



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, OCTOBER 13, 2009 – 7:00 PM**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, October 13, 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 and Ken Kyser; Town Manager David W. Hewett; Town Clerk Heather Finnell; Police Chief Wally Layne; Zoning Official Rhonda Wooten; Public Works Director Chris Clemmons; and Town Attorney Mac Tyson.

Attorney Tyson presented the invocation. Mayor Holden called the meeting to order.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Miller to approve the agenda as presented; 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 September 8, 2009 as written; second by Commissioner Kyser.

Mayor Holden inquired if Commissioner Kyser would like the wording on page 3, the 4th line from the bottom to be amended since he corrected his statement regarding canopies during the meeting. Mayor Pro Tem Miller, with Commissioner Kyser in agreement suggested changing the word canopies to items.

Motion by Mayor Pro Tem Miller to approve the minutes of the Regular Meeting of September 8, 2009 as corrected; second by Commissioner Glander; approved by unanimous vote.

Motion by Commissioner Kyser to approve the minutes of the Workshop of September 22, 2009 as written; second by Commissioner Glander; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

No comments were made.

PRESENTATION BY GREG BRINKLEY OF WASTE INDUSTRIES REGARDING NEW ITEMS PROHIBITED FROM LANDFILLS

Greg Brinkley, General Manager of Waste Industries, explained all of the household trash in Brunswick County goes to the transfer station at the County landfill and then to Sampson County. The new laws from the State went into effect on October 1st and ban plastics, oil filters and wooden pallets. Mr. Brinkley provided a handout about recycling. Waste Industries accepts glass, aluminum, steel, newspapers, magazines and plastics 1 – 7. All of the recycled materials are hauled to the Sunoco Corporation in Raleigh. They have held several conference calls within their company about the ban. The State has this law, but no one to enforce it at the residential level. Mr. Brinkley stated the law is in place, but at this point it is more to teach people about recycling. The Town does have a recycling bin. Some communities have

curbside bins. The handout also provided information on local convenience sites. Commissioner Glander stated as he understands, homeowners on Holden Beach do not need to make any changes. Mr. Brinkley confirmed yes. Commissioner Glander asked the expense of curbside recycling. Mr. Brinkley gave examples of what local towns are doing and explained there are a lot of variables so it depends on what size containers and how many pick-ups the Town would like to do. Mayor Pro Tem Miller asked if it would be possible to add another dumpster. Mr. Brinkley advised yes, but another option would be to empty it more frequently. Mayor Holden asked if the container is being properly used or if people are putting things in it that they shouldn't. Mr. Brinkley explained there really aren't any issues now, but there have been in the past. Mayor Pro Tem Miller stated they have been having trouble with beach chairs. Mr. Brinkley confirmed this is a problem during tourist season on the islands. Mr. Brinkley stated if the Board chooses, he can work with Town Manager Hewett to establish a program that works for the Town.

POLICE REPORT – CHIEF WALLY LAYNE

- Things are pretty quiet on the island for now. We do have a festival to get through which is not this weekend, but the next. After that, needs everyone to be more alert as to who your neighbors are.
- As of this Friday, the PD will have its own fire arms instructor. Once that occurs, will be totally self sufficient as it pertains to in-service training, which is a requirement of the State.
- Next Neighborhood Watch Meeting is next Tuesday at 7:00 p.m. Was trying to get the County to come in to talk about the Citizens Academy, but that didn't work out. Public Works Director Clemmons is trying to get a master gardener from the County to talk about the sand spur war.
- Introduced Angela Jordain, their newest officer. Officer Jordain introduced herself and talked about her background.
- Chief Layne explained that a Welfare Check is when they check on someone to make sure they are okay.

PRESENTATION PERTAINING TO REGULATION 94.03, FRONTAL DUNE POLICIES AND REGULATIONS

Town Manager Hewett showed slides that P&Z took of the island. P&Z member Tony Marwitz explained the current ordinances only address the frontal dune. He stated there are three different circumstances on the island: the west end, the middle part and the east end. Mr. Marwitz provided information on some of the different slides. Commissioner Glander stated it looks like a situation where a single policy would not be sufficient. Mr. Marwitz stated the only thing he can think of is establishing a policy that makes you build over at least one dune, not necessarily the frontal dune. Commissioner Lehr stated he agrees that there are three different areas of the beach. He stated he thinks the attempt is to make people build a permanent structure on something that keeps moving all the time. Commissioner Lehr stated that the Town may need to look at how the Town wants people to access the beach in the next several years. After discussion, the Board came to a consensus to have P&Z continue to work towards finding a solution of the problem.

DISCUSSION AND POSSIBLE ACTION ON “KEEP OFF DUNES” SIGNS FOR HOMEOWNERS

Mayor Holden stated he asked that this item be placed on the agenda. He read an email from an oceanfront owner who inquired about obtaining a sign asking people to stay off dunes. He stated at one time the Town had signs made and inquired what the Town is going to do relating to signage on the beach. Public Works Director Clemmons explained that people do call and request these signs, which the Town has. In most circumstances, his department will go and put a sign up. For future signs, he suggested adding the Police Department's phone number. Mayor Holden inquired how the policy is enforced. Chief Layne stated each situation is different and is handled as such. For example, if it is a young child, a warning is issued. Public Works Director Clemmons stated he thinks it would be a good idea to place a sign every 500 feet, instead of placing them at each residence that requests them. They are probably about 500 feet apart now, some places closer and some further away. Chief Layne brought up the point of needing to decide which dune the sign will be placed at. Public Works Director Clemmons stated there are probably about 30 signs left. Mayor Holden stated that he charges the Board to resolve this issue by next year.

DISCUSSION AND REVIEW OF TIME WARNER CONTRACT

Mayor Holden stated many rental companies on the island have expressed concern over the quality of service provided by Time Warner. Another major complaint is where Time Warner's office is located in order to exchange equipment. A lot of times, their employees are not always helpful. Mayor Holden stated the contract does run until 2016, but there are some items that he questions if they are being met. Also this is a non-exclusive contract. Mayor Holden stated that they may need to have a meeting with the provider to discuss the Town's expectations. Mayor Holden stated there are no guidelines in regards to the office location. Commissioner Glander stated he was told he needed to go to Raleigh. The Board discussed the current contract and the need to sit down with the provider. Mayor Holden asked that this item be added to an agenda over the next few months.

DISCUSSION ON PROLIFERATION OF SWEEPSTAKE & ONLINE GAMBLING, REVIEW OF TOWN ORDINANCE

Mayor Holden stated that at a recent Mayor's Meeting, they talked about the problems with the proliferation of sweepstakes businesses. There is now a sweepstakes facility at the location of the interim Town Hall. The Mayor of Shallotte stated there are seven applications above the ones that already exist in Shallotte. Mayor Holden reviewed the Town's current ordinance. He understands that the way these businesses are able to get around the gambling laws is because of how the transaction is completed. He also stated that it was told at the meeting that when you give them your money, the results are predetermined. Mayor Holden stated that he and Town Manager Hewett talked about the existing ordinance and feel like the Town has a fairly good start on heading these things off and keeping them off the island. Mayor Holden stated it was suggested that a step forward to protect the Town would be to attach a parking requirement. Mayor Holden asked P&Z to review this topic and possibly add it to the next Board agenda. He also requested Town Manager Hewett work with the Town Attorney on this topic.

REPORT ON DURATION OF BUILDING PERMITS

Mayor Holden stated the Board received a report from the Planning & Inspections Department that breaks down existing permits. Commissioner Kyser stated that no changes can be made due to the new State law that suspends the running time of permits. Commissioner Glander stated the Town should review where it stands, so it can be ready when the timeline of the new State law expires.

DISCUSSION OF SENATE BILL 831, AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE

Town Manager Hewett provided information on Senate Bill 831 and House Bill 1490. The bills suspend the running time on the life of local development approvals from January 1, 2008 to December 31, 2010. He explained that means if you had a valid permit at any point during this period, the clock stops and none of the time counts towards the expiration of the permit. This is an effort by legislators to help the building and development industry. The Town is getting clarification from the Department of Insurance on this topic pertaining to building permits. Town Manager Hewett spoke to the Homebuilders Association representative. It is their impression that these bills were put through fairly rapidly without turning over all the rocks. The time is suspended on building permits and doesn't start running again until December 31, 2010. Mayor Holden stated we can still review our ordinances during this time period.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 09-09, AN ORDINANCE ENACTING AND ADOPTING A SUPPLEMENT TO THE CODE OF ORDINANCES OF THE TOWN OF HOLDEN BEACH, NC (SUPPLEMENT 12)

This ordinance approves the codification of all of the ordinances passed since the last approved supplement.

Motion by Mayor Pro Tem Miller to approve Ordinance 09-09; second by Commissioner Lehr; approved by unanimous vote.

DISCUSSION AND POSSIBLE SELECTION OF CONTRACTOR TO PERFORM RPZ TESTING & REPAIR

Town Manager Hewett stated a Request for Proposals was put out to test and perform minor repair on RPZ valves on approximately 360 properties. The Town received bids back from eight potential contractors. They range from \$20 to \$59. He explained that as a note of correction, the non-responsive note next to Onsite on the bid tabulation is incorrect. After consultation with them, they are the apparent low bidder. Town Manager Hewett made the recommendation to award the work to Onsite. Commissioner Kyser asked if they are doing the inspections for the County. Town Manager Hewett replied yes. He doesn't anticipate anything, but minor maintenance in the early years. Homeowners will be responsible for any repairs on anything but minor repairs.

Motion by Commissioner Kyser to award the contract to Onsite; second by Mayor Pro Tem Miller; approved by unanimous vote.

Mayor Holden asked how we are going to address people who already paid. Town Manager Hewett stated they will notify people on their next water bill and will credit their account the difference between the current charge and what was proposed in the budget.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 09-10, AN ORDINANCE AMENDING ORDINANCE 09-08, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2009 – 2010 (AMENDMENT 1)

Motion by Commissioner Kyser to approve Ordinance 09-10; second by Commissioner Lehr; approved by unanimous vote.

DISCUSSION AND POSSIBLE SELECTION OF A DATE TO HOLD A PUBLIC HEARING ON PROPOSED CHANGES RECOMMENDED BY THE PLANNING & ZONING BOARD TO CHAPTER 157: ZONING CODE OF THE HOLDEN BEACH CODE OF ORDINANCES

Town Manager Hewett stated this was a recommendation from P&Z based on a couple of issues. One of the issues is that some of the lots that are not bulkheaded seem to be contributing towards the filling up of the canals. Staff will take video at low tide to get a good picture of what the bulkheads look like. Mayor Holden asked the penalty if someone doesn't adhere to the new rule. Zoning Official Wooten explained that currently for new homes, you do not get a building permit if you do not have a bulkhead. Mayor Holden stated a penalty does need to be set for the new rule.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 09-14, BICYCLE FACILITIES PLANNING GRANT

Town Manager Hewett explained that the Department of Transportation (DOT) has put out solicitations for planning grants. Most grants are awarded based on a point basis. Based on this, getting a plan in place is a prerequisite before you will be able to compete for grant funds. This is the first step to trying to get the Town's foundation laid for follow-on grants that would provide funds for bicycle facilities. The Bicycle Committee has been working with Town Manager Hewett on this.

Motion by Mayor Pro Tem Miller to approve Resolution 09-14; second by Commissioner Kyser; approved by unanimous vote.

TOWN MANAGER'S REPORT

- Made application to DOT for the driveway connection permit for the sand mine at Turkey Trap Road. Had met with DOT representatives to see what they required and now made the formal application.
- Also finalized the adjustments on the Blockade Runner paving design. Anticipate that the Request for Proposals will be out on the street within the next couple of weeks.
- Town Hall staff will be running thin during the end of the week due to training and scheduled absences.

MAYOR'S COMMENTS

- On page 8 of the packets, it refers to 300,000 cubic yards of sand as being the trigger for a static vegetation line. Thinks the Town needs to request that the regulatory agencies look at that regulation due to the length of the island compared to smaller ones up and down the North Carolina coast. There should be a formula rather than putting all of the islands on the coast under the same guidelines. Zoning Official Wooten stated she will find out more information.
- Have a meeting Friday of the emergency teams to review the season. Volunteers are invited.
- A plaque has been erected at the flagpole. It was originally part of the old Town Hall location and honors the family that gave the grounds to the Town for the Town Hall.
- Festival is coming up. Hope everyone attends. Anne Arnold is in charge of the parade.
- Reminded everyone to vote.
- Asked if anyone knew about the horses that rode down the east end of the island. Reminded everyone that it is against the law.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Miller

- No comments.

Commissioner Lehr

- No comments.

Commissioner Glander

- Candidate's Night is Sunday, October 25th at 7:00 p.m. in this room.

Commissioner Kyser

- Early voting starts the 15th of this month. Encourages everyone to vote. It is a right that everyone has that was secured by people who fought and died for it. Do them the honor by voting. It is very important.

PUBLIC COMMENTS ON GENERAL ITEMS

Dolly Mitchell thanked the Chain Gang for their ride in New Bern. There were seven people from Holden Beach and they represented Holden Beach well.

EXECUTIVE SESSION TO DISCUSS LEGAL MATTER (EMERGENCY OPERATIONS CENTER) PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(a)(3)

Motion by Mayor Pro Tem Miller to go into Executive Session; second by Commissioner Kyser; approved by unanimous vote.

OPEN SESSION

The Board went back into Open Session at 9:07 p.m. and Mayor Holden stated that no action was taken.

ADJOURNMENT

Motion by Mayor Pro Tem Miller to adjourn at 9:07 p.m.; second by Commissioner Kyser; approved by unanimous vote.