



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, APRIL 8, 2008**

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The Board of Commissioners of the Town of Holden Beach met for a Regular Meeting at 7:00 p.m. on Tuesday, April 8, 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. He presented the invocation and asked for the remembrance of David Sandifer.

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

Commissioner Staley requested that Item 9 be removed and Town Manager Hewett requested that Item 17 be removed.

*Motion by Mayor Pro Tem Miller to approve the agenda as amended; second by Commissioner Glander; approved by unanimous vote.*

**APPROVAL OF MINUTES**

*Motion by Commissioner Staley to approve the minutes of the Special Meeting of February 26, 2008 as written; second by Commissioner Glander; approved by unanimous vote.*

*Motion by Mayor Pro Tem Miller to approve the minutes of the Special Meeting of March 11, 2008 as written; second by Commissioner Kyser; approved by unanimous vote.*

*Motion by Commissioner Kyser to approve the minutes of the Special Meeting of March 18, 2008 as written; second by Commissioner Glander; approved by unanimous vote.*

*Motion by Mayor Pro Tem Miller to approve the minutes of the Regular Meeting of March 25, 2008 as written; second by Commissioner Kyser.*

Mayor Holden made the following requests: on page 5, line 5 add *if no longer needed* after \$5,000; on page 5 add *no action taken this paragraph represents discussion only* to the discussion on committees; and page 8, line 9 add a clarification on the interest that will be made on the escrow account.

*Mayor Pro Tem Miller amended her motion to approve the minutes of the Regular Meeting of March 25, 2008 as amended; second by Commissioner Kyser; approved by unanimous vote.*

*Motion by Commissioner Kyser to approve the minutes of the meeting of March 26, 2008, Meeting Recessed from March 25, 2008 as written; second by Commissioner Glander; approved by unanimous vote.*

*Motion by Commissioner Lehr to approve the minutes of the Special Meeting of March 31, 2008 as written; second by Commissioner Kyser; approved by unanimous vote.*

## **PUBLIC COMMENTS ON AGENDA ITEMS**

John Lytvinenko asked what the special meetings were about. Mayor Holden gave a brief description of each one.

Rob Collinson inquired if the Board expected to take action on the dredging matter.

## **EMERGENCY OPERATIONS CENTER AND TOWN HALL/ POLICE DEPARTMENT UPDATE- JIM STEWART OF STEWART COOPER NEWELL ARCHITECTS**

Mr. Stewart explained that construction on the EOC is moving along well, but they are a little behind schedule. They are supposed to start putting windows in this week and start the drywall in the inside. The ductwork is being put in now. The problem is in the manufacturing process, some of the pieces are missing. The Department of Transportation has not issued the driveway permit at this time, but the drawings have been sent in three times. Progress on the Town Hall is moving along very well. They changed masons about a week ago. The walls will be up and grouted in about two weeks. Mr. Stewart explained that the EOC may be completed by the end of May. The estimated date for contract completion for the Town Hall is January 14<sup>th</sup>.

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

- Crime remains slow on the island. Traffic increased with spring break, but there were no major incidents. They did find a couple more copper larcenies. There was a break-in at 125 Starfish. They do have some suspects and are hopeful that some of the property will be recovered.
- They are advertising for a vacancy in the Police Department. Looks forward to the conclusion of that process and to having someone on board hopefully before the season kicks off.
- Looking for a guest speaker for the Neighborhood Watch Meeting next Wednesday at 7:00 p.m.
- On Memorial Day weekend, they will do the experiment talked about previously. The traffic coming off the bridge during peak hours on Saturday will be re-routed. The left turn lane will be closed and all traffic will be directed west. Officers will be out there. Town Manager Hewett suggested contacting rental companies to have them put the information in their check-in packets and Mayor Pro Tem Miller suggested putting it in the Property Owners' Newsletter.
- The warning under DWI was an error. There were two arrests and no warnings. The felonies were the larcenies on the island. They have also cleared a larceny that occurred on the west end that took place in December.

## **CHANNEL 8 STATUS UPDATE**

Channel 8 is up and running. A form, which can be obtained at Town Hall or online, needs to be filled out if you have information that you would like to run on Channel 8.

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

Commissioner Glander explained that the resolution bears a great deal of resemblance to the draft from the last meeting, with the exception of the Law Enforcement Standards and Training Committee, which indicates that further study is required before forming the committee and the amount of people in the Audit Committee. Commissioner Kyser requested that the wording under number of members for the Emergency Management Committee be changed to appropriate members of Town Staff and three – four at large members with documented experience in emergency operations. Commissioner Staley confirmed that appropriate members means as spelled out in the ordinance. Mayor Holden made the following suggestions: on page 13, lines 27 & 28, maybe change the name from Law Enforcement Standards and Training to Public Safety; on page 13, lines 45 & 46 change the wording to say prepared, published and

available to the public; on line 48 should can be changed to shall; and on page 14, line 2 non-committee secretaries should be subject to Board approval. The Board agreed to remove Item 8 discussing consecutive terms and to remove the second sentence of Item 11. Commissioner Staley stated that he cannot support the Law Enforcement Standards and Training Committee. The Board came to a consensus to remove that committee from the Resolution.

*Motion by Mayor Pro Tem Miller to approve Resolution 08-14, Resolution of the Town Concerning the Organization, Functions, Composition and Terms of Various Ad Hoc and Special Town Committees as amended; second by Commissioner Glander; approved by unanimous vote.*

Commissioner Glander asked that anyone interested in joining a Committee contact Town Clerk Finnell.

**DISCUSSION AND POSSIBLE APPROVAL OF CHANGING SCHEDULE OF AND RELOCATING PLANNING & ZONING BOARD, BOARD OF ADJUSTMENT AND ALL NON-MANDATED COMMITTEE MEETINGS TO THE EMERGENCY OPERATIONS CENTER WHEN THE FACILITY IS COMPLETED IN MAY**

Town Manager Hewett explained that the meeting room at the EOC will hold about 30 people and it could accommodate several committees. The Planning & Zoning Board would like to keep their meetings at the same time and date. This would lessen the burden on the Chapel.

**DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 08-02, AN ORDINANCE AMENDING ORDINANCE NO. 07-06, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2007 – 2008 (AMENDMENT NO. 3)**

This reprograms \$7,500 from a previous appropriation for the Lockwood Folly Dredging Project, which is not going to occur this year and reappoints it to accommodate the Concerts by the Sea and the fee for the licensing as approved at the last meeting.

*Motion by Commissioner Kyser to approve Ordinance 08-02; second by Commissioner Glander; approved by unanimous vote.*

**DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 08-15, 2008 ELDER ABUSE AWARENESS RESOLUTION**

*Motion by Mayor Pro Tem Miller to approve Resolution 08-15, 2008 Elder Abuse Awareness Resolution, second by Commissioner Glander; approved by unanimous vote.*

**DISCUSSION AND POSSIBLE APPROVAL OF THE TOWN OF HOLDEN BEACH DONATION POLICY**

This policy is in response to a previously discussed item and standardizes the way donation requests are made to the Town. Town Manager Hewett stated he will allow requests this year until May 1<sup>st</sup>. Mayor Holden requested that on line 17 each calendar year be added after the date. Commissioner Staley requested that the policy be changed to read Town Manager, instead of listing a specific one.

*Motion by Commissioner Staley to adopt the Donation Policy; second by Commissioner Glander; approved by unanimous vote.*

**DISCUSSION OF UNIFICATION OF PLANNING AND DREDGING MAINTENANCE FOR ALL THREE CANAL SUBDIVISIONS ON HOLDEN BEACH**

Mayor Holden explained that Holden Beach has three separate sets of canals with three different names and their own homeowner's associations. He went over a list of things that included: funds would not be

commingled between the groups or the Town; the scheduling of all three canal subdivisions can be worked together; the need for a constant annual assessment; the need for standardized communications between the Town, homeowners, dredger and all other parties; and the need for standardized paperwork and procedures. He would like to see a workshop between the Town and all three groups set up to discuss ideas and suggestions for the future. The Board agreed it would be a good idea. Mayor Holden asked Town Manager Hewett to speak with representatives from all groups to come up with a date to hold the workshop.

#### **ITEM OF INTEREST – TAX VALUE REDUCTION**

Town Manager Hewett stated that it is his understanding that the property owners affected by this will get a notification, but the adjustment is not for this year. The only people that will get a rebate this year are those people that took their appeals to the State Department of Taxation.

#### **DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT WITH MARTIN STARNES AND ASSOCIATES FOR THE 2007 – 2008 AUDIT YEAR**

This is the proposed contract for the second year of a contract with Martin Starnes and Associates. The contract amount is \$18,000. We have not received any new bids this year. A couple of members of the Board commented that they would like the presentation to be more informative this year.

*Motion by Commissioner Lehr to approve the contract with Martin Starnes and Associates for the 2007 – 2008 audit year; second by Commissioner Kyser; approved by unanimous vote.*

#### **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 08-17, RESOLUTION DIRECTING TOWN MANAGER TO ADVERTISE THE TOWN'S REQUEST FOR QUALIFICATIONS REGARDING CONSULTING ENGINEER SERVICES PURSUANT TO N.C.G.S. §143-64.31 ARTICLE 3D**

The Town doesn't currently have a consulting engineer designated that we can get an opinion from for Town projects. This will put an advertisement on the street so the Board can review qualifications and select a consultant engineer.

*Motion by Mayor Pro Tem Miller to approve Resolution 08-17; second by Commissioner Glander; approved by unanimous vote.*

#### **DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 08-18, RESOLUTION SUPPORTING ADDITIONAL FUNDING OF THE N.C. DIVISION OF TOURISM, FILM AND SPORTS EVENTS**

*Motion by Commissioner Staley to approve Resolution 08-18; second by Commissioner Kyser.*

Mayor Holden explained that the State of South Carolina is spending three times the amount promoting their state than North Carolina.

*The motion passed by unanimous vote.*

#### **HOLDEN BEACH HARBOR DREDGING**

Town Manager Hewett explained that the Town received a permit extension until April 15<sup>th</sup>. The dredge has not made much process since the last meeting. The dredger claims to have incurred damage on his pipes. Commissioner Glander stated that the dredger has blockaded the entrance, but he is not dredging. Town Manager Hewett stated that the Town has engaged Right Angle Engineering as a consulting engineer on a temporary basis to quantify the amount of material that has been dredged.

## **TOWN MANAGER'S COMMENTS**

- No comment.

## **MAYOR'S COMMENTS**

- Several homeowners have fussed about getting water bills and being delinquent before you can actually get the payment back by way of snail mail. The Town elected officials and staff are aware of that. A way to address that will be on the next agenda. Will also talk about possible payment by credit card. There is another problem with water bills and the ordinances not matching what is being done, which will also be corrected at the next meeting.
- Asked Town Manager Hewett if he will give a report at the next meeting on the relationship between the Chapel and the Town. Town Manager Hewett confirmed yes.
- Asked about sand fencing. Town Manager Hewett responded that they did a windshield tour and inventoried where sand fencing is needed. Steve Mercer is standing by to do whatever the Town decides to do. Public Works Director Clemmons explained there was a problem with debris in response to Mayor Holden's question, but he thinks they have everything under control. There has been a great deal of erosion over the past couple of days.

## **BOARD OF COMMISSIONERS' COMMENTS**

Mayor Pro Tem Miller

- Encouraged everyone to decide to be on a committee and to submit their names to Town Clerk Finnell.
- The marine police were recently in a canal area trying to find someone who was gillnetting at night. They have requested that the names of the canals be placed on the bulkheads. Public Works Director Clemmons will look into doing that.

Commissioner Lehr

- The sand project is over and he thinks it went very well. Thanked Town Manager Hewett and his group for all of the work they did.

Commissioner Glander

- In regards to committees, there is nothing that says a committee can't bring in help (experts or advisors) for any one project they are working on to assist them. Hopefully the number five will work for the number of members. Asked everyone to call Town Clerk Finnell if they are interested in working on any committee.

Commissioner Kyser

- Thanked Public Works Director Clemmons and Town Staff for all of their work on getting all of the sand on the beach. There was a lot of work involved. Thanked the rest of Town Staff, Town Manager Hewett and Town Clerk Finnell for all the information they get when they ask for it.

Commissioner Staley

- Asked if anyone knows the date the Town can't go beyond for having heavy equipment on the beach. Public Works Director Clemmons stated the extension went until April 15<sup>th</sup>.
- Thanked the people who serve on committees now, especially people who serve on more than one committee. It means they have gone above and beyond volunteerism and it doesn't go unnoticed.

## **PUBLIC COMMENTS ON GENERAL ITEMS**

Dennis Harrington stated that it appears to him that the Town would be sending a strong message to the bonding company and the dredger if we cease their operations immediately.

**EXECUTIVE SESSION TO DISCUSS HOLDEN BEACH HARBOR DREDGING MATTER WITH THE TOWN ATTORNEY PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(3) TO INSTRUCT STAFF CONCERNING THE POSITION TO BE TAKEN ON BEHALF OF THE TOWN IN NEGOTIATING TERMS REGARDING POTENTIAL PURCHASE OF TAX PARCEL 232NF015 LOCATED AT 1225 DAVIS STREET PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(5) AND TO APPROVE MINUTES PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(1)**

The purpose of the possible acquisition of the property would be for parking.

*Motion by Commissioner Kyser to go into Executive Session at 8:34 p.m.; second by Commissioner Glander; approved by unanimous vote.*

#### **OPEN SESSION**

The Board went back into Open Session at 9:16 p.m. and announced that no action was taken during Executive Session.

#### **ADJOURNMENT**

*Motion by Commissioner Kyser at 9:16 p.m. to recess the meeting until Wednesday, April 9, 2008 at 10:00 a.m. in the Church to discuss dredging; second by Commissioner Glander; approved by unanimous vote.*