



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS'  
REGULAR MEETING  
TUESDAY, AUGUST 12, 2008**

The Holden Beach Board of Commissioners met for a Regular Meeting on Tuesday, August 12, 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 and Gary Staley; Town Manager David Hewett; Town Clerk Heather Finnell; Planning & Inspections Director Jason Walker; Police Chief Wally Layne; and Public Works Director Chris Clemmons. Commissioner Ken Kyser was unable to attend the meeting.

Mayor Holden announced that Commissioner Kyser was unable to attend the meeting due to his mother's illness and asked for a moment of silence. He then called the meeting to order.

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

Mayor Holden requested that an Executive Session be added as Agenda Item 15a to discuss an item that was just brought to his attention.

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

**APPROVAL OF MINUTES**

*Motion by Commissioner Glander to approve the minutes as written; second by Commissioner Staley.*

Mayor Holden requested that on page 3, line 34 it be amended to read construction of the *Pavilion*.

*Motion by Commissioner Glander to approve the minutes as amended; second by Commissioner Staley; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

Sheila Young inquired if the Town knew at the time of the contract for the off-island building that we needed to pay for the items listed in regard to Item 9. Mayor Holden explained the contract was for the footprint of the building only.

Gay Atkins asked how the Town could get the building permit for the EOC without having the permits for wastewater. She also wanted to know why they were not provided with a breakdown on the items for Item 9. Ms. Atkins stated she understood that the Town would hook up to sewer when it becomes available. Now the cost of the septic system went up and she doesn't remember that being approved. She also inquired about the furnishings price. Mayor Holden advised her that Town Manager Hewett will address her issues in his report.

## **POLICE REPORT – CHIEF WALLY LAYNE**

- During the last month it was a typical summer with numerous water rescues and medical calls. Five fishing rods were stolen in the 200 block of OBW. They have been able to recover three and do have a suspect.
- Neighborhood Watch Meetings will start again next month. The next meeting will be September 17<sup>th</sup>. Brunswick County Commissioner Marty Cooke will be the guest speaker.
- Animal calls listed on the report range in variety from rats, cats, strays, possums, raccoons and injured birds.

## **CODE ENFORCEMENT INFORMATIONAL BRIEFING – PLANNING & INSPECTIONS DIRECTOR WALKER**

Planning & Inspections Director Walker presented a slideshow on code enforcement. He showed the new zoning complaint form which needs to be filled out completely. A staff member will investigate the complaint. He explained what the investigation entails. Planning & Inspections Director Walker explained the enforcement process and what happens when there is noncompliance to the notice.

Mayor Pro Tem Miller left the meeting at 7:23 p.m. due to illness.

## **DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 08-09, AN ORDINANCE AMENDING ORDINANCE 08-08, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2008 – 2009 (AMENDMENT NO. 1)**

Town Manager Hewett provided a breakdown of the \$184,000 proposed amendment which included \$44,000 for audiovisual/ information technology; \$50,000 for onsite wastewater; \$85,000 for site improvements; \$15,000 for furnishings; \$65,000 for retainage for a total of \$259,000. He then subtracted the \$75,000 residual budgeted funds. The wastewater system as originally permitted wouldn't meet the planned demand of what the EOC is planned for. The new system that is permitted is for more than 30 people for three days. The original system was based on six people, Monday – Friday on an intermittent basis. Commissioner Staley stated the original purpose listed was a commercial office complex. They had a meeting with Town Staff, the County and an engineer and after all the discussion it was arrived at that the 2,000 gallon system would be sufficient. The last evacuation was with Hurricane Charlie and only two people stayed at the facility and when the Town leased the hotel, only one person stayed. Commissioner Staley thinks there is something wrong with the procedure when you change from a \$6,000 system to a \$50,000 one and the tank is already in the ground without approval. Commissioner Glander stated that maybe the original system wasn't sufficient to accommodate everyone listed under the Emergency Operation Plan. If the Town faces a true emergency, he thinks it will take the full force operation. He stated that even though it is in the ground, the Town Manager had a decision to make and you either have confidence in him or you don't. Commissioner Glander stated that in this case Town Manager Hewett has his support and the end result is what the Town needed. The Board discussed when sewer would be put in the area. Commissioner Lehr stated the Town can't wait until sewer comes in to get a certificate of occupancy (CO) because we need the CO to get the money from the loan. He thinks the EOC should not be thought of as a building to hold eight or ten people. It is a whole different operation now Commissioner Lehr stated that if we put the old system in, the first time someone from the State or County came by, it would be shut down. Town Manager Hewett explained that retainage is the money that we are withholding from the contractor until the garage doors are put in place and punch list is completed. Commissioner Glander asked if there is an alternative to paving the parking lot. Town Manager Hewett explained that gravel would not work in the sand over there and thinks it does need to be paved. Town Manager Hewett explained he solicited three installers to install the septic system. Only one responded, the installers needed to have a Grade IV Installers License. The Board discussed that the building use may be different

now from what was originally planned. Mayor Holden owns a construction company that is licensed for residential and commercial. You need to have a septic system that matches the plans for the building. He explained there is correspondence between the Health Department and the State that shows the system that was permitted was not satisfactory with the facility that was built. He stated the written documentation will validate this. Mayor Holden stated that the Town needs to have a facility with the proper septic system to get you through an emergency situation. He stated that they need to follow the law.

*Motion by Commissioner Lehr to approve Ordinance 08-09 as written; second by Commissioner Glander.*

Commissioner Staley asked if it would hold up the project if there were two positive votes and he voted in the negative. Town Clerk Finnell explained that Mayor Pro Tem Miller's vote would be counted in the positive because she was never formally excused.

*The motion passed by a 3 – 1 vote with Mayor Pro Tem Miller, Commissioner Lehr and Commissioner Glander voting for the motion and Commissioner Staley voting in the negative.*

#### **DISCUSSION AND POSSIBLE ACTION ON TAX ADJUSTMENT/ RELEASE FOR 2007 TAX YEAR**

Mayor Holden explained the process these homeowners went through to obtain the adjustment.

*Motion by Commissioner Staley to approve the adjustments; second by Commissioner Glander; approved by unanimous vote.*

#### **DISCUSSION AND POSSIBLE SCHEDULING OF A DATE FOR A PUBLIC HEARING FOR A PROPOSED ORDINANCE TO ESTABLISH AN ANNEXATION AGREEMENT BETWEEN THE TOWNS OF HOLDEN BEACH AND SHALLOTTE**

The Board came to a consensus to hold the public hearing on September 9<sup>th</sup> at 7:00 p.m.

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

- Mosquito control program – scheduled spraying for the entire Town in segments is for Monday – Friday starting at daylight. Schedule varies according to weather conditions. Results in everyone being sprayed about once a week.
- Computer system transition is about 90% complete. On schedule for financial systems software training for the 2<sup>nd</sup> week of September.
- Jordan Boulevard odor control solution – Public Works Director Clemmons implemented a low tech solution in response to the Board suggestion at the last meeting. Testing began August 8<sup>th</sup> and will continue through the next couple of weeks.
- 50-Year Project – Real Estate Project Officer's visit was August 11<sup>th</sup>. It is estimated to be four years before sand is placed on the beach for that project.
- Canal Master Dredge Plan – A schedule has been developed. Is coordinating with the canal representatives. The permits are underway, surveys have been performed. There is a total of approximately 35 thousand cubic yards to be removed. Contract specifications have been drafted. We anticipate advertising no later than August 25<sup>th</sup>. The bid opening is scheduled for September 25<sup>th</sup>. We anticipate issuing the notice to proceed in late November. Have heard feedback from various dredging companies that have been interested.
- Auditor Visit – Preliminary closeout is this week.

- Almost Sewer Spill – on the afternoon of July 25<sup>th</sup> a lightening strike knocked out power to the island for approximately 1.5 hours. Public Works was stretched to the limit with available generator configurations and resources. The Vactor truck is on order.
- BBC Meeting is on August 21<sup>st</sup> at the Holden Beach Chapel. The new Colonel will be attending. The Shoreline Protection Committee met with Harry Simmons at their last meeting. Those folks are really getting into the dredging and nourishment issues at Holden Beach.
- Courtesy Patrol – There is an issue with the Polaris. We are working on the problems with it. They do a real good job.

## **MAYOR'S COMMENTS**

No comments

## **BOARD OF COMMISSIONERS' COMMENTS**

Commissioner Lehr

- On some of the issues we discussed, urges everyone to get with Town Manager Hewett. He has the documents that were mentioned and they will alleviate a lot of questions and concerns.

Commissioner Glander

- At the last meeting, mentioned the cabana issue. Spoke with a realtor, they need whatever our policy on tents and cabanas will be by September in order to distribute the information in their rental brochures. Would like the issue to be added to the next agenda for public input. Mayor Holden added that information would need to be determined within the next couple of weeks for the rental brochures. The Board discussed having the Planning & Zoning Board meet before their next regularly scheduled meeting. Peggy Schiavone said they didn't have much direction, and they didn't feel they would do anything at this time. Town Manager Hewett said Planning & Inspections Director Walker compiled data on what other beaches have done, so that information is available. Tony Marwitz provided feedback on cabanas and volleyball nets that were left on the beach and stated he thinks the Town has a problem that needs to be addressed.

Commissioner Staley

- A lot of the conversation tonight could have been avoided with better communication. Since they are supposed to be watching taxpayer money, would like to know in advance if something is not going to work. Suggested that a workshop session may be a good idea as they proceed on the Town Hall. Already heard figures that we are going to spend over \$200,000 on audio, wiring and electronic locks. Hopes that isn't true, but if it is would like to know it in advance. Read an article in the Sun News regarding money that was put in the wrong line item by the prior administration. Would like an accounting of what those items are.
- Water bills – asked if we provide an advance notice call if there is a leak, even if it is on someone's property. Public Works Director Clemmons explained that they will do a work order. If there is a high reading, it signals so you can reread it. He also explained that a lot of meters have been replaced so readings may look differently to those people.

## **PUBLIC COMMENTS**

Marty Cooke stated he emailed Jerry Piece and Mr. Phillips at the County in regards to long range plans for sewage on the mainland.

Virgil Roberts stated he told the contractor working on Town Hall that he would lease them some space, but they said they didn't need it. They are now constantly abusing his property and he doesn't know what he is supposed

to do about it. Mayor Holden advised Mr. Roberts to give a written request to Town Manager Hewett and he will follow up on it.

Edward Thomas thanked Town Manager Hewett for his emails to keep the homeowners informed.

Sheila Young thanked the Board for clarifying the fact that the \$1 million was for the shell of the building only. Asked if anything is being done about 127 OBW. Planning & Inspections Director Walker explained that part of the difficulty is due process. He has been in the house and executed an administrative search warrant. He posted the property and ran a legal notice in the Beacon advising them they have through the end of August 22. After that date, the Town will try to clean up the outside and put a lien against the property.

Mayor Holden stated he received several emails and phone calls in regards to the occupancy tax report. If you get an email and don't believe what the law says, please go to Town Hall and get a copy of the law. Totals are available, but individual companies' amounts are not

**EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE §143-318.11(a)(6)**

Mayor Holden read the purpose of N.C.G.S. §143-318.11(a)(6).

*Motion by Commissioner Glander to go into Executive Session at 8:29 p.m.; second by Commissioner Lehr; approved by unanimous vote.*

**OPEN SESSION**

The Board went back into Open Session at 8:50 p.m. Mayor Holden reported that no action was taken.

**ADJOURNMENT**

*Motion by Commissioner Staley to adjourn at 8:52 p.m.; second by Commissioner Glander; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk