



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
PUBLIC HEARING/ REGULAR MEETING
TUESDAY, JULY 22, 2008 – 7:00 PM**

The Holden Beach Board of Commissioners met for a Public Hearing/ Regular Meeting on Tuesday, July 22, 2008 at 7:00 p.m. in the Holden Beach Chapel – Fellowship Hall. 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 Flnnell; Town Attorney Mac Tyson; Police Chief Wally Layne; and Planning & Inspections Director Jason Walker.

PUBLIC HEARING – PROPOSED HAZARD MITIGATION PLAN

Mayor Holden opened the public hearing and turned it over to Town Manager Hewett. Town Manager Hewett introduced Penny Tysinger from the Council of Government. Ms. Tysinger gave the Town a brief history on why Hazard Mitigation Plans are required. Holden Beach does have a plan, but an update is required every five years. Ms. Tysinger presented the revised 5-Year Action Matrix Update to the Board. The completed plan will be posted on the Town's website once it is available. Ms. Tysinger advised the public that comments can be submitted to her or Town Manager Hewett at any time. She provided information on the timeline for the plan. Commissioner Staley stated that in the past we have videotaped the streets on the ocean side and asked if this is part of that. Planning & Inspections Director Walker explained we typically do that prior to a storm. There were no additional questions so Mayor Holden closed the public hearing at 7:12 p.m.

REGULAR MEETING

Attorney Tyson presented the invocation. Mayor Holden called the Regular Meeting to order.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Commissioner Glander would like to add An Executive Session to Discuss with Council the Latest Situation with Alderman Brothers and the Bonding Company Regarding the Holden Beach Harbor Dredging Project as Item 12a.

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

PUBLIC COMMENTS ON AGENDA ITEMS

There were no public comments on agenda items.

DISCUSSION AND POSSIBLE APPROVAL OF PAVILION USE POLICY

Motion by Mayor Pro Tem Miller to approve the Pavilion Use Policy as presented; second by Commissioner Glander.

Commissioner Staley said it is a good plan, but questioned that no reservations are accepted. He stated he doesn't see anything wrong with taking reservations. Commissioner Glander stated that Town sanctioned events can be scheduled and that he thinks the Public Area Improvement Committee's intention was to treat the Pavilion as a public park.

Mayor Holden asked for clarification on the description of the ramp listed under the 1st paragraph. He also suggested that on page 6 something be added regulating skateboarding/ skating. The Board agreed to the amendments.

The Board discussed the pros/ cons and a possible procedure for allowing reservations. Chief Layne stated that they will have to check to make sure appropriate activities are taking place. Town Manager Hewett stated that the 1st draft was very specific about booking reservations. In Leland, they had a small public facility that was rented by schedule, which worked fairly well. After the discussion, Commissioner Glander suggested a compromise by allowing reservations for a short period of time and then reevaluating it. Since the policy would need to be redrafted if it was done that way Mayor Pro Tem Miller suggested not allowing reservations at this time and if there are problems the policy will be revisited. The Board would like to have operating hours for the stage, but allow use of the pier at any time.

Mayor Pro Tem Miller, with Commissioner Glander in agreement, edited her motion as follows to accept the policy with the following changes: under Rules and Regulations operating hours for the stage are 8:00 a.m. – 10:00 p.m.; and after no open flame, add no skateboarding or skating is allowed. The motion passed by unanimous vote

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 08-23, RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT AND RELATED INSTRUMENTS AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

Town Manager Hewett explained this is the lease purchase agreement for the Vactor truck. Page 7 outlines the proposals. Option 1 is for \$253,806 leased over a period of five years. The first payment date would be January 15, 2009. Town Manager Hewett explained what a Vactor truck is and what it can be used for. This piece of equipment will be worked into the Emergency Preparedness Plan. He also explained the safety factor for the Public Works Department. We will own the truck at the end of the lease purchase. The lease is set-up for five years. The truck typically lasts 15 years. The funds were budgeted for this year.

Motion by Commissioner Staley to accept Payment Option 1; second by Commissioner Kyser; approved by unanimous vote.

Motion by Mayor Pro Tem Miller to approve Resolution 08-23; second by Commissioner Lehr; approved by unanimous vote.

TOWN MANAGER'S REPORT

- Status of EOC - We do not have garage doors yet, but the architect is trying to find out where they are.
- Wastewater permit revision has been applied for. Feels positive we will have the permit Thursday and will be ready for installation in the middle of next week.
- Greensboro Odor Control - completion should be by noon tomorrow.
- Dredging – We have been working on getting the consent agreements together. We had a prison crew cleaning up the spoil areas in order to have them surveyed. We have two existing CAMA permits and will have to update one. The engineer has been working with CAMA on the one for Heritage Harbor and they think they can obtain it within a month.
- On July 31st our hardware installation will be completed. We may have some degradation in services at Town Hall. We will make sure to get the word out.

Commissioner Glander asked Town Manager Hewett if he feels comfortable we are on track. Town Manager Hewett has a chart that he will share with the Board.

MAYOR'S COMMENTS

- Congressman McIntyre is having a special event on Veteran's Affairs on September 29th from 9:30 a.m. – 11:30 a.m. at the Association of Realtors Building. Registration begins at 9:00 a.m. The purpose of the panel is to better equip veterans with the tools and knowledge to navigate the benefit systems. He read a letter that provided additional information on the event.
- There has been several inquires in regard to the occupancy tax report. When the program was put in place many years ago, each company had to pay their proportional share of the money collected. The information on what was collected would be collectively available, but not individually. The rules have not changed. The collective numbers are available.
- Asked the Board to consider the next regularly scheduled meeting as the date to review the Town's existing emergency program. The Board came to a consensus to schedule a workshop at 6:15 p.m. on August 12th.
- Serves on the North Carolina Travel Industry Association Board of Directors. Received an email today providing an update to House Bill 2167 which is in regard to being able to pull boats on the highway. The bill is now in the hands of the Governor and he has threatened to veto it. Has copies which he will make available to the public that tells people how to communicate with the Governor's office.
- Report on Pavilion construction costs - made a statement in regards to the month of April. When the statement was made, he didn't realize the work at Jordan Boulevard had not been completed. The work is now completed and everything is being reviewed by the auditors.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Miller

- Asked Town Manager Hewett to thank Public Works Director Clemmons because they put out the crosswalk strips within three days of them being requested. Have seen a lot of people stopping to let the tourists cross.

Commissioner Lehr

- Thanked Town Staff for getting work completed at the EOC. Thinks we are still waiting on the garage doors, but other than that Town Manager Hewett has done a good job with obtaining the permits needed.

Commissioner Glander

- Cabanas are on many people's minds. Thinks P&Z was very wise in making the decision that we wait to see what happens with the policy in Ocean Isle Beach in hopes that we can learn from it. Would like everyone to

think about a policy. Thinks rental companies' literature should reflect the new policy once it is established. Need to determine the policy soon so the information can be distributed.

Commissioner Kyser

- Thanked everyone for the thoughts and prayers on the passing of his father.

Commissioner Staley

- It has been a week of many emails. A few of them were about the odor near the Pavilion again, so we need to check into the odor again. Town Manager Hewett asked the Board's expectations regarding odor. The Board came to a consensus that they would like a solution to be put into place.
- Had two disturbed calls and an email in regard to what Mayor Holden brought up about occupancy tax, so he emailed David Lawrence at the Institute of Government to ask his opinion. Just received a response, so he gave a copy to Town Manager Hewett and Attorney Tyson. He will make a copy for each member of the Board because Mr. Lawrence does have a different opinion than what was discussed here tonight.

PUBLIC COMMENTS ON GENERAL ITEMS

Sheila Young said there has been a concern on OBW about garbage bags that were seen this weekend next to garbage cans. Some people suggested that the people who roll back the garbage cans could pick up any bags and put them in the can prior to rolling them back. Ms. Young stated that the other problem is dogs on the beach and that we should encourage people to report dogs on the beach to the Beach Patrol or Police Department. She also stated that the Shoreline Protection Committee was concerned about places that didn't have signs, but Public Works Director Clemmons told her that a lot of signs will be ordered so people will know the rules and regulations. Commissioner Staley stated that every place he noticed that had extra trash bags only had one can, so we would have to make sure they are in compliance with the ordinance.

Gay Atkins thanked the Board for the certificates. She stated that she knows the Board ran on commitment to the sand projects and wanted a report on permits for future sand projects. Town Manager Hewett will work with the consultant engineers and have a report developed. Commissioner Staley stated that there is no project right now. Mayor Holden added that the engineer reports are not back yet.

County Commissioner Marty Cooke explained they are in the process of talking with folks regarding the Causeway survey.

Mayor Pro Tem Miller stated that she went to the meeting regarding the proposed setback changes and Holden Beach was better represented than anyone there. She was very proud.

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

Motion by Commissioner Glander to go into Executive Session to discuss with the Town Attorney the current status with the bonding company and the dredging situation at 8:04 p.m.; second by Commissioner Staley; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 9:04 p.m. and announced that no action was taken.

RECESS

Motion by Mayor Pro Tem Miller at 9:05 p.m. to recess the meeting until 5:15 p.m. on July 24, 2008 in the Town Hall Meeting Room; second by Commissioner Staley; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk