



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, MAY 12, 2009 – 7:00 PM**

The Board of Commissioners of the Town of Holden Beach met for a Regular Meeting on Tuesday, May 12, 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; and Police Chief Wally Layne.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Mayor Holden stated that there is no need for an Executive Session tonight. Commissioner Kyser asked that Item 13 be changed to Schedule a Public Hearing for the Hazard Mitigation Plan.

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

APPROVAL OF MINUTES

Mayor Pro Tem Miller requested that on page six, the word there be changed to *where*.

Motion by Mayor Pro Tem Miller to approve the minutes as amended; second by Commissioner Kyser; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No public comments were made

POLICE REPORT – CHIEF WALLY LAYNE

- About 6:25 AM, we received a call about a body on the beach in the area of the pier. He has been identified as a 44 year old male from Ohio. At this time the cause of death has not been determined and the circumstances surrounding his death are not known. He will be transferred to Chapel Hill for an autopsy. They are not releasing the individual's name at this time because they are still trying to notify family members. It is safe to walk the beach and the island at any time.
- Was fortunate enough to participate in Saturday's bike event. It seems the event went very well and there was excellent participation.
- Commissioner Staley asked if the Police Department is currently interviewing for any position. Chief Layne responded not at this point.

DISCUSSION AND POSSIBLE ACTION ON CONTRIBUTING A GIFT TO THE DAVID M. LAWRENCE DISTINGUISHED PROFESSORSHIP

Mayor Holden explained that David Lawrence is retiring soon and has done many things to serve the people of this State. Mayor Pro Tem Miller recommended that the Town send a card in appreciation of the work that was done. She stated that the Town pays to get Mr. Lawrence's opinions and with the budget being as tight as it will be, a card should be sufficient. Commissioner Staley stated that Mr. Lawrence has been invaluable and that he doesn't have an objection to the amount suggested. After discussion, no action on contributing a gift to the professorship was made by the Board.

DISCUSSION AND POSSIBLE ACTION ON REVISING THE TOWN'S PAVILION USE POLICY

Mayor Holden explained this issue came up at the last meeting because there was a request from a bride's mother to reserve the Pavilion for a wedding. Town Manager Hewett explained that the Town made contact with the mother, Ms. Bond and she decided not to have the wedding at the Pavilion because they were not willing to be the test case. Commissioner Kyser stated he is in favor of adopting the new resolution. The only thing he would like to change is the part stating that only non-profit usage is allowed. He would like to add unless preapproved by the Board. Commissioner Staley stated he is not sure we should charge people to use the Pavilion since it is a public facility, but maybe a higher deposit could be charged. Town Manager Hewett explained that now that the weather is getting nicer, we are probably receiving about one or two requests a week. It is a mixture of groups and individuals who would like to utilize the facilities. Commissioner Staley stated he would like to see the Town charge a \$300 deposit for 201 people and above. Mayor Holden stated that his observation from being in the rental business is if you don't take any money, people will not feel obligated to keep their reservation. Commissioner Staley stated the deposit can be refunded if they use it and clean it up. He also suggested changing the amount for up to 200 people to \$200. Commissioner Kyser suggested the wording be changed to the people will have to use the facility or they lose the money. The Board came to a consensus to charge a reservation deposit fee only.

Motion by Commissioner Staley to approve the Pavilion Use Resolution with Commissioner Kyser's amendment and changing the usage fee to a reservation deposit fee that will be refunded if the facility is used and cleaned up according to the policy; second by Commissioner Kyser.

Commissioner Staley clarified that the amount for the reservation usage fee is \$200 for up to 200 people and \$300 for 201 and above.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE GRANTING OF PERMISSION TO THE MOSTLY BLUEGRASS SOCIETY OF BRUNSWICK COUNTY TO USE THE PAVILION AND SURROUNDING AREA ON MAY 23RD FOR THE MOSTLY BLUEGRASS SPRING FESTIVAL

Town Manager Hewett stated that since the Board approved the reservation policy, we now have a process to accommodate this request. Mayor Pro Tem Miller stated she has a problem with the Mostly Bluegrass Society selling hotdogs, etc. and the money going to them. The Board discussed allowing them to sell concessions. Jim Caulder from the Mostly Bluegrass Society stated it will cost them about \$3,000 to put on the festival, so they wouldn't be making money. The concessions are to help them recover some of the costs associated with the festival. Mr. Caulder stated that approximately 200 – 300 people attend the festival. In the past, they have held the festival at Brunswick Community College and in Shallotte, but they are hoping that this will be a growing opportunity for their group and will open Holden Beach to a new group of people. He explained that the food is more of convenience to the people attending and all the

food is furnished by their group. There are arts and crafts people but they are not charged to come. Mr. Caulder stated there are three bands booked to perform. The festival will be advertised via the internet, newspaper and fliers. They attend other Bluegrass events to get the word out. Mr. Caulder stated they typically do not have trouble, but they welcome law enforcement's presence. Sue Kyser asked the timeframe for the event and how many vendors would be attending. Mr. Caulder stated the festival would be scheduled for 10:00 AM to 6:00 PM and that there would probably be eight to ten vendors. Rob Collinson stated he was involved in the bike event this weekend and the fisherman still expected to get to pier and parked near the Pavilion, so the Town may want to close both the Pavilion and the pier. Commissioner Kyser stated they would probably block the area in front of the Pavilion so people could walk to the pier, but not drive up there. John Lytvinenko stated he has been to the event twice and it is a family atmosphere. Ken Weston stated that last year for the concerts barricades were put out beforehand and it still was a bit of problem, so the Town may want to consider a parking ordinance for the area. Sheila Young inquired if the festival is open to public. Mr. Caulder stated that the public is encouraged to attend.

Motion by Commissioner Kyser to approve the use of the Pavilion for the Mostly Bluegrass Festival; second by Commissioner Lehr; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON A TOWN HALL USE POLICY

Mayor Holden stated that the Town has had some organizations and committees meet in the new Town Hall and express disappointment in the lack of kitchen facilities. He explained that through the door to his left is a kitchen, but by accessing the kitchen, you also gain access to the Finance Department. Other items to discuss are if food and drinks can be brought in and other rules for the new facility. The Board discussed if there is a need for kitchen access. Peggy Schiavone stated the Beautification Club traditionally met in the Town Hall, but they need access to water. The consensus of the Board is to make a kitchen facility available and for the Town Manager to contact the architect and to come up with a cost estimate. Commissioner Staley asked if the sound issue for the council chambers would be addressed. Mayor Holden explained the issue with the room is that it is not soundproofed and they are looking at ways to soundproof the room so it can be used for executive sessions.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE FOR A BUDGET WORKSHOP

The Board set the date of Tuesday, May 26th at 2:00 PM for the first budget workshop and the tentative date of June 9th at 9:00 AM for the second.

DISCUSSION AND POSSIBLE SCHEDULING OF A DATE FOR A PUBLIC HEARING ON THE HAZARD MITIGATION PLAN

The Board came to a consensus to hold the public hearing at 7:00 PM on June 9th.

TOWN MANAGER'S REPORT

- Beach Nourishment – Hauling operations and sand placement was completed on April 30th. The vegetation component is the next large portion of the project. Some sand fencing remains to be placed. The administration of reimbursements is ongoing. All conditions of the permit were complied with.
- Dredging – Working on the final assessment collection and expenses rack up for the working group. The master plan for future projects is underway.
- EOC – successful preliminary closing with USDA today. We have a few minor administration actions that need to be taken care of. The funds should be available on Thursday.
- Vehicle Decals – free through May 31st and \$10 after. You can visit www.hbtownhall.com for the application. Notice was not mailed out this year, but was communicated via water bill message, email blast and Channel 8 notifications.

- Hurricane Preparedness – There is a kickoff meeting with the County at the end of week. The Town will revise the emergency plan to reflect the implementation of the new facilities.
- Division of Water Resources has a new requirement for Water Shortage Response plans. Staff will bring something to the Board for the June meeting for possible approval.
- Meeting with architect and contractors on Friday to review how to run new Town Hall.

MAYORS COMMENTS

- Received a letter from McIntyre’s Office regarding the \$600,000 to be used for dredging of the Lockwood Folly Inlet. We are looking at more sand for our beach.
- There recently was a newspaper article in regard to the County Commissioners and occupancy taxes. They were trying to get personal business records from some places in the area, but it takes a subpoena to get the records. These records are not public record. The Town provided this information in the past, but it is against the law. This Board stopped providing the information because of this.
- Missing bulldog on the east end of the beach on Canal Drive at Tony Holden’s house.
- Had a complaint from an oceanfront owner today because of the ruts on the oceanfront where sand was put. Asked Town Manager Hewett to work with Public Works Director Clemmons to get rid of the ruts.
- The bike ride was very successful. Heard only positive things. Has been asked by citizens to express appreciation to the volunteers, Police Department and Town staff. Many people asked for the event to be made a yearly event.
- Had complaints regarding the sand on the bridge. The wind was blowing the sand to the marina. Thanks to the Public Works Department and the new vacuum truck, we should hopefully have no more trouble.
- Has been receiving complaints about the Causeway. The Town doesn’t control the Causeway; it is the County’s area.

BOARD OF COMMISSIONERS’ COMMENTS

Mayor Pro Tem Miller

- Holden Beach Property Owners Association Meeting is May 23rd. You can attend the meeting and then can go to the Bluegrass Festival.

Commissioner Lehr

- We’re into the budget season. This year will be a lot different than other years. There will be many more challenges and the Town will have to make some major changes in some areas. They will get it done. Received a comment about giving the Town Manager a 7% merit increase. The fact is he didn’t receive that amount. The Town Manager is doing two jobs. Thinks Holden Beach has made more progress in the past year than in the prior eight years. The Town is fortunate to have the Town Manager that we have. People should think about how much has been accomplished instead of making one liners. We need to make sure everything is completed before turning any money that was borrowed for the Town Hall back in. There will be very little left. If that money is turned in, the Town would have to borrow more money to cover items not included in the contract. Would like everyone to try to come to the budget meetings. The budget process is one of most important things to complete.

Commissioner Glander

- There have been a lot of comments on the success of the biking event. Made it a point to talk to a lot of the bikers that are not local. They expressed how wonderful they felt the event was. This can become a major event on Holden Beach if it is done right. Congratulations to Carol Byrnside and Becky Reinhart for organizing it. A lot of work went into it.

Commissioner Kyser

- Special thanks to Carol, Becky and members of the chain gang. Everyone he talked to that took part of event was extremely pleased. It really went well.

Commissioner Staley

- Heard nothing but positive things about the bike event.
- Would love to hear a report from someone on the Turtle Patrol, Commissioner Kyser stated that they starting riding, but haven't found anything yet. They do not anticipate seeing anything before the 15th. Commissioner Staley stated that someone told him that they heard in the past there were turtles in the nourished area of the beach, but a member of the Board asked the Turtle Patrol not to move them because it proved that turtles can nest in the nourished area. Asked that person to come to him to discuss what they heard.
- Asked Commissioner Lehr if he said he thinks the Town will have very little left of the \$800,000 left. Town Manager Hewett explained that the loan for the Emergency Operations Center is for \$1 million and money is needed for the additional amount spent. Commissioner Lehr confirmed that items that were not included in the contract would need to be paid for.
- Did oppose to voting in a workshop for the Town Manager's raise. Received a lot of criticism in the past for some of the decisions that were made in workshops.
- Asked if advertising for a Building Inspector. Town Manager Hewett explained that the position is currently being filled with a part-time temporary person and that he is not inclined to hire a fulltime person at this point.
- Inquired when the plaque for Town Hall would be put up.
- Asked Town Manager Hewett to provide a list of the Town's current cd's for the upcoming budget process.

Mayor Holden stated that the brick discoloration also needs to be on the list for the architect. He also stated that the previous Building Inspector was getting paid approximately \$70,000, plus had a vehicle. The part-time person is working eight hours a week. This is a way of offsetting and cutting back government spending. Mayor Holden stated that citizens should be extra proud on how the Town's Police Department, the Sheriff's Office and County officials worked together during today's investigation. There was a time that the relationship was not good, but it is now strong and working well. Commissioner Lehr stated that in regards to a Planning Director, the Town doesn't need and can't afford the type of responsibilities this person had in the past. He stated he is not against replacing a planning position, but thinks it needs to have different responsibilities. Commissioner Staley sated he received a call that there are a lot of projects going on without permits since that position is not filled. Mayor Pro Tem Miller stated that Zoning Official Wooten is here fulltime and looks for work being completed without a permit and passes it along to the Inspector.

PUBLIC COMMENTS ON GENERAL ITEMS

Sheila Young stated that the Shoreline Protection Committee is trying to educate the public on the use of terminal groins and is trying to dispel some misconceptions of what they are. Property owners do not build terminal groins on their properties. The Town would have to weigh the pros and cons before one is put in. Town Manager Hewett will do a presentation at the Holden Beach Property Owner's meeting. Ms. Young stated a terminal groin may be able to be used on our east end if the legislation is passed. She stated that if we are allowed to use terminal groins, some of dredging may not need to take place.

Carol Byrnside thanked everyone for the help with the bike ride. She thanked the Town for sponsoring the event and Chief Layne for being there and coordinating with the Sheriff's Office. Ms. Byrnside also thanked Town Manager Hewett.

Mayor Holden stated that if the legislation is passed to change the school start dates, rental businesses up and down the coast will take another plunge. He stated vacation time needs to be lengthened not shortened. He also reminded everyone to support the terminal groin bill. Mayor Pro Tem Miller added that it is important for children to get a proper education.

ADJOURNMENT

Motion to adjourn at 8:31 p.m. by Mayor Pro Tem Miller; second by Commissioner Kyser; approved by unanimous vote.