



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, JANUARY 12, 2010 – 7:00PM**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, January 12, 2010 at 7:00 p.m. in the Town Hall General Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Don Glander; Commissioners Ray Lehr, Ken Kyser, Sandy Miller and Sheila Young; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; and Zoning Official Rhonda Wooten.

Mayor Holden presented the invocation and called the meeting to order.

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

*Motion by Commissioner Kyser to approve the agenda as written; second by Commissioner Miller; approved by unanimous vote.*

**APPROVAL OF MINUTES**

*Motion by Commissioner Miller to approve the minutes of the Regular Meeting of December 8, 2009 as written; second by Mayor Pro Tem Glander; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

No comments were made.

**TIME WARNER – ERIC COLLINS, DIRECTOR GOVERNMENT RELATIONS**

Mayor Holden read a memorandum from Town Manager Hewett that detailed issues that he would like Time Warner to address and then introduced Eric Collins from Time Warner Cable. Mr. Collins introduced Kevin Wire, Area Technical Operations Manager and Linda Bell, Manager of Customer Care. Mr. Collins explained that Time Warner has expanded their scheduled appointments to include weekend and after hour slots. Over the past couple of months the routing of calls has been changed so calls from the Eastern Carolina area are sent to the Wilmington Callcenter. They have supplied free return shipping boxes to the Town for customers' convenience. Fed Ex will pick the boxes up and ship them back to Time Warner at no cost to the customer. Mr. Collins stated they want all customers to receive the same service and he thinks they are on the right track with the new customer service team. Mr. Collins explained that if there are any old drops on the ground, they will be logged into the system again to make sure they will be buried if homeowners will call in. He explained that he doesn't know a lot about what happened in the past in terms of service interruptions because he just took over the area. They will try their best to make sure interruptions do not happen, but there are some circumstances that are out of their control. If there are any customer service issues, he encourages people to contact Town Manager Hewett and he can contact Ms. Bell directly. Mayor Holden asked what the arrangement for equipment return is. Town Manager Hewett said the Town will give out the Fed Ex boxes for free return shipping. Mayor Holden was advised no when he inquired if the Town would be compensated for this service. Mayor Holden asked what would happen if a customer says they dropped off a box and it doesn't make its way back to Time Warner. Mr. Collins stated

they would work that out with the Town. Commissioner Young was advised yes to her question of if this service was only for homeowners. Commissioner Kyser stated that he wants to make sure that everyone knows to call Time Warner first and if there is an issue after that, contact Town Manager Hewett at that time. Commissioner Young asked if Time Warner could take a survey of the island to check the boxes in people's yards. Mr. Wire stated that they can do a survey of that and will put work orders in for ones that need to be replaced. He explained that the new boxes they have are made out of a plastic material that will last longer in the coastal area. Commissioner Young stated that a lot of her neighbors are not permanent residents, so when there is an outage there will not be a lot of people calling in. Mr. Collins stated that is an action item that they will take back to review. Commissioner Young stated that ATMC customers across the bridge have a lower rate and asked if that is going to continue to be a problem for the Town. Mr. Collins stated the rate increases are based upon the agreements with the programmers. He stated that he doesn't know what ATMC's channel line-up is so he couldn't comment on the rate difference. Mayor Holden asked him to look into that. Ms. Bell stated customers can bundle the two available services, but phone service is not available. Mr. Lehr inquired about the cables on the ground. Mr. Wire explained that the goal for drops to the house is to have them in the ground within five days. He stated that the ones from a box to another box go through their construction department, which requires more time. If he can get specific addresses, those will be addressed. Mr. Collins stated that they will try to have all the drops in the ground within 60 days. Commissioner Miller stated her concern is with the appointment slots. Ms. Bell stated there are four hour windows for appointments and if people are being told that can't be done, she will address it. Mr. Collins stated that digital phone is not offered on the island because ATMC will not release the numbers. Commissioner Kyser stated he was so dissatisfied that he switched to satellite. Anne Arnold asked how long the contract with Time Warner was for. Town Manager Hewett stated 2016. Dolly Mitchell stated their cable box needed to be reprogrammed recently. She stated the customer service representative was friendly, helped them through the problem and she also received a follow-up survey a few days after the call. John McIntyre stated that at his other house in Virginia they have Comcast and told about some of the problems he has with them. He stated he has had good response from Time Warner. He asked if they have plans on replacing trunk lines. Mr. Wire explained that if they see cable that needs to be replaced, it gets referred to construction for replacement. Ellen Barton asked why Time Warner service here costs more than in other areas. Mr. Collins stated he couldn't answer that. Sarah Sue Ingram stated that in the past service went out during the Super Bowl and NCAA Basketball Tournament. Bill Cohen stated his audio signal is much stronger at night than during day and that recently the last few outages were reported to be coming out of Southport hub. Mr. Wire stated that when the weather gets colder, the signals go up. He stated that he knows there was one power failure at Southport that had to be rewired. Mayor Holden asked Mr. Collins if he would be receptive to coming back in the spring for a review. Mayor Pro Tem Glander stated it would be good for him to have a cost analysis at that time.

#### **POLICE REPORT – CHIEF WALLY LAYNE**

- Hopes everyone had a good holiday.
- The state of the island remains peaceful. The two B&E's on the Police Report were at one house that was having construction work done. Two flat screen televisions disappeared at two different dates when two different subcontractors were working.
- The Neighborhood Watch Meeting will be next Tuesday at 7:00 p.m. Hoping that Al Hight from the Brunswick County Cooperative Extension Office will be the guest speaker to talk about sand spurs.
- Congratulated Commissioner Young, she is the winner of the Yahoo lottery. It is a scam. If you get something like that, don't even open it. Commissioner Miller asked about water leaks. Chief Layne stated there were four in December, but not sure how many in January.
- First heard about a bobcat on the island a couple of years ago. Haven't seen or heard about one since, but he understands there is an email circulating and has heard reports of people seeing one. There are two pictures in the

email. He went online and one of the animals in the picture actually looked like a cougar to him. There are coyotes in the County and he has heard tales of some being on the island. So far, there hasn't been a problem with them.

**DISCUSSION AND POSSIBLE SELECTION OF A DATE TO HOLD A PUBLIC HEARINGS ON PROPOSED CHANGES TO CHAPTER 157: ZONING CODE OF THE HOLDEN BEACH CODE OF ORDINANCES (157.025, BULKHEADS ON CANAL LOTS & 157.079, SIGN REGULATIONS)**

*Motion by Commissioner Young to start the first public hearing at 6:30 p.m., with the second one immediately following on February 9; second by Commissioner Kyser; approved by unanimous vote.*

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 10-01, RESOLUTION ASKING THAT FEMA'S NATIONAL FLOOD INSURANCE PROGRAM (NFIP) SUPPORT FLOOD INSURANCE CLAIMS FOR DAMAGES TO STRUCTURES SUFFERING GRADUAL COASTAL EROSION**

*Motion by Commissioner Kyser to approve Resolution 10-01; second by Commissioner Miller; approved by unanimous vote.*

**DISCUSSION AND POSSIBLE ACTION ON VACANCIES TO THE PLANNING & ZONING BOARD & BOARD OF ADJUSTMENT**

*Commissioner Miller nominated Ben Baker to the Alternate Member vacancy on the Planning & Zoning Board. The Board agreed by acclamation to nominate Ben Baker to the vacancy.*

*Commissioner Young nominated Marlene Hahn to fill the Regular Member vacancy on the Board of Adjustment; second by Commissioner Miller.*

Mayor Pro Tem Glander explained that Ms. Hahn served longer in the alternate capacity.

*The Board agreed by acclamation to nominate Marlene Hahn.*

Mayor Pro Tem Glander suggested interviewing MaryLou Lahren prior to the workshop.

**DISCUSSION AND POSSIBLE SCHEDULING OF A DATE TO HOLD A GOALS & OBJECTIVES WORKSHOP**

Commissioner Miller recommended holding the Workshop at 8:50 a.m. on February 9<sup>th</sup> and beginning it with Ms. Lahren's interview. Mayor Holden asked Town Clerk Finnell to confirm the interview time and encouraged anyone interested to fill out an application so they could also be interviewed.

**DISCUSSION AND POSSIBLE ACTION ON MUTUAL FACILITIES AGREEMENT BETWEEN THE TOWN & THE CHAPEL**

Mayor Holden explained that the Town and Chapel have an excellent relationship and have utilized each other's facilities. This document would recognize the agreement that has already been in place for years.

*Motion by Commissioner Miller to approve the agreement; second by Commissioner Lehr; approved by unanimous vote.*

**TOWN MANAGER'S REPORT**

- Coastal Resources Commission will be convening tomorrow. The terminal groins public hearing will be conducted at noon at the North Raleigh Hilton. There will be two more public hearings regarding terminal groins - February in Wilmington and March at Sunset Beach. There is also an appellate meeting on the insurance rate increases on the 14<sup>th</sup>. That issue is still trucking along.
- Beach Management Plan – received federal permit extension. It is now good until 2014. The offshore seismic survey to locate beach compatible sand should be conducted this week depending on the weather.

- Department of Transportation has promised the driveway permit for the Turkey Trap property should be issued any day.
- The FEMA Hanna inspection is scheduled for February 8<sup>th</sup>.
- Holden Beach Pavilion – pilings on back side are settling and it is leaning to the east three to four inches. The Building Inspector conducted an evaluation and contacted the architect. It will need to be fixed. No cross bracing was erected on the structure. The Town will need to pay for it because we were listed as the general contractor.
- Sewer operations permit has been received. It is good until 2018.
- County refueling station at the Tri-Beach Fire Department is no longer a viable option for the Town. Looks like the IRS is to blame. Right now gas can be procured from Exxon and GoGas. The site at Tri-Beach is very convenient for the Town. Working with the Fire Department on a solution convenient to all parties.
- Irrigation valve inspection was completed this week. There were a few connections that didn't have the proper valve installed. Will communicate with those homeowners.
- House at 127 Ocean Boulevard West - During the summer, the Town executed an administrative search warrant. Found several repairs that needed to be made. Repairs were not made during the timeframe given. The damage to the structure from the recent rain has caused the Building Inspector to come up with the finding that the structure was damaged beyond repair. A condemnation hearing is set for January 26<sup>th</sup>. The owners will be directed to remove or demolish the house within 90 days. Following that, the BOC will then have the option to adopt an ordinance authorizing the Town to remove or demolish the structure if there is still noncompliance.
- New receptionist – Iris “Jo” Yount has joined our team. Began about two weeks ago.

#### **MAYOR'S COMMENTS**

- It is tax collection time. If you know of someone that is unable to pay taxes as required by the dates, there are alternatives that are legal. There are penalties and interest added to the balance, but make sure people know that is available to them.
- Countywide recycling will be discussed at the Brunswick County Commissioners' Meeting on January 19<sup>th</sup> at 6:30 p.m. at the County Complex.

#### **BOARD OF COMMISSIONERS' COMMENTS**

##### Mayor Pro Tem Glander

- Found out last week that his answering machine wasn't working. Apologizes if he didn't return your call.
- Thanked Town staff for the excellent job they did at the Open House. Between the Tree Lighting and Halloween event, the Town has a couple of new, family outings that will become a tradition. Thinks that is terrific.

##### Commissioner Lehr

- Good to see we are getting some of the Town's permits extended. Town staff is doing a good job and things are moving in the right direction.

##### Commissioner Kyser

- Thanked everyone for coming out tonight on this nice, cold night.

##### Commissioner Miller

- Encouraged everyone to at least stop by the Workshop. If anyone has any concerns or issues to discuss, everyone is just a phone call away. Let the Board know what they should be looking at.

##### Commissioner Young

- Will be attending Municipal Government training for the next couple of days. Received a scholarship of \$300 to pay for the \$325 tuition by joining the Local Government Employee Credit Union.

- Email address is [syoung26@ec.rr.com](mailto:syoung26@ec.rr.com), phone number is 846-1878. Will be attending the County meeting on recycling on January 19<sup>th</sup>. The Shoreline Protection Committee meeting will be held on Monday, January 25<sup>th</sup> at 6:00 p.m. Will continue to attend Brunswick Beaches Consortium meetings.

## **PUBLIC COMMENTS ON GENERAL ITEMS**

Daniel Bowman stated his situation started on November 5<sup>th</sup>. He received a letter that his meter base was corroded and that he was in violation of the National Electric Code. He received a certified letter stating the same a couple of days later. Mr. Bowman stated that the Inspector doesn't have any right to be on his land. He stated that after speaking with Zoning Official Wooten, he spoke with Town Manager Hewett who stated he would look into it, but he didn't receive a phone call back. Mr. Bowman stated he requested in writing: The Building Inspector's authority to come on to his property; where in the electric code it says he was in violation; and David Eakins' (Inspector) license number, but he never received the answers. Mr. Bowman stated he did find out on his own that Mr. Eakins is licensed. Mr. Bowman stated that on the 10<sup>th</sup> he came down and changed out the meter panel. A courtesy letter was sent to him on November 25<sup>th</sup> explaining that his meter base had been pulled. Mr. Bowman lost everything in his refrigerator, the house alarm went off and his house was left open to theft. He is upset about the electrical permit fee and thinks that this is being done to generate revenue. Mr. Bowman wants the Town to reimburse him \$489.24 and wants the Town to stay off his property. Mayor Holden stated that the Board does want to be representative of him and wants to make sure everything in the Town is safe for everyone. Town Manager Hewett stated he doesn't think it is appropriate to air the differences of the stories in this forum. He thinks the staff has bent over backwards to accommodate the situation and to investigate the particulars of it. He stated that it is his opinion that we have done everything we could. He admits he didn't return the call and the timing of the disconnect could have been better, but the fundamental issue of protecting the public's safety will be upheld. Mayor Holden stated the Town will follow-up with staff and the Town's Attorney and will resolve something by the next meeting.

Ellen Barton stated she went to Town Hall when people started to receive letters regarding meters. Staff showed her pictures of the meters. She stated she also asked for something in writing showing that the meter was a hazard and didn't get it. She wants to know if the Town is allowed to come onto property and conduct inspections. Town Manager Hewett stated that the answer to that question is yes. Ms. Barton would like a copy of the code. Ms. Barton stated they pay taxes, but their road is not paved. She wants to know if the Town can put chips on the road. Mayor Holden stated that Town trucks were out there today. Mayor Holden asked Town Manager Hewett to talk to Public Works Director Clemmons to see if there are any options to help in that area.

## **EXECUTIVE SESSION TO DISCUSS THE PERFORMANCE OF A PUBLIC OFFICER PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(6)**

The Board went into Executive Session at 8:44 p.m.

## **OPEN SESSION**

The Board went back into Open Session at 9:16 p.m.

## **ADJOURNMENT**

*Motion to adjourn by Mayor Pro Tem Glander at 9:17 p.m.; second by Commissioner Miller; approved by unanimous vote.*