



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

The Board of Commissioners of the Town of Holden Beach met for a Regular Meeting on Tuesday, July 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, Zoning Official Rhonda Wooten (Deputy Town Clerk); and Police Chief Wally Layne.

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

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

**APPROVAL OF MINUTES**

*Motion by Commissioner Kyser to approve the minutes of the Public Hearing/ Regular Meeting of June 9, 2009 as written; second by Commissioner Glander; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

*Motion by Commissioner Kyser to let Martha Lee speak on Item 11; second by Commissioner Glander; approved by unanimous vote.*

**UPDATE ON TOWN FACILITIES BY JIM STEWART OF STEWART COOPER AND NEWELL**

Town Manager Hewett explained that Jim Stewart was not present.

**POLICE REPORT – CHIEF WALLY LAYNE**

- Gave information on an incident today. A young man injured his back in a boating accident.
- As seen in the media in the last few days, Kenny Smith was arrested in Shallotte for careless and reckless driving while impaired. He is no longer an employee of the Town.
- Prior to July 4<sup>th</sup> the Town purchased a four wheeler. It was used a lot during the 4<sup>th</sup> of July. As a rule, it did not seem to be as bad with fireworks this year.
- There was a 3.5 foot alligator on the beach. A couple in a condo had a domestic dispute. The condo suffered some damage and both individuals went to the hospital on the way to jail. No real major incidents. Everything else was routine.

**POSSIBLE NOMINATION OF MEMBERS TO FILL VACANCIES ON THE PLANNING & ZONING BOARD**

Mayor Holden announced the Board voted and appointed Tony Marwitz to fill the Regular Position vacated by Peggy Schiavone. The vote was unanimous.

Mayor Holden announced the Board unanimously appointed Nancy Sullivan to fill the Alternate Position vacated by Tony Marwitz.

#### **POSSIBLE NOMINATION OF MEMBER TO FILL VACANCY ON THE PUBLIC AREA IMPROVEMENT COMMITTEE**

Barbara Lowell expressed interest in the vacancy. The Board came to a consensus to have Barbara Lowell fill the position on the Public Area Improvement Committee.

#### **ANNE ARNOLD – ADDRESS THE BOARD REGARDING THE TOWN OF HOLDEN BEACH SIGN ORDINANCE**

Ms. Arnold stated she received a fax from the Planning and Inspections Department regarding real estate signs. She measured her signs and found that her signs are not in compliance. Ms. Arnold stated she would like the Board to consider changing the ordinance height to 4.5 feet and to grant the agents leniency on the ordinance. Town Manager Hewett stated the complaints that lead to the letter were verbal. Martha Lee stated she also received the fax from the Planning & Inspections Department and read from the fax that requested that all signs be brought into compliance. Ms. Lee stated that Hobbs Realty hired someone to bring their signs into compliance. She stated her company uses post and arm signs that are about \$150 each because they feel they are more attractive to the area. She doesn't understand why this is an issue in this terrible economy and wants the matter dismissed. Ms. Lee thinks all complaints to Town Hall should be in writing. How the sign was measured was discussed. Tony Marwitz stated he feels an ordinance is an ordinance and everyone should bring their signs into compliance otherwise it is not fair to the people who did follow the ordinance. Lydia Dameron stated she did not receive the notice. Gay Atkins stated that the sign ordinance does not cover the arm of a sign, but she thinks it should be looked at as part of the sign. Nancy Burgin stated she understands the problem, but she is surprised people did not check the ordinance prior to purchasing the signs. She stated if an ordinance is changed each time a person is not in compliance with an ordinance, the Town might as well not even have ordinances. Commissioner Lehr stated he went out to measure signs this morning. He stated that all signs from one realtor were out of compliance, 2/3 of the signs from another realtor were and the signs of the realtor that fixed theirs were all in compliance. He stated his first thought was if the Board decided to forget about it, he would be upset if he was the realtor who brought all their signs into compliance. Commissioner Lehr stated he thinks if the signs that are out of compliance are going to be left alone, the ordinance needs to be rewritten. He recommends that Town Manager Hewett and Zoning Official Wooten meet with the realtors to come up with an agreement to be presented to the Planning & Zoning Board. At that point, the Planning & Zoning Board can give their recommendation to the Board. Commissioner Kyser agrees that the realtors should get together and come up with what they would like to have and present it to the Board. He stated that nobody should be required to make the changes until this issue is resolved. Town Manager Hewett stated that this should go to Planning & Zoning Board first. The Board came to a consensus that the realtors should get together and present their ideas to the Planning & Zoning Board at their next meeting who should make a recommendation to the Board. Commissioner Glander stated he has a problem with this topic ending up on the agenda.

#### **TOWN MANAGER'S REPORT**

- Went to Moorehead City with the Town's Coastal Consultant Engineer and Public Works Director Clemmons on July 5<sup>th</sup> to meet with the regulators concerning the development of a Master Plan concept. It looks like there will be three proposed phases. The Town was able to get preliminary verbal approval to renew our existing permit which expires in December. That permit has about 20,000 cubic yards remaining and from what they were able to gather the regulators are amenable to renewing the permit in an amount equal to what the Town's Turkey Trap Road site will provide. It is conceptually being proposed that we will seek permitting and sourcing of additional inland sites so that we will have other options available to us. We are also looking for potential offshore sites. The third phase would be the 50-Year Federal Program.
- Steve Mercer with Coastal Vegetation should be wrapping up this week on the last aspect of the beach plantings. Dunes are looking good.

- Reimbursements from Tropical Storm Hanna are rolling in. We received a couple of checks totaling approximately \$1.6 million.
- Terminal Groins – passed on the Senate side. The Save Our Sand Committee has perceived that House Speaker Hackney may be resisting its introduction on the House side. The Save Our Sand Committee, Town Manager Hewett and Commissioner Kyser are part of a contingent that will visit with House Speaker Hackney on Wednesday to try to convince him to let the issue be heard.
- Sandspur Spraying Pilot/ Trial Program – the equipment is operational. The Public Works Department began spraying today at the end of OBE and is heading west. Should be able to complete it by tomorrow. Can expect some browning and yellowing of grass on the shoulders of the road. They will not spray the well maintained sodded areas. This will be limited to Ocean Boulevard during the initial stages
- Emergency Operations Center – landscaping is underway. Anticipate that they will be completed in a couple of days. The bankruptcy issue with the contractor is still outstanding which is holding up about \$70,000 from our USDA loan.
- New Town Hall – looks like they made fairly good progress on fixing the front entrance to the boardroom. The downspout issue in the back of the building is being rectified. Dixie General Contractors have made a proposal of \$8,800 for kitchen access. Once Jim Stewart gets a chance to finalize his review, it will be brought to the Board. The conference room soundproofing will be an expensive proposition. Thinks it would cost approximately \$15,000. The generator will self test every Friday at 11:30 a.m. for 30 minutes.
- CAMA Land Use Plan was approved at the most recent CRC Meeting. The Hazard Mitigation Plan is still under review by North Carolina Crime Control and Public Safety.
- Odor Control at Jordan Boulevard- Tried to implement numerous McGyver workarounds, but haven't been met with success. Will test an ozone treatment test for 30 days. The equipment should be in within two weeks.
- Received lots of written complaints on rats, overgrown lots and pet waste. Attempted to investigate and respond to those accordingly.
- Mosquito spraying – rain and north winds have increased mosquito problem. The entire island is sprayed once a week. Half the island on Tuesday and the other half on Wednesday.

#### **MAYOR'S COMMENTS**

- A hot topic in Raleigh right now is specialty license plates. Had some residents inquire why the Town doesn't have a specialty plate. Passed out a newspaper article concerning this.
- The Brunswick County Emergency Program leaders invited local towns and others to the Brunswick Community College yesterday for a meeting trying to begin the organization of planning for special emergency events. It is a very good program. Should be proud of Brunswick County for taking a leadership role in the state.
- Today at 6:00 p.m. the Town held a meeting for our emergency teams. Will continue these meetings to make sure we are all on the same page in case we have an emergency on the island.

#### **BOARD OF COMMISSIONERS' COMMENTS**

Mayor Pro Tem Miller

- Wanted to thank everyone that has volunteered for the emergency teams. Thinks it is great that we have so many people that are willing to do that. Also wanted to thank people who volunteered their names for the Planning & Zoning Board and the Public Area Improvement Committee.

Commissioner Lehr

- Thinks everyone owes Town Manager Hewett a big thank you for getting the \$1.6 million approved and for getting the check.

Commissioner Glander

- No comment

Commissioner Kyser

- Advised those who applied for boards/ committees today to not give up. There will be openings in the future. The Town needs people to take an active role in the leadership of the Town.

Commissioner Staley

- This has been a really good meeting. It is with mixed emotions that I am announcing to you tonight that this will be my last meeting as a Board member for the Town of Holden Beach. Will be shifting primary residence to a property off the island. Hasn't missed a single meeting since elected. Sure at some point will be able to see what it feels like to speak from the podium. Many have demonstrated the action of free speech from the podium and should continue to do so. A lot has been accomplished in the past four years. Proud to serve on both boards. Four years ago there was a group of people elected who had a vision for the Town. As a result, we are sitting here in this facility; we have an off-island Emergency Operations Center and a beautiful stage and fishing pier. We can't forget this was all done without a tax increase. Commends this Board for successfully completing these projects that were started and for passing two balanced budgets without a tax increase. Challenges this Board to pay back the money that is left from the construction of this facility or at least use it in some manner that will reduce the debt of the Town. The Town has many challenges in the future. This Board will need input and support from everyone. Thanked Town staff for their hard work and dedication to the Town. Has been asked by a few people if he would consider running for a County Commissioner position. Still thinking that over. Thanked everyone for kindness and friendship. It has been an honor serving the people of Holden Beach.

## **PUBLIC COMMENTS**

Gay Atkins thanked Commissioner Staley for his service and advised him he will be missed. She stated he did a fantastic job.

Bucky Pate stated he has a simple solution to the real estate sign issue. The Town can send a letter to the property owners advising them they need to take care of the problem since the signs are on their property.

Anne Arnold thanked Commissioner Staley for the tremendous job that he did. She asked about a static vegetation line. Town Manager Hewett stated that the discussions with the permitting agencies did not infer that a static vegetation line would be established due to the Town's nourishment activities. He stated it is something that would have to be addressed during a major permit, but for now the existing permit is to be renewed. A static vegetation line may affect the buildability of a number of lots if it is established. Right now the CAMA Officer determines the setback line based on her assessment of a stable vegetation line.

Sheila Young wished Commissioner Staley well. She stated she agrees with many of the earlier speakers that current ordinances should be enforced. Ms. Young stated she sees several Police Officers in the room and wonders why others besides Chief Layne are here. Chief Layne stated that Officer Watkins is off duty and is here to help with the sound system. Sergeant Milligan is the shift supervisor for tonight and stopped by to see the Chief and to visit the meeting.

Ken Weston stated he filed a formal complaint for the signs and vendors on the Causeway. He was advised they are preparing letters to the violators. Mr. Weston urged everyone to put in a complaint to the local Department of Transportation Office. Mayor Holden stated that Town Manager Hewett is working with the County to clean up the signs on the Causeway.

**ADJOURNMENT**

*Motion by Mayor Pro Tem Miller to adjourn at 8:45 p.m.; second by Commissioner Staley; approved by unanimous vote.*