



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, MARCH 25, 2008**

The Board of Commissioners of the Town of Holden Beach met for a Regular Meeting at 7:00 p.m. on Tuesday, March 25, 2008 in the Fellowship Hall at the Holden Beach Chapel. Present were Mayor J. Alan Holden; Mayor Pro Tem Sandy Miller; Commissioners Ray Lehr, Don Glander, Ken Kyser and Gary Staley; Town Manager David Hewett; Town Clerk Heather Finnell; and Town Attorney Mac Tyson.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Miller to approve the agenda as written; second by Commissioner Staley; approved by unanimous vote.

APPROVAL OF MINUTES

Mayor Holden requested that on page 3, line 32, we be changed to *Town*, on line 33 they be changed to *public*. He also requested that on line 35, the word be corrected to *reduced*.

Motion by Mayor Pro Tem Miller to approve the minutes of the Regular Meeting of March 11, 2008 as amended, second by Commissioner Glander; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Peggy Schiavone explained that the Planning & Zoning Board briefly discussed cabanas and tents being left on the strand last year, but they will talk about it more if the Board would like them to. She, along with a couple of other members of the Planning & Zoning Board looked at the cab, dump truck and boats parked on Tarpon Street per Mayor Pro Tem Miller's request, but they do not think there is legally anything they can do since the items are parked on the owners' property. Ms. Schiavone stated they didn't speak with the Town Attorney, but she did consult with an attorney she knows. Chief Layne stated that that the vehicle tags and inspections are expired on the vehicles in question, which is an ordinance violation.

Gay Atkins provided background information on the Holden Beach Renourishment Association. They met Friday night to discuss fencing and fertilizing. Dean Draughn will contact the Town to discuss their potential involvement with the sand project. At one point there were 15 – 18 rolls of sand fencing remaining to be used.

UPDATE ON THE SHORT AUDIT COMPLETED BY MARTIN STARNES AND ASSOCIATES, CPA

Town Manager Hewett explained that we received the results of the short audit. They looked into several areas for the purpose of evaluating any potential discrepancies in the turnover. Their report is that they have not identified any. The Board came to a consensus to accept the results.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 08-13, RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY

Town Manager Hewett explained that the Town has a portable vacuum test trailer and excess generator that is no longer needed. He would like the Board to declare it surplus. The resolution would also authorize the Town Manager to dispose of the property and any future property valued less than \$5,000 if it is no longer needed.

Motion by Commissioner Staley to approve Resolution 08-13; second by Mayor Pro Tem Miller; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 08-14 ON NON-MANDATED COMMITTEES

No action taken, the following paragraph represents discussion only.

Commissioner Lehr and Commissioner Glander worked on a draft resolution in regard to committees. Commissioner Glander read the resolution and the Board discussed each committee listed. The Shoreline Protection Committee (SPC) currently only has three members, but is slated at five. The Holden Beach Renourishment Association can work with the SPC. They will not have decision making authority, they can only make recommendation. Commissioner Glander explained that the terms of service for each committee is at the pleasure of the Board with terms not to exceed two years and a possibility to serve two terms. Committee membership should be determined no later than May 1, 2008. The date of May 1st was chosen because all committees will have been in existence for two years at that time and members will have five months to work with a new Board once they come in. The current members of committees may be reappointed based on the pleasure of the Board. Commissioner Lehr went over the proposed Law Enforcement Standards and Training Committee whose purpose would be to analyze the Police Department's ability to meet nationally recognized professional standards. Commissioner Kyser and Commissioner Staley had concerns and asked Chief Layne for his feedback. Chief Layne stated he didn't think it was a bad idea when he was approached, if a couple of stipulations were added, but he became concerned once he read how it was written. He explained that the NC Department of Justice provides guidelines and regulations as to how law enforcement agencies within the State conduct their business. During his five years, he has been visited twice, unannounced and was found in compliance. He also provided information on the organization that helps get accreditation. Commissioner Lehr and Commissioner Glander will discuss this further with Chief Layne. It is proposed that the Audit Committee in addition to the audit will prepare any special reports related to financial operations to include purchasing and contracts as may be directed by the Board or requested by the Town Manager. The amount of members and choosing members that have CPA and budgetary experience was discussed. Commissioner Staley stated he spoke with a member of the Public Area Improvement Committee and they feel they need more than five people. Using consultants to help with specific projects was discussed. Commissioner Glander read the information on the Emergency Management Committee (EMC). Amending the manual to include the use of the new off-island facility was discussed. The fire chief is not a municipal employee, but he is part of the existing committee. Mayor Pro Tem Miller suggested that minutes of the committees be distributed to the Board within one week. Serving on only one committee at a time was discussed. Town Manager Hewett spoke with Penny Tysinger, Chief Planner for the Council of Governments (COG), in regard to the Land Use Plan Committee. She recommended that the existing Land Use Plan Committee stay in place until the plan is adopted. Commissioner Glander stated that all meetings held by committees should be open to the public, shall be conducted by rules established by the Board and shall be in accordance with the Open Meetings law. He also stated that written agendas shall be published no later than 48 hours prior to a meeting, written records shall be kept and filed with the Town Clerk, a quorum shall be present, committees shall act only in an advisory capacity and no later than

March of each year, each committee shall prepare a written report. Revisions will be made and discussed at a later meeting.

DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBERS TO SERVE ON HAZARD MITIGATION PLAN COMMITTEE

Town Manager Hewett explained that our Hazard Mitigation Plan needs to be updated and Chris May from the COG is willing to facilitate the effort. Mr. May recommended using the EMC to assist in the preparation of the update.

Motion by Commissioner Glander that the current EMC committee be assigned to this task; second by Commissioner Staley; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT BETWEEN THE TOWN AND THE HOLDEN BEACH CHAPEL FOR USE OF THE FELLOWSHIP HALL ON THE 2ND AND 4TH TUESDAY OF THE MONTH

Town Manager Hewett will work with the Chapel on the renewal of the contract and bring the terms back to the Board.

DISCUSSION AND POSSIBLE APPROVAL OF FINANCIAL SUPPORT FOR THE CONCERTS BY THE SEA IN THE AMOUNT OF \$5,000 FROM THE BPART FUND

Commissioner Kyser explained that there is a cost to purchase a license to put on programs where copyrighted material is performed. Barbara Lowell provided information on the upcoming concerts. Town Manager Hewett explained that a budget amendment would need to be approved to accommodate any changes.

Motion by Commissioner Kyser to give \$7,500, part of that would pay for the permit to put on the performance and the rest of it would go to Concerts by the Sea; second by Commissioner Staley; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF SUNSET SLUSH'S REQUEST TO SELL ITALIAN ICE AT THE CONCERTS BY THE SEA

Mayor Pro Tem Miller stated that the Flip Flops sell water and Ken and Cecilia Weston sell popcorn. Both are non-profit groups. Commissioner Lehr stated he spoke to Chris Politis, President of the Merchants Association and he doesn't recommend the Board approves this.

DISCUSSION OF CABANAS AND TENTS BEING LEFT ON THE STAND OVERNIGHT

Commissioner Staley stated he received a couple of calls from people concerned about the turtles. The Board came to a consensus to pass this to the Planning & Zoning Board (P&Z) to study and to provide a recommendation to the Board.

DISCUSSION AND POSSIBLE ACTION ON PLANTING SEA OATS IN THE AREA OF THE SAND HAUL PROJECT

Town Manager Hewett spoke with Dean Draughn, Ed Brannock and Steve Mercer. They will set up a meeting to discuss the current status and to make a recommendation to the Board. Commissioner Glander stated it is incredible how good the areas we have put fencing and grass in look and suggested looking at a major effort in that direction.

FEEDBACK FROM THE PLANNING & ZONING BOARD CONCERNING REGULATIONS ON LARGE COMMERCIAL VEHICLES

Planning & Inspections Director Walker did check with some other communities on their regulations and will provide that information to P&Z. Coming up with a definition of and regulating commercial trucks, regulating all abandoned property and consulting the Town Attorney was discussed. The item will be sent back to P&Z for further discussion.

HOLDEN BEACH HARBOR DREDGING

The dredger is located at the end of Canal C where he has been since Thursday afternoon. Mayor Holden provided information he received in emails from the dredger and from homeowners on damage done due to boat traffic. The dredging window expires on April 1st.

TOWN MANAGER'S COMMENTS

- The loan with BB&T closed today. The Senior Vice President advised us that the money is in our escrow account. The paperwork is subject to review by the Local Government Commission. We should be able to make our construction draws beginning in the middle of next week.
- Met with the architect last week in regard to the Town Hall Project. Everything is okay and going according to plan. They were supposed to pour the slab the later part of last week, but they held off because of the cold weather.
- The Emergency Operations Center is progressing rapidly. Per Commissioner Kyser's idea, would like to invite the Brunswick County EMS Director to do a walkthrough to see if he has any suggestions as to the internal layout.
- The sand haul project will be completed in two to three days. As of Friday, there was 182,000 cubic yards. They have been averaging about 5,000 cubic yards a day. Once they are done we can move into the next phase with vegetation and sand fencing.

MAYOR'S COMMENTS

- Noticed there was concern that there was not a vote on an issue. If there is not a motion made, the rules as they are on the book stay the same.
- Easter crowd was interesting. As a reference point, the Chapel was about 12% down in attendance this Easter Sunday. Thinks it reflected the attendance of the island.
- One house was attacked by the dredge boat. The hose came loose and changed the color of one house.
- Attended the Mayor's Meeting this morning in Shallotte. A State law regarding recycling aluminum and glass in restaurants went into effect January 8th. Asked Attorney Tyson to see if the Town needs to do anything. Peggy Schiavone stated that Mike Macomson stated that it pertained to restaurants.
- Had phone calls that the Town was going to stop allowing garbage disposals. The Board has not had any discussions about that.
- Received a letter from Hope Harbor who is requesting financial support. He will make sure it gets to the Commissioners.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Miller

- Thanked Town Manager Hewett for his hard work on finally getting a loan.
- Had a request to ask Waste Industries to come right after Easter, Memorial Day, July 4th and Labor Day to empty the recycling bin. If a bin is going to be furnished, people need to be able to use it.

Commissioner Lehr

- Appreciates what the Town staff is doing. They are doing a good job.

Commissioner Glander

- No comment.

Commissioner Kyser

- Has an email from a citizen who said he watched one boat zoom right across the pipe and cut it. He read from the email and said that is what Mayor Holden is talking about.
- Had a lot of emails concerning the dredging. Would like to assure everyone that the Board is watching the dredging and doing everything they can to make it happen. There is a lot the Board can't say about it.
- Appreciates the emails. Reads them and takes them into consideration. Due to the large number, he can't respond to them all.

Commissioner Staley

- Asked Town Manager Hewett to let the Board know how the Town will hold the \$4 million. Town Manager Hewett stated that the terms of the agreement are that it is held in an escrow account and BB&T terms it out for the Town. The Town will accrue interest on the idle principal while it is in the escrow account. Commissioner Staley would like to know the interest rate.

PUBLIC COMMENTS ON GENERAL ITEMS

John Lytvinenko asked if ethical standards review would be part of the Audit Committee's purpose and was advised no. Mr. Lytvinenko suggested establishing a committee this purpose.

Anne Arnold stated that the dredger has the inlet barricaded and she would like the barricade removed.

Allen Williams received a fax from the Town and was directed to move his boat, but he was unable to because of the barricade. He stated that the dredger is breaking every navigational rule known to the Coast Guard in the channel.

Louis Mitchell stated he liked to hear the discussion on committees tonight and asked about the cost of Jordan Boulevard. Mayor Holden stated they do have a copy of the cancelled checks. The cost of building the stage and walkway was discussed.

Derek Smith stated he would like the facts about Jordan Boulevard to be presented at a meeting.

EXECUTIVE SESSION TO DISCUSS HOLDEN BEACH HARBOR DREDGING MATTER WITH THE TOWN ATTORNEY PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(3)

Motion by Motion by Mayor Pro Tem Miller to go into Executive Session at 8:57 p.m.; second by Commissioner Lehr; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 10:02 p.m. and announced that no action was taken during Executive Session.

ADJOURNMENT

Motion by Mayor Pro Tem Miller at 10:03 p.m. to recess the meeting until Wednesday, March 26th at 4:00 p.m.; second by Commissioner Lehr; approved by unanimous vote.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk