



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, NOVEMBER 25, 2008**

The Board of Commissioners of the Town of Holden Beach met for a Regular Meeting on Tuesday, November 25, 2008. Present were Mayor J. Alan Holden; Mayor Pro Tem Sandy Miller; Commissioners Ray Lehr, Ken Kyser and Gary Staley; Town Manager David W. Hewett; Town Clerk Heather Finnell; Town Attorney Mac Tyson; Planning & Inspections Director Jason Walker; Public Works Director Chris Clemmons; Lieutenant Kenny Smith; and Intern Alicia Sides. Commissioner Don Glander was unable to attend the meeting.

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

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Mayor Holden requested that Item 7 – Town Hall/ Police Department and EOC Update be removed because the architect, Jim Stewart, is ill and is not able to attend; a Discussion of a Program to Rid the Island of Sand Spurs be added as Item 7; and an Executive Session to Discuss a Lawsuit Against the Town be added as Item 19a.

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

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Miller to approve the minutes of the Reconvened Meeting of July 24, 2008 as written; second by Commissioner Kyser; approved by unanimous vote.

Motion by Commissioner Staley to approve the minutes of the Regular Meeting of October 28, 2008 as written; second by Commissioner Lehr; approved by unanimous vote.

Motion by Mayor Pro Tem Miller to approve the minutes of the Special Meeting of November 14, 2008 as written; second by Commissioner Staley; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Irvin Woods asked if the agenda covers the sand being put on the beach. Mayor Holden explained it is not on the agenda, but he can talk about it during the public comments at the end of the meeting. Mr. Woods stated he just wanted to thank the Town for its efforts.

PROGRAM TO RID THE ISLAND OF SAND SPURS

Mayor Holden gave a brief history of sand spurs on Holden Beach. He would like to ask the Board and homeowners to make a joint effort to rid sand spurs from the island. He explained that the effort will take eight - ten years. He stated you will have to spray at least two times a year once we have it under control. We can spray

the shoulders of the roads, parking areas and other areas the public has access to. Individual property owners can also spray. It would take a combined effort of the Public Area Improvement Committee, Beautification Club, Public Works Department, Property Owners Associations, individual owners and lawn mowing companies Mayor Holden asked the Board to have a workshop after the holidays to formulate a plan to rid the island of sand spurs.

FIRE DEPARTMENT UPDATE – FIRE CHIEF DOUG TODD

Chief Todd provided statistics on the Tri-Beach Fire Department. He explained that through the end of October they responded to 435 calls. On the island they responded to 72 calls (3 fires, 27 medical related calls, 34 good intent calls and 8 false alarms). 682 firefighters responded to the 72 calls for the island. Chief Todd provided information on his department's training and insurance ratings. They have eight fulltime employees. Lou Cutajar asked about charcoal grills. Chief Todd explained that they get very few calls relating to that.

POLICE REPORT – LIEUTENANT KENNY SMITH

- It has been a calm season so far.
- The Sheriff Department and Towns of Holden Beach, Shallotte, Ocean Isle Beach and Sunset Beach have formed a task force with each department's detectives. Will have a quicker response and access to investigative tools because of the task force.
- Since it has been a slow season Chief Layne has been able to send officers to advance training. They are excited to use the time productively.
- The Neighborhood Watch Meeting in December has been cancelled. The next one will be the third Wednesday in January.
- Thanked everyone for their support during his injury he incurred during the line of duty last year.

DISCUSSION AND POSSIBLE APPROVAL OF THE ESTIMATES OF COST FOR THE "OLDEN" HOLDEN BIKE TOUR

Town Manager Hewett went over the estimates from the Bike Task Force.

Mayor Pro Tem Miller is in favor of the bike path, but she wonders if the Town should wait until spring to see what kind of money would be needed because she is concerned with all the economic problems. Commissioner Staley agreed. He favors the bike path, but is concerned with the paving, it seems like bad timing. He wishes we could move forward without that at this point. He has received feedback that agrees. Commissioner Lehr asked if there would be a problem if Canal Drive was paved later. The members from the Bike Task Force said that it would not be a problem. Town Manager Hewett explained there are a few options to choose from for the funding of paving Canal Drive. There is a \$10,000 line item in sidewalk maintenance, a \$20,000 line item in streets maintenance and the BPART Fund. Commissioner Kyser stated that he can't see putting it all off to spring. He thinks if the Board decides not to pave Canal Drive, we should at least approve the signage and brochures. He sees this as a first step towards receiving future grant money. Mayor Holden stated he agrees that times are tough, but the comments he hears are that families are looking for things that don't cost money. He would like to encourage the Board to move forward so the tourists can see we are moving ahead with the concept. Town Manager Hewett stated that the Town has located some bike grants that could be a potential source for this, but we would have to front the money and then make an application to be reimbursed.

Motion by Commissioner Staley to move forward with the bike path, purchase 20,000 brochures and the signage and delay the paving of Canal Drive; second by Mayor Pro Tem Miller.

Commissioner Kyser asked if that amount would be adequate for the rental companies to send out to their renters. Mayor Holden stated that he thinks that amount would get the rental companies through July.

Commissioner Staley amended his motion to purchase 50,000 brochures; second by Mayor Pro Tem Miller; approved by unanimous vote.

UPDATE ON STATUS AND GOALS OF THE PUBLIC AREA IMPROVEMENT COMMITTEE

Rob Collinson, co-chairman of the Public Area Improvement Committee provided information on their progress over the last several months. Accomplishments include completion of the Pavilion Use Policy; the addition of trash cans and picnic tables to the Pavilion; identifying public areas that need to be improved; replacing rest area benches on Ocean Boulevard. Future plans include landscaping around the pumping station, security and safety fencing adjacent to the public boat ramp; defining parking spaces leading to the Pavilion; and completing an assessment on handicap accessibility at all public access points. Mr. Collinson thanked Ron Skubic and Katherine Smith for their help with the landscaping plan.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 08-11, AN ORDINANCE AMENDING CHAPTER 92: NUISANCES OF THE HOLDEN BEACH CODE OF ORDINANCES

Town Manager Hewett explained the amendment would now specify that trees less than 4 inches in diameter are considered a nuisance.

Motion by Mayor Pro Tem Miller to adopt Ordinance 08-11; second by Commissioner Kyser; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF SILVER STAR BANNER DAY PROCLAMATION MANAGER

Mayor Holden explained that this proclamation expresses the Town's appreciation of the Silver Star Families of America, honors their commitment to our wounded and declares May 1st as "Silver Star Banner Day."

Motion by Commissioner Kyser to approve the Silver Star Banner Day Proclamation; second by Commissioner Lehr; approved by unanimous vote.

UPDATE ON THE RESULTS OF THE PAVEMENT CONDITION SURVEY

Town Manager Hewett explained that the survey from Right Angle Engineering provides a ranking system on a 1 – 100 scale, with 1 being the worst and 100 being the best. It includes a total cost for the improvements, which is in the neighborhood of \$500,000. It is for all of the Town owned and maintained streets. This would serve as a baseline for a capital improvement program aimed at improving the streets on a multi-year basis. The entire report is available in the Clerk's office. Brunswick Avenue is ranked in the 98th percentile. Town Manager Hewett explained that this means there are no accommodations in the DOT manual for airsickness. He stated that the pavement condition is fine. Mayor Holden added that the asphalt is in good shape, but the base is kind of wobbly. Commissioner Staley asked if private streets are included. Town Manager Hewett replied that it should only include Town owned streets.

DISCUSSION OF VOTING PLACE/ POLLING FACILITIES

Mayor Holden stated that at the election before last the polling place at the Coastline Rescue Squad was flooded. For this election the Department of Transportation was out there with backhoes trying to run the water away from the voting facility. He received several complaints from people on the island and the mainland about the flooding and to the problem of handicap people trying to get to the voting booths. There were positive comments of the services rendered by the people working at the polls. Mayor Holden asked that a letter be composed and sent to the Brunswick County Board of Elections expressing the Town's concern on the difficulty people are having getting to the polling place. Mayor Pro Tem Miller thinks it is fine to write the letter, but she thought that those that needed help were helped. She stated that we might need to add that another place to park is needed. Commissioner Staley stated that he agrees that the polling place needs to be moved. He stated that people were driving up and not voting. Commissioner Kyser stated the Board could write a letter expressing the Board's concerns and we could offer the use of our new facilities. After further discussion the Board came to a consensus to have a letter written subject to the Board's approval. Mayor Holden will write the letter.

TOWN MANAGER 'S REPORT

- Beach Nourishment – Continue to coordinate with FEMA for reimbursements. We have three projects quantified and submitted for reimbursement. They are storm preparation, recovery and emergency protective measures. To-date it totals approximately \$90,000 that we should receive in reimbursement. The large project, "Town Engineered Beach," requires additional information to be developed over the course of the next month to quantify how much sand was lost during Hanna. The process was exacerbated by the proximity of the follow on no-name storm. We have worked out an approach acceptable to FEMA. The timing of the restoration is still to be determined. It ranges from before this coming Easter to next winter.
- Emergency Dune Repair from Avenue A to Avenue C should be completed tomorrow.
- Inner Bar Navigation Maintenance Dredging Project will place sand seaward of Avenue A to Avenue E. The contract is scheduled to be let on November 26th. The placement timing is at the contractor's discretion.
- Turkey Trap Road Special Exception Permit was approved on November 13th. There is an estimated 371,000 yards of beach compatible sand. The DOT Driveway Permit is the last hurdle before the Town can utilize the site. The initial meetings with DOT raised the issue of temporary versus permanent connections. If a permanent connection is required it can get expensive.
- The Shoreline Protection Committee Mission Statement has been drafted and given to the committee chair.
- Canal Dredging – spoil area owners' permission granted. Corps' permit has been verbally granted. CAMA Permit has been received. The Notice to Proceed should go to the contractor within the next couple of days.
- The certificate of occupancy for the Emergency Operations Center has been received. Received the bids for the paving project at the EOC. Haven't reviewed them in detail yet.
- Tax bills were mailed out yesterday. If you received an error in billing bring it to our attention.
- We moved an \$880,000 CD from BB&T to the North Carolina Capital Management Trust.
- Owes the Board some financial reports.
- The tree lighting at the Pavilion will be held on Monday, December 1st.
- Alicia, our intern, has been working with the Bike Task Force. There is a MS bike ride coming up. Contact her if you are interested.
- Commissioner Staley asked if the reports could include the quarterly figures. Town Manager Hewett explained that he was going to start out with a Budget vs. Actual Report to-date. Commissioner Staley asked if the Board

is required to vote on the spoil area fee. Town Manager Hewett explained it was set up as a permit fee. Mayor Pro Tem Miller asked about the boat in the 700 block. Commissioner Staley added there is also one on High Point. Planning & Inspections Director Walker explained that the boat in the 700 block is legally registered and is sitting on a lot owned by the owner of the boat so there is nothing that can be done.

MAYOR'S COMMENTS

- Today has been filled with comments from property owners that the Town has failed in properly handling the dredging fees. Several owners from Holden Beach Harbor have called over last couple of days about money they paid voluntarily in 2005. They are irate about the \$800 that they now have to pay. Also had complaints on sewer fees and tax values. Explained that the County is talking about 2010 for the next tax revaluation.
- Heritage Harbor has 25 foot lots. Was billed the sewer fee for each lot, even ones that aren't buildable. May want to check your bills.
- Hope everyone has a good Thanksgiving.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Miller

- Thanked the Bike Task Force and the Public Area Improvement Committee. Both groups have worked so hard.
- Holden Beach Property Owners Association Meeting will be on Saturday at 10:00 a.m.
- Encourage everyone to come on December 1st to the tree lighting. Was so much fun to see the snowflakes already lit and the bridge garden.

Commissioner Lehr

- Thinks over the last three months there has been a lot of comments on if the Town has plan. If you look at the Town Manager's Report he has addressed many issues. Town Manager Hewett rolled up his sleeves and took care of a lot of things. The sand program is on track and the dredging is underway. All this has been done in the last couple of months. Thanked Town Manager Hewett for the job he is doing.
- Wished everyone a happy Thanksgiving.

Commissioner Kyser

- Bike Task Force did a good job coming up with a plan. To receive grant money in the future for more improvements we need to have a comprehensive plan in place. This is the start of that. Town Manager Hewett has done an excellent job. This is the first time FEMA has stepped in and said that they will pay for putting sand on the beach. Remembers at one point, the Town had to mortgage Town Hall to get money for sand. Thinks this is a great thing for us. Thanked Town Staff for all of the work they do.

Mayor Holden explained that Commissioner Glander is not here today because his wife's mother is in serious condition and they had to travel to Miami. Please keep them in your prayers.

Commissioner Staley

- Thanked the Public Area Improvement Committee. They are doing a wonderful job. If they can figure out how to get a restroom on the east end it would be a big accomplishment.
- Asked if there has been any thought of getting employee social security numbers off the paychecks. Town Manager Hewett said he has not looked into it yet.
- Wished everyone a happy Thanksgiving. We are very blessed to be here and are also blessed to have former Commissioner Beverly Weller here tonight.

PUBLIC COMMENTS ON GENERAL ITEMS

Irvin Woods stated he is most thankful for the big piece of equipment bringing sand in. Everyone has been extremely cooperative. He appreciates the strong efforts in protecting homeowners' properties.

Gay Atkins asked if the Town ordered sand fencing. Public Works Director Clemmons explained that we have over 80 rolls. Ms. Atkins asked about the schedule for placing the fencing. Public Works Director Clemmons explained his people are working on it. Ms. Atkins asked the Town to get back to her once they begin placing the fencing.

Dennis Harrington thanked Town Manager Hewett and Mayor Holden for their efforts in negotiating the deal for Holden Beach Harbor, but he would like to express his displeasure that the project has dragged on for three years. He stated that as a result of that, the owner of the disposal area has charged the homeowners \$200 per lot to deposit the spoils on that property. Mr. Harrington stated that this could have been avoided if the dredging project was conducted as it was contracted to be done. It is unfortunate because in the past the owner has allowed us to deposit the spoils at no cost.

Sheila Young asked how the \$100,000 would be applied to Holden Beach Harbor property owners. Town Manager Hewett explained that we will not know the final cost until the end of project, so there is no way to tell at this point. Ms. Young asked about bicycle grants applied for in the past. She also asked about Canal Drive. Mayor Holden explained the location of Canal Drive. He stated that the property owners who live there do not want to pave the street in its entirety and have expressed their desire to leave it unpaved, even in the amount for the bike path. Ms. Young asked what it meant that Brunswick Avenue was 98% in the paving survey. Town Manager Hewett stated that it is a grade A. Mayor Holden explained that the grade represents the condition of the asphalt.

EXECUTIVE SESSION

Mayor Holden stated the Executive Session is in regard to file 08CVS 2970, Benjamin and Janet Baker and David and June Lunceford versus Clyde Williamson and the Town of Holden Beach.

Motion by Commissioner Staley to go into Executive Session at 8:29 p.m.; second by Mayor Pro Tem Miller; approved by unanimous vote.

ADJOURNMENT

Motion by Mayor Pro Tem Miller to adjourn at 9:06 p.m.; second by Commissioner Lehr; approved by unanimous vote.