



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS'  
PUBLIC HEARING/ REGULAR MEETING  
TUESDAY, SEPTEMBER 9, 2008**

The Board of Commissioners' of the Town of Holden Beach met for a Public Hearing/ Regular Meeting on Tuesday, September 9, 2008 at 7:00 p.m. Present were Mayor J. Alan Holden; Mayor Pro Tem Sandy Miller; Commissioners Ray Lehr, Don Glander, Ken Kyser and Gary Staley; Town Clerk Heather Finnell; Planning & Inspections Director Jason Walker; Public Works Director Chris Clemmons; Police Chief Wally Layne; CAMA Official Rhonda Wooten; and Town Attorney Mac Tyson. Town Manager David W. Hewett arrived at 7:12 p.m.

Attorney Tyson presented an invocation.

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING: PROPOSED ORDINANCE TO ESTABLISH AN ANNEXATION AGREEMENT AMONG THE TOWNS OF HOLDEN BEACH AND SHALLOTTE**

Mayor Holden explained the background information and the boundaries of the proposed annexation agreement. He then answered questions from the public in regard to the proposed boundaries of the agreement and opened the floor for any additional comments.

Gay Atkins inquired if Monk Island could be placed within Shallotte's boundaries instead of the Town's. Mayor Holden explained that Monk Island is not separated from Holden Beach by water and is not an island anymore. He explained that is a whole other issue. The whole area is up for negotiation at this point.

Holly Hewett Long stated that the Shallotte Preservation Group has been trying to arrange a meeting with the Town of Shallotte regarding zoning concerns in their area and feels their concerns could negatively affect the Town.

Ron Hobbs, President of Shallotte Preservation Group, stated that he thinks the Town is giving up too much area to Shallotte if we move forward with the agreement. He stated there are several projects that have drainage that goes into the Shallotte River and into the Holden Beach area. He stated that an area that has a riparian boundary should be approached very carefully. Mr. Hobbs thinks the best thing at this point is to make a lot more stipulations and to add more detail before coming to an agreement. He also feels that Shallotte should submit a long range plan for development to the Town.

Sheila Young asked for clarification of the location of Shallotte Point. Town Manager Hewett showed her on the map.

Derek Smith stated he thinks that Mr. Hobbs is talking about having the annexation line go straight up the Shallotte River all the way to Highway 17. Mr. Hobbs pointed out where he was talking about on the map.

Frank Moon asked Mr. Hobbs if they considered their own incorporation. Mr. Hobbs explained that it wouldn't be feasible because of the satellite annexations.

Virgil Roberts stated that the Town should include Shallotte Point within our area.

Tony Marwitz asked if there is an agreement between Shallotte and Ocean Isle. Mayor Holden stated that he believes they were discussing it also.

No further comments were made. Mayor Holden closed the public hearing at 7:31 p.m. and called the regular meeting to order.

#### **AGENDA APPROVAL**

Mayor Holden requested that a Storm Report on Hanna be added as Item 4a and an Executive Session to Discuss Legal Matters Pertaining to the Holden Beach Harbor Canals be added as Item 16a.

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

#### **APPROVAL OF MINUTES**

*Motion by Mayor Pro Tem Miller to approve the minutes of the Regular Meeting of August 26, 2008 as written; second by Commissioner Kyser.*

Mayor Holden requested that on page 3, line 29 the word side be changed to *end*; on page 4, line 34 change it to read another *storm* trying to grow into a *hurricane*; and on page 5, line 33 add *on her canal in Harbor Acres* to the end of Anne Arnold's comment.

*Motion by Mayor Pro Tem Miller to approve the minutes of the Regular Meeting of August 26, 2008 as amended; second by Commissioner Kyser; approved by unanimous vote.*

#### **STORM REPORT – HANNA**

Mayor Holden thanked the citizens, property owners, elected officials, volunteers and staff for such dedication throughout the evening. He feels that communication went reasonably well. There was an email blast which we had the ability of communicating with over one thousand people instantly. The problem with the blast is there was scheduled maintenance from 6:00 a.m. -10:00 a.m. so we were not able to utilize it at that time. We did put information on the Town's website. The Brunswick County communication system did extremely well in communicating with the Towns and officials. Mayor Holden explained that they met with the evacuation team in anticipation of an evacuation. Public Works got the cans off the beach and established a method to keep the sewer and water system operating. The power is not in the control of the Town. A transformer on the causeway exploded at 3:20 a.m. so the island lost power. The rising water came over some of the canal bulkheads. There is some erosion from the east end to the west end. At daylight they went from inlet to inlet and found very little debris on the oceanfront. The erosion on the east and west end was worse than what we would want, but it didn't take the dunes down.

A slideshow of the beach after the storm was shown. Gay Atkins explained some background information and that the Town lost a major part of the emergency dune system. There are 30 50' rolls of sand fencing left. At the far end of Ocean Boulevard West the dunes are gone. Ms. Atkins stated that the Town needs to have a project organized to get the fence back up by the end of hurricane season. She rode the beach with Steve Mercer and he figures we lost 300,000 cubic yards of material and 380,000 plants that have been put in over the last several years.

Town Manager Hewett stated that the damage would have been a lot worse if the plants hadn't been there. There is no silver bullet to get sand out to the east end. He explained we can bulldoze from low tide to the hill, but

we need the Corps and Fish & Wildlife's permission. They met with CAMA onsite today. The protection most readily offered is sandbags, but the source of the sand is the sand in front of the properties. Town Manager Hewett explained that we can get a minor CAMA permit to place sand in front of those 15 houses, but it will take about a month to get and we will need to obtain a sand source. We are looking at a minimum of one month before anything can be done. He recommends to the Board that the minor CAMA permit for a small haul project be the course of action. Town Manager Hewett stated that fencing and replanting would be done and that we probably need to order more sand fencing.

Tony Marwitz explained there were ten turtle nests on the beach prior to the storm, two were destroyed, the rest of the nests had sand piled on it. They have three nests left.

Town Manager Hewett explained that FEMA will have a public assistance team here tomorrow. Gay Atkins stated there are already five or six houses on the east end that were sandbagged. She would like the dollar amount of how much money is left in the sand fund. Town Manager Hewett stated that his goal is to have the Board work toward a more comprehensive capital improvement program.

Mayor Holden explained that when daylight came the curfew was to be lifted at 10:00 a.m., but it was lifted at 8:00 a.m. The curfew was going to be lifted at 7:30 a.m., but Public Works needed 30 more minutes to pick up debris from the streets. Mayor Holden stated that he was getting emails about the curfew being lifted, but he hadn't released it yet. He cautioned everyone to be careful where they are getting information from. Approximately 200-300 tires washed ashore the 24 – 36 hours after the storm. We received a lot of calls and emails regarding the curfew. Mayor Holden explained curfew meant to stay on your property, but the bridge was not closed. The Town will educate the public as the degrees of curfews are determined in the future. The people that lost power may have realized that the sewer system wasn't working. It needs to have power to work. The temporary Town Hall was used as the emergency center and it will continue to be until future notice because the facility at Sabbath Home is still not ready. We didn't have a lot of damage on the island so it wasn't necessary to incorporate many people for Damage Assessment. We will have training meetings for the evacuation teams and the assessment people.

#### **PUBLIC COMMENTS ON AGENDA ITEMS**

Carol Byrnside stated she rides the island every day and thinks we need something to make biking safer on the island. She thinks directing people down side streets is a good idea, but hopes we don't give up the idea to provide bikers more room on Ocean Boulevard. Ms. Byrnside volunteered to help in any way she can.

Lewis Mitchell asked if it would be possible to schedule a limb pick-up before October. County Commissioner Cooke stated next week is free landfill week at the County landfill. They did have a discussion to move it forward, but you should call the landfill before you go because he is not sure if it was changed. Public Works Director Clemmons will check when the free week is and will follow up with the public.

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

- State of the island - no major crime problems at the moment.
- Prior to the curfew for Hanna, the Police Department interrupted two break-ins. One in the 800 block by visitors from Ohio and one at Captain Jacks by some locals.
- Last night an officer noticed a car that didn't have all of its lights working so he stopped the car. There happened to be a flat screen television in the car. They had a key from a rental house that they obtained from a cleaning service. They gave false names at the time of arrest. By the morning it was discovered that they were wanted elsewhere. The young man was wanted on a probation violation for a murder and breaking and entering, as was the female. Ocean Isle and Sunset Beach had a problem with folks going into houses while

folks were on the beach during the day. These two match the description of the folks involved. Proud of his guys.

- Favorite thing about Hanna was the curfew. Thanked everyone for complying with the curfew. It enabled his department to tell the good guys from the bad guys.
- The next Neighborhood Watch Meeting will be at 7:00 p.m. on September 17<sup>th</sup>. The guest speaker will be Brunswick County Commissioner Marty Cooke.
- The speed limit should be going back to 45 MPH west of the pier starting tomorrow.

#### **DISCUSSION AND POSSIBLE SCHEDULING OF A DATE FOR A BOARD WORKSHOP ON TOWN GOALS AND OBJECTIVES**

The Board came to a consensus to hold the workshop on September 23<sup>rd</sup> at 1:00 p.m.

#### **DISCUSSION AND POSSIBLE ALTERNATIVES TO OCEAN BOULEVARD FOR PLACEMENT OF A BICYCLE TRAIL**

Mayor Holden stated that from the emails/ calls he received, what the Town is talking about is tours, not trails and explained the difference. All streets are open for consideration as the location of the tours. There is the question of upkeep so we need to look at the budget for the availability of funds. Mayor Holden stated he is thinking about five – 15 miles of coded tours of the island. History can be provided on signs along the way. Maps of the island and nature comments would be included. Safety would also be addressed. We need to allow for different tours for different types of bicyclists. Mayor Pro Tem Miller suggested establishing a bicycle tour task force and stated that if anyone is interested they can contact Town Clerk Finnell.

#### **DISCUSSION AND POSSIBLE APPROVAL OF A PROCLAMATION PROCLAIMING SEPTEMBER 17<sup>TH</sup> – SEPTEMBER 23<sup>RD</sup> AS CONSTITUTION WEEK**

Mayor Holden read the proclamation.

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

#### **DISCUSSION AND POSSIBLE APPROVAL OF AN ANNEXATION AGREEMENT BETWEEN THE TOWNS OF HOLDEN BEACH AND SHALLOTTE AND DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 08-10, AN ORDINANCE APPROVING ANNEXATION AGREEMENT**

After discussion, the Board agreed that more research and discussion is needed. No action was taken.

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

- Has a letter from the Attorney General's Office to Chief Layne. He read from the letter which explained that The Criminal Justice Education and Training Standards Commission unanimously approved issuance of the Advance Certificate to Chief Layne. Chief Layne is now one of a select few to have received the Advanced Certificate, which is the highest certification for a law enforcement officer in North Carolina.
- Received the certified population estimate. The official population of Holden Beach is 931 people. Many of our revenues are based on a Per Capita distribution.
- We are continuing with the finance software conversion and training. If we can get some training out of the way in the next couple of weeks, we will be in a real good position to provide the Board with financial statements.

- New tasker on identity theft – The Federal Trade Commission has come out with new requirements for municipalities that requires new written policies be put in place by November 1<sup>st</sup>. It will require Board approval or an appropriate committee. Recommends that the audit committee can assist staff with it.
- There is a meeting with FEMA representatives in the morning in regard to assessing the damages from Hanna on a countywide basis.

### **MAYOR'S COMMENTS**

- The funeral for Connor Cox, the owner of Brunswickland Realty, was yesterday in Shallotte. Hates to lose such a guiding light for the community.
- Asked County Commissioner Cooke for help regarding the signage between here and Highways 17 and 211 and near the fire department. County Commissioner Cooke will work with Town Manager Hewett. Gets comments weekly over the summer from visitors who get lost. We need that done before next spring.
- Read a letter about the pet situation (cleaning up after pets) on the island.

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

Mayor Pro Tem Miller

- Nancy Burgin sent an email that she found a really good website about hurricanes. It is [www.stormpulse.com](http://www.stormpulse.com).

Commissioner Lehr

- Thanked everyone for their cooperation during the storm, especially during the curfew.

Commissioner Glander

- Asked Ms. Atkins if we have the luxury to wait until after the workshop in regard to the beach. She replied that it didn't matter.
- Cabanas – The Planning & Zoning Board met last week and the Holden Beach Property Owners' Association met at their annual meeting. At this point, neither organization thinks the Town should ban cabanas, but should use an educational system. The educational system would use a letter and magnets for renters that would explain the reason cabanas should be taken down. Believes the Property Owners' Association said it would pay for printing of the letter and magnet, so there is no need to put an ordinance in place.

Commissioner Kyser

- Spent a lot of time lately driving. Wasn't here for the storm, but heard nothing but good comments for what the Town staff did. Thanked them for their hard work.

Commissioner Staley

- When shingles come off your roof it sounds like a wheelbarrow rolling over your roof. Lost 15% of his shingles, so thankfully it wasn't a rain event. Wishes that somehow that the Town could make vinyl siding not an approved building material in the future.
- For future storms and curfews - would like to see stickers come into play. Chief Layne said that they did come into play and were part of the instructions he gave to his officers.
- The old road at the east end is now exposed.
- Asked if the Town's sand source on Stone Chimney is still approved. Town Manager Hewett explained that we haven't discussed it with Wayne Smith yet and he is not sure of his availability. Town Manager Hewett stated that turtle season is over November 15<sup>th</sup> and explained that we can get a minor permit from CAMA if we coordinate with the turtle people.

**PUBLIC COMMENTS ON GENERAL ITEMS**

County Commissioner Cooke stated you would be amazed if you could watch the County at work during the storm. He stated that this county is no slouch when it comes to emergency response. He praised Randy Thompson and Town officials for their dedication. He explained that you need to be in position and be ready to respond in a moment's notice for emergencies and we were. He is proud of the people sitting in this room.

Marlene Hahn stated she would like to see a sign telling you to go straight ahead for Holden Beach when Stone Chimney makes a left to go to Lockwood Folly and would like a bigger sign and a light when you get to Sabbath Home Road. Ms. Hahn stated she thinks it is plain laziness when people don't take cabanas down. She also stated that the Town needs to educate people that the sewer system doesn't work when the power is down.

**EXECUTIVE SESSION TO DISCUSS HOLDEN BEACH HARBOR DREDGING PURSUANT TO NORTH CAROLINA GENERAL STATUTE §143-318.11(a)(3)**

*Motion by Mayor Pro Tem Miller to go into Executive Session at 8:43 p.m.; second by Commissioner Glander; approved by unanimous vote.*

**OPEN SESSION**

The Board went back into Open Session at 8:43 p.m. Mayor Holden announced that no action was taken during Executive Session.

**ADJOURNMENT**

*Motion by Commissioner Staley to adjourn at 9:39 p.m.; second by Commissioner Kyser; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk