



Town of Holden Beach
Board of Commissioners
Regular Meeting

Tuesday, May 17, 2022
5:00 PM

Holden Beach Town Hall
Public Assembly



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS' REGULAR MEETING
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY
TUESDAY, MAY 17, 2022 - 5:00 P.M.**

1. Invocation
2. Call to Order/ Welcome
3. Pledge of Allegiance
4. Agenda Approval
5. Approval of Minutes
 - a. Minutes of the Special Meeting of March 31, 2022 (Pages 1 – 6)
 - b. Minutes of the Regular Meeting of April 19, 2022 (Pages 7 – 18)
6. Public Comments on Agenda Items
7. Police Report – Chief Dixon (Pages 19 – 21)
8. Discussion and Possible Action on Canal Dredging Master Plan - Shane Lippard, Right Angle Engineering (Assistant Town Manager Ferguson) (Page 22, Separate Packet)
9. Discussion and Possible Reclassification of Code Administrator Position and Corresponding Salary Increase – Town Manager Hewett (Pages 23 – 26)
10. Discussion and Possible Approval of Ordinance 22-13, An Ordinance Amending the Holden Beach Code of Ordinances, Chapter 92: Nuisances (Outside Lights) – Mayor Pro Tem Smith (Pages 27 – 29)
11. Discussion and Provision of Staff Direction Concerning the Closure of a Portion of Carolina Avenue (Between Jordan Boulevard and Quinton Street) and Related Block Q Site Development Actions – Town Manager Hewett (Pages 30 – 33)
12. Discussion and Possible Approval of Cycle NC Beer Garden – Assistant Town Manager Ferguson (Pages 34 – 36)
13. Discussion and Possible Action on Responses for Food Truck Vendors at the Pier – Town Manager Hewett (Pages 37 – 54)
14. Discussion and Possible Action on Land & Water Trust Fund Grant – Assistant Town Manager Ferguson (Pages 55 – 56, Separate Packet)

15. Discussion and Possible Action on Ocean Boulevard West Right-of-Way at Harbor Acres – Mayor Holden
16. Discussion and Possible Action on Ending State of Emergency for COVID-19 – Mayor Holden (Page 57)
17. Public Comments on General Items
18. Town Manager's Report
19. Mayor's Comments
20. Board of Commissioners' Comments
21. Adjournment

* The remote meeting will be livestreamed on the Town's Facebook page. Visit <https://www.facebook.com/holdenbeachtownhall/> to watch the livestream. Public comments can be submitted to heather@hbtownhall.com prior to 1:00 p.m. on May 17, 2022.



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
SPECIAL MEETING
THURSDAY, MARCH 31, 2022 – 2:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Thursday, March 31, 2022 at 2:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Gerald Brown, Brian Murdock, Page Dyer and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Lieutenant Frank Dilworth; Public Works Director Chris Clemmons; Inspections Director Tim Evans; Fiscal Operations Supervisor Margaret Lancaster; Budget & Fiscal Analyst Daniel McRaney; and Town Attorney Rick Green.

Mayor Holden called the meeting to order.

PUBLIC COMMENTS

Nobody was in the audience.

DISCUSSION AND POSSIBLE AWARD OF CONTRACT FOR ROADWAY WORK (SEAGULL DRIVE)

Town Manager Hewett explained we received one bid in the amount of \$208,150 for the paving of Seagull. It equates to a \$1,000 increase per 50' lot. Previously it had been communicated to the people on the street that the assessment would \$1,450 per 50' lot. He went over the Board's options. If the Board chooses to award the contract to Highland it will require approval of the budget amendment to appropriate an additional \$100,000. He reviewed the reasons for the increase in the memo provided by Right Angle Engineering. Highland has done good work for the Town in the past. Town Manager Hewett explained the Town would need to go back through the whole petition process if we contacted the property owners to see if they still would like to move forward.

Motion by Commissioner Brown that we move forward with the paving of Seagull; second by Commissioner Kwiatkowski; approved by unanimous vote.

Motion by Mayor Pro Tem Smith to approve Ordinance 22-06; second by Commissioner Brown; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON SETTING 2022 BOARD OF COMMISSIONERS' OBJECTIVES

Commissioner Brown said at the end of Heron Landing Wynd Drive, he would like the Town to work and get an easement to get into the dyke area for the Town and put a dog park there. Mayor Holden said the dog park is already in the goals. The Board agreed to add the item under infrastructure. Mayor Holden suggested wording it as easement from east end of Heron Landing Wynd. Commissioner Brown said there is an easement from Heron Landing Wynd 1 and 2. He would like the Town to gravel or do something to open it up. It ties the two subdivisions together. Commissioner Kwiatkowski asked if this area was one of dog park locations mentioned in the Parks & Recreation Master Plan. Assistant Town Manager Ferguson doesn't believe that was evaluated, but she would need to look in the plan. The Parks & Recreation Advisory Board did discuss a dog park as an objective, it is just the point of finding a property to do it.

Commissioner Brown said at the end of Swordfish the Town owns a chunk of property. He asked if we could put a public walkway to have access to the waterway. He suggested we apply for a grant. After discussion, Assistant Town Manager Ferguson condensed the request to be added as passive recreations pursuits at street ends and walking connectivity.

Commissioner Kwiatkowski saw how many of the objectives have to do with four main projects, pier property, parking, infrastructure and 796 Ocean Boulevard West. She pulled together descriptions of each one, with assumptions of what she thinks will be done before the end of this fiscal year so the objectives for next year are based on what needs to be done. She explained it could be a start to have a more thorough description of these objectives. She reviewed the page she provided to the Board (hereby incorporated into the minutes).

Town Manager Hewett explained for the pier we are awaiting the underwater inspection response from the dive crew back to the consultant engineer. He thinks the Board will see something in May. An approved site plan for the building and access lot should be around the same timeframe. Assistant Town Manager Ferguson is working on CAMA and PARTF grants that will require site plans to be developed. Assistant Town Manager Ferguson said both grants will be on the April agenda for the Board's consideration. PARTF is due May 1st and the access grant is due to DCM on April 22nd. Conceptual plans will be developed that will be suitable for the grant applications. Town Manager Hewett said as far as temporary restroom facilities, it depends on what the Board would like to do. We have run the preliminary numbers. Basically, some type of three fixture trailer would be about \$6,000 a month. On an annual basis that is above \$50,000. That type of money could be better leveraged for making the permanent improvements to the real restrooms. Temporary restroom facilities for this season would be defined as porta-potties. There will be an ordinance amendment coming to the Board at the April meeting. The vendor has been onsite with the Police Department and Public Works to lay the parking lot out. He said he has gathered from the Board it is acceptable with getting food trucks vendors lined up. Town Manager Hewett said the infrastructure is in place and with help from the Public Works Department, it could be operational by Memorial Day. Making the RV slots would be a question of the utilities. We have not done a full operational assessment of those utilities yet, but we think we have enough to work with. There should be five or six spots there. That is also part of the operational assessment. A system would need to be put in place on how we would manage the rentals.

Town Manager Hewett said he didn't see anyone shaking their head no when he mentioned the porta-potties. He asked for a consensus to affirm the willingness to develop the vendor relationship on placing food trucks so it could be set into motion. He said there is a lot that will go into pulling this together, other things will need to be put aside. Mayor Pro Tem Smith asked if the RV spots could be used for food spots. The other members would like to keep that area as RV. Putting the trucks somewhere else and getting revenue from the food trucks and RV spots was discussed. The Board did not mention any issues on moving forward.

The Board talked about the access at the pier.

Bathrooms were discussed. Moving forward would depend on any permits that would be necessary. Using an architect to design the bathrooms was discussed. Inspections Director Evans suggested having an engineer design the bathrooms. How to move forward was discussed. Town Manager Hewett reminded the Board we need to get the results of the underwater inspection first. It will determine what can be done, in relation with the building. Inspections Director Evans needs to do a formal safety inspection of the inside of the building. We understand these things need to be done, but it is probably prudent for the staff to bring back the best mechanism to do that.

Commissioner Kwiatkowski said she wrote a number of things under fiscal year 22/23 for the Board to look at. She reviewed the items on her list.

Assistant Town Manager Ferguson explained the grants that will be before the Board in April. There will be the PARTF grant which will be \$500,000 for land acquisition management and a DCM grant for improvement. That one is for a Hatteras ramp construction and a walkway. She provided details on the grants and the process. Timing of construction/reimbursement was discussed. Lieutenant Dilworth went over the plan for handicap spaces at the pier. Commissioner Kwiatkowski said for the compliant access on her list, the best thing would be to change it from prior to the 2023 season to be completed as soon as possible, which would feed into the grant approval.

Town Manager Hewett asked about the item creating a specific budget section within BPART for the pier property. Commissioner Kwiatkowski used when Oak Island was doing a project as an example. She would like to have line items so the costs go against what the remediation/renovation is. She would like the costs to be clear. She said it would be a good idea to have subsets.

Commissioner Kwiatkowski said the Capital Improvement Plan would be laying out the multiyear best guesses for the whole project.

Commissioner Kwiatkowski said these are her thoughts but she is assuming the commissioners think it is reasonable. Commissioner Murdock agreed and would like to prove it is not a revenue mistake. Commissioner Brown said the main thing is to apply and get all the grant money we can. He said go ahead and start making money with parking, the food and the RV spots. He said get it up and running on the things we can do and keep moving. Commissioner Dyer agreed to get some activity while waiting on the grants. Town Manager Hewett said we want to get all the grants we can qualify for but at some point, looking at grants as the solve all is equivalent to being pennywise and pound foolish. If there is a need to develop the public access, he believes we could do a shorter-term solution for emergency access, but it wouldn't be a full-blown Hatteras ramp and it wouldn't be a fancy structure. He said Mr.

Bass has indicated we could use the existing access for the next year or so. Mayor Holden suggested Mr. Bass could be the Town's agent to lease the RV spots.

Commissioner Kwiatkowski went over the parking section of her writeup. Town Manager Hewett mentioned the budget amendment the Board will see at the April meeting concerning parking.

Commissioner Kwiatkowski talked about her infrastructure grouping.

Town Manager Hewett went back to parking where it says includes bulkheading the marsh side streets and 800 block lots. It is clear to him that the 800 block lots are a very clear candidate for that. To what degree the marsh side streets are he does not know. Commissioner Kwiatkowski said it could be changed to includes preparing marsh side streets and 800 block lots for parking. Then any step necessary to do that would fall under that. Commissioner Murdock said bulkhead may be the wrong word, but if we don't do something the delineation will be different a year from now. Commissioner Kwiatkowski said it could be changed to include stabilizing marsh side streets and 800 block lots for parking. Town Manager Hewett stated he wanted to point it out, but we could leave it. We have a wetland delineation coming that will hopefully clarify it.

Town Manager Hewett asked about a complete master e-map. Commissioner Kwiatkowski would like an electronic version of parking on the island to be created. Lieutenant Dilworth is already working on it. Commissioner Kwiatkowski said that can be taken off if it is being worked on.

Town Manager Hewett talked about the item concerning meet presumed Corps' requirements. He cautioned the Board to not engage in hyper speculation on where the Corps' required parking for the recommended beach might be. That is a black hole that will consume time and energy. Without having the Corps' evaluation, it is an exercise in futility. Commissioner Kwiatkowski stated there is enough guidance that we can see where we don't meet the requirements and think about what needs to be done. Town Manager Hewett stated his position is the Corps will make their determination as to what the fit of the beach is and that is what will determine it. We were told that it would be done within a year. Whether or not this is the case he is not sure. One of the prime directives we get for participation in a 50-Year Project is don't buy any real estate until you are well down the road for being signed, sealed and delivered.

Assistant Town Manager Ferguson said that she and Town Manager Hewett talked to Mr. McIntyre and his associates last week. They will be sending over some paperwork. We are trying to get congressional spending. Congressman Rouzer can put forth three projects for us. At this time what we highlighted is to make sure the Corps includes their portion of the beach project for the 50-year study, the sewer lift station and for stormwater. If the beach project was already taken care of, the alternate would go to body cameras for the Police Department.

Assistant Town Manager Ferguson asked if the Board wants to not include grant money for the pier bathrooms. She explained how a PARTF grant works. You need to have four elements. If you take the public restrooms away and construct them ahead of time, she is not sure if there would be a 4th element for that grant. How to proceed was discussed. Commissioner Kwiatkowski said it would be renovate building (to include ADA restrooms) and lease out – target completion no later than calendar year Q1 2023 if grant is not available. Town Manager Hewett said if the Town gets the grant for land acquisition,

he does not think we would also get one for development. Commissioner Kwiatkowski said she would write it to say if grant is not a consideration.

Commissioner Kwiatkowski went back to infrastructure. She said in the upcoming year the Board needs to make a decision if the Town will move forward with lift station 2. Town Manager Hewett said for lift station 2, it is a matter of calling Leo Green and saying to put it out to bid. The heavy lifting is done, it is a timing issue. Mr. Green is working on a proposal for financing.

Mayor Pro Tem Smith asked about American Rescue Plan funds. Town Manager Hewett replied the Town has a \$200,000 appropriation. The first half came in this past year and the second will come in the next fiscal year. The \$200,000 was budgeted for the projected stormwater fix on Ocean Boulevard.

Commissioner Kwiatkowski stated there is the second water tower needs assessment that needs to be done before any decisions are made. Town Manager Hewett said that was specifically addressed in the Land Use Plan. The plan was discussed. Inspections Director Evans recommended amending the plan if there are changes to language that need to be made. He plans on bringing some proposed changes to the July meeting. Town Manager Hewett said in the meantime they will put funds in the budget for the assessment.

Commissioner Kwiatkowski said the Board has to confirm what they expect 796 to turn into before planning can be done. Whether the work gets done next fiscal year will depend on money.

Commissioner Kwiatkowski said those are the four projects that she pulled out. It removed items from the objectives list that the Board needs to score. The Board discussed how to proceed. They went through list and what to cross out based on Commissioner Kwiatkowski's document.

The Board talked about waste stations. They discussed crosswalks and meeting dates.

Town Manager Hewett asked about the item that reads expand detail in budget lines covering Professional Services to enable understanding of which firm has received reimbursement and for what purpose. Commissioner Kwiatkowski said the Professional Services line doesn't say who the contract is with. Town Manager Hewett asked if she means showing a line item in the budget for each firm the Town contracts with. That is not a GAAP acceptable practice, you organize by function. Commissioner Kwiatkowski said you could have subsets for clarity. She said it is a question you frequently get. Town Manager Hewett said he has not received any questions. He had one question in 10 years on a budget line item. If there are questions related to line-item budgets, the detail is available. This is creating a process that is not necessary. He said if there are questions, they can be relayed to him, instead of creating a whole separate accounting system to answer a question.

Town Clerk Finnell will send a revised list to the Board to score. Commissioner Kwiatkowski will make the changes on the consolidated objectives and send it.

Assistant Town Manager Ferguson asked for clarification on adding bike racks. She explained the current program. The need to increase the amount of bike racks was further discussed.

Commissioner Kwiatkowski asked if the Town would need to increase the budget for our share of the bike lanes. Town Manager Hewett responded that if there should be an increase in the portion of the bike lane that we are signed up for, GSATS should pick up the delta on that.

Town Manager Hewett explained that regarding the FEMA project, the heavy lifting on the administrative side now begins. He wants to make sure the Board is cognizant of the fact that the Town has the equivalent of a three-year balloon note that is tied to the interest rate. Until we get the FEMA reimbursements to pay back PNC, we are on the hook for \$27 million. It takes a lot in the background to work the four storm reimbursements. He explained we are attempting to have FEMA pay the interest costs on the note, but do not have an answer. It is a concern and could impact a number of things going forward.

Mayor Holden said Town Clerk Finnell will revise the list of objectives. The Board will score the sheets and return them to her.

EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6), TO DISCUSS QUALIFICATIONS, COMPETENCE, PERFORMANCE OF A PUBLIC EMPLOYEE AND NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(5), TO INSTRUCT THE STAFF OR AGENT CONCERNING THE NEGOTIATION OF THE PRICE AND TERMS OF CONTRACTS CONCERNING THE ACQUISITION OF REAL PROPERTIES

Motion by Commissioner Brown to let Attorney Green add negotiation of Block Q to the Executive Session; second by Mayor Pro Tem Smith; approved by unanimous vote.

Town Clerk Finnell read the reason for Executive Session.

The Board went into Executive Session at 3:54 p.m.

OPEN SESSION

The Board went back into Open Session at 4:26 p.m.

Attorney Green advised the Board on comments made by Mr. Bass regarding the pier. He also mentioned looking into sound system adjustments that helps with hearing aids.

ADJOURNMENT

Motion by Commissioner Brown to adjourn at 4:27 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, APRIL 19, 2022 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, April 19, 2022 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Gerald Brown, Brian Murdock, Page Dyer and Pat Kwiatkowski; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; Police Chief Jeremy Dixon; Lieutenant Frank Dilworth; Budget & Fiscal Analyst Daniel McRaney; Public Services Supervisor Scott Cunningham; and Town Attorney Rick Green.

Mayor Holden asked everyone to keep Public Works Director Clemmons in their prayers due to the health of his mother and asked for a moment of silence and then called the meeting to order.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion by Mayor Pro Tem Smith to approve the agenda as written; second by Commissioner Brown; approved by unanimous vote.

APPROVAL OF MINUTES

Motion by Mayor Pro Tem Smith to approve the minutes of our Regular Meeting on March 8, 2022 as well as our Special Meeting on March 21, 2022; second by Commissioner Brown; approved by unanimous vote.

PUBLIC COMMENTS ON AGENDA ITEMS

James Bauer asked what insurance the Town has for the pier, what it covers, the deductible and the total yearly cost.

POLICE REPORT – CHIEF DIXON

Mayor Pro Tem Smith asked about the alarm numbers on the report. Chief Dixon does not recall any of them being an incident.

- April is National Distracted Driver Awareness Month. Been working with the Governor's Highway Safety Program which they routinely do, trying to educate people. Trying to be proactive. Next month is Motorcycle Safety Awareness Month.
- This weekend is Days at the Dock. The Merchants Association has been working on obtaining donations for them and the Fire Department. All the proceeds from the dunking booth will go the Police Department on Saturday and the Fire Department on Sunday.

Mayor Pro Tem Smith asked if we have any plans on how to improve golf cart safety. Chief Dixon replied they are trying to get the education out. The Seatbelt Convincer will be at the festival. He provided details on it. They are trying to do a lot of education this year and get the message out there.

DISCUSSION AND POSSIBLE ACTION ON ITEMS NECESSARY TO UPDATE THE PAID PARKING PROGRAM

Town Manager Hewett explained the proposed ordinance adds the pier to the designated parking table and amends a couple of errors found while placing signage for the program. It also adds an exemption that would authorize parking without a permit at the Pavilion during Town sponsored events for rentals of the facility. The budget amendment is to reduce programmed parking revenues and expenses previously approved from three months to two months since the program is starting in May instead of April. It also provides for additional program revenues and expenses expected to be generated by the acquisition of the pier parking lot. Town Manager Hewett explained that the budget amendment that was approved for on-street and off-street parking last month had the items flipped. That has been remedied.

Town Manager Hewett said Mr. Varner from Otto Connect notified him of potential impacts from people placing post and rope, which they are allowed to do, in areas that are designated paid parking spaces by the Board. The estimated decrease in total spaces is 10, with a total impact unknown if provisions of Section 95.05 Public Rights-of-Way are further implemented by property owners.

Commissioner Kwiatkowski asked how the free parking at the Pavilion would be controlled. Assistant Town Manager Ferguson explained that Mr. Varner was provided with a list of times and dates of the programs. As soon as the program ends, people will know they have to vacate the area immediately.

Commissioner Kwiatkowski questioned the change in the table where Scotch Bonnet went from eastside to westside only. She proposed removing the marsh streets from the table while they are being delineated. She also would like to put signs on those streets to designate no parking at any time until they are delineated. Commissioner Kwiatkowski's proposal was discussed. Enforcement implications of putting no parking signs at those streets was discussed. Town Manager Hewett said he was informed today that the Corps should be doing a site visit for the delineation later this week or next week.

Motion by Commissioner Kwiatkowski to remove the marsh streets from the parking map for the ordinance and approve Ordinance 22-08, The Revenues and Appropriations Ordinance for Fiscal Year 2021 – 2022 (Amendment No. 13); second by Commissioner Dyer.

Commissioner Dyer asked about Dunescape. Mr. Varner explained owners have put in barriers that prevent them from installing signs for the vehicles in the table as it stands today. There are about 10

spaces that are in question at the moment that would require action before he can install signs. H68 is for two low speed vehicles. Town Manager Hewett said there is a conflict between Section 95.05 that allows post and rope and the parking ordinance. Lieutenant Dilworth said what is there is not in compliance with the ordinance. After discussion, Inspections Director Evans said he will take care of notifying the owner.

Commissioner Dyer would like to amend the motion to adjust Starfish to westside only, two spots and for Dunescape to have the non-compliant material removed so he (Mr. Varner) can place the two that are approved. Commissioner Kwiatkowski agreed to the amendment. The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-09, AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021 – 2022 (AMENDMENT NO. 14)

Town Manager Hewett stated the resolution for pier purchasing borrowing provided for up to \$3.3 million in loan proceeds. The existing budget ordinance identified \$3 million in loan proceeds towards the pier purchase. The actual amount borrowed is \$3,057,150 with the increase between the original budget being attributed to the costs of closing. While the authorizing resolution is probably sufficient to increase the amount of loan proceeds in the budget, staff is requesting ratification and approval of the final transactional budget actions to ensure compliance with the Fiscal Control Act.

Motion by Mayor Pro Tem Smith to approve Budget Ordinance 22-09, amending #14 for the pier purchase final financing; second by Commissioner Dyer; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON PARKS & RECREATION TRUST FUND (PARTF) PROJECT GRANT APPLICATION SUBMISSION

Assistant Town Manager Ferguson went through the slideshow she presented at the public input session and the proposed grant application. Staff applied for a waiver from the state in the June timeframe when the Board showed interest in purchasing the pier. If you purchase and don't have a waiver, you are not eligible to apply for a grant. It is good through June 13, 2023. They met with our PARTF consultant for the region the day after closing on the property and found out if we put an application in this year, we would have two chances at it. This is a grant in the amount of \$500,000. The application does include a conceptual plan because if you accept money from the state for land acquisition, you are required to develop it within five years, which the Town plans on doing anyway. You put any ideas on what you think it may be, but you do not need to stick to it. She went over the scoring system. Assistant Town Manager Ferguson provided feedback from yesterday's public input meeting. She provided information on the stipulation about perpetuity. If in the future, the Town decides to sell the property, it is called convergence and you need to mitigate if you accept the funding. She gave the example that if the property is sold in eight years and it were to appraise at \$8 million, you would need to pay back to the state the value at that time. They first ask you to buy another piece of land with similar acreage and use on the island or area for what it appraises at. If that can't happen, you pay the state back. Town Manager Hewett wanted to point out that it is for the amount of the appraisal and in addition, you have taken out a note for 15 years at \$3 million so in the example you

would still be paying on the note. Assistant Town Manager Ferguson said that this is the language with pretty much any land acquisition grant with the state.

The Board discussed if they wanted to move forward. Commissioner Kwiatkowski said the Town would be losing the value of the property as an asset. She said in perpetuity is a serious commitment and we don't have another site to fall back on. Town Manager Hewett talked about other upcoming grants and said they will all layer deed restrictions on the property. He said if the Board doesn't want to pursue grant funding for the property, staff will step back from pursuing it. Assistant Town Manager Ferguson added that development grants are 25 years for PARTF. Commissioner Murdock inquired if there is harm in submitting. Assistant Town Manager Ferguson explained the harm would be you could be looked upon negatively for future grants if you receive the grant and don't accept it. Commissioner Murdock said in his opinion the Town didn't buy it to ever sell it. Assistant Town Manager Ferguson said the consultant said if the Town's intent was that they bought it to never sell, don't be scared away by the stipulation.

Motion by Commissioner Kwiatkowski that we do not go forward on this grant. No second was made.

Motion by Commissioner Brown to move forward with the grant application; second by Commissioner Dyer.

Commissioner Kwiatkowski said she thinks it is a mistake. Mayor Pro Tem Smith said we worked hard to get it purchased. The whole intent was to have it not for just parking. The main thing was to have a place for our guests to be able to visit the beach. There is no other place on the beach available that will have the amenities that we will be able to have there. Commissioner Kwiatkowski said there is no question about that, it is the in perpetuity. She added there are a lot of people who took it to heart that if it doesn't work out, we can always sell the land. She talked about the pier plan. We don't have a report on the underwater condition of the pier. Commissioner Kwiatkowski said if we don't do it now, we can still do it a year from now, it would just be reduced to one chance. Commissioner Murdock stated grants are an awesome opportunity. If we don't continue to go after them, we are making a mistake, but this is scary. We can't replace the property so we would have to mitigate that. He doesn't want anyone to interpret that as we bought the pier to sell it for any reason. He wants it to stay there forever but thinks we may need to put the breaks on this one. He applauded the hard work. It is a lot of money, but he wouldn't want to risk it over \$500,000. Assistant Town Manager Ferguson said she does need direction if the Board decides not to vote for this. There is one with Land and Water Conservation that is dropping this week. It would have the same stipulations. Commissioner Kwiatkowski said there is acquisition and development, development is generally 25 years, acquisition is in perpetuity. Assistant Town Manager Ferguson said development varies. She confirmed the application was for the whole property. She agreed the grant previously accepted was for the 50' portion, but advised the Board there were deed restrictions on it.

The motion failed, Commissioners Brown and Dyer voted for the motion and Mayor Pro Tem Smith and Commissioners Murdock and Kwiatkowski voted in the negative.

Assistant Town Manager Ferguson asked if the Board wanted her to put in the application for the Land and Water Conservation Fund. Town Manager Hewett said unless directed to apply for it, staff will not engage in that effort.

DISCUSSION AND POSSIBLE ACTION ON PUBLIC BEACH AND COASTAL WATERFRONT GRANT 22-23 PREAPPLICATION SUBMISSION

Assistant Town Manager Ferguson explained the next grant is the NC Public Beach and Coastal Waterfront Access. It is for a total cost of \$63,535, of which the Town would be responsible for \$15,884. It is to develop a Hatteras ramp and walkway on the 50' lot. It is through the Division of Coastal Management (DCM). She thanked Inspections Director Evans because he was the person in charge of the budget and they worked together on the grant. Inspections Director Evans explained a Hatteras ramp is basically made up of chains or ropes connecting timbers together so you have something to drive over. It can be maintained by pulling it up or replacing it. It won't be gravel. You can have the Hatteras ramp or you could have a crossover there where you maintain the sand. A Hatteras ramp would make it easier to travel over. He estimated it at the width of a bulldozer blade. It could be rolled up and moved during storms, but they do not become a hazard because they won't be an obstruction. Water would pass through them; they would move out of the way.

Commissioner Kwiatkowski said wood and chain in a marine environment will degrade and this is for the heaviest equipment. Inspections Director Evans stated if you choose not to go with a Hatteras ramp, you can simply install a ramp. Commissioner Kwiatkowski asked about mobi-mats. Inspections Director Evans responded that the grant also includes a walkway access that is handicap. Mobi-mats work well where we have them approved, but he doesn't recommend it to drive over. Commissioner Kwiatkowski inquired if the options were evaluated for the type of traffic we need them for. Inspections Director Evans said he was asked to evaluate for a Hatteras ramp. Assistant Town Manager Ferguson added that she wouldn't bank an investment in the mobi-mats or other brands because last summer the CRC had an interpretation that there is a possibility that they would make every beach community remove them every night because of turtle injuries. That didn't flow, but if we are going to look at development of these, we do not want to sink all of our thought process into mats. If the Board wants to go in that direction, there wouldn't be time to turn the application around for this year because it is due April 22nd. Town Manager Hewett explained we chose the Hatteras type of ramp because those are permitted on a frequent basis. The folks at DCM are very familiar with that type of construction. Given the number of types and kinds in the northern part of the state, especially in light of the feedback on the mats, it was probably the most prudent choice to go with. The lifespan would be like any other wooden walkway that we have. Inspections Director Evans said how it weathers would be based on the kind of materials and quality you use. They can be maintained. People have been using Hatteras ramps and walkways for a long time and they work. He talked about the effects of the mats from a planning standpoint. Assistant Town Manager Ferguson stated this is pre-application. If DCM invites the Town to apply, the application would be due in the August timeframe.

Motion by Mayor Pro Tem Smith for the town manager to go ahead and get the grant prepared and get the paperwork ready and submitted to the Division of Coastal Management; second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON LETTERS OF SUPPORT FROM COMMISSIONERS FOR CONGRESSIONAL SPENDING FUNDING REQUEST TO CONGRESSIONAL DELEGATION

Assistant Town Manager Ferguson said what used to be earmarks are now Congressionally Directed Spending. We were contacted by Ward and Smith who apprised us there was going to be some project availability if we had shovel ready projects that we knew we could put together applications for. There are three projects. The first is requesting funding for Coastal Storm Risk Management (CSRM) for our beachfront study with the Corps. Forms are not included because the Corps needs to do its own forms, we just need to do the letters of support. There are also letters for a stormwater fix on the boulevard and the sewer lift station upgrade. If the Town receives funding, the cost share for the CSRM is a 50/50 match, the \$800,000 proposed in this coming year's budget. The others would be a 25% match. They would be picking up 75% of the cost. We have had a little bit of back and forth to tighten up the technical language on the forms. The Board would be approving the letters.

Commissioner Kwiatkowski asked for a description of the scope of the stormwater project. Town Manager Hewett said it is same estimate that was used previously, it is not founded on a specific design. Assistant Town Manager Ferguson said the letters are asking Representative Rouzer, Senator Burr and Senator Tillis to list these projects on their project list for Congressional Directed Spending. Their project list should come out in May. Just because they include it doesn't mean the appropriations committees will fund it, but we should find that out in the September timeframe.

Motion by Commissioner Kwiatkowski to send letters of support to the congressional delegation for the attached three projects; second by Mayor Pro Tem Smith; approved by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF CONTRACT BETWEEN THE TOWN AND HOLDEN BEACH ENTERPRISES FOR THE PURCHASE OF BLOCK Q

Attorney Green said he transmitted a proposed offer to purchase contract for vacant land to Holden Beach Enterprises (HBE). It is for Block Q, Map 4, Page 2. The substance of the offer is on page 14 of the contract. He reviewed the parcels/lots in the proposed contract. The purchase price is listed as \$2.2 million; the seller would gift \$2,000 to the buyer, making the purchase price \$2 million. He spoke to Mark Richardson, a well-known tax attorney and inquired about the donation. The Town would have no involvement beyond getting the reduced price. That is a matter between the IRS and HBE. The buyer would pay \$1 million to the seller at closing. The Board would need to determine a closing date. The remaining balance of \$1 million would be financed by the owner, in three equal payments at a 3.81% interest rate. Attorney Green said the title search on this is mammoth. He will probably be finished this week. In connection with the title search, they received notice from the tax office there is a garnishment levied against HBE. The Town would not pay towards the garnishment. We can't close until the garnishment is paid. Attorney Green doesn't think a survey is needed, he thinks it is okay with the maps we have. He suggested that May 1st is reasonable to close, but he is not willing to close until the title search is done. After discussion it was determined May 1st is a Sunday, so May 2nd was suggested.

Town Manager Hewett said there is a budget amendment attached to this for \$1 million that the Board would need to adopt to move forward for the down payment. They ran an actuary table. The annual

payment for the second, third and fourth years would be \$349,927.20 Attorney Green confirmed the payments would be made on each anniversary date.

Motion by Commissioner Kwiatkowski that we approve the contract as has been discussed with the terms and closing date of May 2nd and that we approve Ordinance 22-10, An Ordinance Amending 21-13, The Revenues and Appropriations Ordinance for Fiscal Year 2021 – 2022 (Amendment No. 15); second by Mayor Pro Tem Smith; approved by a 4 – 1 vote with Mayor Pro Tem Smith and Commissioners Murdock, Dyer and Kwiatkowski voting for the motion and Commissioner Brown voting in the negative.

The Board took a recess from 6:37 p.m. – 6:43 p.m.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 22-06, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF HOLDEN BEACH (REQUESTING STATE ASSISTANCE TO CONSTRUCT A NEW WASTEWATER VACUUM PUMPING STATION TO REPLACE EXISTING STATION) AND WATER & SEWER CAPITAL IMPROVEMENT PLAN

Town Manager Hewett explained that Green Engineering on behalf of the Town intends to apply for grant funding for the work planned on Pump Station #2. This grant funding is basically in the form of a no interest loan and is based on the bid we received in the past. In order to proceed with the application, it would necessitate an update of the Capital Improvement Plan (CIP) that includes 10 years of possible projects and approving the resolution. The CIP is only for the water and sewer plan and is a required component. That is not to say we wouldn't reamend it coincidental with our budget cycle, but because of timing, we find ourselves having to propose a plan. We are applying for two funding streams for the lift station, the federal 75/25 split and this is state money. It is the same project, but we are looking at two different sources.

Town Manager Hewett said the estimate from the previous bid process was used, approximately \$3.3 million. Before the contract is awarded, the Town will need to bid it out again, but this will suffice for the application process. If both avenues fail, we would need to borrow money for the upfit. Commissioner Kwiatkowski said the Town did borrow money back against lift station 3. She asked if it is necessary to borrow the full amount. Town Manager Hewett replied it is based on the fact that the Town's ratios were deemed to be low compared to others. He said that could be assessed at the end of the audit year. Since we already have the attention of the Local Government Commission, his recommendation would be to apply for the full amount at this time. Commissioner Kwiatkowski would like to borrow less. Town Manager Hewett agreed the math needs to be done, but he would like to wait for the end of year numbers. Commissioner Kwiatkowski asked about a clause in the contract about a provision authorizing the state treasurer upon failure of the government to make scheduled payments of the loan to withhold state funds. Town Manager Hewett replied that is standard boiler plate language. The Fiscal Control Act requires the debt service to be the first appropriation in budget.

Motion by Commissioner Dyer to approve the updated Capital Improvement Plan and adopt Resolution 22-06; second by Mayor Pro Tem Smith.

Mayor Pro Tem Smith, with Commissioner Kwiatkowski in agreement said the Town needs to make the improvement to that station sooner rather than later. Commissioner Murdock said we were in hopes costs would go down.

The motion passed by unanimous vote.

DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 21-11, AN ORDINANCE AMENDING ORDINANCE 21-13, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2021 – 2022 (AMENDMENT NO. 16)

Town Manager Hewett explained this is the reciprocal to the budget amendment approved last month for the transfer of funds from the Sewer Capital Reserve Fund over to the Water & Sewer Operational Fund for the purchase of valve pits. We need to do the same on water side from the Water Capital Reserve Fund to fund the purchase of new water meters. Those are two examples of why system development fees were established. Since you can't make expenditures from a capital reserve fund, we need to move money back to into the operational account. The budget amendment is in the amount of \$16,775.

Motion by Commissioner Kwiatkowski to approve Budget Ordinance 22-11, Amendment No. 16; second by Commissioner Murdock; approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION/DECISION ON THE PRIORITIZATION OF BOARD OBJECTIVES

Commissioner Kwiatkowski proposed that the Board consider everything with a point total above 14 to be a Board objective for the upcoming fiscal year.

Motion by Commissioner Kwiatkowski to make our objectives for the upcoming fiscal year everything with a point total of 14 and above; second by Commissioner Murdock; approved by unanimous vote.

PUBLIC COMMENTS ON GENERAL ITEMS

Terri Huffstetler said it would be nice to not see a cardboard cutout on Facebook. She doesn't understand why the Town can't invest in a camera. Commissioner Kwiatkowski said improving the audio for the broadcasting of meetings is on the Board's objectives.

Marti Arrowood thanked Assistant Town Manager Ferguson for her work on the grants. She looked at the argument for the pier purchase as trying to buy land, a park for perpetuity. She has been here 33 years and has never seen the commissioners get into difficulty with the Town's money. We have opportunities to mitigate some of the costs. She looks at it as a national park, a land trust. Mrs. Arrowood said we are investing in the future. She looked at it as acquiring it, with the idea we would never get rid of it. She would like to know there is a parcel of land on the oceanfront that will always be greenspace.

Rick Paarfus said with regard to the grant he thinks it is important to hash out the specifics over what the obligations and encumbrances that come with it. He reviewed information that Commissioner

Kwiatkowski sent to him. He talked about conversion. He inquired what would happen if the pier gets destroyed. He said it is vital to know what the obligations are.

TOWN MANAGER'S REPORT

- **FEMA Storm Damage Repair Project** – Beach fill placement is complete, with in excess of the contracted amount of 1.51 million cubic yards being put on the beach. Had to stop short of the full length of the template due to turtle takes and some incompatible material being put on the beach at the very end. With his understanding of how longshore drift works, the people to the west of the 700 block, down to the 800 block, the offshore drift should fill that in within four – eight weeks. Demobilization is underway. Beach tilling has begun. That is an environmental requirement, along with picking up rocks with a beach sweeper. Sand fence and vegetation installation began on Friday with 100,000 plants in the ground. Looks like they will get 50,000 a day over the next week. Generally speaking, the sand fence will be extended from the seaward end of the existing fences with vegetation being planted mechanically in longshore rows that will vary in lengths of 30' – 50' wide adjacent to the seaward end of the new fence, then hand planted once we get past the May 1st environmental window. There will be variation in the fence/planting geometry based on the berm's profile, damage and repair to the existing fence and back fill of existing plants.
- **Finance Side of FEMA Project** – We have received the first large reimbursement of our Special Obligation Bond payback money of \$7.6 million. That in effect repays our first draw of the bond money. We are waiting on the second draw reimbursement so we can subsequently pay that back to PNC. Once we pay the third draw to Weeks Marine, hopefully demobilization would have finished, we will have plantings in and we can do the fourth and final draw for the big seven-digit expenses and wait on FEMA. We tried to be administratively efficient, but this first draw took eight weeks to receive. While that lag time is playing out, the interest clock is ticking. We don't know how it will play out in terms of FEMA making the final reimbursement to us because they withhold 25% of the total project expenses until there has been a site inspection. Historically, that has lagged behind. The interest clock is ticking and we do not have an answer back if the interest charges on the special obligation bond will be a reimbursable expense of the project subsidized by the FEMA project. The first interest payment we made was \$250,000. If not, the amount will have to come from other Town funds.
- **Corps' Lockwood Folly Inlet Crossing Navigation Maintenance Project** – Has been completed in time for the environmental window. We were able to mate the 200,000 cubic yards with the eastern end of our FEMA project. It was beach compatible sand. There were some rocks they hit at the end.
- **Wetland Delineation** – Draft has been prepared for the Ocean Boulevard property and the marsh streets. We will await the determinations before we move forward doing any further engineering/permitting for the parking.
- **We put a Food Truck Request for Proposals for the pier out.** They are due back May 6th for possible consideration at the May meeting.
- **Seagull Street Paving Status** – The contractor is trying to source his materials. Looks like the tentative timeline is for the surveying to begin in May, with the prep work through the second week of May. Still on schedule for paving before Memorial Day. Once paving finishes and we have the final expenses in, the final assessments will go out. Thinks the assessment will go out after the turn of the new fiscal year. The Town will front the money and then will send out an assessment

to recoup the money in a different fiscal year. The audit will show that the Town did not get the revenues in this fiscal year.

- Ocean Boulevard Bike Lanes – Property owners along Ocean Boulevard should have received their CAMA notice from DOT. We had some questions on some of the details. They are going to add seven feet of asphalt to the southside of the existing pavement, three feet to the north side of the existing pavement, recenter the travel lanes in the new pavement width and have two five-foot bike lines on either side of the road. Last week the DOT presented a funding agreement to the Town that basically increased the cost of the bike lanes from a previous estimate of \$1.6 million to \$2.1 million, which is a 30% increase, with the increase of funding being unknown sourced. Worked with DOT and GSATS to proof the new cost estimate, which resulted in a revised estimate of \$1.73 million, which the delta is an increase of \$116,000 that per the director of GSATS will be burden shared at a 80/20 split with the Town. That will cost about \$23,000 more than what we currently programmed in our budget. GSATS is scrambling to get the formal approval for those details through the Transportation Coordinating Committee and the Transportation Advisory Committee. The let date for that contract is May 23rd. In order to get the funding in place and the agreement, will be bringing a budget amendment to the Board at Thursday's workshop for the Board's consideration. When it goes to bid, any increases in the cost of fuel, asphalt would need to be reconciled at the end of the project.
- Annual Audit – Has already begun. We have provided the preliminary balances to our auditor. They will be onsite the last week of June. There will be a single point audit requirement this year due to the amount of FEMA and state funds received. Implementation of GASB 87 will impact the balance sheet, undetermined how much at this time. Basically, it requires accounting for our capital leases. Leases will be applied against our balance sheet so that it reflects future year obligation.
- Reviewed the upcoming budget schedule.

MAYOR'S COMMENTS

- Was overwhelming impressed with the crowd at the pier Easter morning. Was a lot of cars from Waters Edge Condos to the General Store on both sides of the boulevard, plus the parking lots and some side street parking. Had a good crowd of people here. Didn't hear of any major events.
- In Harbor Acres, there is a survey discrepancy about where Ocean Boulevard West is located referencing the asphalt in the right-of-way. It has been ongoing for as long as the Town has been a town. It is causing problems with some of the houses on the second row in regards to setbacks. Would like to ask the staff that as we are working with DOT to find out if we can look at the possibility of them correcting problem there. Would be happy to assist. Knows a lot of survey work has been done. Knows his construction company has had people inquiring about building on the second row in the problem area. He would like to address the setback problem.
- Thanked everyone for being here.

BOARD OF COMMISSIONERS' COMMENTS

Mayor Pro Tem Smith

- Thanked the Police Department. They have taken time to take on some of the golf cart issues. That is appreciated, as well as working though the parking problems that have come up.

- Thanked Assistant Town Manager Ferguson for working on the grants so hard. That was a tough one, but still have another shot at it so it is not gone forever.
- Thanked Inspections Director Evans for helping him work through some of the stuff on the lighting ordinance that we will try to get on the agenda next month.
- Was good to hear positive feedback on the purchase of the pier yesterday at the grant meeting. It reenforces the thought that this is what most people in the Town want.
- Looking forward to the weekend. Should be a big weekend with Days at the Docks. Has a lot of friends and family coming down. Hopes everyone stays safe.
- Thanks to all that showed up this evening.

Commissioner Brown

- No comment.

Commissioner Murdock

- Thanked everyone for their continuing hard work. Pray for a somewhat decent rollout on May 1st for the parking. Not a social media guy. There is no doubt on the concern for the Town implementing paid parking. Best way he can summarize it is the Board had a consensus to preserve a couple pieces of property that came with a great expense. The residents couldn't bear to sustain the expense alone. We did this to provide everyone a place to come and enjoy the beach for a long time, unfortunately it came with a price. Urged everyone to take a step back and understand we didn't want to charge anyone, but it was really the only choice we have. These properties will be here for everyone to enjoy hopefully from now on. With the acquisition of Block Q, we will have a little boat trailer parking. That also comes at an expense. We will make arrangements to try and accommodate additional boat and trailer parking around Block Q, at least for this year.
- Was at the sunrise service. Was a great experience. Would venture to say 1,000 people there. Saw a smile on everyone's face. The beach is crowded, people are getting out and the weather is getting better.
- Appreciates everyone's comment, good or bad.

Commissioner Dyer

- Thanked Assistant Town Manager Ferguson and the staff, everyone who worked on the grants. Knows that is a lot of work, appreciates it.
- Thanked the Police Department. Knows this weekend was tough, it was Easter weekend and there was a death in the group. Everyone worked hard. Tourist season has started. Will see an increase in people with the festival. Knows the Police Department will be on board. Hopes it is a safe weekend. Hopes everyone who comes to enjoy the beach can enjoy it.
- With the tourist season and paid parking going hand in hand, thinks we will have some bumps in the road, but thinks it is a step in a positive direction.

Commissioner Kwiatkowski

- Thanked staff and the Police Department. Thanked Attorney Green, who has been hanging in there with one thing after the other. Thanked Attorney Green and the Police Department for meeting with someone to discuss handicap parking and to get a meeting of the minds and some cross understanding of what is happening and how things have to happen. Thinks it is extremely valuable to use resources that are available.

- Looking forward to this weekend for the festival. The Beautification Club's Plant Sale is Friday and Saturday at Commissioner Murdock's facility. Understands the plants are excellent. If you are a gardener please come out. The club uses the money to help with their various activities, some of which are keeping many of the public areas beautifully landscaped and decorated.

EXECUTIVE SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6), TO DISCUSS QUALIFICATIONS COMPETENCE, PERFORMANCE OF A PUBLIC EMPLOYEE

Motion by Commissioner Kwiatkowski to go into Executive Session at 7:28 p.m.

Town Clerk Finnell read the reason for Executive Session.

The motion was seconded by Commissioner Murdock and approved by unanimous vote.

OPEN SESSION

No action was taken.

ADJOURNMENT

Motion to adjourn by Commissioner Kwiatkowski at 8:26 p.m.; second by Commissioner Murdock; approved by unanimous vote.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Holden Beach Police Department

110 Rothschild St
Holden Beach, NC 28462
www.hbtownhall.com
Phone: 910-842-6707
Fax: 910-846-6907
hbpdc@hbtownhall.com



HBPD Monthly Report (April 2022)

Printed on May 10, 2022

Reported	Case Number	Address	Offenses	Disposition
04/06/22 23:29	HBP22-00025	870 OCEAN BLVD W	STRUCTURE FIRE - NO CRIME	Closed - Unfounded
04/10/22 19:49	HBP22-00026	116 QUINTON ST	DEATH INVESTIGATION	Closed - Unfounded
04/14/22 21:10	HBP22-00027	GREENSBORO ST /	90-95(A)(3) - SIMPLE POSS LESS THAN 1/2 OZ; 90-113.22A - POSSESS MARIJ PARAPHERNALIA	Closed - By Other Means
04/16/22 09:40	HBP22-00028	634 OCEAN BLVD W	14-160 - INJURY TO PERSONAL PROPERTY; 14-72(A) - MISDEMEANOR LARCENY	Closed - Resolved by Parties
04/18/22 06:10	HBP22-00029	129 MARLIN DR	1 - MISSING PERSONS	Closed - Located
04/19/22 23:00	HBP22-00030	1033 OCEAN BLVD W	14-56 - BREAK OR ENTER A MOTOR VEHICLE	Investigator Requested
04/27/22 21:26	HBP22-00032	103 OCEAN BLVD W	14-54(B) - BREAKING OR ENTERING (M)	Investigator Requested
04/28/22 00:20	HBP22-00033	121 BRUNSWICK AVE	14-132(A)(2) - DEFACING PUBLIC BUILDING	Investigator Requested
04/29/22 10:10	HBP22-00034	114 TARPON DR	14-72.6(A)(1) - LARCENY FROM CONSTRUCTION SITE	Investigator Requested

Total Records: 9



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Monthly Activity Log (April 2022)

Printed on May 10, 2022

Descriptions	Totals	
911 Hang Up (911HU)	2	2
Alarm (SIG45 Signal 45)	7	7
Alarm (SIG45 Signal 45); Open Door	1	1
Animal Control Call	8	8
Armed with Gun Knife or Other Weapon (10-84 x84)	1	1
Armed with Gun Knife or Other Weapon (10-84 x84); Domestic Disturbance (10-82 x82)	1	1
Assist Other Agency (Law) (10-77 x77)	1	1
Attempt to Locate (ATL)	3	3
Attempt to Locate (ATL); Intoxicated Person (10-56 x56)	1	1
Bank Alarm (SIG44 Signal 44)	1	1
Breaking and Entering in Progress (10-62 x62)	3	3
Call By Phone (10-21Law x21L)	9	9
Call By Phone (10-21Law x21L); Breathing Problems [Delta]	1	1
Cardiac or Respiratory Arrest [Echo]	1	1
Careless & Reckless (C&R)	2	2
Check Point (Traffic)	1	1
Chest Pain or Discomfort [Charlie]	1	1
Confirmed Structure Fire	1	1
Convulsions or Seizures [Bravo]	1	1
Debris in Roadway	2	2
Disabled Motorist (10-87 x87)	1	1

Descriptions	Totals	
Suicidal [Bravo]	1	1
Suspicious Vehicle or Subject (10-60 x60)	4	4
Take Written Report (10-92 x92)	5	5
Traffic Accident (Property Damage Only 10-50PD x50PD)	2	2
Traffic Control (10-58 x58)	5	5
Traffic Incident [Bravo]	1	1
Trespassers	3	3
Unconfirmed Structure Fire	1	1
Unconscious or Fainting [Delta]	1	1
Unknown Problem [Delta]	1	1
Water or Sewer Problems	2	2
Welfare Check	2	2
	2	2
Totals	533	533



Date: May 3, 2022

To: Mayor Holden and Board of Commissioners
 Town Manager-IN TURN

From: Christy Ferguson, Assistant Town Manager

Re: Canal Dredging Master Plan

The canal dredging working group agreed to pursue an updated Canal Dredging Master Plan. Right Angle Engineering (RAE), the engineer of record for the program, conducted the update. Shane Lippard is here this evening to answer any questions that you may have regarding the document. A draft was reviewed by the representatives from the working group who were able to attend the April 22, 2022 meeting and a few minor suggestions were given to RAE for follow-up. The plan has been approved by the Board of Commissioners in the past, with the last update being completed in 2016.

Attachment 1: Canal Dredging Master Plan Update 2022



Date: April 22, 2022

To: Commissioners and Mayor Holden
David W. Hewett, Town Manager – IN TURN *DH*

From: Heather Finnell, Town Clerk *HF*

Re: Codes Administrator Position Reclassification and Related Salary Increase

In accordance with Article II, Section 6 of the Town of Holden Beach Personnel Policy, it has been brought to my attention that the Codes Administrator position needs to be reclassified.

Based on the ever-expanding scope and responsibilities of the Code Administrator position and the pay rates of nearby municipalities, I recommend a revision to the classification and pay plan. The position is currently classified as Grade 21, with a pay range of \$52,944 - \$79,416. I recommended that the position be moved to Grade 24, with a pay range of \$61,290 - \$91,935. I also recommend that the position be renamed from Codes Administrator to Building & Inspections Director.

The Town has benefited by having Tim Evans serve the town since 2010. He is an experienced inspector who holds Level 3 certifications in all building related fields. His certifications aid the town in maintaining our CRS rating. With the addition of a new employee in his department, he will now supervise three employees, in addition to performing his inspector, planning and department head roles. Based on similar roles in neighboring municipalities, Mr. Evans' salary should be increased to \$87,500, which can be accommodated within existing funds.

Suggested Board Action: Approve reclassification and corresponding salary increase.

Concur-
DH

CODES ADMINISTRATOR

General Statement of Duties

Directs, supervises and participates in skilled inspection work of buildings and property within the Town to ensure compliance with proper codes and ordinances. Enforces CAMA, Stormwater plans, Flood Plain Ordinance, etc. Serves as Planning Director, maintaining and updating land use plans, enforcing Zoning Ordinance, hazard mitigation and makes presentations to the Town Council and the Planning Board.

Distinguishing Features of the Class

An employee in this class manages the Planning and the Building Inspections department including supervision of field and office staff, budget preparation and administration, establishing necessary manual and computerized record keeping systems, conducting plans review, and performing skilled inspections work. The employee supervises and participates in plans review and inspections work to enforce State codes for buildings construction working in all four trades, and responds to concerns from citizens and contractors concerning code enforcement decisions. Work includes daily inspection work and providing direction for ensuring consistency in code interpretation. As Planning Director, work involves providing guidance for the orderly long range growth and current development of the Town; comprehensive plan review of development and land use applications; zoning, site plan and environmental review. Work also includes representing the Town in intergovernmental activities and land use issues. Technical judgment is required to interpret provisions of the codes and ordinances as applied to construction projects and circumstances. Inspections may require some physical effort and are performed under hazards present in dealing with construction work in progress. Tact, courtesy, and firmness must be exercised in dealing with contractors and the general public. Work is performed under general direction and is evaluated through conferences, review of reports and records, and contractor and citizen reactions.

Duties and Responsibilities

Essential Duties and Tasks

Manages the code enforcement office including supervising contract field inspector and office staff; preparing and administering budgets; supervising and participating in establishing and maintaining manual and computerized records of inspections and construction activities.

Performs comprehensive plan review of all development and land use applications; reviews site plans against zoning and environmental ordinances; completes technical assessments; conducts site inspections; accepts, reviews and processes permits; prepares written project analysis and makes recommendations; interprets and explains applicable rules.

Serves as CAMA, Floodplain and Watershed Administrator explaining floodplain development requirements and ordinances to developers and the general public; reviews site plans and projects within the floodplain; provide assistance with development permit applications; issues floodplain permits; maintains floodplain management files and records.

Enforcement of land use and nuisance ordinances; receives and pursues complaints alleging code or ordinance violations; inspects properties to assess violations; issues warnings and citations; corresponds and works with property owners to resolve violations.

Performs staff management functions including hiring, training, work assignment, leave approval, coaching and employee performance evaluation; reviews and signs off on time sheets; establishes and implements short and long term plans, and approves purchases of supplies, equipment and major capital outlay including technology and vehicles; ensures inspectors' continuing education requirements are met.

Represents the department with the Town Council and other agencies as needed; meets with architects, engineers, contractors and home owners to address issues and resolve problems; advises

Codes Administrator
Page 2

contractors in interpreting and applying code regulations; handles citizen complaints about contractors, construction quality and other issues.

Reviews site plans, blue prints, and specifications and receives applications for permits; issues minor and major CAMA certification; and is responsible for the hazard mitigation programs of the Town.

Supervises and actively participates in building, plumbing, electrical, and mechanical code inspections; enforces the Town Flood Plain Ordinance.

Notifies responsible parties of defects and re-inspects to determine if corrective actions have been taken; issues stop orders if necessary.

Recommends judicial actions and may be required to testify in court against violators of the State building code.

Conducts pre-development meetings coordinating all Town requirements for new commercial construction projects; present inspection department requirements.

Additional Job Duties

Performs related duties as required.

Recruitment and Selection Guidelines

Knowledge, Skills, and Abilities

Thorough knowledge of State codes and local ordinances as applied to assigned buildings and construction projects for inspection.

Considerable knowledge of Floodplain Administration and CAMA.

Considerable knowledge of construction trades including building, electrical, plumbing, fire safety and mechanical areas.

Considerable knowledge of governmental laws, programs, and services pertinent to the community and planning processes.

Considerable knowledge of the environmental and socioeconomic implications of the planning process.

Considerable skill in the collection, analysis, and presentation of technical data and planning recommendations, and in working with others in a joint cooperative manner that supports department and Town goals.

Considerable knowledge of management functions including budgeting, purchasing, and personnel policies and record keeping.

Considerable knowledge of modern and effective principles of supervision including motivations, communications, leadership, performance coaching and evaluation, and conflict resolution.

Considerable knowledge of the application of information technology to inspections, records, routing, permitting, and related activities.

Working knowledge of supervisory laws and regulations related to hiring, overtime, and other working conditions.

Skill in collaborative conflict resolution and customer service excellence.

Skill in interpretation of codes and in their application to specific situations.

Skill in reading and interpreting plans and specifications.

Ability to analyze complex planning problems and to determine the data needed for making decisions on such problems.

Ability to effectively supervise and evaluate the work of others.

Ability to prepare and present comprehensive reports and studies.

Ability to express ideas effectively in oral and written forms.

Ability to establish and maintain effective working relationships with contractors and the public.

Codes Administrator
Page 3

Ability to enforce regulations tactfully and firmly.

Ability to supervise the work of subordinates including effective communication and motivations.

Ability to establish and maintain effective record-keeping systems.

Physical Requirements

Must be able to physically perform the basic life operational functions of climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, fingering, grasping, talking, hearing, and repetitive motions.

Must be able to perform medium work exerting up to 50 pounds of force occasionally, and/or up to 10 to 20 pounds of force frequently, and/or a negligible amount of force constantly to move objects.

Must possess the visual acuity to inspect details of construction, prepare reports, operate computer terminals, and do extensive reading.

Desirable Education and Experience

Associate Degree in building construction trades, planning and considerable experience in construction trades work; successful supervisory experience; and experience as a code enforcement officer; or equivalent combination of education and experience. Prefer graduation from college with a BA/BS degree in planning, construction management, engineering, business administration or architecture.

Special Requirement

Possession of a valid North Carolina driver's license.

State certification as a level two in Building, Electrical, Mechanical, Fire Safety and Plumbing inspections. Prefer Level III in all trades.

Holden Beach
2019

ORDINANCE 22-13
AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 92: NUISANCES
(OUTSIDE LIGHTS)

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Chapter 92: Nuisances (Outside Lights) be amended as follows.

Section One: Amend Sections 92.30 – 92.35 to read as follows.

92.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DECORATIVE LIGHTS. Lights used to enhance the appearance of an area rather than to provide illumination. These include Christmas lights and low voltage with maximum 300 lumens driveway and landscaping lights.

DOORWAY LIGHTS. Lights attached to structures or walkways used to illuminate doors and immediate areas leading to entrances; to include those installed beneath houses.

FLOOD/SPOTLIGHTS. Bare lights attached to buildings and used to illuminate a specific area (yards, driveways, walkways, and the like) normally for a limited time period. These may also be used as security lights – amber lights suggested.

SAFETY LIGHT. A light used to warn boats or vehicles of possible obstacles.

SECURITY LIGHT. A light (either automatic, motion activated or manual) which can be illuminated overnight for the protection of people or property.

YARD LIGHT. A light whose fixture is not attached to a building, ramp, or deck and is over four feet above ground level.

('85 Code, § 3-11a.) (Ord. 92-10, passed 7-22-92)

§ 92.31 PURPOSE.

It is the intent of this subchapter to permit sufficient outside lighting to provide for the safety and security of citizens while preventing undue distraction to residents or guests, and to provide a safe and welcoming environment for Nesting Sea Turtles.

('85 Code, § 3-11) (Ord. 92-10, passed 7-22-92)

§ 92.32 UNLAWFUL LIGHTS.

It shall be unlawful for any outside light to be installed or directed:

- (A)** To interfere with the vision of the operator of any motor vehicle on any street or waterway; or cast any amount of Direct light more than 15 feet from the footprint

of the residence and no direct light on the south side of ocean front homes.

- (B) Decorative, safety and security lights directed directed seaward of any ocean front home set with all night timers or day/night photo cells.

(c) That is not in compliance with the provisions of this subchapter.

('85 Code, § 3-11b.) (Ord. 92-10, passed 7-22-92; Am. Ord. 94-24, passed 10-3-94) Penalty, see § 92.99

§ 92.33 LIGHTS PERMITTED IN R-1 AND R-2 DISTRICTS.

- (A) Decorative lights except on ocean front walkways or walkway seating structures and landscape areas on the south side of oceanfront homes

(B) Flood or spotlights provided they are directed onto the owner's property. (C)

Doorway lights of 100 watts or less per light.

(D) Safety lights with motion activation

(E) Security lights, attached to a building, and so shielded that no direct lighting is outside the owner's property.

(F) Pool lights within the confines of pool fencing or directed into the pool area. Security lights, presently on poles, which do not meet the restrictions of division (G) of this section are permitted for a period of one year following enactment of this subchapter provided they are so shielded that there is no direct lighting outside the owner's property.

(G) One yard light per living unit provided:

(1) It does not exceed ten feet in height (measured from mean lot level) and does exceed 900 lumens.

(2) External ocean front lights used exclusively for safety purposes shall be limited to the minimum number necessary for safety. Such lights shall be shielded as required to achieve their functional roles and shall use motion activation that keeps the lights off except when approached and turn back off within five minutes per activation are required. It is of the same design and wattage as the approved town street lights and does not exceed 20 feet in height.

('85 Code, § 3-11c.) (Ord. 92-10, passed 7-22-92; Am. Ord. 94-24, passed 10-3-94; Am. Ord. 94-28, passed 12-5-94)

§ 92.34 LIGHTS PERMITTED IN C-1 COMMERCIAL DISTRICTS.

(A) Any lights permitted in R-1 or R-2 Districts are permitted.

(B) Security lights not attached in buildings and lights used to illuminate entertainment facilities provided:

(1) The light is so shielded that no direct lighting is outside the owner's property. (2)

Any pole is a minimum of ten feet from the road right-of-way.

('85 Code, § 3-11e.) (Ord. 92-10, passed 7-22-92) Penalty, see § 92.99

§ 92.35 COMPLAINTS.

Permitted lights which may be in violation of § 92.32 of this chapter will be reported in writing to the

Town Manager **or designee** who will make the final determination if a violation exists. The Town Manager **or designee** will notify the complainant and the alleged violator of his/her findings in writing.

('85 Code, § 3-11f.) (Ord. 92-10, passed 7-22-92)

Section Two: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective the 18th day of May, 2022.

This the 17th day of May, 2022.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Date: May 10, 2022

To: Commissioners and Mayor Holden

From: David W. Hewett, Town Manager

Re: Discussion and Provision of Staff Direction Concerning the Closure of a Portion of Carolina Avenue (Between Jordan Boulevard and Quinton Street) and Related Block Q Site Development Actions

North Carolina Statute §160A-299, lays out the process to permanently close a street/alley. Attached is a summary of the process (Attachment 1).

A draft resolution of intent is included for your review (Attachment 2). In order for the Board to adopt the resolution of intent to close Carolina Avenue from its intersection with Jordan Boulevard to its intersection with Quinton Street, it would require a property survey of the specific road area proposed to be closed to obtain a metes and bounds description.

Staff seeks direction on if the Board would like to move forward with the process to close a portion of Carolina Avenue and on related Block Q site development actions.

DH

Attachments:

- 1 – Summary of NCGS §160A-299
- 2 – Draft Resolution

NCGS 160A-299

Procedure for Permanently Closing Streets & Alleys

- Adoption of resolution by Board declaring its intent to close the street/alley and calling a public hearing
- Publish resolution once a week for four successive weeks prior to the hearing
- Send copy via certified mail to all owners of property adjoining the street/alley
- Post notice of the street and public hearing in at least two places along the street/alley
- Hold public hearing for any person interested
- If not contrary to public interest, adopt an order closing street/alley
- File certified copy of the order with the Register of Deeds
- Upon closure, all right, title and interest in the ROW shall be vested to persons owning lots adjacent to the street/alley and the title for such owners for the width abutting the land owned by them will extend to the centerline of the street/alley

Attachment 1

Attachment 2

**RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF
CAROLINA AVENUE**

WHEREAS, the Town of Holden Beach purchased lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block Q, as more fully shown in a survey plat dated December 1953 entitled "Map Showing a Subdivision for Dr. R. H. Holden" and tax parcel 232NF029, an unnumbered tract bounded on the north by the southern right-of-way of South Shore Drive; on the east by the western right-of-way of Second Street; on the south by the northern right-of-way of Carolina Avenue and on the west by the eastern right-of-way of Jordan Boulevard, as more fully shown in a survey plat dated December 1953 entitled "Map Showing Subdivision for Dr. R. H. Holden; and

WHEREAS, the Town of Holden Beach Board of Commissioners has determined it is advisable to consider permanently closing a portion of Carolina Avenue from its intersection with Jordan Boulevard to its intersection with Quinton Street (*will require property survey metes and bounds description*); and

WHEREAS, Section 160A-299 of the North Carolina General Statutes prescribes the procedure to be followed by a municipality in order to permanently close a street or alley; and

WHEREAS, in order for a municipality to properly and lawfully permanently close a street, Section 160A-299 of the North Carolina General Statutes requires that a council first adopt a resolution declaring its intent to permanently close the street or portion thereof in question and then call a public hearing on the question.

NOW, THEREFORE, BE IT RESOLVED by the Holden Beach Board of Commissioners, as follows:

Section 1. It is the intent of the Holden Beach Board of Commissioners to permanently close a portion of Carolina Avenue from its intersection with Jordan Boulevard to its intersection with Quinton Street (*will require property survey metes and bounds description*). Said street is located within the corporate limits of the Town of Holden Beach, North Carolina.

Section 2. A public hearing on the matter of the above-described proposed permanent closure of the described portion of Carolina Avenue is hereby called and is to be held at the regular meeting of the Holden Beach Board of Commissioners on June 21, 2022 at 5:00 p.m. in the Holden Beach Town Hall Public Assembly, 110 Rothschild Street, Holden Beach, NC 28462. At said public hearing, any person may be heard on the question of whether or not the intended closing of the specified portion of Carolina Avenue would be detrimental to the public interest or the property rights of any individual.

Section 3. The Town Clerk is hereby directed to cause the publication of this Resolution of Intent once a week for four (4) successive weeks prior to the above referenced public hearing in a newspaper of general circulation in the Town of Holden Beach, North Carolina.

Section 4. The Town Clerk is further directed to transmit a copy of this Resolution of Intent by registered or certified mail to each owner of property adjoining the above-described portion of Carolina Avenue as shown on county tax records.

Section 5. The Town Clerk is further directed to cause the prominent posting of this Resolution of Intent in a minimum of two (2) locations along the portion of Carolina Avenue that is proposed for closure, as required by G.S. 160A-299.

This the _____ day of _____, 2022.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk



Date: May 2, 2022

To: Mayor Holden and Board of Commissioners
Town Manager-IN TURN

From: Christy Ferguson, Assistant Town Manager

Re: Cycle NC Request for Beer Garden

Cycle NC is requesting a beer garden as part of the October 8, 2022 Mountains to Coast tour. Beer gardens have been allowed as part of the other races, but currently require board action for each event. I have spoken with the police chief and no issues were reported with previous beer gardens.

Attachment 1: Letter from Cycle NC

Attachment 2: Diagram-Proposed Beer Garden

Attachment 1



NORTH CAROLINA AMATEUR SPORTS

Board of Directors**TO: The Town of Holden Beach**

Honorary Chair-NCAS
Gov. Roy Cooper

Hon. Chair-State Games
Gov. Jim Martin

Brad Bostick, Chair
Wells Fargo

Richard Cairn, Jr.
Morningstar Lav

Jordan Clark
Trust

Melissa Culbreth
Duke Energy

George Habel
Durham Bulls

Karl Hudson
PMC Properties

John Hughes
City of Greensboro (ret)

Shelly Leslie
Capitol Broadcasting

Barry Mitsch
Pyramid Resource Group

Aaron Osborne
Coca-Cola Consolidated

Chrystal Rowe
AR Workshop

Smedes York
York Properties

North Carolina Amateur Sports is seeking permission to host a beer garden during the Cycle North Carolina Mountains to Coast event on October 8, 2022. We would like to offer free beer to our participants after they cross the finish line. All participants will be wearing wristbands and will not be served unless they show a wristband. We will keep the beer confined to a specified area (see attached diagram). We will also manage all aspects of the beer garden to your standards.

We will secure the alcohol permit through the NC ABC Commission.

We appreciate your consideration,

Chip Hofler
Vice President
North Carolina Amateur Sports



BODYARMOR
STATE GAMES



CYCLE
NORTH CAROLINA

Attachment 2





Date: May 9, 2022
To: Commissioners and Mayor Holden
From: David W. Hewett, Town Manager
Re: Food Truck Vendors

Per the Board's direction, staff solicited proposals for food truck vendors to provide services at the pier property for the period between Memorial Day weekend and Labor Day weekend (Attachment 1).

Two companies submitted proposals in response to the request, Cruising Cuisine and When Pigs Fly BBQ Burgers and Wings. Their proposals are attached for the Board's review (Attachment 2). Staff seeks direction on how to proceed.

Attachments:

- 1 – Request for Proposals
- 2 – Responses Received

Attachment 1

Request for Proposals Food Truck Vendors

The Town of Holden Beach is soliciting proposals for food truck vendors to provide services at the Town owned oceanfront pier property located at 441 Ocean Boulevard West for the period between Memorial Day weekend and Labor Day weekend 2022. To be considered, potential vendors must provide the following to the Town Clerk no later than 12 o'clock noon 6 May 2022 via email (heather@hbtownhall.com) or hard copy to 110 Rothschild Street, Holden Beach NC 28462:

1. Short, general description of menu
2. Proposed/desired schedule of service (#days/week, operating hours)
3. Picture of food truck/van/trailer with a description and size/dimensions
4. 3 References
5. Description of experience
6. Proposed Fee to be paid to the Town of Holden Beach – amount and frequency
7. Optional: link to website/FB page/other relevant social media

Proposals will be screened by the Town staff. Vendors determined to best meet the Town's needs will be recommended for contract award consideration to the Board of Commissioners at their regular 17 May 2022

meeting. An interview by staff and/or the Board may be required of selected potential vendors. Specific location at the pier will be determined by the Town. More than one vendor may be awarded a contract. Selected vendor(s) will be required to provide all applicable licensures. The number of vendors and operating hours may fluctuate/overlap. Food trucks must be self-contained; requiring no on site water, sanitary sewer or solid waste service.

Heather Finnell

Attachment 2

From: Matthew Spivey <wpfcatering@yahoo.com>
Sent: Saturday, April 30, 2022 12:17 AM
To: Heather Finnell
Subject: PROPOSAL FOR FOOD TRUCK VENDOR
Attachments: HOLDEN BEACH 1.pdf; HOLDEN BEACH 2.pdf

HELLO MRS. HEATHER THIS IS JIMMY SPIVEY OWNER OF WHEN PIGS FLY BBQ BURGERS AND WINGS LLC.

I AM RESPONDING TO THE TOWNS REQUEST FOR PROPOSALS FOR FOOD TRUCKS FROM MEMORIAL DAY - LABOR DAY 2022.

I BELIEVE THAT I HAVE ANSWERED ALL OF THE NECESSARY QUESTIONS.

THERE WAS NOTHING MENTIONED ABOUT INSURANCE , PERMITS, ETC. WE ARE INSURED AND LICENSED/

PERMITTED IN THE STATE OF NC. WE ARE INSPECTED IN COLUMBUS COUNTY AND OUR COMMISSARY IS

BASED ON HWY 130 IN COLUMBUS COUNTY. WE ARE ABLE TO CONDUCT BUSINESS IN BRUNSWICK COUNTY

BY COORDINATING WITH ENVIROMENTAL HEALTH OFFICES IN BRUNSWICK COUNTY.

I WILL BE SENDING YOU TWO EMAILS , THIS ONE WITH LETTERS ATTACHED AND ANOTHER WITH PICTURES OF OUR FOOD TRAILERS.

THANK YOU IN ADVANCE
 JIMMY SPIVEY/ OWNER WPF

FOOD TRUCK 1
910-234-8270
FOOD TRUCK 2
910-212-8789



DATE: 4/29/22
PAGE 1

TOWN OF HOLDEN BEACH,

GOOD AFTERNOON , MY NAME IS JIMMY SPIVEY I AM THE SOLE OWNER OF WHEN PIGS FLY BBQ BURGERS AND WINGS LLC. I WOULD LIKE TO SUBMIT A BID AS A FOOD TRUCK VENDOR . WE CURRENTLY OWN TWO TRAILERS(PICTURES ATTACHED)SO WE HAVE SEVERAL DAYS AVAILABLE DURING YOUR TIME FRAME.
THANK YOU IN ADVANCE FOR CONSIDERING OUR SERVICES.

MENU; WE SPECIALIZE IN EASTERN CAROLINA STYLE BBQ HAND PULLED PORK, SMASH BURGERS, WINGS,CHICKEN SAND. AND LOADED FRIES. BBQ- OUR BBQ IS SLOW COOKED 12-13 HOURS DAILEY AND SEASONED WITH OUR HOMEMADE VINEGAR PEPPER SAUCE.

SMASH BURGERS- WE HAVE BURGERS FROM CAROLINA STYLE TO OUR PB&J (PINEAPPLE, BACON, AND JALOPENOS WITH TERIYAKI SAUCE.

WINGS- DELICIOUS 2 PIECE WINGS WITH 15 WET FLAVORS AND A HAND FULL OF DRY RUBS.

CHICKEN SANDWICHES- GRILLED OR FRIED, SPICY OR NOT

LOADED FRIES- JALOPENO BACON RANCH, PULLED PORK FRIES, BUFFALO BACON RANCH, ETC

REFERENCES:

DOUG HAYES/ OWNER IVEYS CAFE WHITEVILLE NC 910-625-7771
BLAKE SPIVEY / PARKS & REC DIRECTOR CITY OF WHITEVILLE NC
910-840-9841

DARRYL MILLER / CAROLINA FRESH FOODS FLOURANCE SC
843-845-7983

DATE: 4/29/22
PAGE 2

PROPOSED SCHEDULE/ DAYS AVAILABLE FROM MAY 30 2022-SEPT 6 2022

MAY - 31 st

JUNE- 1, 2, 4, 8, 10, 11, 14, 15, 17, 18, 25, 29, 30.

JULY- 1, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30.

AUG. - 2, 3, 4, 6, 9, 10, 11, 12, 13, 16, 17, 18, 20, 23, 24, 25, 26, 27, 30, 31.

SEPT. 1, 2.

WE WILL ACCEPT ANY DAYS AWARDED.

HOURS OF OPERATION: 10:30AM-7:30 PM WITH A BREAK IN SERVICE FROM
2:30PM-3:30PM FOR BREAK AND OR RESTOCKING.

FEES TO THE TOWN OF HOLDEN BEACH.

20% NET PROFITS

FEES TO BE PAID WEEKLY FOR THE PREVIOUS WEEK ON MONDAY AM
OR NEXT DAY IN OPERATION AFTER THE PREVIOUS WEEK.

EXPERIENCE :

WE HAVE BEEN IN THE RESTAURANT BUSINESS SINCE 2008 AND I HAVE
BEEN UNDER CONTRACT WITH THE CITY OF WHITEVILLE FOR 12 + YRS.
TO PROVIDE CONCESSION SERVICES AT THEIR PARKS FOR SPORTING
EVENTS.

I HAVE ONE FOOD TRAILER THAT I HAVE OPERATED SINCE 2018 AND A
BRAND NEW TRAILER THAT WAS JUST PERMITTED THIS MONTH.

IN 2020 WE STARTED TO BOOK SEVERAL CATERING JOBS , WEDDINGS ,
BIRTHDAY PARTIES, GENDER REVEALS , ETC.

WE FORMED AS AN S-CORP LLC. IN SEPTEMBER 2020 AND ARE FULLY
INSURED WHICH WE WILL SUPPLY A CERTIFICATE TO THE TOWN IF AWAR
DED ANY OF THE DAYS AVAILABLE LISTED ABOVE

WE ARE ON FACEBOOK @WHENPIGSFLYBBQANDWINGS

THANK YOU FOR CONSIDERING WHEN PIGS FLY
JIMMY SPIVEY /OWNER 910-840-5294

Heather Finnell

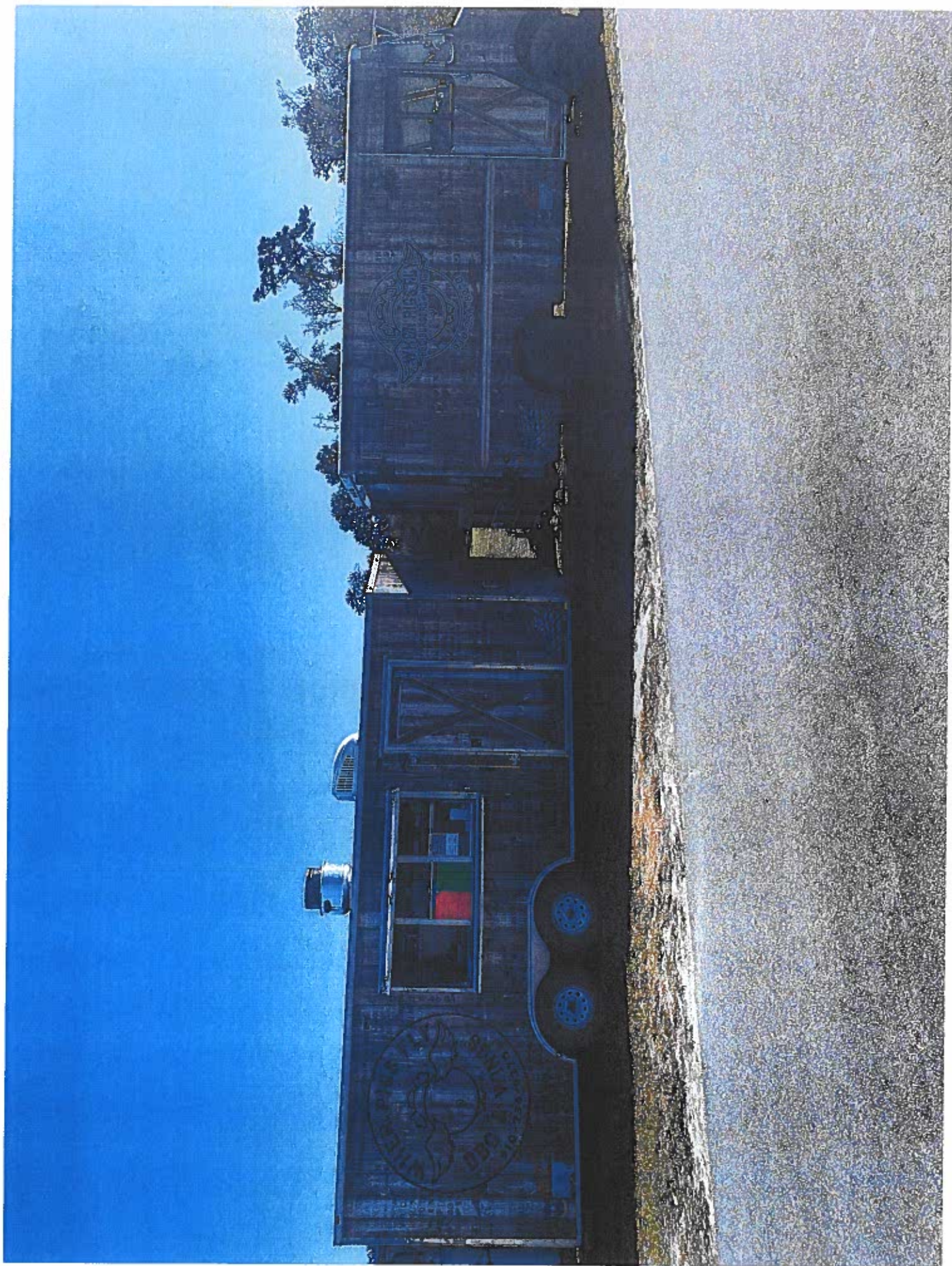
From: Matthew Spivey <wpfcatering@yahoo.com>
Sent: Saturday, April 30, 2022 12:35 AM
To: Heather Finnell
Subject: Food truck vendor request

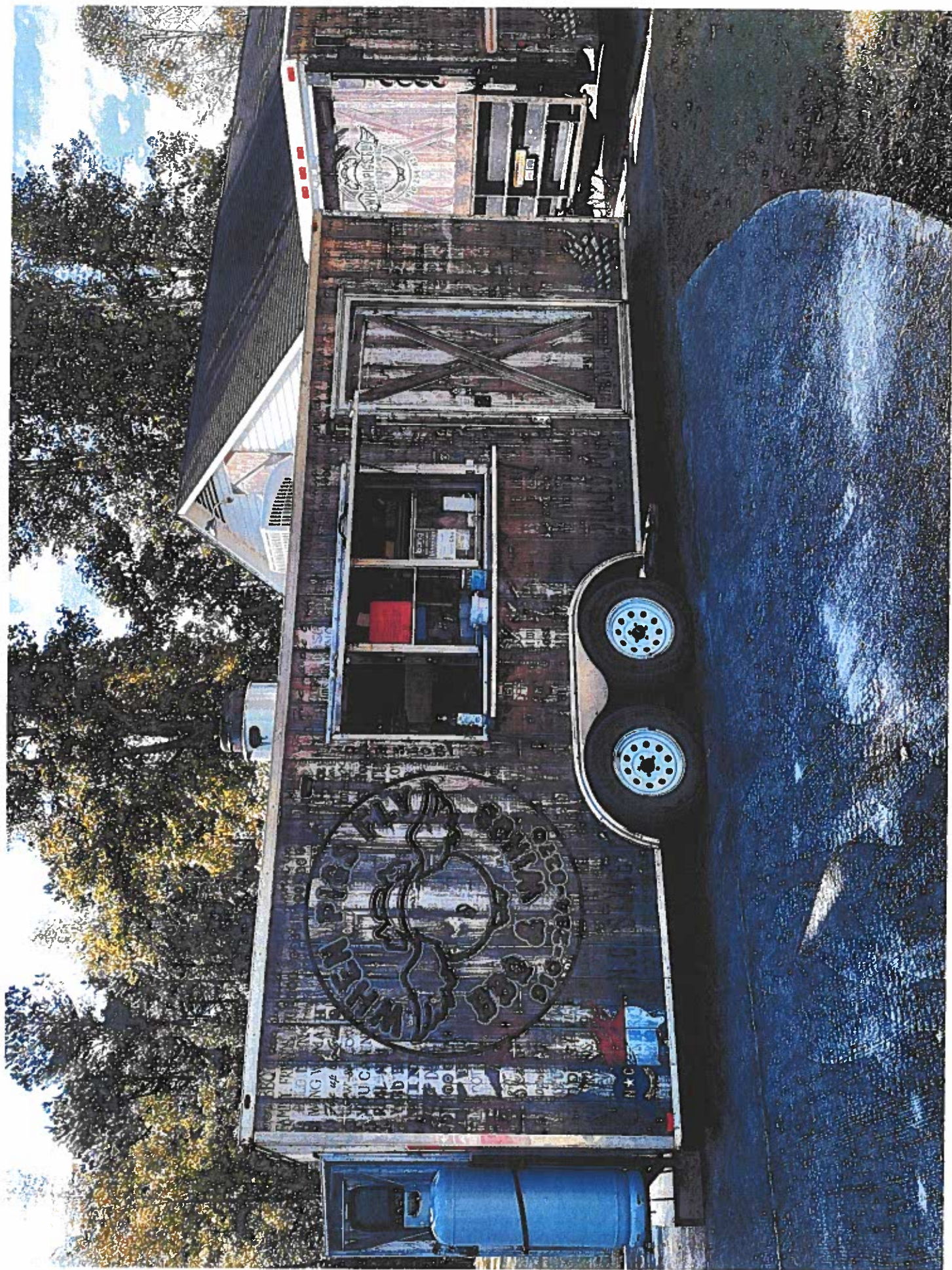
Hey Mrs Heather , this is JimmySpivey with When Pigs Fly BBQ Burgers and Wings llc. Attached are pictures of our trailers

Trailer 1 (the wood siding looking one) is 23' long alone , with the truck attached it is 42' long. The truck can be detached.

Trailer 2 (the white one) is 16 ' long and 38' long with truck attached, again the truck can be detached.

Please let me know if You need anything else, thanks again.







wpfcatering@yahoo.com

OR CALL BONNIE FOR BOOKING INFO 910-825-8053

LIKE AND
FOLLOW US ON
SOCIAL MEDIA
FOR OUR SCHEDULE



@WhenPigsFlyBBQandWings

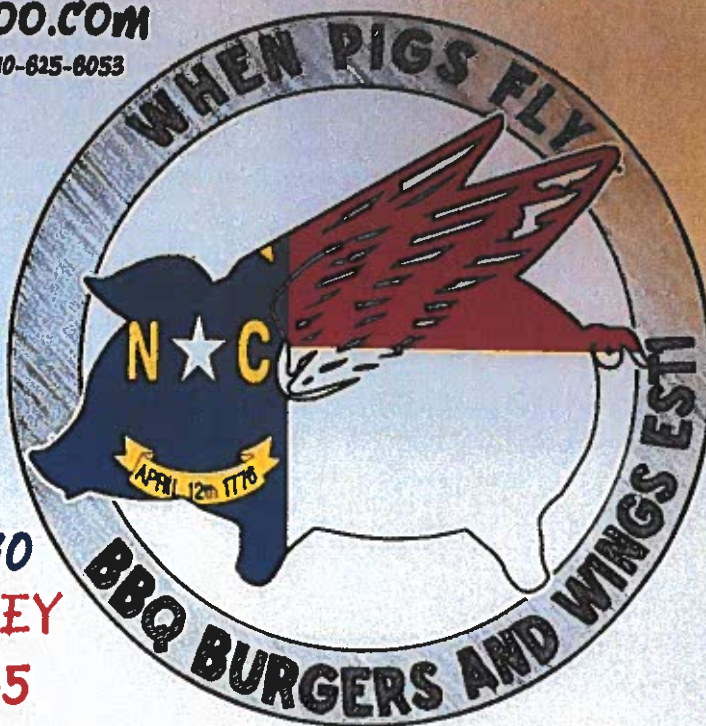


@wpfbbqbrowsers

FOOD TRUCK # 910-234-8270

JIMMY SPIVEY - SETH R SPIVEY

910-840-5294 910-499-2665





Heather Finnell

From: Matthew Spivey <wpfcatering@yahoo.com>
Sent: Saturday, April 30, 2022 12:35 AM
To: Heather Finnell
Subject: When pigs fly

Mrs. Heather sorry for a third email, just wanted to mention that we also recently added a vegan burger and a crab patty burger to our menu. Thanks again, JimmySpivey

[Sent from Yahoo Mail for iPhone](#)



Holden Beach NC Food Truck Proposal

Town Clerk no later than 12:00 p.m. (noon) on May 6th, 2022 via email (heather@hbtownhall.com)

1. Short, general description of menu

Please see attached menu. Rice bowls with various flavors. Sandwiches put together to give everyone in the family a choice they will enjoy. Along with fun extras to help that sweet tooth or just a simple snack as you enjoy the beach. Craft beverages to give you a taste of something different. Fresh squeezed lemonade and Boba Tea.

2. Proposed/desired schedule of service (#days/week, operating hours)

We are prepared to work daily for lunch and dinner.

3. Picture of food truck/van/trailer with a description and size/dimensions

Brand new Black trailer roughly 22'L x 8' W. With a huge patriotic USA logo on all sides.

4. 3 References

- Allen Creech, Executive Chef Causeway Gourmet 910-363-7884
- Jose Meny Hernandez Project Manager 318-278-4530
- Charles E. Gore Lieutenant/ Day Watch Commander New Hanover 910-264-2358

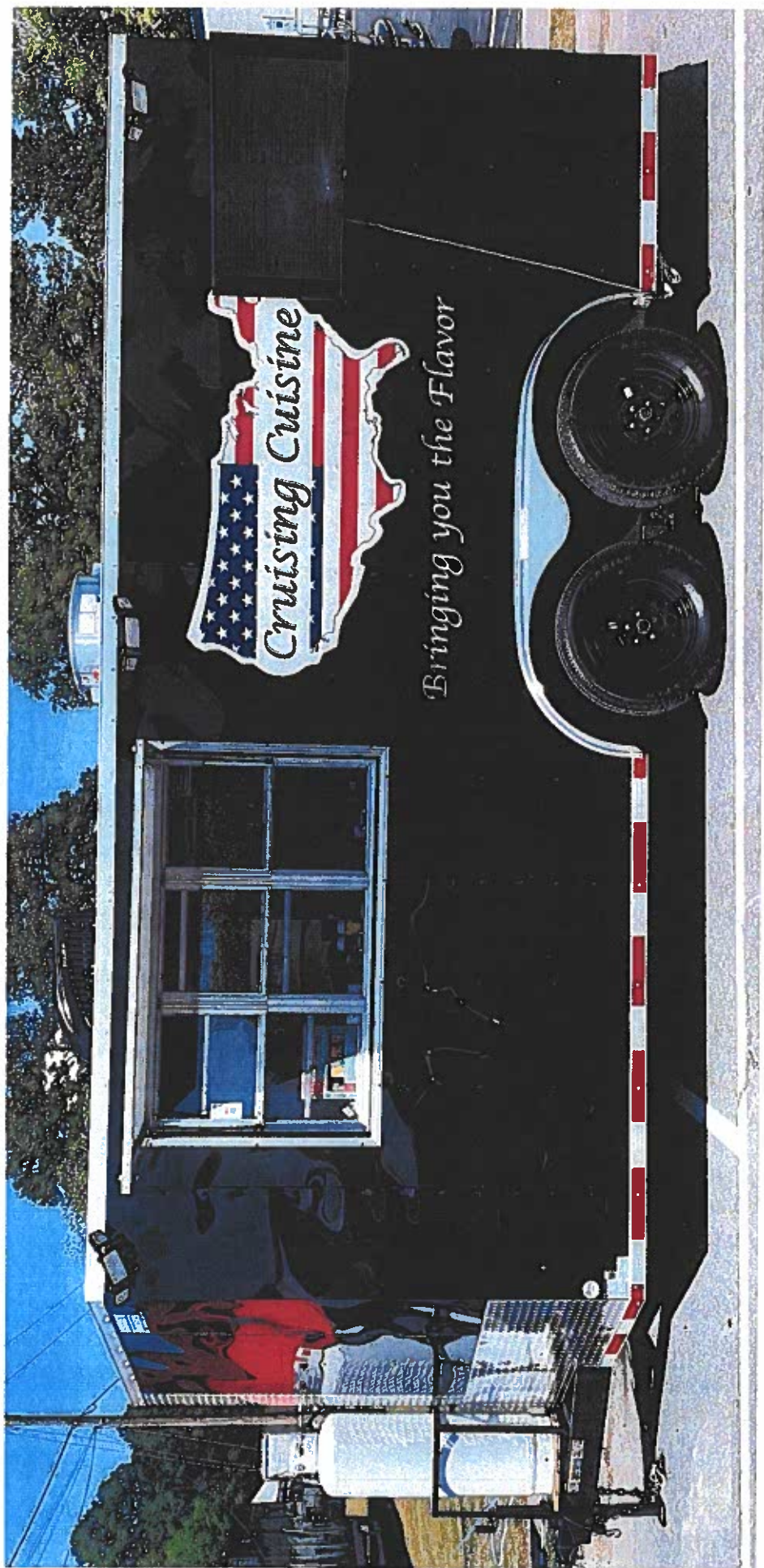
5. Description of experience

- Safe- consistent on preparing and serving food following all guidelines and regulations
- Clean- we will monitor and maintain our area we are working in inside and outside the trailer. We want to work to protect the beautiful beaches we have here in Brunswick county and encourage others to do so as well.
- Reliable, transparent and continuous open communication to ensure we are meeting or exceeding expectations.
- We own and operate our food trailer we want to represent ourselves, business and community in the best way possible. Aiming to have visitors and locals alike enjoying our cuisine and the beautiful area they are in.
-

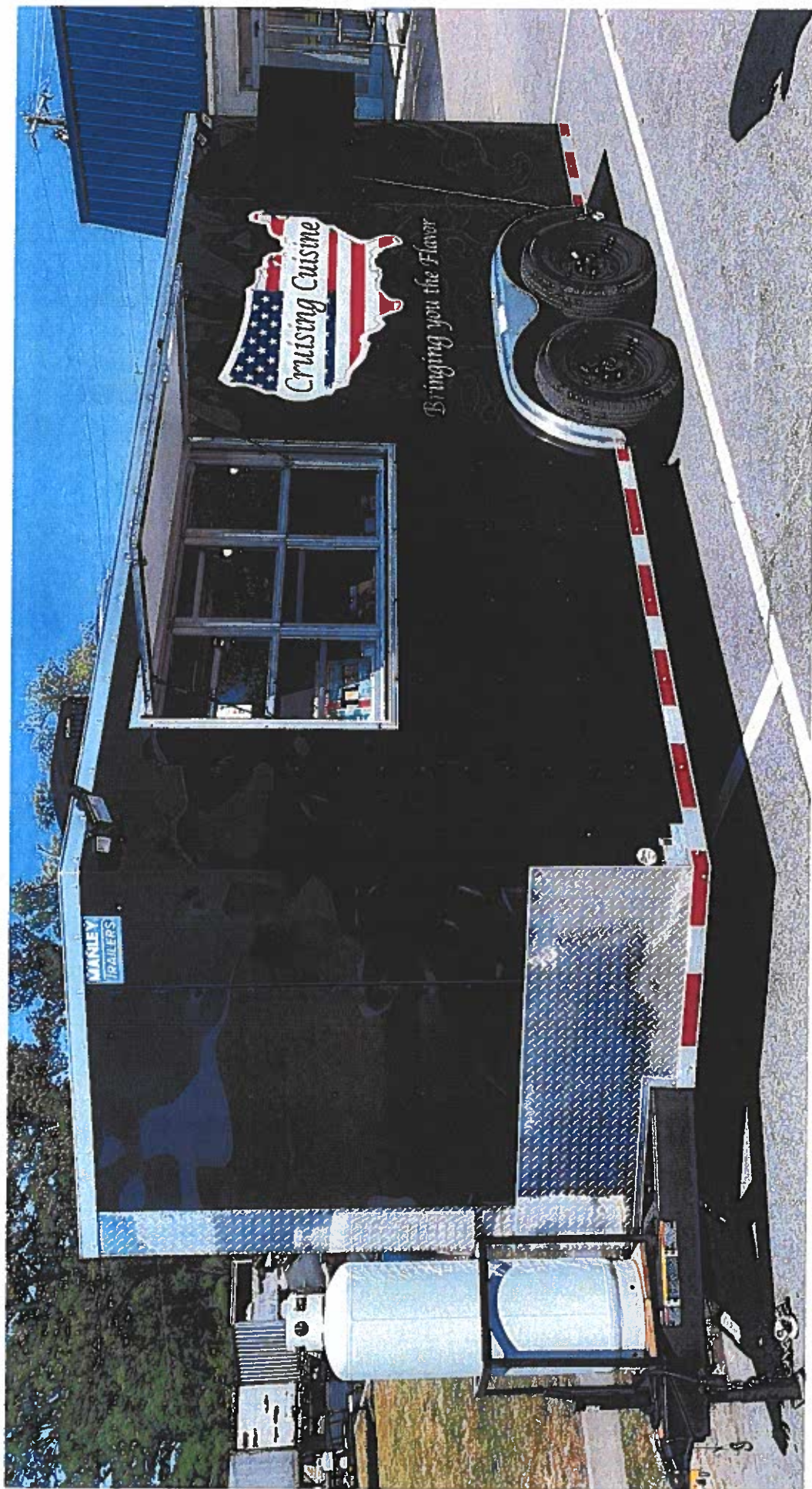
6. Proposed Fee to be paid to the Town of Holden Beach - amount and Frequency

Monthly \$700.00

7. Optional: link to website/FB page/other relevant social media







Drinks

Craft drinks / 2.50

Wisconsin Sprecher Fire Brewed craft soda

- Vanilla Root beer
- Orange Cream
- Root Beer
- Cola
-

Fresh Squeezed lemonade / \$00

Strawberry or Pineapple added if you like

Highway Fuel / \$00

Truck Punch

Sweet Tea / \$00

Bottled Water / \$00

Sides

Mac and Cheese / \$00

Roasted Garlic Green Beans / \$00

Broccoli / \$00

Asparagus / \$00

Candy Carrots / \$00

Corn lote / \$00



Menu

For catering call 910-880-1919 or
email us at
cruisingcuisineNC@gmail.com

Leland, NC 28451 & Surrounding areas
910-880-1919
FB @CruisingCuisineNC
cruisingcuisineNC@gmail.com

Bowls

Teriyaki Chicken / \$00

*sweet and savory teriyaki sauce on
pineapple fried Rice*

Steak Bowl / \$00

Fine marinated steak properly seasoned

Shrimp Bowl / \$00

*Marinated fresh never frozen grilled
Shrimp*

Asian Beef Bowl / \$00

Shaved Beef on Rice with green onions

Seafood Bowl / \$00

Crab fried Rice, Salmon, Shrimp asparagus

Cheese Bowl / \$00

*Homemade Mac and Cheese with Steak
and Green Beans*

Fun Stuff

Chicken on a stick / \$00

Teriyaki,

Chili Cheese Corn Dogs / \$00

Dessert description

Hot Link Dogs / \$00

Dessert description

Elotes Mexican Street Corn / \$00

Dessert description

Sandwiches

Shrimp Sandwich / \$00

*Grill Shrimp Lime Cilantro Slaw avocado
and Mayo*

Steak Sandwich / \$00

*Marinated steak onion mushrooms Goat
Cheese mayo*

Ultimate Grilled Cheese / \$00

3 different cheeses bacon and tomatoes

Cali / \$00

Salmon BLT avocado and mayo

Chicken and Waffles on a stick / \$00

Entrée description

Entrée type 1 / \$00

Entrée description

Extras

Chicken Bacon Ranch Fries / \$00

Side description

Tornado Potato / \$00

Side description

Stuffed Waffles / \$00

Nutella or strawberry cream cheese


Side type 2 / \$00

Side description



Date: May 3, 2022

To: Mayor Holden and Board of Commissioners
Town Manager-IN TURN - *Concur - DH*

From: Christy Ferguson, Assistant Town Manager 

Re: LWCF 2022 Grant Application

As part of the discussions leading up to the pier purchase, the staff asked Land and Water Conservation Fund (LWCF) representatives for a waiver to purchase the pier with an opportunity to apply for a grant subsequent to the purchase. The waiver was granted and is valid through September 30, 2022. The grant application is attached for your review (attachment 2) as well as correspondence from the regional consultant (attachment 1). At the last regular board meeting Town Manager Hewett noted that we would not continue with this grant unless directed to do so. The staff needs consensus direction to continue if the BOC would like to pursue the grant. Applications are due in July, but regional representatives are asking if local governments plan to participate. Staff needs direction by the budget meeting on May 20th if the board chooses to pursue. The staff recommendation is not to pursue this grant secondary to several stipulations outlined in the correspondence that would constrain future use.

Attachment 1: Correspondence

Attachment 2: Grant Application

Christy Ferguson

From: Brittany Shipp <bwshipp@ncsu.edu>
Sent: Friday, May 6, 2022 2:03 PM
To: Christy Ferguson
Subject: LWCF v PARTF 2022

Good afternoon Christy,

Per our recent discussions regarding the Land and Water Conservation Fund (Federal) and Parks and Recreation Trust Fund (State) I am listing below a few of the key differences to note:

LWCF v PARTF 2022

- Park Boundary / LWCF Boundary - If adjacent property is acquired in the future, the property acquired would also become part of the boundary at that time
- Indoor Facilities - LWCF does not permit indoor facilities unless they enhance public outdoor recreation. For instance, restrooms support the use of the outdoor recreation based project elements, however a gymnasium does not
- Public Use - LWCF restricts the park to public use forever whereas development projects for PARTF are 25 year restrictions
- Over-matching is not beneficial with LWCF. An over match will create a percentage match. If the percent the Town puts forward is 75% of the total project cost, then the grant then becomes a 25%/75% instead of a 50%/50%
- Matching Funds - Most federal funds cannot be used to match LWCF grants; Recreational Trails Program and Community Development Block grants are the exception
- Contingency is not an eligible LWCF cost
- Permits - Projects that require DOT, FERC, FEMA, Army Corps, or other state required permits such as CAMA, they are required to be in hand prior to application submission
- Development waivers are an option with LWCF if time is of the essence and work must begin prior to contract, after award announcement
- Any changes during the contract period or post completion require not only State/DPR approval but also Federal/NPS approval. This causes the process for changes/approval to be much longer

Please let me know if you have any questions or I can elaborate on any of the items you think would be most helpful to Holden Beach.

Thanks,

Brittany W. Shipp, CPRP
 Eastern Region Consultant, Recreation Resources Service
 Department of Parks, Recreation and Tourism Management
 P: 910.212.6730
bwshipp@ncsu.edu

* All electronic mail messages in connection with State business which are sent to or received by this account are subject to the NC Public Records Law and may be disclosed to third parties.

Current

**AMENDMENT OF STATE OF EMERGENCY
AMENDMENT NO. 16**

WHEREAS, On March 23, 2020, under Article 1A of Chapter 166A of the North Carolina General Statutes and Chapter 33 of the Town of Holden Beach Code of Ordinances, the Town of Holden Beach declared a State of Emergency based on the public health emergency posed by COVID-19; and

WHEREAS, Amendment No. 1 to the State of Emergency was issued on March 23, 2020; Amendment No. 2 was issued on March 27, 2020, Amendment No. 3 was issued on March 31, 2020, Amendment No. 4 was issued on April 1, 2020, amendment No. 5 was issued on April 8, 2020, Amendment No. 6 on April 19, 2019, Amendment No. 7 on April 30, 2020, Amendment No. 8 on May 18, 2020, Amendment No. 9 on May 29, 2020; Amendment No. 10 on June 2, 2020; Amendment No. 11 on August 18, 2020; Amendment No. 12 on September 3, 2020; Amendment No. 13 on December 17, 2020; Amendment No. 14 on April 9, 2021; and Amendment No. 15 on April 23, 2021.

NOW THEREFORE the said State of Emergency, with subsequent amendments, be modified as follows:

1. ~~Effective May 1, 2021, Town Hall will be open to the public for governmental services. All public-municipal buildings are restricted to staff and Town Officials only. All public interaction with staff shall be limited to phone, email, text, the Town drop box and mail.~~
2. ~~The Town Hall Public Assembly will be open only to official Town of Holden Beach business, to include Town boards and committees.~~ All other previously approved Town Hall rental agreements are hereby suspended for the duration of the State of Emergency. Applicants should contact the Town regarding rescheduling these events.
3. The town manager, in his discretion, is authorized to permit the use of the Public Works facilities located at 1044 Sabbath Home Road for any and all activities related to the provision and support of public safety, health and welfare.
4. ~~The splash pad at Bridgeview Park will be open beginning Memorial Day weekend. be closed for the duration of the State of Emergency.~~
5. ~~Outdoor public gatherings are restricted to the regulations currently in place and any subsequent amendments from Governor Cooper. Outdoor public gathering are restricted to groups of no more than 100 persons.~~
6. ~~All persons are encouraged to stay close to home and follow social distancing protocol.~~
7. The Town encourages all individuals and business owners to adhere to CDC, Federal and State guidelines regarding COVID-19.

NOTE: ANY PERSON WHO VIOLATES ANY PROVISION OF THIS DECLARATION OR ANY PROVISION OF ANY EXECUTIVE ORDER ISSUED BY THE GOVERNOR SHALL BE GUILTY OF A CLASS 2 MISDEMEANOR IN ACCORDANCE WITH NC GENERAL STATUTE §14-288.20A, WHICH CARRIES A MAXIMUM PUNISHMENT OF UP TO 60 DAYS CONFINEMENT AND UP TO \$1,000 IN FINES PER OFFENSE.

All other restrictions currently in place shall remain in force until rescinded or amended.

This the 30th day of April, 2021.