



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, APRIL 22, 2008**

The Board of Commissioners of the Town of Holden Beach met for a Regular Meeting at 7:00 p.m. on Tuesday, April 22, 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

Mayor Pro Tem Miller requested that Item 10, Discussion with Town Manager Concerning Development of a Long Term Annexation Agreement be removed; Discussion and Possible Approval of Ordinance 08-04, An Ordinance Amending Chapter 33: Emergency Management of the Holden Beach Code of Ordinances be added as Item 14a; Discussion and Possible Amendment to Page 28 of the Emergency Preparedness Manual be added as Item 14b; and Item 15 be amended to read *Voting for* and the Announcement of Members to Serve on Non-Mandated Committees in Accordance with Resolution 08-14, Resolution of the Town Concerning the Organization, Functions, Composition and Terms of Various Ad Hoc and Special Town Committees. Commissioner Glander requested that Item 15 also say Discussion of. Mayor Holden would like to give a report on a meeting he attended regarding trailers on North Carolina Highways and request a letter of support of what was discussed at the meeting. He suggested adding it as Item 10.

Motion by Commissioner Lehr to approve the agenda as amended; second by Commissioner Kyser; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Kyser to approve the minutes of the Regular Meeting of April 8, 2008 as written; second by Commissioner Glander; approved by unanimous vote.

Motion by Mayor Pro Tem Miller to approve the minutes of the meeting of April 9, 2008, Meeting Recessed from April 8, 2008 as written; second by Commissioner Staley; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Mary Kaltas read a letter on behalf of Sheila Young that requested the Town return to quarterly billing for water.

Chuck Ellenbaum provided his concerns on the billing of the water bill. He recommends quarterly billing and would like to be able to provide the Town with his credit card number so it can be charged monthly.

John Heimlich explained that this Town operates under the Commissioner-Manager form of government with all significant decisions made by the Commissioners. He stated the current emergency system was revised two years ago to reflect that. Mr. Heimlich thinks the decision making in regard to emergencies should be rooted in the Commissioners and changing the code would be a huge step backwards.

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

Town Manager Hewett explained that the agreement is similar to the last one, but once the Emergency Operations Center is completed, the Town will move as many meetings as possible to that location.

Motion by Mayor Pro Tem Miller to approve the agreement; second by Commissioner Staley.

Mayor Holden stated there is no mention of compensation in the agreement which is usually included in an agreement. Attorney Tyson stated that no agreement is enforceable without consideration. Commissioner Staley stated that free water and sewer service is provided while the Town utilizes the facilities and asked if that could be added as compensation. Mayor Holden stated the number of meetings from the original agreement has increased. Town Manager Hewett stated that an estimated amount of meetings and compensation can be added and brought back to the Board.

The motion to accept the agreement passed by unanimous vote.

WATER/ SEWER BILLING POLICY

Town Manager Hewett explained that the ordinance changes the verbiage to reflect the actual practices of the billing staff and adds an additional week to the due date of the monthly bill. Item 8b would allow homeowners to pay their bills with a credit card. The late notice will be eliminated, but the late charges will be reflected in the next month's bill. The ordinance also allows more time before a service is disconnected for non-payment. Town Manager Hewett also explained that the Board has a proposed contract from Official Payment Corporation (OPC) before them that would allow homeowners to use credit cards. Payments would be made to OPC and people using the service will be assessed a handling fee of 2% - 3% of the total bill. The Board allowed homeowners to ask questions about the new policies.

Motion by Commissioner Staley to approve Ordinance 08-03 and to approve the contract for use of credit cards; second by Commissioner Kyser; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON THE CONSTRUCTION OF NEW STEPS FOR THE FISHING AREA AT THE END OF SAND DOLLAR

Local CAMA Official Wooten is checking to see if the Town would be able to apply for a CAMA exemption, instead of a permit. Mayor Pro Tem Miller explained that the original steps were built by Roy Slack, but are now in horrible shape. Commissioner Glander inquired if the construction of the steps is the Town's responsibility and if there are other situations like this one. Commissioner Staley suggested that the funds can be taken from the BPART Fund. Mayor Pro Tem Miller has a petition signed by homeowners requesting that the steps be fixed.

Motion by Mayor Pro Tem Miller to approve the construction of the steps; second by Commissioner Staley; approved by a 4 – 1 vote with Mayor Pro Tem Miller, Commissioner Lehr, Commissioner Kyser and Commissioner Staley voting for the motion and Commissioner Glander voting in the negative.

REPORT ON MEETING IN REGARD TO TRAILERS ON NORTH CAROLINA HIGHWAYS AND ASKING FOR A LETTER OF SUPPORT FOR NEW LEGISLATION

Mayor Holden stated that over the last 18 months boaters, as well as farmers and anyone who tows things with their cars, SUVs or pick-up trucks have been stopped and made aware of State and Federal statutes and regulations in regards to size, weight and loads. At the meeting approximately 30 Highway Patrolmen went over the regulations that are new to the public, but have been on the books for some time. Mayor

Holden explained that the regulations are complicated and provided a few examples. Representatives from our local legislature, including Representative Stiller were at the meeting. When the General Assembly convenes, an attempt to make corrections so regular people can do normal things with their equipment and not get tickets will be made. Mayor Holden urged everyone to call their legislators and ask them to amend the rules. He asked the Board to allow Town Manager Hewett to send a letter encouraging our legislators to consider reviewing and to support a change to the regulations.

Motion by Mayor Pro Tem Miller to have Town Manager Hewett send a letter; second by Commissioner Glander; approved by unanimous vote.

DISCUSSION AND SELECTION OF A TOWN ENGINEER

Town Manager Hewett explained he included a recommendation in the Board's packets that they approve Right Angle Engineering to serve as the Town Engineer. He provided background information on the principals in the company. Paramount also submitted a proposal, as did another company that didn't meet the RFQ.

Motion by Commissioner Lehr to approve the hiring of Right Angle Engineering; second by Mayor Pro Tem Miller; approved by unanimous vote.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE FOR A BUDGET WORKSHOP AND A WORKSHOP FOR THE POSSIBLE UNIFICATION OF PLANNING AND DREDGING MAINTENANCE FOR ALL THREE CANAL SUBDIVISIONS ON HOLDEN BEACH

The Board agreed to hold a workshop for both topics on May 16th at 9:30 a.m. Dredging will be the first topic listed on the agenda.

SEATBELT AWARENESS MONTH 2008 – PROCLAMATION BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

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

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 08-04, AN ORDINANCE AMENDING CHAPTER 33: EMERGENCY MANAGEMENT OF THE HOLDEN BEACH CODE OF ORDINANCES

Ordinance 08-04 designates the Mayor as the Emergency Management Director (EMD). It currently reads that a Commissioner selected by the Board is the EMD. The Board discussed what currently exists and the pros and cons of changing the ordinance.

Motion by Commissioner Lehr to approve Ordinance 08-04; second by Mayor Pro Tem Miller; approved by a 4 – 1 vote with Mayor Pro Tem Miller, Commissioner Lehr, Commissioner Glander and Commissioner Kyser voting for the motion and Commissioner Staley voting in the negative.

DISCUSSION AND POSSIBLE AMENDMENT TO PAGE 28 OF THE EMERGENCY PREPAREDNESS MANUAL

Town Manager Hewett explained that this amendment adds the Mayor and Director of Public Works to the staff of the Emergency Preparedness Committee. Commissioner Staley stated that in the past the committee had two Commissioners and four at-large members, but this amendment is cutting it down to a total of three, two of which can be Commissioners. The Board discussed the existing plan and the amendment.

Motion by Mayor Pro Tem Miller to approve the amendment to the Emergency Preparedness Manual; second by Commissioner Glander; approved by a 4 – 1 vote with Mayor Pro Tem Miller, Commissioner Lehr, Commissioner Glander and Commissioner Kyser voting for the motion and Commissioner Staley voting in the negative.

DISCUSSION, VOTING OF AND ANNOUNCEMENT OF PROPERTY OWNERS CHOSEN TO SERVE AS MEMBERS ON NON-MANDATED COMMITTEES IN ACCORDANCE WITH RESOLUTION 08-14, RESOLUTION OF THE TOWN CONCERNING THE ORGANIZATION, FUNCTIONS, COMPOSITION AND TERMS OF VARIOUS AD HOC AND SPECIAL TOWN COMMITTEES

Commissioner Glander explained that each Commissioner has been given a ballot with everyone's name that expressed interest (current and new). Commissioner Staley stated he does not want to be considered to serve on the Emergency Management Committee. Mayor Holden read the names of the existing and interested people. The Board agreed that serving on the Land Use Plan Committee does not disqualify you from serving on other committees. The Board proceeded with the meeting while the votes were tallied.

HOLDEN BEACH HARBOR DREDGING

Town Manager Hewett explained that the contractor was issued a notice of termination and declaration of default on April 9th. He was advised on the 18th of the default termination. Prior to the weekend, the contractor moved a majority of his piping from the canal system. We expect him to have all equipment removed within the next day or two.

TOWN MANAGER'S COMMENTS

- Renourishment Project – Town Staff rode the beach with Gay Atkins, Marvin Gold and Dean Draughn to scope the size of the issue (how many plants and the locations for them). The dunes have been fertilized. Sea oats and beach grass will be put down within the next couple of weeks. We ran into a permitting issue with CAMA in regard to the sand fencing. They would like us to do a mass mailing to every location we desire to put sand fencing on.
- Hazard Mitigation Plan – met with Chris May today. Will need to crash and burn over the next six – eight weeks to get the update to FEMA by June. Money will need to be moved around to so we can fund bringing the Council of Government in for assistance.
- The new rules from the Coastal Resources Commission (CRC) are pending. There will be a meeting on July 14th at 5:00 p.m. with a public hearing at 6:00 p.m. The chairman of the BBC has said this is probably the most significant change to coastal regulations since CAMA was invented. Encourages everyone to take this as an opportunity to educate themselves on the new rules.
- Sewer service will not be available in time for the EOC. We do have a septic permit. Planning & Inspections Director Walker added that it needs to be put out to bid.
- Waiting on a CAMA permit for the installation of an odor control device at the Greensboro Pump Station.

MAYOR'S COMMENTS

- Expecting a letter any day in regards to the appointment of a CRC chair. It needs to be addressed on the next agenda.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Miller

- Senate Bill 599 which would allow the usage of temporary terminal groins will be heard. Passage is uncertain, but Representative Stiller is still in favor of it.

- There may be a seminar in June to help educate the public as to what needs to be said to the CRC in regard to the setback rules.

Commissioner Lehr

- Thinks the committees will be selected on who the Board thinks is most capable to do the best job. Commissioners are going to change and they will pick different committees. Urges everyone to work together whatever the outcome is. Would like to give his appreciation to the past committees, they have all done a good job.

Commissioner Glander

- Concurs with what Commissioner Lehr. Working on a committee takes a lot of hard work and dedication. Thanked those members currently serving. If it is done right there is a lot to do. Appreciates all the efforts and looks forward to working with the results of tonight's vote.

Commissioner Kyser

- Thanked everyone on the committees. Hopes everyone continues to want to serve.
- Early voting has started for the primary in May. It's very easy to do and there are no lines.

Commissioner Staley

- Asked about the prices for the "must do" list for Jordan Boulevard. Town Manager Hewett stated that we have prices on everything except the stain and landscaping. Estimates will be placed on the first agenda in May for the Board's review.

PUBLIC COMMENTS ON GENERAL ITEMS

Sue Kyser stated that the Chapel cookbooks have arrived. They are \$20 each and will be sold at the Festival, the Chapel, the Bookworm and the Lighthouse.

Virgil Roberts stated that at a prior meeting it was said an announcement on the misappropriation of funds for Jordan Boulevard would be made. Mayor Holden stated that we are currently still trying to find the obligations that the Town still has outstanding and the cost of those obligations.

DISCUSSION, VOTING OF AND ANNOUNCEMENT OF PROPERTY OWNERS CHOSEN TO SERVE AS MEMBERS ON NON-MANDATED COMMITTEES IN ACCORDANCE WITH RESOLUTION 08-14, RESOLUTION OF THE TOWN CONCERNING THE ORGANIZATION, FUNCTIONS, COMPOSITION AND TERMS OF VARIOUS AD HOC AND SPECIAL TOWN COMMITTEES

The votes were tallied. Mayor Holden announced that Karen Fleischhauer, Kay Fuller, Dennis Harrington, Allen Williams and Sheila Young were selected to serve on the Shoreline Protection Committee (SPC); Carol Money Penny, Ruby Broadwell, Rob Collinson, Jane Decker and Bill Landis were selected to serve on the Public Area Improvement Committee (PAI); Allison Best, Ron Skubic and Ben Burnside were selected to serve on the Audit Committee (AC); and Sandy Miller, Ken Kyser and Ken Weston were selected to serve on the Emergency Preparedness Committee (EPC).

The votes were as follows: Mayor Pro Tem Miller – SPC: Karen Fleischhauer, Kay Fuller, Dennis Harrington, Allen Williams and Sheila Young; PAI: Carol Money Penny, Ruby Broadwell, Rob Collinson, Jane Decker and Bill Landis; AC: Allison Best, Ron Skubic and Ben Burnside; and EPC: Ken Weston, Commissioner Kyser and Mayor Pro Tem Miller; Commissioner Lehr - SPC: Karen Fleischhauer, Kay Fuller, Dennis Harrington, Allen Williams and Sheila Young; PAI: Carol Money Penny, Ruby Broadwell, Rob Collinson, Jane Decker and Bill Landis; AC: Allison Best, Ron Skubic and Ben Burnside; and EPC: Ken Weston, Commissioner Kyser and Mayor Pro Tem Miller; Commissioner Glander - SPC: Karen Fleischhauer, Kay Fuller, Dennis Harrington, Allen Williams and Sheila Young; PAI: Carol

Money Penny, Ruby Broadwell, Rob Collinson, Jane Decker and Bill Landis; AC: Allison Best, Ron Skubic and Ben Burnside; and EPC: Ken Weston, Commissioner Kyser and Mayor Pro Tem Miller; Commissioner Kyser – SPC: Karen Fleischhauer, Kay Fuller, Dennis Harrington, Allen Williams and Sheila Young; PAI: Carol Money Penny, Mark Tuttle, Rob Collinson, Jane Decker and Bill Landis; AC: Allison Best, Ron Skubic and Ben Burnside; EPC: Ken Weston, Commissioner Kyser and Mayor Pro Tem Miller; and Commissioner Staley – SPC: Gay Atkins, Sarah Sue Ingram and Allen Williams; PAI: Bill Cohen, Tyra Edwards, Jim McMurray, Peggy Schiavone and Mark Tuttle; AC: Allison Best, Ron Skubic; and EPC: Gay Atkins, John Heimlich and Commissioner Kyser.

EXECUTIVE SESSION TO DISCUSS HOLDEN BEACH HARBOR DREDGING MATTER WITH THE TOWN ATTORNEY PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(3) AND TO APPROVE MINUTES PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(1)

Motion by Commissioner Glander to go into Executive Session at 8:32 p.m.; second by Commissioner Lehr; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 9:00 p.m. and announced that minutes were approved and no other action was taken during Executive Session.

ADJOURNMENT

Motion by Commissioner Glander to adjourn at 9:00 p.m.; second by Commissioner Lehr; approved by unanimous vote.