



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, APRIL 14, 2009 – 7:00 PM**

The Board of Commissioners of the Town of Holden Beach met for a Regular Meeting on Tuesday, April 14, 2009 at 7:00 p.m. in the Holden Beach Town Hall General Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Sandy Miller; Commissioners Ray Lehr, Don Glander, Ken Kyser and Gary Staley; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; and Attorney Mac Tyson.

Mayor Holden welcomed everyone to the facility. He then presented an invocation and called the meeting to order.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Mayor Pro Tem Miller requested that Discussion of Senate Bill 832 Regarding Terminal Groins be added as Item 17a; Commissioner Lehr added Item 8a, Report from Architect Jim Stewart; Commissioner Kyser added Presentation by Gary Gurganus on New Survey Techniques Available to the Town as Item 8b; and Commissioner Staley added Discussion on the Legal Matter Pertaining to the Emergency Operations Center to the Executive Session.

The Board unanimously agreed to approve the agenda as amended.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Miller to approve the minutes of the Special Meeting of March 9, 2009 as written; second by Commissioner Kyser; approved by unanimous vote.

Motion by Mayor Pro Tem Miller to approve the minutes of the Public Hearing/ Regular Meeting of March 10, 2009 as written; second by Commissioner Lehr; approved by unanimous vote.

Motion by Commissioner Kyser to approve the minutes of the Recessed Meeting of March 12, 2009 as written; second by Commissioner Staley; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made on agenda items.

UPDATE ON FEMA NOURISHMENT PROJECT BY FRAN WAY OF APPLIED TECHNOLOGY AND MANAGEMENT (ATM)

Fran Way explained that ATM has been working with the Town since 2001 on our beach management and maintenance plans. For the current project there is an east reach and a west reach. Approximately 2/3 of the sand is going to the east reach and 1/3 to the west reach based on several factors. Mr. Way explained that ATM, along with the Town, has been working with FEMA on replacing sand from damages attributed to Tropical Storm Hanna. He reviewed some of the design factors of the project that include the six week construction window, emergency repair needs, storm losses, background erosion, beach access, haul distance and previous project reaches. He went over the project history and showed where the sand has been placed. Mr. Way explained the project restraints that include color and grain size analysis. The bidding process began in March. The seven bids received were reviewed to find the lowest qualified bidder.

ATM's conclusion was that Elite Construction had insufficient beach compatible sand volumes and DRC had insufficient borrow site information. After reviewing all of them, they determined that Wayne's Backhoe was the lowest qualified bidder. The project is more than halfway complete. The work on the western reach should begin this week. Work on the eastern reach should be completed this week and tilling work can begin.

POLICE REPORT – CHIEF WALLY LAYNE

- All remains quiet on the island crime-wise.
- We love the new facility.
- The past weekend was really busy and based on history a prelude to the summertime. It appears this week will be fairly busy as well. Be aware there are a lot more pedestrians and bicyclists out there.
- The speed limit has changed again on the west end to 35 MPH for the season. Be aware, slow it down.
- Sand trucks are still rolling. Doing the best we can when we get complaints. The Highway Patrol has chipped in between the site they are hauling from and the island. They are making sure the trucks are in compliance with hauling sand. Call us if you experience any problems with the trucks. Commissioner Glander asked when the project needed to be completed. Mr. Way stated May 1st.
- Neighborhood Watch will be in this facility tomorrow at 7:00 p.m. The guest speaker is from the North Carolina Extension Service and has been here once before.
- There is an officer on the island 24-hours a day. If you need someone after hours and nobody is in the building, contact 842-6707. The call will be forwarded to the on-duty officer. Don't hesitate to dial 911 or you can use the emergency call button located on the outside of the building.

UPDATE BY JIM STEWART OF STEWART COOPER NEWELL ARCHITECTS

Jim Stewart explained that the dedication plaque is up at the front of the room. He hopes everyone is proud of the building. There is very little left to do. There are some signage issues. Commissioner Staley asked if the project was completed on budget. Mr. Stewart replied that the final application for payment is not in, but everything is pretty much on budget.

PRESENTATION BY GARY GURGANUS AND STAFF ON NEW SURVEY TECHNIQUES AVAILABLE TO THE TOWN

Gary Gurganus and Cliff Wagner from SurveyOne gave a presentation on GIS – geographic information system. Mr. Wagner showed the different kinds of information that you can have. Everything works on layers. When you put the layers together you can see the relationships between objects. Mr. Wagner explained the types of vector and raster data. By using GIS you can identify homes that are "at risk". Every layer within a GIS has an attribute table associated with it. Information about the layer is stored within the attribute table. GIS has law enforcement applications. Mr. Wagner stated that GIS offers lots of possibilities and he went over why the Town should get GIS. He stated that it would help manage government services and an accurate GIS is a crucial part in natural disaster response. You can determine the people most at risk. Mr. Wagner explained that in order to get started you can use the control monument network that currently exists in Holden Beach. The network would be adjusted and then data from SurveyOne can be imported to it. WAAS enabled GPS receivers would be given to key Town personnel. Mr. Wagner answered questions from the audience. He stated the cost of the service would depend on what information the Town would choose to put in the system. They would meet with Town Staff to determine the Town's needs. Mr. Wagner stated that the County does have a GIS Department, but the Town has different needs from the County. Information could be shared between the Town and County. They did assist with the data that was presented at the Harbor Acres' Property Owners Association meeting. Mr. Wagner went over the types of software they use.

DISCUSSION OF GRANTING PERMISSION TO BARBARA LOWELL'S REQUEST ON BEHALF OF THE GREATER HOLDEN BEACH MERCHANTS ASSOCIATION TO HOLD CONCERTS AT THE HOLDEN BEACH PAVILION AND FOR THEIR REQUEST OF FINANCIAL SUPPORT

Mrs. Lowell explained she has the concerts lined up for this year. There will be 16 concerts. Brochures will be printed that will list all of the concerts in the County. The names of all sponsors will be put in brochures. Mrs. Lowell stated she appreciates the past support and hopes the Town will continue to support the concerts. Last year they were given \$7,500. Town Manager Hewett explained that the money comes from the BPART Fund. The Board will discuss this at the budget meetings.

REPORT ON JORDAN BOULEVARD BY THE AUDIT COMMITTEE

Motion by Mayor Pro Tem Miller to accept the report on Jordan Boulevard by the Audit Committee; second by Commissioner Lehr; approved by unanimous vote.

REQUEST BY KEN WESTON TO SELL POPCORN AT TOWN EVENTS AND TO DONATE THE MONEY TO THE HOLDEN BEACH BEAUTIFICATION CLUB

Mr. Weston explained that about 1 ½ years ago the Merchant Association had a committee to assist with Causeway beautification. The popcorn machine was a way of advertising for the cause. The profits were turned into the Merchant's Association. He stated that the project has gone by the wayside. The money that was in that account will be used to place seven tall palm trees in the area. Mr. Weston would like to raise money through the Merchant's Association and donate it to be used in the area of the Holden Beach Pavilion. The money would be turned over to the Public Area Improvement Committee, not the Holden Beach Beautification Club.

Motion by Mayor Pro Tem Miller to allow the money to be donated to the Public Area Improvement Committee; second by Commissioner Kyser.

The Board discussed that the money is going to the Public Area Improvement Committee to be used for the beautification of the area near the Holden Beach Pavilion.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON TAX RELEASES

Town Manager Hewett explained that this is for a property belonging to Ben Baker. The value was reduced by the Department of Revenue based on Mr. Baker's appeal. The reduction of \$610 would be for the past two years.

Motion by Commissioner Lehr to accept the tax releases; second by Commissioner Glander; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 09-06, CAPITAL PROJECT ORDINANCE – BLOCKADE RUNNER PAVING PROJECT

Town Manager Hewett explained this is a follow-on to the Board's action on the assessment at the last meeting. The project is scoped for \$108,000. The assessments will be made after the project costs are all in. Mayor Holden explained that in the past when a 60/40 split was used it was optional. The regulations specify that a 50/50 is the standard split, unless the homeowners choose to do a different amount.

Motion by Commissioner Staley to approve Ordinance 09-06; second by Commissioner Kyser; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 09-08, 2009 ELDER ABUSE AWARENESS RESOLUTION

Motion by Mayor Pro Tem Miller to approve Resolution 09-08; second by Commissioner Lehr; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 09-09, RESOLUTION AGAINST SENATE BILL 1004 AND HOUSE BILL 1252, LEVEL PLAYING FIELD ACT

Mayor Holden explained that in regards to broadband services, there is legislation that would make it difficult for small towns like Holden Beach to compete on a level playing field in regard to having the services at the same cost as the big cities. This bill is not what we would like to see passed because we would like to offer the same services in the same price range as bigger cities.

Motion by Commissioner Glander to approve Resolution 09-09; second by Commissioner Kyser; approved by unanimous vote.

ANNOUNCEMENT OF 2009 SPRING LITTER SWEEP

Mayor Holden explained that Governor Perdue has issued a proclamation designating April 18th – May 2nd as litter sweep time in North Carolina and is encouraging the citizens to clean up their communities.

Motion by Mayor Pro Tem Miller to accept the proclamation; second by Commissioner Lehr; approved by unanimous vote.

Commissioner Glander stated that in regards to the previous agenda item as he understands it, there is money available from the government through the stimulus package for the Town to take advantage of. He stated they talked about making Holden Beach a broadband beach which would be a benefit to the Town. Town Manager Hewett explained there is a conference in Myrtle Beach on May 5th – 6th on how to tap into the stimulus funds and he does plan on attending.

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT BETWEEN THE TOWN AND MARTIN STARNES AND ASSOCIATES FOR THE 2008 – 2009 AUDIT YEAR

Town Manager Hewett stated this is the standard contract with the accountants we have used for the past two years to perform the audit. It also includes the annual financial information report for a total of \$19,500. Mayor Pro Tem Miller asked if bids were put out for other auditors. Town Manager Hewett stated he did not and explained he would like to keep Martin Starnes and Associates for the next audit. They worked diligently with the Town and provided a lot of services not within the scope. Town Manager Hewett stated he was pleased with their services.

Motion by Commissioner Glander to approve the contract; second by Commissioner Staley; approved by unanimous vote.

DISCUSSION OF SENATE BILL 832 REGARDING TERMINAL GROINS

Mayor Holden explained this bill would allow the possibility of terminal groins being allowed. It is not a seawall or a jetty. If anyone would like more information you can contact Town Manager Hewett. Commissioner Kyser stated that the Board did support this effort before but at the time, the bill number wasn't associated with it. Money was given to the lobbyist effort. Mayor Holden stated they were at a meeting at Pine Knoll Shores. The inlet north of that has a terminal groin in it. It is doing a tremendous job of protecting the inlet and the shoreline surrounding it.

Motion by Mayor Pro Tem Miller to send a letter of support of the bill to our legislators; second by Commissioner Lehr; approved by unanimous vote.

TOWN MANAGER'S REPORT

- The dredging is done. We are awaiting the as-built surveys on the last set of canals in Heritage Harbor. Based on the results of the already dredged locations, it is a done deal.
- Budget season is upon us. Needs to provide the Board with a schedule. Guesses on or about the first week of May information can be provided to the Board and an initial budget workshop can be scheduled at the Board's discretion.
- Channel 8 – we found the issue. The internal fan would turn off and the unit would overheat. The part is in and it should be fixed by the end of week.
- Paving at the EOC has been completed. Striping and curb bumpers have been put in place. This should fulfill the Town's requirements so the loan with the USDA can be closed.
- Mayor Pro Tem Miller asked about the house at the pumping station. Public Works Director Chris Clemmons, using in house labor, fabricated a house that fits over the access panels for the cooling systems. Hopes it will help the Town avoid spending major money to air condition the facilities.

MAYOR'S COMMENTS

- Brunswick Beaches Consortium meeting will be held at Ocean Isle Beach on Thursday at 10:00 a.m.
- There is a bill that the League of Municipalities has brought to our attention. It will be encouraging the allowance of police and fire department employees to form union. The League suggests we watch for that and oppose it.
- Sand spur program - still have time. Had more people come forth offering information and help with it.
- Seeking volunteers in regards to the emergency program. If you are interested in participating in the emergency program, advise Town Clerk Finnell. Now that the mainland facility is almost complete we are ready to write it into the Town's emergency program.
- Was in Wilmington today for a meeting in regards to the eastern channel project, which is the body of water on the north side of the Blue Water Point Marina. We are moving along with a lot of hope and encouragement of some grant monies to make the project possibly happen late this year and next year. It would benefit the Town in many ways, for example it would allow the flushing of Galloway Flats. It would rejuvenate the wetlands. One of the most obvious benefits would be a source of sand out of the dredging project. Right now, we are talking about 90,000 cubic yards of sand from the first pumping, which would be the Town's portion of the sand. It would be a tremendous blessing. The Town is already in the process of putting \$3 million worth of sand on the beach at virtually no cost to the taxpayers or visitors.
- Holden Beach Chapel had almost 1,100 people during the three Easter services. Now that the Town has moved into our new home would like to encourage the Board to write a letter of thanks to the Trustees of the Holden Beach Chapel for allowing the Town the use of their facilities and also for the use of the Hall House location for the Police Department

Motion by Mayor Pro Tem Miller to write a letter of appreciation; second by Commissioner Kyser; approved by unanimous vote.

Commissioner Staley stated he would like it added to the letter that now that the Town has facilities, we would reciprocate in the case they need use of our facilities.

- There is lots of confusion due to lack of signage on the new building. The signs have been ordered and will be up soon.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Miller

- Thanked Town Manager Hewett and all employees for all work done to make the Town Hall available as quickly as they have.

- One of the subjects at the DENR meeting that they are concerned about is the piping plover. The piping plovers nest in Saskatchewan and then they come down here for the summer. A lot of them commit suicide while they are down here.

Commissioner Lehr

- Thinks everything they hoped would happen is happening. Some of it is completed, the rest will be shortly. As far as sand on the beach, doesn't think there was any year where more was put on. Thinks the big issue is the moving into the new facility. Town staff packed it up and did a tremendous job. As a whole, everything is going as good as can be expected. Thinks we owe a lot to Town staff and the Police Department.

Commissioner Glander

- Thinks Town Manager Hewett and the staff have done a tremendous job, taking in consideration everything that had to get done between all the projects going on. It has been incredible and a fantastic effort.

Commissioner Kyser

- The Turtle Patrol had a meeting in here a couple of weeks ago. There were about 75 people. It went very well and it is a real nice facility. Thanked the Town for allowing the Turtle Patrol to use the facility.
- The bike tour will be taking place during the weekend of May 9th. They need volunteers. There are sheets out on the bookcase or you can contact Carol Byrnside or Becky Reinhart.
- If anyone would like to see a copy of the Jordan Boulevard report, it will be available on the Town's website.
- Thanked Town Manager Hewett for his help with getting the dredging project completed.

Commissioner Staley

- In regard to the new building, they took a big chance. Some thought it could be done without a tax increase and on budget. It looks like this was accomplished. Thinks it is a great facility. Thanked Jim Stewart and Town Manager Hewett for following the project along from the beginning. Between the two of them they made sure the project didn't go over budget.
- Congratulates the entire Audit Committee. The Jordan Boulevard report was very professional and non-biased. His interpretation is that they found nothing, but minor infractions wrong. They found no misappropriations or mismanagement.

PUBLIC COMMENTS ON GENERAL ITEMS

Chief Layne stated that the first he heard of the unionization of police and fire departments was during Mayor Holden's comments. If he has anything to do with it, the Town won't need to worry about it here.

Ken Weston reminded everyone that the Days at the Docks Festival is coming up this weekend. There are 40 craft vendors, four new artists and five authors. There is a DJ coming in for some beach music Sunday afternoon. The Coastal Shag Club will also be there.

Lewis Mitchell stated that the Harbor Acres Property Owners had their annual meeting here last Saturday. Thanked the Town for allowing them to use the facility. Thanked Town Manager Hewett for the excellent presentation. Also appreciates Mayor Holden for attending and the Town staff for having everything ready. Dredging is completed in Harbor Acres. Mr. Mitchell stated it certainly went smooth this time. He also stated the new building is nice.

Sheila Young asked if there will be a line item account of all of the Town Hall expenses. She also inquired if money will be turned back in so we do not have to pay interest on it if the full \$4 million is not used. Commissioner Staley stated that he hopes the Board will put it on the next agenda to discuss. Ms. Young stated it was some people's understanding from the original plans that there would be two kitchens available, one for staff and one for homeowners. Mayor Holden stated that no member of this Board changed the floor plans. Mr. Stewart stated there was only going to be one kitchen at the Town Hall facility. Town Manager Hewett added that there are two kitchens at the EOC. Commissioner Staley

stated it was talked about during the process, but it ended up not being in the final plans. Ms. Young asked the percentage of the tax revenue that has been collected so far. Town Manager Hewett stated he believes it is at 97% and that our collection rate is higher than the County's.

Mayor Holden read a letter from Pam Bond regarding weddings and the use of the Pavilion. She doesn't believe the facility should be used on a first come first serve basis and asked if someone could maintain a sign-up sheet for events. She encouraged the Board to reconsider the current Pavilion Use Policy. Mayor Holden read another letter from Candy and Jim from North Dakota. They stated the environment was outstanding and that Holden Beach has the nicest, friendliest people they ever had the pleasure of speaking with. Commissioner Staley asked if anyone is interested in revisiting the Pavilion Use Policy. The Board discussed putting it back on the agenda. Mr. Stewart stated that he does a lot of work with other municipalities and most do rent out recreational areas. Mayor Holden asked Mr. Stewart to supply names of these municipalities to Town Clerk Finnell. Commissioner Staley asked if they can make an exception for this family to see how it works. Attorney Tyson stated it is up to the discretion of the Board. Town Manager Hewett stated that currently the Pavilion Use Policy does not allow this, so if this wedding is allowed a motion should be made to allow it as a test case. They can work on amending the policy in the meantime.

Motion by Commissioner Staley to allow this wedding as an exception and use it as a test case; for the Town Manager to work with the wedding party on the amount of time needed; and to discuss the subject of changing the policy at the next meeting; second by Commissioner Glander; approved by unanimous vote.

EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS (JOSEPH VS. TOWN) (EOC BUILDING) PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(3)

Motion by Mayor Pro Tem Miller to go into Executive Session at 8:49 p.m.; second by Commissioner Lehr; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 9:29 p.m. and announced no action was taken.

ADJOURNMENT

Motion by Commissioner Glander to adjourn at 9:29 p.m.; second by Commissioner Kyser; approved by unanimous vote.