determining whether the amount of borrow material necessary to construct and nourish the project for 50 years can be obtained without significant environmental impacts. The General Reevaluation Report will consider the environmental impacts of the possible project and what measures may be taken to avoid, minimize, and mitigate those impacts. Impacts to birds and turtles are possible, and specific high value habitats within the study area include, but are not limited to: the inlet complex, ebb shoal, cape shoal, hard bottom, and soft bottom communities.

Proposed Scope of Work

Step 1. Facilitate Discussions with the Corps of Engineers
Poyner Spruill and The Ferguson Group will facilitate discussions between Holden Beach, the Corps of Engineers, and other appropriate stakeholders with the goal of getting the General Reevaluation Report back on track. This process will start with discussions with the Wilmington District Office of the Corps of Engineers, and will proceed to higher levels of the Corps of Engineers, as appropriate. This step will be initiated as soon as practicable after our contract is initiated.

Step 2. Develop a Detailed Strategy to Get the General Reevaluation Report Back on Track
Once we have sufficient information on the status of the General Reevaluation Report from the Corps' perspective, we will develop a detailed strategy to facilitate Corps action on the General Reevaluation Report. This strategy will also include potential legislative avenues that could be pursued to waive or defer the non-federal cost share requirements.

Step 3. Initiate Implementation of the Strategy. (Steps 1-3 should be accomplished within the first six months of the contract.)
After development of a detailed strategy, Poyner Spruill and The Ferguson Group will quickly begin implementing the strategy.

Step 4. Ensure that the Project is Properly Scoped.
A serious concern that must be addressed with stakeholders and the Corps is the current scope of the project. There is concern among Corps reviewers and others that the project, as currently envisioned, may be too large and costly to receive new start construction funding based on recent Federal appropriations made available for beach nourishment projects. The scope of the project may need to be adjusted to ensure that the project can compete with other projects for a new construction start. It also may be possible to modify the proposed plan of improvement to reduce project costs.
Step 5. Work to Ensure that the General Reevaluation Report is Completed in a Timely Manner.

Poyner Spruill and The Ferguson Group will work with Holden Beach to ensure that the Corps of Engineers completes the General Reevaluation Report in a timely manner. We will monitor the progress of the report, address issues as they arise, and engage at all levels of the Corps of Engineers, the White House Office of Management and Budget, and Holden Beach's congressional delegation to ensure timely completion.


Once the General Reevaluation Report is complete, the project will be ready to compete for a new construction start. We will work with Holden Beach's congressional delegation and the Corps of Engineers to properly position the project to compete and secure a new construction start.

Poyner Spruill and The Ferguson Group possess a thorough understanding of the federal authorization and appropriations processes. We have a firm understanding of the Corps of Engineers' water resource authorities, and have successfully helped numerous communities achieve their planning and construction priorities, from authorizing studies to securing construction new starts to facilitating the commission of special studies and pilot projects. Congressman Mike McIntyre of Poyner Spruill has worked to authorize and facilitate action on many Corps projects throughout his nearly two decades of experience in Congress, and Roger Gwinn, Earl Stockdale and Stephanie Missert of The Ferguson Group have helped communities across the country find solutions to a myriad of different Corps issues. Roger Gwinn, the CEO of The Ferguson Group, has decades of experience working on water issues, helping communities secure millions of dollars in Corps of Engineers funding. Earl Stockdale, the former Chief Counsel and Principal Deputy General Counsel of the Corps of Engineers (two of the Army's most crucial legal positions in Washington), is an authority on the Army's multi-billion-dollar project portfolio, and has decades of experience working on coastal projects and issues for the Corps. Stephanie Missert, The Ferguson Group's Manager of Policy and Regulatory Affairs, is one of the firm's experts on flood issues and has spent most of her career dedicated to working on coastal, flood and water issues. We look forward to the opportunity to put our expertise and experience to work for Holden Beach.
Lockwood Folly Inlet, NC: Background, Status and Proposed Scope of Work

Background

Lockwood Folly Inlet serves as an access way between the Atlantic Ocean and the Atlantic Intracoastal Waterway. It is one of 6 shallow draft inlets (less than 12 feet deep) in North Carolina that traditionally have been maintained by the Corps of Engineers. In recent years, funding and equipment challenges have made it more difficult for the Corps to maintain Lockwood Folly Inlet and the other shallow draft inlets in North Carolina.

The Corps has only one sidecaster dredge (the Merritt) and two split-hull hopper dredges (the Currituck and Murden) that can operate within these waters. The Corps prefers to sidecast dredge Lockwood Folly Inlet once per quarter. However, it has been prevented from regularly maintaining the Inlet by the lack of funding for shallow draft maintenance and the high demand for the services of Corps dredges in states from Maine to Texas. The lack of suitable, privately owned dredging vessels has also proved to be a constraint.

Each sidecast dredge maintenance event costs between $225,000 and $250,000, including the associated pre-dredging and post-dredging surveys. In recent years, the Corps has reduced the dredging frequency to once every six months or longer.

Status

The lack of regular maintenance has led the Coast Guard to remove navigation buoys and made navigation dangerous. In the hope of addressing this concern, the State (in conjunction with local county and municipal governments) has:
1) Entered into a Memorandum of Agreement with the Corps that allows the State and local stakeholders to contribute up to $4 million per year for shallow draft inlet dredging; and
2) Taken action to obtain the permits to maintain the navigability of the shallow draft inlets independently of USACE.

Maintaining navigation in Lockwood Folly Inlet will require continued ingenuity and adaptability because of the scarcity/absence of Federal funding. The Lockwood Folly Inlet was dredged in early 2018. That work was undertaken as a test project and was supported with non-Federal financial assistance. The project is designed to benefit navigation and beach nourishment by proving the effectiveness of the use of a hopper dredge to deepen the channel and place beach quality sand nearshore.

Proposed Scope of Work

Step 1. Work to Secure Federal Funding
Poyner Spruill and The Ferguson Group will work with Holden Beach to secure federal funding so that federal dredging can be accomplished in the Inlet. We will facilitate discussions with the Corps of Engineers, the White House Office of Management and Budget, Holden Beach's congressional delegation and others, as appropriate, to accomplish this goal.

Step 2. Explore Other Funding Options
Poyner Spruill and The Ferguson Group will explore and pursue other innovative avenues to secure funding, such as legislation authorizing a pilot program to test the use of different dredging techniques or new technologies to clear shallow draft inlets, and to make beneficial use of dredge material by placing it on or near the shore, with the goal of improving the efficiency of federal dredging activities.

Steps 1 and 2 will be initiated as soon as our contract is initiated.

Poyner Spruill and The Ferguson Group possess a thorough understanding of the federal authorization and appropriations processes. We have a firm understanding of the Corps of Engineers’ water resource authorities, and have successfully helped numerous communities achieve their planning and construction priorities, from authorizing studies to securing construction new starts to facilitating the commission of special studies and pilot projects. Congressman Mike McIntyre of Poyner Spruill has worked to authorize and facilitate action on many Corps projects throughout his nearly two decades of experience in Congress, and Roger Gwinn, Earl Stockdale and Stephanie Missert of The Ferguson Group have helped communities across the country find solutions to a myriad of different Corps issues. Roger Gwinn, the CEO of The Ferguson Group, has decades of experience working on water issues, helping communities secure millions of dollars in Corps of Engineers funding. Earl Stockdale, the former Chief Counsel and Principal Deputy General Counsel of the Corps of Engineers (two of the Army’s most crucial legal positions in Washington), is an authority on the Army’s multi-billion-dollar project portfolio, and has decades of experience working on coastal projects and issues for the Corps. Stephanie Missert, The Ferguson Group’s Manager of Policy and Regulatory Affairs, is one of the firm’s experts on flood issues and has spent most of her career dedicated to working on coastal, flood and water issues. We look forward to the opportunity to put our expertise and experience to work for Holden Beach.
## TFG Client Grant Successes

### 2018

<table>
<thead>
<tr>
<th>Agency</th>
<th>Grant Program</th>
<th>Location</th>
<th>Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMA</td>
<td>Assistance to Firefighters Program (AFG)</td>
<td>Loudoun County, VA</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>AFG</td>
<td>Greenville, NC</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>AFG</td>
<td>Ridgecrest Volunteer Fire Department, NC</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>Fire Prevention and Safety (FP&amp;S)</td>
<td>Mooresville, NC</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>Staffing for Adequate Fire and Emergency Response Grant (SAFER)</td>
<td>Loudoun County, VA</td>
<td>Pending</td>
</tr>
<tr>
<td>SRTA</td>
<td>Georgia Transportation Infrastructure Bank (GTIB)</td>
<td>College Park, GA</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>College Park, GA</td>
<td>Pending</td>
</tr>
<tr>
<td>DOT</td>
<td>BUILD</td>
<td>High Point, NC</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>CalTrans (BCAG), CA</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>Greenville, NC</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>Cumberland CID, GA</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>Livingston County, NY</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>St. Petersburg, FL</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>Mooresville, NC</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>Huntsville, AL</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>BUILD</td>
<td>Loudoun County, VA</td>
<td>Pending</td>
</tr>
<tr>
<td>CalOES</td>
<td>Hazard Mitigation Grant Program (HMGP)</td>
<td>Daly City, CA</td>
<td>Pending</td>
</tr>
<tr>
<td>USDA</td>
<td>Farmers Market Promotion Program (FMPP)</td>
<td>Livingston County, NY</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>Housing Preservation Grant</td>
<td>SERCAP</td>
<td>Pending</td>
</tr>
<tr>
<td>WA</td>
<td>Cemetery Grant</td>
<td>Ridgefield, WA</td>
<td>Pending</td>
</tr>
<tr>
<td>DOJ</td>
<td>Drug Court</td>
<td>Loudoun County, VA</td>
<td>Pending</td>
</tr>
<tr>
<td></td>
<td>Justice and Mental Health Collaboration Program</td>
<td>Loudoun County, VA</td>
<td>Pending</td>
</tr>
<tr>
<td>NY</td>
<td>CFDA</td>
<td>Ashford, NY</td>
<td>Pending</td>
</tr>
</tbody>
</table>
# TFG Client Grant Successes

## 2018

<table>
<thead>
<tr>
<th>Agency</th>
<th>Grant Program</th>
<th>Location</th>
<th>Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>HUD</td>
<td>Jobs Plus</td>
<td>KCDC</td>
<td>Pending</td>
</tr>
<tr>
<td>DOC</td>
<td>Minority Business Development Grant</td>
<td>SERCAP</td>
<td>Pending</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Education Grant</td>
<td>SERCAP</td>
<td>Pending</td>
</tr>
<tr>
<td>EPA</td>
<td>Environmental Justice Collaborative Problem-Solving Cooperative Agreement</td>
<td>SERCAP</td>
<td>Pending</td>
</tr>
<tr>
<td>EPA</td>
<td>National Priorities Grant: PER- AND POLYFLUOROALKYL SUBSTANCES</td>
<td>Water Research Foundation</td>
<td>Pending</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Number of Applications Submitted</th>
<th>28</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Successful Applications</td>
<td>TBD</td>
</tr>
<tr>
<td>Total Number of Unsuccessful Applications</td>
<td>TBD</td>
</tr>
<tr>
<td>Total Number of Pending Applications</td>
<td>28</td>
</tr>
<tr>
<td>Total Amount Awarded</td>
<td>TBD</td>
</tr>
<tr>
<td>Agency</td>
<td>Grant Program</td>
</tr>
<tr>
<td>--------</td>
<td>---------------</td>
</tr>
<tr>
<td>UDOT</td>
<td>INFRA</td>
</tr>
<tr>
<td>UDOT</td>
<td>INFRA</td>
</tr>
<tr>
<td>UDOT</td>
<td>INFRA</td>
</tr>
<tr>
<td>UDOT</td>
<td>TIGER</td>
</tr>
<tr>
<td>UDOT</td>
<td>TIGER</td>
</tr>
<tr>
<td>UDOT</td>
<td>TIGER</td>
</tr>
<tr>
<td>UDOT</td>
<td>TIGER</td>
</tr>
<tr>
<td>UDOT</td>
<td>TIGER</td>
</tr>
<tr>
<td>UDI</td>
<td>COPs Hiring</td>
</tr>
<tr>
<td>UDI</td>
<td>First Responders - Comprehensive Addiction Recovery Act</td>
</tr>
<tr>
<td>UDI</td>
<td>Second Chance Act</td>
</tr>
<tr>
<td>EPA</td>
<td>Brownfield Community-Wide Assessment</td>
</tr>
<tr>
<td>EPA</td>
<td>Brownfield Community-Wide Assessment</td>
</tr>
<tr>
<td>FEMA</td>
<td>AFG</td>
</tr>
<tr>
<td>FEMA</td>
<td>AFG</td>
</tr>
<tr>
<td>FEMA</td>
<td>AFG</td>
</tr>
<tr>
<td>FEMA</td>
<td>FP&amp;S</td>
</tr>
<tr>
<td>SAMHSA</td>
<td>First Responders - Comprehensive Addiction and Recovery Act Cooperative Agreement (FR-CARA)</td>
</tr>
<tr>
<td>NEA</td>
<td>Norristown, PA</td>
</tr>
<tr>
<td>USDA</td>
<td>Rural Business Development Grant</td>
</tr>
<tr>
<td>USDA</td>
<td>Rural Economic Development Grant</td>
</tr>
<tr>
<td>USDA</td>
<td>Rural Economic Development Loan</td>
</tr>
<tr>
<td>USDA</td>
<td>Rural Economic Development Grant and Loans</td>
</tr>
<tr>
<td>USDA</td>
<td>Farmers Market Promotion Program (FMPP)</td>
</tr>
</tbody>
</table>
## 2017

<table>
<thead>
<tr>
<th>Agency</th>
<th>Grant Program</th>
<th>Location</th>
<th>Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOR</td>
<td>SNAP Process and Technology Improvement Grants</td>
<td>El Paso County, CO</td>
<td>$614,736.0</td>
</tr>
<tr>
<td></td>
<td>Title XVI WaterSMART Grants</td>
<td>Inland Empire Utilities</td>
<td>$5,199,536</td>
</tr>
<tr>
<td></td>
<td>Norristown, PA</td>
<td>MONTCO 2040</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Norristown, PA</td>
<td>Amazon 2.0 Headquarter Competition</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Norristown, PA</td>
<td>Recycling Grant</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Ridgefield, WA</td>
<td>Playground Grant</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Ridgefield, WA</td>
<td>Turf Grant</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Norristown, PA</td>
<td>Gro1000</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Norristown, PA</td>
<td>Resiliency Grant</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Ridgefield, WA</td>
<td>Safe Places to Play</td>
<td>$90,000.0</td>
</tr>
</tbody>
</table>

| Total Number of Applications Submitted | 62 |
| Total Number of Successful Applications | 31 |
| Total Number of Unsuccessful Applications | 22 |
| Total Number of Pending Applications | 9 |

Total Amount Awarded $106,834,196.0
### TFG Client Grant Successes

#### 2016

<table>
<thead>
<tr>
<th>Agency</th>
<th>Grant Program</th>
<th>Location</th>
<th>Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>FEMA</td>
<td>AFG</td>
<td>Loudoun County, VA</td>
<td>$2,000,000.0</td>
</tr>
<tr>
<td>FEMA</td>
<td>SAFER</td>
<td>Concord, NC</td>
<td>$0.0</td>
</tr>
<tr>
<td>FEMA</td>
<td>SAFER</td>
<td>College Park, GA</td>
<td>$0.0</td>
</tr>
<tr>
<td>FEMA</td>
<td>SAFER</td>
<td>Loudoun County, VA</td>
<td>$0.0</td>
</tr>
<tr>
<td>FEMA</td>
<td>SAFER</td>
<td>Ephraim, UT</td>
<td>$0.0</td>
</tr>
<tr>
<td>FEMA</td>
<td>SAFER</td>
<td>Queens Creek, AZ</td>
<td>$0.0</td>
</tr>
<tr>
<td>FEMA</td>
<td>FS&amp;P</td>
<td>College Park, GA</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOT</td>
<td>Beyond Traffic: Smart City Challenge</td>
<td>St. Petersburg, FL</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOT</td>
<td>Beyond Traffic: Smart City Challenge</td>
<td>Virginia Beach, VA</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOT</td>
<td>Transportation Investment Generating Economic Recovery Program (TIGER)</td>
<td>Cary, NC</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOT</td>
<td>TIGER</td>
<td>Onawa, IA</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOT</td>
<td>TIGER</td>
<td>Huntsville, AL</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOT</td>
<td>TIGER</td>
<td>Harris County, TX</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOT</td>
<td>Advanced Transportation and Congestion Management Technologies Deployment Initiative</td>
<td>Virginia Beach, VA</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>Body Worn Camera</td>
<td>Simi Valley, CA</td>
<td>$187,500.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>Body Worn Camera</td>
<td>Los Angeles County, CA</td>
<td>$999,600.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>COPs Hiring Program</td>
<td>Concord, NC</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>COPs Hiring Program</td>
<td>High Point, NC</td>
<td>$1,000,000.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>COPs Hiring Program</td>
<td>Greenville, NC</td>
<td>$500,000.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>COPs Hiring Program</td>
<td>Charles County, MD</td>
<td>$375,000.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>Improving Criminal Justice Response to Sexual Assault, Domestic Violence,</td>
<td>High Point, NC</td>
<td>$414,333.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>Dating Violence, and Stalking Grant Program (Arrest Program)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DOJ</td>
<td>Arrest Program</td>
<td>Mooresville, NC</td>
<td>$450,000.0</td>
</tr>
<tr>
<td>DOL</td>
<td>Linking to Employment Activities Pre-Release (LEAP 2)</td>
<td>Career Source Broward, Fl</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOL</td>
<td>Summer Jobs and Beyond: Career Pathways for Youth (CPY)</td>
<td>Career Source Broward, Fl</td>
<td>$0.0</td>
</tr>
<tr>
<td>DOL</td>
<td>Senior Community Service Employment Program</td>
<td>Community Action Network</td>
<td>$0.0</td>
</tr>
</tbody>
</table>
## 2016 TFG Client Grant Successes

<table>
<thead>
<tr>
<th>Agency</th>
<th>Grant Program</th>
<th>Location</th>
<th>Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>HHS</td>
<td>Grants to Address Trafficking within the Child Welfare Population</td>
<td>Loudoun, County, VA</td>
<td>$0.0</td>
</tr>
<tr>
<td>BOR</td>
<td>Title XVI WaterSMART Grant</td>
<td>Oceanside, CA</td>
<td>$35,905.0</td>
</tr>
<tr>
<td></td>
<td>Title XVI WaterSMART Grant</td>
<td>Inland Empire Utilities</td>
<td>$7,200,000.0</td>
</tr>
<tr>
<td></td>
<td>Title XVI WaterSMART Grant</td>
<td>Sonoma County Water Agency</td>
<td>$4,706,150.0</td>
</tr>
<tr>
<td>HUD</td>
<td>VASH</td>
<td>Oceanside, CA</td>
<td>$402,840.0</td>
</tr>
<tr>
<td>CDFI</td>
<td>Financial Assistance Program (FAP)</td>
<td>Southeast Rural Community Assistance Project, VA</td>
<td>$0.0</td>
</tr>
<tr>
<td>USCA</td>
<td>Farmers Market Promotion Program (FMPP)</td>
<td>College Park, GA</td>
<td>$222,663.0</td>
</tr>
<tr>
<td></td>
<td>Rural Community Development Initiative</td>
<td>Southeast Rural Community Assistance Project, SC</td>
<td>$250,000.0</td>
</tr>
<tr>
<td></td>
<td>Rural Economic Development Grant</td>
<td>17 locations across NC</td>
<td>$4,380,767.0</td>
</tr>
<tr>
<td></td>
<td>Rural Economic Development Loan</td>
<td>5 locations across NC</td>
<td>$3,824,000.0</td>
</tr>
<tr>
<td></td>
<td>Project Reinvestment Homeownership</td>
<td>Southeast Rural Community Assistance Project, SC</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td><strong>Total Number of Applications Submitted</strong></td>
<td>56</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Number of Successful Applications</strong></td>
<td>36</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Number of Unsuccessful Applications</strong></td>
<td>20</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Number of Pending Applications</strong></td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Amount Awarded</strong></td>
<td><strong>$26,948,870.0</strong></td>
<td></td>
</tr>
</tbody>
</table>
## 2015

<table>
<thead>
<tr>
<th>Agency</th>
<th>Grant Program</th>
<th>Location</th>
<th>Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>HUD</td>
<td>Lead Hazard Reduction Demonstration Grant</td>
<td>Harrisburg, PA</td>
<td>$3,700,000.0</td>
</tr>
<tr>
<td></td>
<td>Lead Hazard Reduction Demonstration Grant</td>
<td>Petersburg/Richmond, VA</td>
<td>$0.0</td>
</tr>
<tr>
<td>HHS</td>
<td>Community Economic Development Healthy Food Financing</td>
<td>Center for Economic Empowerment and Development, NC</td>
<td>$0.0</td>
</tr>
<tr>
<td>EPA</td>
<td>Local Food Local Places Grant</td>
<td>High Point, NC</td>
<td>Technical Assistance</td>
</tr>
<tr>
<td>DOJ</td>
<td>COPS Hiring Program</td>
<td>Woodland, CA</td>
<td>$375,000.0</td>
</tr>
<tr>
<td></td>
<td>COPS Hiring Program</td>
<td>College Park, GA</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Grants to Encourage Arrest Policies and Enforcement of Protection Orders</td>
<td>Cumberland County, ME</td>
<td>$430,000.0</td>
</tr>
<tr>
<td>FEMA</td>
<td>Assistance to Firefighters Program</td>
<td>Buxton, ME</td>
<td>$238,435.0</td>
</tr>
<tr>
<td></td>
<td>Assistance to Firefighters Program</td>
<td>Gorham, ME</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Assistance to Firefighters Program</td>
<td>Baldwin, ME</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Assistance to Firefighters Program</td>
<td>High Point, NC</td>
<td>$1,104,694.0</td>
</tr>
<tr>
<td></td>
<td>SAFER</td>
<td></td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Fire Prevention and Safety</td>
<td>College Park, GA</td>
<td>$0.0</td>
</tr>
<tr>
<td>BOR</td>
<td>Title XVI WaterSMART Grant</td>
<td>Inland Empire Utilities</td>
<td>$5,000,000.0</td>
</tr>
<tr>
<td></td>
<td>Title XVI WaterSMART Grant</td>
<td>Sonoma County Water Agency</td>
<td>$1,793,225.0</td>
</tr>
<tr>
<td>FAA</td>
<td>Airport Improvement Program</td>
<td>Concord, NC</td>
<td>$6,400,000.0</td>
</tr>
<tr>
<td>DOT</td>
<td>TIGER</td>
<td>Yuma, AZ</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>TIGER</td>
<td>Fort Wayne, IN</td>
<td>$0.0</td>
</tr>
<tr>
<td>USDA</td>
<td>Local Food Promotion Program</td>
<td>Cumberland County, ME</td>
<td>$25,000.0</td>
</tr>
<tr>
<td></td>
<td>Environmental Quality Incentives Program</td>
<td>SWIM, CO</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Rural Economic Development Grant</td>
<td>10 locations across NC</td>
<td>$2,458,000.0</td>
</tr>
<tr>
<td></td>
<td>Rural Economic Development Loan</td>
<td>5 locations across NC</td>
<td>$3,645,231.0</td>
</tr>
<tr>
<td>CA MSRC</td>
<td>Local Match Program</td>
<td>Westminster, CA</td>
<td>$115,000.0</td>
</tr>
</tbody>
</table>

**Total Number of Applications Submitted**: 36
## TFG Client Grant Successes

### 2015

<table>
<thead>
<tr>
<th>Agency</th>
<th>Grant Program</th>
<th>Location</th>
<th>Award</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total Number of Successful Applications</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Number of Unsuccessful Applications</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Number of Pending Applications</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Amount Awarded</td>
<td>$25,284,585.0</td>
</tr>
<tr>
<td>Agency</td>
<td>Grant Program</td>
<td>Location</td>
<td>Award</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>Second Chance Act Reentry Program for Adult Offenders with Co-Occurring Substance Abuse</td>
<td>Fenton, MI</td>
<td>$0.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>Bulletproof Vest Partnership Program</td>
<td>Cumberland County, ME</td>
<td>$500,000.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>Assistance to Firefighters Program</td>
<td>Sauganash, WI</td>
<td>$9,296.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>SAFER</td>
<td>Melrose, NC</td>
<td>$2,000,000.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>TIGER</td>
<td>Oceanside, CA</td>
<td>$1,200,000.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>Rural Economic Development Loan</td>
<td>El Paso County, CO</td>
<td>$2,700,000.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>Local Food Promotion Program</td>
<td>Henderson, NV</td>
<td>$3,467,500.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>Rural Economic Development Grant</td>
<td>Flournoy, AZ</td>
<td>$1,385,000.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>Title XVI WaterSMART Grant</td>
<td>Sonoma County, Water Agency</td>
<td>$1,500,000.0</td>
</tr>
<tr>
<td>Brownfields Assessment Grant</td>
<td>Title XVI WaterSMART Grant</td>
<td>Sonoma County, CA</td>
<td>$300,000.0</td>
</tr>
</tbody>
</table>
# TFG Client Grant Successes

## 2013

<table>
<thead>
<tr>
<th>Agency</th>
<th>Grant Program</th>
<th>Location</th>
<th>Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPA</td>
<td>Validation Grant</td>
<td>Energy Coalition, CA</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Brownfields Assessment Grant</td>
<td>College Park, GA</td>
<td>$0.0</td>
</tr>
<tr>
<td>NEA</td>
<td>Our Town</td>
<td>Fenton, MI</td>
<td>$0.0</td>
</tr>
<tr>
<td></td>
<td>Big Read Program</td>
<td>Santa Monica, CA</td>
<td>$16,000.0</td>
</tr>
<tr>
<td>DOI</td>
<td>Land and Water Conservation Grant</td>
<td>Santa Monica, CA</td>
<td>$16,000.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Fort Wayne, IN</td>
<td>$0.0</td>
</tr>
<tr>
<td>USDA</td>
<td>Rural Economic Development Grant</td>
<td>6 locations across NC</td>
<td>$1,800,000.0</td>
</tr>
<tr>
<td></td>
<td>Rural Economic Development Loan</td>
<td>6 locations across NC</td>
<td>$6,408,000.0</td>
</tr>
<tr>
<td>BOR</td>
<td>Title XVI WaterSMART Grant</td>
<td>Sonoma County Water Agency</td>
<td>$4,000,000.0</td>
</tr>
<tr>
<td>DOJ</td>
<td>COPs Hiring Program</td>
<td>Inglewood, CA</td>
<td>$1,000,000.0</td>
</tr>
<tr>
<td>Foundation</td>
<td>Firefighter Support Foundation: Equipment Grant</td>
<td>Orange Fire Department, NC</td>
<td>$0.0</td>
</tr>
</tbody>
</table>

|                                | **Total Number of Applications Submitted** | 20                                |
|                                | **Total Number of Successful Applications** | 16                                |
|                                | **Total Number of Unsuccessful Applications** | 4                                 |
|                                | **Total Number of Pending Applications**    | 0                                 |

**Total Amount Awarded** $13,224,000.0
I spent most of my career in an industry that was challenged by regulatory hurdles that at times seemed insurmountable with available resources in addition to an at times negative public perception. Even with the existence of numerous industry supported associations and technical issue specific groups operating to support the industry's objectives and rights in the legal, regulatory and science policy arenas, there were still special objective or product specific needs unique to individual companies. To achieve these, many companies retained both internal and external lobbying organizations, recognizing the value of utilizing individuals/firms with expertise in the regulatory process and working relationships with a broad network of decision makers at the Federal level. It was recognized that for well defined, realistic objectives, the eventual payback on investment was many times the annual cost.

The Town of Holden Beach faces similar challenges to those my industry experienced. We have many technical, regulatory and legal hurdles facing us. We have a public that is largely unaware of what could be lost. While there are organizations and boards that the Town engages with, their outputs are often recommendations on behalf of the entire membership, not a specific municipality. The final decisions on policies and program specifics are occurring at higher levels, where our voice is not heard.

This is not to say we stop our current efforts—they are important. Participating in and where possible leading joint efforts is always important. Being a consistent voice of reason and on record is critical to success. But we cannot expect that our commissioners and various board members, no matter what their level of dedication, will achieve the level of recognition needed to influence decisions on multi-million dollar projects.

We need to engage a firm with the experience and network appropriate to influence the coastal management and preservation decisions that are vital to the continuing welfare and success of our Town. I support retaining Poyner Spruill (PS) to address the top priorities the Town has defined, understanding the effort and cost will undoubtedly be over more than 1 year. With communication and cooperation between PS and Town management, potential cost/benefit and progress can be monitored and re-evaluated as necessary. If we want the Town of Holden Beach to remain an economically and esthetically viable island for residents and vacationers alike, we cannot afford to delay getting started.
After reviewing the subject proposal I have a few comments and suggestions as recommended in your 12/4 e-mail.

1. I recommend that the proposed scope of work to address the 50 year project, along with the proposed scope of work be removed from the revised subject proposal. To my knowledge, the BOC has not discussed the 50 year project and before going forward the BOC should make this decision.

Our primary focus at this point in time is to obtain beach quality sand to address the east end erosion problems. The other primary concern is to add additional representation at the Federal and State levels to support all of the items identified in Resolution 18-10.

2. Regarding the "Lockwood Folly Inlet, NC: Background, Status and Proposed Scope of Work " document.

Add the following:

Step 1. Work to Secure Federal Funding

Poyner Spruill and The Ferguson Group will work with Holden Beach to secure federal funding so that federal dredging can be accomplished in the inlet; along with beach nourishment efforts for placement of beach quality sand on the east end of Holden beach.

Add Step 3.

Primary goal of this proposal is to secure dredged beach quality sand to be placed on the East End of Holden Beach as outlined in Resolution 18-10.

Would you also clarify that any Ferguson involvement is contained within the monthly retainer of $6,975.00.

Thank you, and I look forward to your response.

Joe
ORDINANCE NO. 18-17

AN ORDINANCE AMENDING ORDINANCE NO. 18-10, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2018-2019 (Amendment No. 4)

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 18-10 appropriating funds for the Fiscal Year 2018-2019 be amended as follows:

PART I
SECTION I: REVENUE

<table>
<thead>
<tr>
<th>ACCOUNT#</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>50.0399.0000</td>
<td>FUND BALANCE APPROPRIATED</td>
<td>$41,850</td>
<td>INCREASE</td>
</tr>
</tbody>
</table>

PART II
SECTION I: EXPENSE

<table>
<thead>
<tr>
<th>ACCOUNT #</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>50.0710.0400</td>
<td>PROFESSIONAL SERVICES</td>
<td>$41,850</td>
<td>INCREASE</td>
</tr>
</tbody>
</table>

This the 18th day of December, 2018.

ATTEST:

__________________________
J. Alan Holden, Mayor

__________________________
Heather Finnell, Town Clerk
TOWN OF HOLDEN BEACH
ORDINANCE 18-18

AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
CHAPTER 30: TOWN GOVERNMENT AND OFFICIALS (SECTION 30.26 AUDIT
COMMITTEE OF THE BOC)

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach,
North Carolina that the Holden Beach Code of Ordinances, Chapter 30: Town Government and
Officials (Section 30.26 Audit Committee of the BOC) be amended as follows:

Section One: Amend Section 30.26 Audit Committee of the BOC to read as follows:

30.26 Audit Committee of the BOC

(A) There is hereby established an Audit Committee of the BOC, which shall be comprised of a
Chairman of the BOC Audit Committee and not fewer than two, nor more than four Public
members, as determined by the BOC at the first regular Board of Commissioners meeting in
January.

POWERS AND DUTIES

The Audit Committee shall:

1. Serve as an advisory board for the Town’s Board of Commissioners;
2. Assist and advise the BOC in its oversight responsibilities for the town’s financial reporting
process, systems of internal financial controls and the external audit process;
3. Recommend to the BOC the selection of the independent external audit firm to conduct the
annual external audit;
4. Evaluate the performance of the external audit firm as it relates to the annual audit of the
Town of Holden Beach and its self-insurance policies;
5. Review, advise and make recommendations to the BOC with respect to the town’s treasury
management function and its’ risk management policies and procedures, including without
limitation, the town’s insurance and self-insurance policies;
6. Confirm the Town’s internal control systems are in place and implemented, including
information technology security and control;
7. Confirm Town management implements audit report recommendations;
8. Continually evaluate the independence of the external auditors; to audit findings and
forward findings to the Board of Commissioners;
9. Review the Town’s CAFR, management letter and management’s response;
10. Review and reassess the adequacy of this Charter at least every two years, with any revision
submitted to the Board of Commissioners for approval;
11. Provide an avenue of communication among the Board of Commissioners, Town
Management and the external independent auditors;
12. Perform other functions from time to time as shall be delegated or assigned to it by the
BOC.
APPOINTMENT, TERMS

The Chairman of the BOC Audit Committee shall be elected by the BOC at the first regular meeting in January. The Public Members shall be appointed by the Chairman of the BOC Audit Committee, subject to confirmation by the BOC. The Chairman of the BOC Audit Committee, an elected Commissioner, and each of the Public Members shall have a normal term of one year, and shall serve at the pleasure of the BOC.

MEETINGS

1. The Audit Committee will meet at least four times each year (quarterly to assess the quarterly financial statements. The Committee will also meet at least one additional time a year to review the final audit report from the external auditors. The Chair may call additional meetings as deemed necessary in fulfillment of the role of the Committee.

2. The Audit Committee shall comply with the provisions of the North Carolina Open Meetings Law, §§ 143-318. 9 et seq. A quorum shall be in attendance before any action of an official nature can be taken. A quorum shall exist when a majority of the Committee is in attendance.

3. The Audit Committee may invite the manager, staff, auditors and others to attend the meetings and provide pertinent information, as necessary.

ATTENDANCE

All Committee members are expected to attend every meeting. Requests for excused absences due to sickness, death or emergencies of like nature shall be approved by the Committee as approved absences and shall not affect membership, except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

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

Section Three: This ordinance shall be effective the 19th day of December, 2018.

Adopted this the 18th day of December, 2018.

ATTEST:

Heather Finnell, Town Clerk

J. Alan Holden, Mayor
Agenda Item 19a

I am recommending that the second sentence contained in Rule number 13, Agenda, on page 5 of the Suggested Rules of Procedure for the Town of Holden Beach Board be revised. To be consistent at both Regular and Special Meetings I would like for the current wording in that sentence be standardized for both Regular and Special Meetings to encourage public participation to provide comments on Agenda Items.

This recommendation can also be added to page 16, (2) Public Comment Periods, providing the public an opportunity to comment on an agenda item at both regular and special meetings.
6 December 2018

P. Kwiatkowski

Proposal to Amend the Suggested Rules of Procedure for the Town of Holden Beach Adopted in Resolution 18-07

Part VI., Rule 13, part B

Remove the word significant from the last sentence "Items that are added to the agenda at a meeting in combination with significant supporting documentation will be designated “For Discussion”, with action deferred to a later session."

This adds clarity to the intent that new agenda items proposed at a meeting that involve handouts (or the reading of written statements/supporting documents) to propose a BOC decision, for example, to adopt or amend resolutions, policies, procedures, ordinances, etc., can be accepted only for discussion at the current session. This ensures maximum transparency in that the public has a chance to read and make fully informed comment on the proposed action.

The above does not apply in cases where an immediate budget amendment may be necessary and due to timing the background documentation was not available prior to the meeting.
Suggested Rules of Procedure

for the Town of Holden Beach Board

Part I. Applicability
Rule 1. Applicability of Rules

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

Part II. Quorum
Rule 2. Quorum

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

Part III. Open Meetings
Rule 3. Remote Participation in Board Meetings

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

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

Date Modified: 6/3/2018
Rule 4. Meetings to Be Open to the Public

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

Rule 5. Closed Sessions

The board may hold closed sessions as provided by law. The board shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the purpose of the closed session. If the motion is based on G.S. 143-318.11(a)(1) (closed session to prevent the disclosure of privileged or confidential information or information that is not considered a public record), it must also state the name or citation of the law that renders the information to be discussed privileged or confidential. If the motion is based on G.S. 143-318.11(a)(3) (consultation with attorney; handling or settlement of claims, judicial actions, or administrative procedures), it must identify the parties in any existing lawsuits concerning which the public body expects to receive advice during the closed session. The motion to go into closed session must be approved by the vote of a majority of those present and voting. The board shall terminate the closed session by a majority vote. Only those actions authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

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

Rule 6. Meeting Minutes

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

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

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

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

Rule 7. Broadcasting and Recording Meetings

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

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

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

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

Part IV. Organization of the Board

Rule 8. Organizational Meeting; Selection of Mayor Pro Tempore

(a) Scheduling Organizational Meeting. The board must hold an organizational meeting following each general election in which board members are elected. The organizational meeting must be held either (1) on the date and at the time of the board’s first regular meeting in December following the election or (2) at an earlier date, if any, set by the incumbent board. The organizational meeting may not be held before municipal election results are officially determined, certified, and published as required in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

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

(c) Selection of Mayor Pro Tempore and Executive Secretary. As the second order of business at the organizational meeting, the board shall elect a mayor, if he or she is not elected as such by the voters, and a mayor pro tempore. An Executive Secretary shall also be designated by the board for specific purposes described in this Rules of Procedure document. Both shall serve at the board’s pleasure.

Part V. Types of Meetings

Rule 9. Regular Meetings

(a) Regular Meeting Schedule. The board shall hold a regular meeting on the third Tuesday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held in the Holden Beach Town Hall and begin at 7:00 p.m. The board shall adopt a meeting schedule each year consistent with this rule. A copy of the board’s current meeting schedule shall be filed with the town clerk and posted on the town’s website.

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

Rule 10. Special Meetings

(a) Calling Special Meetings. The mayor, the mayor pro tempore, or any two members of the board may at any time call a special board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. A special meeting may also be called or scheduled by note of the board in open session during another duly called meeting.

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

(c) Notice to Members.

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

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

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

Rule 11. Emergency Meetings

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

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

(1) The mayor, the mayor pro tempore, or any two members of the board may at any time call an emergency board meeting by signing a written notice stating the date, time, and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each board member.
Suggested Rules of Procedure for the Town of Holden Beach Board

or left at his or her usual dwelling place at least six hours before the meeting.

(2) An emergency meeting may be held when the mayor and all members of the board are present and consent thereto, or when any absent member has signed a written waiver of notice.

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

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

Rule 12. Recessed Meetings

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

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

Part VI. Agenda

Rule 13. Agenda

(a) Draft and Proposed Agenda. The purpose of the proposed agenda is to expedite the conduct and business and enable the Board and members of the public to know in advance the potential subjects that are to be discussed. The proposed agenda allows preparation by Commissioners, staff and encourages public participation. The proposed agenda is the result of discussion and agreement between the Executive Secretary and Town Clerk on the clarity and completeness of each item on the draft agenda.

The Town Clerk shall first prepare a draft, and ultimately a proposed, agenda in advance of each meeting of the town board in collaboration with the Executive Secretary designated by the board as described below. Any board member may, by a timely request to the Town Clerk, have an item placed on the draft agenda. A request to have an item of business placed on the draft agenda must be received by the Town Clerk at least seven working days before the meeting; any supplemental information/materials shall also be provided in advance. The Executive Secretary selected by the board, or his/her designated substitute in case of absence, shall review the draft agenda and available materials with the Town Clerk one week before the meeting to agree correctness and completeness of all items; items lacking clarity or adequate supporting materials may be deferred to a future meeting at the discretion of the Executive Secretary and Town Clerk if additional explanation or documentation is not made available by the agenda item requestor. Following this meeting, the Town Clerk shall prepare the proposed agenda. If the board is expected to consider one or more proposed ordinances or ordinance amendments, a copy of the proposed ordinances and/or amendments shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce (where appropriate, directions to web links may be used). Each board member shall receive a copy of the proposed agenda and the agenda package at least

Date Modified 6/3/2018
three working days before a regular meeting and they shall be available for public inspection and distribution or copying when they are distributed to the board members.

(b) Adoption of the Agenda. As its first order of business at each meeting, the board shall, as specified in Rule 16, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the board may, by a majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all board members. The board may by majority vote add items to or subtract items from the proposed agenda, except that (a) the board may not subtract items from the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two board members, unless those calling the meeting consent to the deletion, (b) the board may not add items to the proposed agenda stated in the notice of a special meeting called by the mayor, mayor pro tempore, or two board members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The board may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately. The board may designate certain agenda items “for discussion and possible action.” Such designation means that the board intends to discuss the general subject area of that agenda item before making any motion concerning that item. Items that are added to the agenda at a meeting in combination with significant supporting documentation will be designated “For Discussion”, with action deferred to a later session.

(c) Consent Agenda. The board may designate part of an agenda for a regular meeting as the consent agenda. Items may be placed on the consent agenda by those preparing the draft agenda if the items are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

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

Rule 14. Acting by Reference to Agenda or Other Document

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

Rule 15. Agenda Items from Members of the Public and Public Address to the Board

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

(b) Public Address

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

2. Agenda Package. No speaker or spokesperson shall address the BOC at any regular or special meeting pursuant to Rule 15 unless the agenda package for that meeting includes a written copy or summary of his or her proposed remarks and copies of any materials he or she proposes to present as part of his or her address unless it is agreed by the Secretary and Town Clerk at the time the draft agenda is reviewed that it is acceptable to receive either electronic or paper copies of presentations made at the meeting at which they are made.

3. Request to Address BOC. Any person or group who wishes to address the BOC pursuant to Rule 15 at any regular or special meeting shall submit a written request to the Secretary and Town Clerk prior to the cutoff date for the agenda package (i) identifying the speaker or spokesperson, (ii) stating the subject matter of the proposed address, (iii) proposing the date of the meeting to be addressed (and explaining if the request is time sensitive), (iv) explaining why the subject matter cannot be adequately addressed during a public comment period, and (v) stating the time allotment requested.

4. Invitation to Address BOC. The Mayor, any other member of the BOC or the Town Manager may submit such a request on behalf of any person or group or endorse any such request in writing or orally to the Secretary prior to the cutoff date for the agenda package. If two or more voting members of the BOC make or endorse such request, and the material required for the agenda package are timely submitted, the address will be listed under the public hearing section of the agenda; otherwise, the address will be noted as a “pending request or invitation to address the BOC; in either case with all of the details required by point 1 above.

5. Approving Addresses or Presentations Listed on Proposed Agenda. By approving the agenda at a meeting by majority vote without change to any addresses listed in the public hearing section, the BOC will be deemed to have approved such requests or invitations. Alternatively, the BOC may, by majority vote strike, defer to another meeting, change the order of presentation, limit the subject matter scope or limit the allotted time of any address. Subsequently, during the meeting, the BOC may by adoption of a motion defer or table an address or presentation, adjourn prior to hearing the address, reduce the time allotted or suspend the address if the speaker or spokesperson departs from the subject matter.

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

7. **No Assurance.** All proposed speakers and spokespersons (and any persons issuing invitations) should understand that (i) addressing the BOC pursuant to Rule 15 is completely within the discretion of the BOC, and (ii) the listing of an address or pending request on the tentative agenda provides no assurance that he or she will be able to address the BOC at the meeting. By way of example, if the BOC discerns that a speaker or spokesperson has been invited or has made a request for the purpose of influencing a decision of the BOC on an important or controversial issue, the BOC may decide to defer a proposed address to a later meeting, so as to provide an opportunity for speakers or spokespersons with opposing viewpoints to address the BOC at the same time. By way of further example, in the case of speakers or spokesperson who are lawyers or legal experts and who propose to address legal issues, the BOC will normally defer the address to a later meeting if the Town Attorney is not present at the current meeting.

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

9. **Decorum.** All speakers and spokespersons addressing the BOC pursuant to Rule 15 shall do so in a courteous, respectful and appropriate manner. By way of example, and without limitation, speakers and spokespersons shall address the BOC as a whole and shall not address remarks or questions to the Mayor or any individual BOC member, shall not, without the consent by majority vote of the BOC answer questions or otherwise engage with the audience during the meeting, make personally insulting or disparaging remarks or use the address as an opportunity to campaign for office, solicit business or solicit donations.

10. **Time Limit.** The Executive Secretary shall serve as timekeeper for all addresses to the BOC, and shall announce “time” when the time period allotted on the agenda has expired. Without the consent by majority vote of the BOC, a speaker or spokesperson shall not continue beyond the allotted time period. If the allotted time period is more than ten minutes, the Executive Secretary will issue a “one minute warning.” At the conclusion of the address or any extension thereof, the BOC may, by majority consent allot an additional period of time for questions to the speaker or spokesperson from the BOC and/or, as specified by the BOC, from town officials or from the audience.

11. **Enforcement.** The presiding officer of the meeting shall diligently and strictly enforce these rules with respect to all addresses by speakers and spokespersons pursuant to Rule 15. Any member of the BOC may (i) make a motion directing the presiding officer to require compliance with these rules and admonish the speaker, spokesperson or members of the audience, and, if non-compliance continues, (ii) make a motion to terminate the address, which shall be voted upon immediately and without debate.

Date Modified 6/3/2018
Rule 16. Order of Business

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

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

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

Part VII. Role of the Presiding Officer

Rule 17. The Mayor

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

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

(c) Recognition of Members. A member must be recognized by the mayor (or other presiding officer) in order to address the board.

(d) Powers as Presiding Officer. The mayor or other presiding officer shall have the following powers:

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

(e) Appeals of Procedural Rulings. A member may appeal a decision made or answer given by the mayor under subparagraph (d)(1), (2), or (3) in accordance with Rule 31, Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.
Rule 18. The Mayor Pro Tempore

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

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

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

Rule 19. Other Presiding Officer

If both the mayor and mayor pro tempore are absent, the board may elect from among its members a temporary presiding officer to chair the meeting. While serving as temporary presiding officer, a member has the same powers and responsibilities defined for the mayor pro tempore.

Rule 20. When the Presiding Officer is Active in Debate

If the mayor becomes active in debate on a particular proposal, he or she shall designate the mayor pro tempore to preside over the debate. If the mayor pro tempore is absent or is also actively debating the matter, the mayor shall designate another member to preside until the matter is concluded. The mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

Part VIII. Motions and Voting

Rule 21. Action by the Board

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

Rule 22. Second

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

Rule 23. One Motion at a Time

A member may make only one motion at a time.

Rule 24. Withdrawal of Motion

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

Rule 25. Debate

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

- The maker of the motion is entitled to speak first.
- A member who has not spoken on the issue shall be recognized before a member who has
Suggested Rules of Procedure for the Town of Holden Beach Board

already spoken.

- To the extent practicable, the debate shall alternate between proponents and opponents of the measure.
- A member’s first speech on a substantive motion shall be limited to 10 minutes, and any subsequent speech on the same motion shall be limited to five minutes. The same rules apply to debate on a procedural motion, except that a member’s first speech shall not exceed five minutes, and any subsequent speech shall be limited to two minutes.

The presiding officer shall be responsible for enforcing time limits. Additional speaking time for a member when requested may be allowed if so decided by a majority, not including the member speaking.

Rule 26. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 2 being present, unless otherwise required by these rules or the laws of North Carolina. A majority is more than half.

Rule 27. Changing a Vote

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

Rule 28. Duty to Vote

(a) Duty to Vote. Every board member must vote except when excused from voting according to the law. Questions about whether a basis for excusal exists should be directed to the town attorney.

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

(c) Procedure for Excusal.

(1) At member’s request. Upon being recognized at a duly called meeting of the board, a member who wishes to be excused from voting shall so inform the presiding officer, who must then submit the matter to a vote of the remaining members present. If a majority of the remaining members present vote to excuse the member, the member is excused from voting on the matter.

(2) On board’s initiative. Even when a member has not asked to be excused from voting on a matter, a majority of the remaining board members present may by motion and vote excuse the member from voting if grounds for doing so exist under paragraph (b).

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

(1) the member is physically present in the board chamber or
Suggested Rules of Procedure for the Town of Holden Beach Board

(2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present.

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

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

Rule 29. Voting by Written Ballot

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

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

Rule 30. Substantive Motions

A substantive motion is not in order while another substantive motion is pending.

Rule 31. Procedural Motions

(a) Certain Motions Allowed. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

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

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

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

Motion 1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board, as specified in Rule 7. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Motion 2. To Adjourn. This motion may be made only at the conclusion of board consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter.

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

**Motion 4. To Take a Brief Recess.**

**Motion 5. To Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

**Motion 6. To Suspend the Rules.** The board may not suspend provisions of the rules that state requirements imposed by law on the board. For adoption, the motion requires a vote equal to two-thirds of the actual membership of the board, excluding the mayor.

**Motion 7. To Go into Closed Session.** The board may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1) shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318(a)(3) shall identify the parties in each existing lawsuit concerning which the board expects to receive advice during the closed session, if in fact such advice is to be received.

**Motion 8. To Leave Closed Session**

**Motion 9. To Divide a Complex Motion.** This motion is in order whenever a member wishes to consider and vote on parts of a complex motion separately. The member who makes this motion must specify how the complex motion will be divided.

**Motion 10. To Defer Consideration.** The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has been deferred, expires 100 days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 31(b), Motion 13], or else move to suspend the rules [Rule 31(b), Motion 6].

**Motion 11. Motion for the Previous Question.** The motion is not in order until there have been at least 10 minutes of debate, and every member has had an opportunity to speak once.

**Motion 12. To End Debate (Call the Previous Question).** If adopted, this motion terminates debate on a pending motion, thereby bringing it to an immediate vote. This motion is not in order until every member has had an opportunity to speak once on the pending motion.

**Motion 13. To Postpone to a Certain Time.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 31(b), Motion 6].

**Motion 14. To Refer a Motion to a Committee.** The board may vote to refer a substantive motion to a committee for study and recommendations. While the substantive motion is pending before the committee, the board may not take up a new motion raising essentially the same issue without first suspending its rules pursuant to Motion 6. If the committee fails to report on the motion within 60 days of the referral date, the board must take up the motion if asked to do so by the member who introduced it.

**Motion 15. To Amend.**
Suggested Rules of Procedure for the Town of Holden Beach Board

(a) An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as a rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

(b) A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a note.

(c) Any amendment to a proposed ordinance order, policy or resolution shall be reduced to writing before the vote on the amendment.

Motion 16. To Revive Consideration. The board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 10 of Rule 18(b). The motion is in order at any time within 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 100 days after the deferral unless a motion to revive consideration is adopted.

Motion 17. To Reconsider. The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority side except in the case of a tie; in that case the "nos" prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess [or adjournment] to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

Motion 18. To Rescind or Repeal. The board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.

Motion 19. To Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for an adoption a vote equal to two-thirds of the actual membership of the board excluding the mayor, unless he or she may vote in all cases, and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the board, whichever occurs first.

Part IX. Ordinances and Contracts

Rule 32. Introduction of Ordinances

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

Rule 33. Adoption, Amendment, and Repeal of Ordinances

(a) Adoption of Ordinances.

(1) Proposed ordinances to be in writing. No proposed ordinance shall be adopted unless it has been reduced to writing and distributed to members before a vote on adoption is taken.

(2) Adoption on date of introduction. To be approved on the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least two-thirds of the board’s actual membership, excluding vacant seats and not counting the mayor, unless the mayor has the right to vote on all questions before the board.

(3) Adoption after date of introduction. To be approved after the date of introduction, a proposed ordinance or any action having the effect of an ordinance must receive affirmative votes equal to at least a majority of all board members not excused from voting on the matter. In calculating the
number of affirmative votes necessary for approval, the board shall count the mayor if he or she votes on all questions. If the mayor votes only in the case of tie, the mayor's vote counts if there is an equal division.

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

Rule 34. Adoption of the Budget Ordinance

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

(1) the board may adopt or amend the budget ordinance at a regular or special meeting of the board by a simple majority of those members present and voting, a quorum being present;

(2) no action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the board; and

(3) the adoption or amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any town charter or local act concerning initiative or referendum.

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

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

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

Rule 35. Approval of Contracts and Authorization of Expenditures

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

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

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

Part X. Public Hearings and Comment Periods

Rule 36. Public Hearings and Public Comment Periods

(a) Public Hearings
Suggested Rules of Procedure for the Town of Holden Beach Board

(1) Calling Public Hearings. Public hearings required by law or deemed advisable by the board shall be organized by a special order that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted for each speaker and other pertinent matters. This special order is adopted by a majority vote.

(2) Rules for Public Hearings. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing. A quorum of the board shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular board meeting without further advertisement.

(3) Notice and Conduct of Public Hearings. All notice and other requirements of the open meetings law applicable to board meetings shall also apply to public hearings at which a majority of the board is present; such a hearing is considered to be part of a regular meeting of the board. These requirements also apply to hearings conducted by appointed or elected committees of the board if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 12 shall be followed in continuing a hearing at which a majority of the board is present. The board may vote to delegate to town staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law or the board. The board shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the board itself is required by law to call, schedule, or give notice of the hearing. At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended, and the board shall resume the regular order of business.

(2) Public Comment Periods. The board must provide at least one opportunity for public comment each month at a regular meeting, except that the board need not offer a public comment period during any month in which it does not hold a regular meeting. Subject to waiver by an express resolution of the BOC, the following regulations shall apply and be enforced with respect to any public comment period at any regular, special or emergency meeting of the BOC.

(a) Time and Location: Unless posted otherwise as required by law, the BOC convenes its monthly public hearings and regular meeting on the third Tuesday of each month at 7:00 p.m. at Town Hall. The agenda will contain one or more items entitled "Public Comment Period." Typically, the Public Comments Periods will be titled Public Comments on Agenda Items and Public Comments on General Items.

(b) Sign-up Sheet: Any member of the THB Public who wishes to address the BOC as a speaker or as a spokesperson for a group during Public Comments on Agenda Items must register on the sign-up sheet located at the Town Clerk’s seat between 6:00 p.m. and 6:55 p.m. on the night of the meeting by listing his/her name, address, the name of any group for which he or she is a spokesperson, and comment topic(s). Speakers who wish to address the BOC under Public Comments on General Items are not required to register. General Speakers or spokespersons who wish or who

Date Modified 6/3/2018
are invited by members of the BOC, the Mayor or other public officials to address the BOC on any subject matter must use the procedure provided for under Rule 15 of the BOC Rules of Procedure.

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

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

e) Timekeeper: The designated timekeeper will be the Town Clerk, who will begin timing the speaker or spokesperson after recording the speaker’s name and address for the public record and will announce “Time” when the allotted time expires.

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

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

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

(i) Address to the BOC: Speakers will address all comments to the BOC as a whole; and will not address or question one or more BOC members, the Mayor or any town staff members, officials and employees as individuals. Speakers will address members of the BOC, the Mayor, town staff members, officials and employees and other members of the THB Public with courtesy and will not do or say anything that will interfere with the dignity and decorum of the meeting. Discussions between speakers or spokespersons and the audience will not be allowed, and no member of the BOC, the Mayor or any town staff members, official or employee will respond to the comments or questions of any speaker or spokesperson until after all speakers and spokespersons on the sign-up have completed their comments.

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

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

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

Date Modified 6/3/2018
(m) **Monitoring and Enforcement.** The Mayor or presiding officer shall act as the monitor for all public comment periods for the purpose of recognizing speakers and spokespersons from the sign-up list, also enforcing the time allotted to speakers or spokesperson.

**Rule 37. Public Comment Periods**

(a) **Frequency of Public Comment Periods.** The board must provide at least one opportunity for public comment each month at a regular meeting, except that the board need not offer a public comment period during any month in which it does not hold a regular meeting.

(b) **Rules for Public Comment Periods.** The board may adopt reasonable rules for public comment periods that, among other things,

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

(c) **Content-Based Restrictions Generally Prohibited.** The board may not restrict speakers based on subject matter, as long as their comments pertain to subjects within the board’s real or apparent jurisdiction.

**Part XI. Appointments and Appointed Bodies**

**Rule 38. Appointments**

(a) **Appointments in Open Session.** The board must consider and make appointments to other bodies, including its own committees, if any, only in open session. The board may not consider or fill a vacancy among its own membership except in open session. **(b) Nomination and Voting Procedure.** The board shall use the following procedure to fill a vacancy in the board itself or in any other body over which it has the power of appointment. The mayor shall open the floor for nominations, whereupon board members may put forward and debate nominees. When debate ends, the mayor shall call the roll of the members, and each member shall cast a vote for his or her preferred nominee. The voting shall continue until a nominee receives a majority of votes cast during a single balloting.

(c) **Mayor.** The mayor may not make nominations or vote on appointments under this rule.

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

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

(f) **Vote by Written Ballot.** The board may vote on proposed appointments by written ballot in accordance with Rule 29.
Rule 39. Committees and Boards

(a) Establishment and Appointment. The board may establish and appoint members for such temporary and standing town committees and boards as are needed to help carry on the work of town government. Any specific provisions of law relating to particular committees and board shall be followed. Unless otherwise provided by law or the board, the power of appointment to such bodies lies with the board.

(b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, commissions, boards, or other bodies of the town that are composed of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi judicial, administrative, or advisory functions. However, the law’s requirements shall not apply to a meeting solely among the town’s professional staff.

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

Part XII. Miscellaneous

Rule 40. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the town charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the board, excluding vacant seats, and not including the mayor.

Rule 41. Reference to Robert’s Rules of Order Newly Revised

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the board shall refer to Robert’s Rules of Order Newly Revised, to answer unresolved procedural questions.
I would like to place an item for discussion and possible action, related to large/party houses on Holden Beach, on December’s agenda.

I would like to have the Planning and Zoning Board revisit the issue, by investigating and reporting to the Board of Commissioners on the feasibility and applicability of the measures proposed by Dare County, as follows:

1. At last week’s Duck Town Council meeting, members considered a recommendation by the Duck Planning Board to regulate occupancy by establishing town standards for the capacity of septic systems based on lot sizes.

2. They also scheduled for Dec. 5 a public hearing on a draft ordinance that would set a tiered approach to regulating house size based on lot size.

Please include the below article in the agenda packet.
Thanks,
Mike
Dare Towns Look to Manage ‘Mega-Houses’

By Michelle Wagner

Reprinted from Outer Banks Sentinel

As Dare County municipalities try to address concerns about the proliferation of “mega-houses” and their impact on the character and environment of beach communities, the town councils in both Southern Shores and Duck met last week to explore new approaches to the issue.

During a Nov. 7 special meeting called in response to SAGA Construction’s plan to build two 12-bedroom homes on the oceanfront, the Southern Shores Town Council unanimously directed staff to draft a zoning text amendment that would create a residential overlay district encompassing properties east of N.C. 12 and those abutting the highway to the west. The proposal would require stricter development standards in the district based on the size of homes.

Meeting on the same day, the Duck Town Council considered a proposal by the planning board to develop town standards that tie allowable septic capacity to lot size.

They also scheduled for Dec. 5 a public hearing on a draft ordinance that would set a tiered approach to regulating house size based on lot size, with a maximum allowable home size of 7,000 square feet.

In the past, Dare County towns relied on regulating the occupancy and size of rental properties by placing limits on the number of allowable bedrooms. But in 2015, the North Carolina General Assembly prohibited them from doing that. The move left municipalities grappling with how to best control the homes that have become a lucrative part of the resort area’s rental business.

In Southern Shores, town officials last week opted to add an additional layer of regulation in the overlay district, along with the town wide cap of 6,000 square feet of allowable living space that has been in place since 2016. If ultimately adopted by the council, the proposal would place stricter development standards on homes in the overlay district based on size.

For example, homes that are more than 4,000 but less than 6,000 square feet must adhere to a 25 percent lot coverage limit and 28-foot building height, while those that fall below that square footage have a little more leeway, with a 30 percent lot coverage requirement and height limit of 35
feet. The structure of other standards relating to building setbacks, trash receptacles and landscape buffering is similar in nature.

As for parking, all spaces in the overlay district must be 10 by 20 feet and adjacent to a two-way drive aisle that is a minimum of 18 feet wide.

At last week's Duck Town Council meeting, members considered a recommendation by the Duck Planning Board to regulate occupancy by establishing town standards for the capacity of septic systems based on lot sizes. While not taking action on that plan, they opted to resurrect a proposal that regulates house size based on lot size.

In the end, the council voted 4-1 — with Mayor Don Kingston casting the dissenting vote — to set a public hearing for Dec. 5 in order to give property owners and residents another chance to weigh in on an ordinance that had been the subject of a September public hearing, before the council sent the plan back to the planning board for tweaking.

Under this tiered proposal, lots of 9,999 square feet or less could have a house with a maximum of 3,500 square feet. On the other end of the spectrum, lots of 25,000 or more square feet could have a house that was up to 7,000 square feet. While larger residences would be allowed if higher development standards were met, no dwellings could exceed the overall 7,000-square-foot cap.

Several council members, including Jon Britt, voiced concern over regulating house size as opposed to occupancy and cited that it penalized large lot owners. "That is not why we went down this road," Britt told fellow council members. "We went down this road because of concern about density and too many bedrooms."

This story is provided courtesy of the Outer Banks Sentinel, a weekly Dare County newspaper that is published in print every Wednesday and headquartered at 2910 South Croatan Highway, Nags Head. Aside from the print paper, the Sentinel also produces a continually updated digital version at www.obsentinel.com.

Join the conversation on our Facebook Page

Like This Story?

It costs about $500 to produce this and all other stories on CRO. You can help pay some of the cost by sponsoring a day on CRO for as little as $100 or by donating any amount you're comfortable with. All sponsorships and donations are tax-deductible.

SUPPORT US
6 December 2018

P. Kwiatkowski

As we start the year, there would be benefit from a Board of Commissioners and Town Manager meeting to set agreed major 2019 objectives before we begin the budget process. The BOCM should schedule a January date for such a meeting.
Date: December 10, 2018

To: Holden Beach Board of Commissioners

From: Vicki Y. Myers, Inlet and Beach Protection Board Chair

Re: NCDWR Grant for Wider and Deeper Project

The Inlet and Beach Protection Board (IBPB) met December 7th for a Special Meeting to discuss the County’s request for a response regarding the North Carolina Department of Water Resources (NCDWR) grant they received for dredging the outer bar of the Lockwood Folly Inlet, commonly referred to as the Wider and Deeper Project.

Our consulting engineer has expressed concerns about the potential impacts this project could have on our East End and the beach strand as a whole, especially if the project is executed and the resultant sand is not placed on Holden Beach.

The BOC’s Resolution 18-10 states that before a decision is made on the Wider and Deeper project that a “data driven cost benefit analysis that included possible environmental impacts” be completed. It also notes that “no historical monitoring or state of the art modeling data has been produced”.

The ordinance which established the IBPB directed the Board to make recommendations on the feasibility, cost and benefits of projects. The IBPB discussed the issues related to the NCDWR grant and offers the following comments:

**Feasibility:**

- Permitting for this project raises many questions. It is unclear if this will require a major or minor modification to the Town’s SDI-5 permit. There are also obstacles in permitting such as documented historical wrecks and potential environmental concerns.
- The project is estimated as a piggy-back project. It is unclear if an ocean-going dredge will be available. Without availability, the cost would increase dramatically.

Cost:

- The estimated cost to the Town would be $4.13/cy, which is a good price – if that figure ends up as the final price. The figure would change if a piggy-back option were not available.
- A funding source for the project was discussed. The Board recommends that the BOC and Town Management determine where the funds should come from, recognizing that there is an existing funding structure in the Town’s budget.

Concerns:

- Our Consulting Engineer has expressed concerns about the potential negative impacts to our beach if we do not receive the sand from this project. As the down-drift beach, we would feel the impact more than neighboring beaches.
- The grant estimates that 250,000cy of material would be removed. This amount has never been taken from the Lockwood Folly Inlet.
- If there are negative impacts to our beach, or neighboring beaches, who would be responsible?
- The email from the County states that if the project is deemed a success, in the future projects would alternate sand placement between Holden Beach and the neighboring beach. How is success determined and what defines it? Is success defined in terms of navigation or erosion?
- Holden Beach’s East End has continual, chronic erosion concerns. As the down-drift beach we do not support a sharing arrangement. This is consistent with Ocean Isle Beach receiving dredge material from the Shallotte Inlet.
- It is unclear who is responsible for this project in the future. While the Corps has traditionally been responsible for the inlet, NCDWR requires that the entity receiving the grant, in this case the County, take responsibility for the long-term maintenance of the project. The County agreed to this in their resolution when applying for the grant.
**Recommendations:**

- The IBPB recommends that the Town pursue this opportunity and that the sand be placed on the East End of Holden Beach, as indicated in the grant application. We feel this is especially important as the Town is missing out on this cycle of the Lockwood Folly Crossing sand.
- We recommend that Town Staff follow up with the County regarding comments in the email about the project being determined to be a success.
- Participation in the Wider-Deeper Project should not be construed as supporting the sharing of sand from the outer bar with neighboring beaches.
- We recommend that the proposed cost sharing arrangement be discussed. The burden share of 75% recipient beach/25% County has increased from past projects. The cost of permits and easements are included in the grant, but the Town has already expended funds to obtain these.

In summary, the IBPB unanimously feels that if this project goes forward it is essential that the sand come to Holden Beach. As the down-drift beach, we cannot afford for the dredging to occur without sand placement on our beach.
TOWN OF HOLDEN BEACH
2019 BOARD OF COMMISSIONERS’ MEETING SCHEDULE
7:00 P.M.
LOCATION – TOWN HALL PUBLIC ASSEMBLY

January 15th
February 19th
March 19th
April 16th
May 21st
June 18th
July 16th
August 20th
September 17th
October 15th
November 19th
December 17th