



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, MAY 13, 2008**

The Board of Commissioners of the Town of Holden Beach met for a Regular Meeting at 7:00 p.m. on Tuesday, May 13, 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 asked Attorney Tyson to present the invocation.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Miller to add Discussion and Possible Approval of Amendment to Contract between the Town of Holden Beach and ATM as Item 7, second by Commissioner Glander; approved by unanimous vote.

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

APPROVAL OF MINUTES

Motion by Commissioner Glander to approve the minutes of the Regular Meeting of April 22, 2008 as written; second by Commissioner Kyser; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Molly Tuttle stated the Board seems intent on changing the Town's form of government from a strong Town Manager/ weak Mayor to a government that is run by the Mayor. Ms. Tuttle was asked to save her comments until the end of the meeting since her topic was not an agenda item.

Anne Arnold asked how homeowners would know when committees are meeting. Commissioner Glander explained that the Committees meet under the Open Meetings Law and each agenda is posted 48 hours prior to a meeting. The Pavilion Use Policy was created by the previous Public Area Improvement Committee. None of the new committees have met yet.

Sandy Bobbitt asked why committees were completely wiped out and replaced with new members. She was advised she could bring up her concerns at the end of the meeting under general comments.

Gay Atkins stated that Atlantic Telephone's building on Halstead Street is not being maintained.

DIGITAL TELEVISION CONVERSION PRESENTATION

Jessica Przvyla of the Federal Communications Commission provided information on the digital television transition and advised people affected by the change what they needed to do.

DISCUSSION AND POSSIBLE APPROVAL OF AMENDMENT TO CONTRACT BETWEEN THE TOWN OF HOLDEN BEACH AND APPLIED TECHNOLOGY & MANAGEMENT

Fran Way of ATM gave a presentation that included the Town's beach management history dating back to 2001; information on a 2004 study that identified potential hotspots; and information on the 2008 nourishment project. 60% of the sand was added to the eastern reach. Mr. Way would like the Board to amend the existing contract to include post project monitoring. We were under budget on the construction fee, so the post monitoring can be completed within the amount already budgeted. Mr. Way explained that the sand placed is blending in with the shore and is still in the system in response to John Heimlich's question. Mr. Way just received the surveys and will be able to see how much sand is there. Trucking sand for nourishment projects was discussed.

Motion by Mayor Pro Tem Miller to approve the contract between ATM and the Town; second by Commissioner Kyser.

Mark Tuttle asked if ATM recommended putting sand on the beach in the month of March. Mr. Way explained we did get a late start on the project, but we have to place sand in the window allowed.

The motion passed by unanimous vote.

POLICE REPORT – CHIEF WALLY LAYNE

- This past weekend someone broke into 721 OBW and removed a flat screen television. There are no leads at this time, but it just came in yesterday.
- Don't forget the traffic rerouting exercise will occur the Saturday before Memorial Day during peak hours. The signs are already here.
- Thanked the members of the Turtle Patrol. They donated two laptop computers to the Police Department which is much appreciated.
- Hiring process is underway. There are five applicants. The interview process will start Thursday.
- The next Neighborhood Watch Meeting will be held on May 21st at 7:00 p.m. Four officers attended the last meeting as guest speakers and it was a big hit. He will have some of the officers not at the last meeting attend this meeting. Homeowners will need to make a decision if they want to continue the meetings or suspend them until September.
- Explained that only one position will be filled at this time and he is looking at doing some restructuring in the department in response to Commissioner Staley's question. He's not planning on cutting a position. Linda Parcell thanked the Police Department for their help with the Turtle Patrol. Chief Layne explained that there will be a detour sign and the left turn lane will be blocked in response to Dennis Harrington's question. Sheila Young stated the street sign for High Point needs to be replaced.

BUILDING INSPECTIONS – PLANNING & INSPECTIONS DIRECTOR WALKER

- Went over the value of construction and permit fees for the past four years. The current fiscal year shows through April, but the year is not over until June. Explained that new construction permits are down, but remodeling permits are up. Answered questions from homeowners.

DISCUSSION AND POSSIBLE APPROVAL OF PAVILION USE POLICY

The Board discussed the draft policy. Town Manager Hewett explained that the Public Area Improvement Committee (PAI) did not see "passing the hat" as profit generating when writing the policy and that Town approved events would be exempt from the charge. The Board discussed who could use the Pavilion; availability of parking; and allowed homeowners to ask questions. Liability and consideration are

addressed in the policy. The Board came to a consensus to seek public input and to address the policy at the next meeting.

DISCUSSION AND POSSIBLE NOMINATION OF INDIVIDUAL TO UPCOMING VACANCIES ON THE COASTAL RESOURCES COMMISSION (CRC)

The Board requested that Town Manager Hewett find out who Mayor Harry Simmons and the BBC recommend and which members can be reappointed. The item will be placed on the next agenda.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 08-05, AN ORDINANCE AMENDING ORDINANCE NO. 07-06, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2007 – 2008 (AMENDMENT NO. 4)

Town Manager Hewett explained that this amendment realigns previous appropriations providing \$37,500 to fund the \$24,000 shortfall from the Jordan Boulevard project and provides an additional \$13,500 to fund the Jordan Boulevard punch list items. The punch list items are protective stain, gutters, lighting and fencing. The ordinance also appropriates \$59,475 of fund balance to fund \$41,975 for new financial software, \$10,000 for legal services previously rendered/ through the end of the fiscal year and \$7,500 for the update to the Hazard Mitigation Plan. Landscaping for Jordan Boulevard is not included in this amendment. The steps to the Corps' dock will be completed using in-house labor. All requirements of the permit will be satisfied once this work is completed.

Motion by Commissioner Staley to approve Ordinance 08-05; second by Commissioner Glander; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 08-06, AN ORDINANCE AMENDING ORDINANCE NO. 07-06, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2007 – 2008 (AMENDMENT NO. 5)

This amendment realigns \$30,000 for a stormwater requirement that is outside the existing contract for the Town Hall project.

Motion by Mayor Pro Tem Miller; second by Commissioner Glander; approved by unanimous vote.

TAX ADJUSTMENT/ RELEASE FOR 2007 TAX YEAR

Mayor Holden explained that if you carried your argument on the tax revaluation to Raleigh, you will get some money back this year, otherwise you will see an adjustment next year if you are still disputing it.

Motion by Mayor Pro Tem Miller to release the adjusted amounts; second by Commissioner Kyser; approved by unanimous vote.

TOWN MANAGER'S COMMENTS

- He along, with the Board and architect took a tour of the Town Hall and Emergency Operations Building. There is an issue at the Town Hall site regarding a ramp on the south side encroaching into the setback. Issues at the EOC include problems with the driveway permit, the necessity of an easement for power, the septic tank capacity, stormwater design and the garage doors still haven't been delivered.
- Working with Genisys to get a proposal to present to the Board regarding audio visual, communications and security for the new Town Hall.
- Money spent on Town Hall to-date is \$410,580. The administrative financial process is in place.

- Money spent to-date on the EOC is \$574,725. The next financing consideration is when to draw down the USDA loan.
- Holden Beach Harbor dredging – Received a payment request for \$326,000, which has not been paid. The bonding company has ordered a complete as-built survey and is requesting additional administrative materials from the Town.
- Beach Courtesy Patrol – realigned from the Police Department to the Town Manager as a public relations tool. Have advertised and will take applications through Friday. Mayor Pro Tem Miller suggested having four or five people to spread the work out so more people are interested in applying. Commissioner Staley added that it is an important job and people need to commit to the position.
- The County is sponsoring a tabletop hurricane exercise on May 20th and a Multi-Hazard Readiness Meeting on June 5th.
- Hazard Mitigation Plan – Emergency Preparedness Committee will be working on this over the next couple of weeks.
- Received a petition from Harbor Acres for dredging and from Blockade Runner owners to pave their street.
- Commissioner Lehr asked about the four wheelers. There are three at the Police Department and two others that have problems at this time.

MAYOR'S COMMENTS

- Will be in Raleigh tomorrow for a North Carolina Travel Industry Association Board of Directors Meeting. Anxious to be there to find out information on the economy, how it is affecting the tourism industry and projections for the State. Will give a report on the information at the next meeting.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Miller

- The Brunswick Little Theatre is doing a 25 Year Review at the Pavilion Friday – Sunday. Hopes there will be a good turnout to show our support.
- Hopes a lot of people have signed up for the evacuation committees.
- Wishes a moratorium could be put on backstabbing and name calling. The quiet and friendly beach atmosphere that made people choose Holden Beach does not exist today. Thinks it is time everyone puts their petty differences aside, act like responsible adults and do what is best for Holden Beach.

Commissioner Lehr

- Normally doesn't comment on Letters to the Editor or newspaper articles at a Board Meeting because people are entitled to their opinions, but two weeks ago something appeared in the Beacon that hit the wrong chord. Thinks when a former Mayor and a sitting Commissioner chooses to write an inaccurate, inflammatory article about Holden Beach, it is crossing a line. In November a majority of the voters voted for a new Mayor and three new Commissioners. They may do things different, but they are getting things done. The best way to get things done is to start to work together. The new Board and Manager have a lot to do. Thinks for a sitting Board member to act like that is out of line and improper. Anytime anyone has a question, they can call him and he will try to answer it. Hopes everyone can get together and make things better.

Commissioner Glander

- Concurs with Mayor Pro Tem Miller and Commissioner Lehr. Hopes from here on out everyone can get their act together, work together and cooperate.

Commissioner Kyser

- Also had a page of things written down to say tonight, but Mayor Pro Tem Miller and Commissioner Lehr said most of them. Everyone needs to work together as a Town. Individuals need to work together as a Town and pull together to make it the community it was several years ago. Thinks some of the things said in the Beacon have been inaccurate. Points should be made at the meetings, not in the Beacon.

Commissioner Staley

- Appreciates the Board's comments tonight. Does think they work together, but if something happens like it did at the last meeting, he reserves the right to do exactly what he did. Doesn't know anything inaccurate that was in his comments.
- Asked about credit card payments. Town Manager Hewett explained the service should be readily available within the next two weeks.
- Asked about paying back a portion of the \$4 million the Town borrowed to save some interest. Town Manager Hewett explained he has not done anything with that at this point.
- Appears the Town Hall is a little ahead of schedule.

PUBLIC COMMENTS ON GENERAL ITEMS

Anne Arnold asked if the stormwater problems coming off the bridge is a DOT problem. She also asked about the parking ordinance in regard to commercial buildings. Asked if the Town has the appropriate amount of spaces for the Town Hall. Planning & Inspections Director Walker explained that the new Town Hall does meet the current parking regulations, but he would need to look up the specifics. Ms. Arnold asked about the amount of contingency in the \$4 million loan. Commissioner Staley explained that there is a limit to the amount that can be spent without approval.

Town Manager Hewett explained that Betty Curtis' current method of paying her water bill will not be affected by the credit card service. Ms. Curtis read from the Beacon article about the Town. She thinks the Board should be proud to serve the Town. She stated that if you are not happy, there may be an alternative. Thinks the other four Commissioners and Mayor are doing a great job.

Sheila Young thanked the Board for selecting her for the Shoreline Protection Committee and for their comments tonight. There is concern about the stormwater from the mainland building. Hopes we are good neighbors and address the concerns. Town Manager Hewett explained the gutters are part of the stormwater solution for the Pavilion. Ms. Young stated there was a good article in the Beacon about identity theft.

Paula Holyfield stated a year ago she was in the meetings with the former Board and listened to a lot of people tear them apart time after time. She stated it was not a pleasant experience for her because she liked the previous Board. She stated that this is the United States of America and we have freedom of speech so everyone has a right to make their comments.

Nancy Burgin stated she thinks Commissioner Staley's Letter to the Editor was inappropriate. She thinks the Board members are representatives of the Town and Commissioner Staley violated the responsibility of representing the Town in a positive way. Ms. Burgin stated she thinks it is appropriate that the Board is putting new people on committees the way other newly elected officers do.

Tony Marwitz stated he doesn't think anyone on the Board doesn't want to hear objections, but there are times to make them. He inquired why the design for Town Hall was done without allowances for stormwater runoff. He suggested that we go back to the consultant and make them pay for the stormwater.

Linda Patton stated that she thinks that deep down everyone cares for each other and are ashamed with the behavior at the meetings. She talked about the Beacon articles. She thinks that each Board member is an asset to the Board and to the Town. Ms. Patton stated it is up to the elected officials to work together.

John Lytvinenko stated he supports everyone's right to free speech, but we need to take a look at who benefits from it and who gets hurt. He brought up his concerns on the Beacon articles. Mr. Lytvinenko explained that he thinks a lot of people depend on the Town's family beach reputation. He thinks meetings are the forum to communicate with each other.

Molly Tuttle stated there is a huge divide in the Town and everything needs to be done to close it. She thinks the headline in the Beacon was perfect. Ms. Tuttle stated there have been editorials in the past that hurt her, like this one hurt other people.

Betty Dewees brought up her concerns about parking for the clubhouse being constructed on the east side of Coastal Development and asked if they are going to end up using the Chapel's parking lot like everyone else does. Planning & Inspections Director Walker explained that he approves all permits based on the Town's zoning ordinances and the clubhouse plans do comply with the regulations.

Dolores Brackin stated they are close to the Lockwood Folly Inlet. In the last few weeks, they have noticed three boats that got stuck. She thinks we will have a problem this year with boats getting stuck and damaged. Town Manager Hewett explained that the Board, Oak Island and the County committed to funding a dredging study of the Lockwood Folly Inlet next fiscal year. Mayor Holden stated over the past few weeks there has been several meetings with the Corps and local representation and provided information on the meetings. The problem is there is no federal money available to use for the inlet.

ADJOURNMENT

Motion by Mayor Pro Tem Miller to adjourn at 9:14 p.m.; second by Commissioner Lehr; approved by unanimous vote.