



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, JULY 12, 2011, 7:00PM**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, July 12, 2011 at 7:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Don Glander; Commissioners Ray Lehr, Ken Kyser, Sandy Miller and Sheila Young; Town Manager David W. Hewett; Town Clerk Heather Finnell, Police Chief Wally Layne; and Building Official Tim Evans.

Mayor Holden asked for a moment of silence and then called the meeting to order.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Commissioner Miller to approve the agenda as presented; second by Commissioner Lehr; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Commissioner Kyser to approve the minutes as written; second by Mayor Pro Tem Glander; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

Bill Cohen, Chair of the Planning & Zoning Board recommended that all Planning & Zoning Board members be reappointed.

POLICE REPORT – CHIEF WALLY LAYNE

- Good to see at least this group of people made it through the 4th of July unscathed. Thought it was a typical 4th of July, but did hear from people that it was a lot quieter this year.
- Cabana ordinance – it is a constant struggle to get it right. Last week was the busiest week. The problem last week was that not everyone setting up cabanas and leaving them were staying on the island. They were staying on the mainland and staking out their spots for the week. It is still a process of educating on a weekly basis. Seems like the residents love the ordinance and renters hate it.
- Had two near drownings. Both individuals were trying to rescue kids they perceived to be in trouble. The kids were fine, but both individuals were sent to the hospital. They are both fine.
- No storms on the immediate horizon. We are halfway through the season.

UPDATE ON SESSION LAW 2011-376 (HOUSE BILL 648), AN ACT TO CLARIFY AND AMEND THE LAWS PERTAINING TO EXCEPTIONS AND BUILDING PERMITS AS RELATED TO GENERAL CONTRACTORS, BY BUILDING OFFICIAL TIM EVANS

Building Official Evans explained that recently the State passed a House Bill that changed the licensing contracting rules and laws and inspecting process for property owners wanting to be their own contractors. For years, the statute read you would have to hire a licensed contractor if the work was over \$30,000 and it was the person's primary residence. The new law affects work greater or equal to \$30,000 and N.C.G.S 160A-420, "Inspections of Work in Progress." He read the memo he wrote to the Board. He explained that in order to do their own work, property owners must prove to the

inspector's satisfaction that the property in question is either primarily occupied or its intended use is for the owner, immediate family or will be occupied by a firm or corporation which owns the property. All applicants must by affidavit attest that the applicant is the property owner; they will personally supervise and manage all aspects of the construction and the duty will not be delegated to anyone; and they will be physically present for all required inspections, unless the plans are sealed by a licensed architect. The Licensing Board will verify that the applicant qualifies for the exemption. If the applicant doesn't qualify, the permit is automatically revoked by the statute. The applicant must furnish proof of Worker's Compensation Insurance. Any inspector issuing a permit in violation of these rules shall be guilty of a Class 3 misdemeanor. Inspectors can only conduct inspections when the owner is physically present or if the work is performed in accordance with an architect's plans. Building Official Evans explained that the law is closing the loophole where property owners would hire unlicensed qualified people to do the work and then move on. He stated that it puts a burden on the taxpayers and is unsafe surrounding properties and the people staying in the house when you use unsafe people to save money and aren't overseeing the job. This only applies to work over \$30,000. Building Official Evans stated the Inspections Department asks for an itemized list to determine if the work will be under \$30,000. The amount is limited to a cumulative total for a 12 month period. Building Official Evans stated people could go to the NC Licensing Board to check for licensed contractors. The Town does check also. Mayor Holden said the Town will give a list of contractors who have a privilege license to work on the island to anyone who requests it. Lou Cutajar asked if there is a list of properties that the Inspections Department is working on condemning other than 127 Ocean Boulevard and Captain Jacks. Building Official Evans stated there are two others he is working on, but he is unsure if they will be condemned or if the homeowner will be given a list of repairs needing to be made. He does have three properties that have been posted and deemed unsafe.

DISCUSSION AND POSSIBLE NOMINATION OF MEMBERS TO FILL VACANCIES ON THE PLANNING & ZONING BOARD

Motion by Commissioner Young to go by the recommendation of the Chair of the Planning & Zoning Board and reappoint Nancy Sullivan, Dwight Best and Brayton Willis; second by Commissioner Miller; approved by unanimous vote.

DISCUSSION AND POSSIBLE NOMINATION OF MEMBERS TO FILL VACANCIES ON THE BOARD OF ADJUSTMENT

Mayor Pro Tem Glander said it is not clearly spelled out, but he thinks it has been the intent of the Board that no individual serve on more than one board at a time in order to give more people the opportunity to be involved in the Town's business. He stated that the Board recently realized that Tom Decker is serving on two different boards, the Parks & Recreation Advisory Board and the Board of Adjustment. He stated that the thing to do would be to talk to Mr. Decker and see which board he would prefer to serve on.

Motion by Mayor Pro Tem Glander to reappoint Carol Byrnside, John Lytvinenko, MaryLou Lahren and Bobby Brown and to wait on Tom Decker to see which board he prefers to serve on; second by Commissioner Young; approved by unanimous vote.

Mayor Pro Tem Glander stated he went through all the rules and regulations and couldn't find where it stated what he feels is the intent of the Board, for individuals to serve on only one board at a time. He asked staff to draw up a policy.

TOWN MANAGER'S REPORT

- Offshore and annual monitoring surveys are completed. Fran Way from Applied Technology and Management (ATM) said the Town will have the reports by the end of next week. Will work on submitting the nourishment permit application for the late fall timeframe.
- Terminal Groins – Senate Bill 110 is now a law. Now let the confusion begin. There is a handout in the back on the law. Predicts there will be several months of the dust settling before the regulatory agencies are prepared to give feedback on the process. Until then the Town will be limited on how to go about the process to see if a terminal groin is appropriate on Holden Beach. Finds it ironic the July meeting of the Coastal Resources Commission was canceled. Will work with ATM and will bring back a recommendation to the Board to see how to proceed.

- Colonel Steven Baker will assume command from Colonel Ryscavage. He will be taking charge of the Wilmington Corps.
- Administrative assistant position for the Inspections Department has been filled with Pam Powell. She has 20 years of experience with Atlantic Telephone. Has heard positive feedback.
- Parks & Recreation Master Plan survey collection was completed this week.
- All of the issues have been resolved regarding the Pavilion's compliance issues. There is one more sign issue for ADA compliance, then the Town can walk away from it.
- Thinks everyone is aware that Brunswick County has issued a Stage One Water Conservation Alert. The drought is being ignored by Holden Beach customers. 4th of July consumption last year was about 1 million gallons, this year it was 30% higher. Recommended conservation methods include reduce irrigation, irrigate off peak, don't wash outside areas and use dishwashers and washing machines during off peak hours. Mandatory water conservation measures will be put in place as the next step.

Town Manager Hewett provided the Board with a Fiscal Year Financial Summary as of June 30, 2011 and presented a slideshow on the information. He explained the General Fund was about \$105,000 under budget. For the Water & Sewer Fund – the revenues came in higher than projected; the expenses came in about \$61,000 under budget; and the revenues less expenses was about \$86,000. For the BPART Fund – the Town had a pile of money left over in excess of \$400,000. Town Manager Hewett explained this is an unaudited statement and represents his work subject to the auditor's final review. There are still some General Fund revenues coming in so that number will change. Also, he didn't think it was appropriate to include the almost \$600,000 that was returned from the capital projects because it would have bloated the revenues. As of June 30th, the General Fund balance is \$1.12 million, the Water & Sewer balance is at \$3.3 million, and the BPART Fund stands at \$4.36 million. Town Manager Hewett confirmed these numbers take into account the land purchases.

Commissioner Young asked about the information Town Manager Hewett received on the water and sewer rates since last meeting. Town Manager Hewett explained the water rates went up \$0.18 and the sewer rates went down \$0.20. He is working on a rack-up of what that will do to the Town based on the Town's consumption. Commissioner Kyser said people who are irrigating are doing it for less then it is costing the Town so there may need to be an adjustment made. Commissioner Young asked if the Town notified the applicants that were not hired for the administrative assistant position. Building Official Evans stated that notice has not been sent out yet, the position was just filled. Commissioner Young requested something be put out. Commissioner Young asked if the mosquito spraying has started. Town Manager Hewett explained the requirements are a lot stricter this year. The Town has been trying to do complaint based spraying, instead of wholesale based. Commissioner Young asked how people would know that they need to request it. Town Manager Hewett stated that people have not been hesitant on making complaints. He explained that Congressman McIntyre is attempting to help change the EPA requirements to what they were. Commissioner Young asked how people would know the code for the free Wi-Fi. Town Manager Hewett explained that no code is necessary.

MAYOR'S COMMENTS

- Asked about id badges for the emergency management volunteers. Town Clerk Finnell stated ids can be issued on Mondays and Wednesdays. She explained only about 70% of the volunteers from last year are volunteering this year and there is only one new volunteer. Mayor Holden asked anyone in the audience to notify Town Clerk Finnell if they are interested in volunteering. Commissioner Young asked if the team captains should contact their people. Town Clerk Finnell stated she will contact the captains with the information. Commissioner Miller suggested sending out an email blast asking people to volunteer.
- Wants to address a personal issue. He is sure everyone has heard he has filed Chapter 11. Wants to reassure everyone that his assets exceed his debt. He is confident he made the correct business decision. He doesn't have any judgments against him. Chapter 11 qualifiers cannot qualify for Chapters 7 and 13 because they have too many assets. His real estate assets have suffered. He is proud of what he has accomplished. He wants everyone to be reassured all of his bills will be paid. Chapter 11 is nothing more than a realignment of your assets and debts. He is overwhelmed with the support. He does owe Town and County taxes and they will be paid just as the law allows

them to be paid. There are many people who owe the Town taxes. He has always paid his taxes until the last few months. His businesses are in fine shape and are not involved in this. This is a personal thing.

- The concerts have been an outstanding thing for the Town this year. The crowds have been bigger. The new dance floor is bringing in a lot of good comments. Now, if we could only get the wind blowing in the right direction.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Glander

- No comment.

Commissioner Lehr

- No comment.

Commissioner Kyser

- No comment.

Commissioner Miller

- Thanked Town Manager Hewett for the financial statement. Looks like he did a very good job. Thanked Sara Sue for the wonderful article on Dr. Duncan in the Brunswick Beacon. Is sure everyone has seen him riding up and down the sidewalk. He is quite a man.

Commissioner Young

- Thanked everyone for attending and showing interest. If you haven't volunteered for the hurricane teams, please do that. We hope we will only need to practice and won't have to do it for real.

PUBLIC COMMENTS

Tim Hicks suggested adding the mosquito program and things like that to the bulletin board and Channel 8.

ADJOURNMENT

Motion by Commissioner Miller to adjourn at 7:49 p.m.; second by Commissioner Lehr; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk