



**Town of Holden Beach  
Board of Commissioners  
Regular Meeting**

**Tuesday, December 20, 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, DECEMBER 20, 2022 - 5:00 P.M.**

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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 October 10, 2022 (Pages 1 – 3)
  - b. Minutes of the Special Meeting of November 8, 2022 (Pages 4 – 7)
  - c. Minutes of the Regular Meeting of November 15, 2022 (Pages 8 – 19)
  - d. Minutes of the Special Meeting of November 29, 2022 (Page 20)
6. Public Comments on Agenda Items
7. Discussion and Possible Action on Pinnacle Architecture's Draft Master Site Plan for Block Q – Randy Baker, Pinnacle Architecture (Town Manager Hewett) (Pages 21 – 22)
8. Election of Mayor Pro Tem – Town Clerk Finnell (Pages 23 – 24)
9. Discussion and Possible Approval of 2023 Meeting Schedule – Town Clerk Finnell (Pages 25 – 26)
10. Discussion and Possible Action on Appointment of Cape Fear Council of Government Delegate and Alternate – Town Clerk Finnell (Page 27)
11. Police Report – Chief Dixon (Pages 28 – 31)
12. Inspections Department Report – Inspections Director Evans (Pages 32 – 34)
13. Discussion and Possible Action on Ordinance 22-28, Ordinance Amending Holden Beach Code of Ordinances, Section 94.03 Frontal Dune Policies and Regulations – Inspections Director Evans (Pages 35 – 37)
14. Update on Beach Mat Plan – Inspections Director Evans (Page 38)

15. Discussion and Possible Approval of Revision to Engineering Services Agreement for Pump Station #2 – Public Works Director Clemmons (Pages 39 – 50)
16. Discussion and Possible Approval of Ordinance 22-29, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 7) – Budget and Fiscal Analyst McRaney (Pages 51 – 52)
17. Discussion and Possible Approval of Ordinance 22-30, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 8) – Budget and Fiscal Analyst McRaney (Pages 53 – 54)
18. Discussion and Possible Action on Revising Discharge of Firearms Prohibited; Exceptions, Ordinance 130.01 – Commissioner Kwiatkowski (Page 55)
19. Discussion and Possible Action on How to Address Concerns with 796 Ocean Boulevard West – Mayor Pro Tem Smith (Page 56)
20. Discussion and Possible Direction to Town Manager to Review Information and Suggestions from Holden Beach Citizens on the First Year of Paid Parking and Return Staff Suggestions to the Board of Commissioners for the January Meeting – Mayor Pro Tem Smith (Page 57)
21. Discussion and Possible Action on Resolution 22-09, Resolution Amending the Holden Beach Fee Schedule (Recycling) – Town Clerk Finnell (Pages 58 – 60)
22. Public Comments on General Items
23. Town Manager's Report
24. Mayor's Comments
25. Board of Commissioners' Comments
26. Closed Session Pursuant to North Carolina General Statute 143-318.11(a)(3), Consult with the Attorney and North Carolina General Statute 143-318.11(a)(6), Personnel
27. Adjournment

\* Visit <https://www.facebook.com/holdenbeachtownhall/> to watch the livestream of the meeting. Public comments can be submitted to [heather@hbtownhall.com](mailto:heather@hbtownhall.com) prior to 12:00 p.m. on December 20, 2022.



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
MONDAY, OCTOBER 10, 2022 – 5:30 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Monday, October 10, 2022 at 5:30 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock, Page Dyer and Pat Kwiatkowski; Commissioner-Elect Gerald Arnold; Town Manager David W. Hewett; Assistant Town Manager Christy Ferguson; Inspections Director Tim Evans; and Zoning Official (Deputy Clerk) Rhonda Wooten.

**PUBLIC COMMENT**

No comments were made.

The Board agreed to swear in Gerald Arnold to fill Gerald Brown's vacant commissioner position. Deputy Clerk Wooten administered the oath of office.

**WORK SESSION WITH FIRM SELECTED FOR PIER PROJECT**

Town Manager Hewett introduced Chip Hemingway from Bowman Murray Hemingway. Mr. Hemingway was seeking guidance on how to move forward with the proposal.

Commissioner Kwiatkowski said the assumption was that the old building could be salvaged and there would be a restaurant, another area that would be a shop and restrooms that are ADA compliant. She said she also understands we need ADA compliance for the pier property. For the pier itself, there is a question on whether it is worth investing the money to give it an additional 10 or 15 years of life or if it would be better to tear the pier down and start again. There is an access lot adjacent that is supposed to be for handicap accessibility to get onto the pier and the beach. Handicap parking will be associated with that. There is a RV campground. Commissioner Kwiatkowski said the question is whether that could be better laid out. She said she thinks there should be two scenarios for the pier, fixing the pier, making it safe and ADA compliant verses the cost of starting over. She is not sure if the Board considered a separate scenario for the building. The discussion was about gutting it, building it from the inside and adding restrooms. There needs to be outside showers. Mr. Hemingway said the number of bathrooms will be dictated by building code and zoning. Commissioner Kwiatkowski stated once the building and pier are decided and the amount of parking spaces that are needed to be allocated for that, then what would be left is the parking for paid parking.

Mayor Pro Tem Smith said based on his conversations with the inspector is the restaurant part is salvageable. The other side is in relatively good shape, it will need some upgrading. He stated we are going to need two restrooms inside and then we will need some outside for the general public. He looked at the pier during our last storm and it seemed to do well. Mr. Hemingway said his first impression is the pier may be more salvageable than the building. He is assuming that the building is below the flood zone. Commissioner Murdock agreed it is. He said according to Gil Bass, it has been washed over twice. He said the goal of the property was to secure it for public use. The west 50' is for a walkway and CAMA access, maybe some parking. We do need public restrooms and showers. When it comes to the building, we need a revenue stream. Commissioner Murdock said people have been approaching him in regard to renting it when it is ready. He provided information on potential revenue amounts. Commissioner Murdock doesn't know what will happen with the pier; if the Town would keep it or rent it. He said they have talked about adding uncovered decks on the oceanfront for people to sit. If we do anything from ground zero it will need to be raised. At this juncture, he doesn't think the Town could finance it without some outside help. Mayor Pro Tem Smith said the question is the availability of grant money to refurbish the pier. He suggested Mr. Hemingway look at the reports on the pier. Commissioner Kwiatkowski provided details on the costs found in the report.

Inspections Director Evans stated when it comes to substantial damages and substantial improvement, if there are identified safety issues, they are exempt from the dollar amount in substantial improvement. That is according to FEMA guidelines. The safety issues need to be identified prior. He provided an example concerning electrical issues that are safety violations. They were identified in the original report. There were a few structural issues. He explained that under the rules, value can be determined by appraisal or tax value. Inspections Director Evans said it is ultimately up to him to determine if that dollar amount and structural value are accurate against other structures within the Town. He said when you are talking about 50%, not everything you do in the building will be calculated. There is a list of what is included and excluded from improvement. Inspections Director Evans said we do know safety issues that have been identified will be excluded. Once there is a design, he can tell you what is excluded. Specific items detailed in the report were mentioned/discussed.

Mayor Pro Tem Smith said the bottom line is when we get to a point when we do have a plan, to work toward soliciting for some grants to help. Commissioner Dyer inquired about the the chance of getting it back to its original length if the Town is able to get grant money. Mr. Hemingway replied grant money is to be determined. As long as regulations allow it, he doesn't see a problem doing it except for the money.

Commissioner Dyer asked if we would have to do a separate shower house, ADA compliant, separate from the building, for public use if we renovate the existing building. Mr. Hemingway responded it seems like it would be a good idea. ADA requirements were discussed.

Commissioner Murdock asked what is typically done for parking. He inquired if there usually is designated spaces for leased spaces. Mr. Hemingway replied that the zoning ordinance will dictate the parking. He would think there is plenty of space for the businesses. Inspections Director Evans agreed there is plenty of parking for what will be required for business occupancy.

Mr. Hemingway does not think the pier will be open by this coming summer. He said getting the building up to speed the same time as the pier repairs seems like the best way to go to him. He said port-a-potties would probably be the best option for bathrooms for now.

Inspections Director Evans explained there is a monetary advantage to phasing the project. We have a two-year substantial improvement ordinance for the 50%.

Moving forward was discussed. Mayor Holden suggested Mr. Hemingway work with Inspections Director Evans. Inspections Director Evans said he cannot be the designer or consultant. He can tell them what they can and cannot do. Someone else needs to be in charge. It is unethical for him to be in charge and then inspect it. Commissioner Murdock asked Mr. Hemingway to keep in mind while designing it that all the current buildings compliment each other. Assistant Town Manager Ferguson said currently we have paid parking and the campground. What they are finding is some people have more than one vehicle and they do not have anywhere to park. She asked that parking for the extra cars be taken into consideration while the conceptual design is being laid out. Bathrooms were discussed.

Town Manager Hewett confirmed that Mr. Hemingway agreed to get a proposal together within 10 days for the Board to consider.

#### ADJOURNMENT

*Motion by Mayor Pro Tem Smith to adjourn at 6:35 p.m.; second by Commissioner Murdock; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk





**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
TUESDAY, NOVEMBER 8, 2022 – 5:30 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Tuesday, November 8, 2022 at 5:30 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock, Page Dyer, Pat Kwiatkowski and Gerald Arnold; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Public Works Director Chris Clemmons; Inspections Director Tim Evans; and Town Attorney Rick Green.

**PUBLIC COMMENT**

Nobody signed up, but the Board agreed to let Will Carter speak. Mr. Carter talked about the pier. He said the Town doesn't need to patch the pier or building; we need to build a new one.

**DISCUSSION AND POSSIBLE ACTION ON PIER PROPERTY AND BLOCK Q INITIAL PROPOSALS FROM SELECTED ENGINEERING FIRMS**

Commissioner Kwiatkowski said we have two proposals in front of the Board, one from Pinnacle on the Block Q design proposal and the second from BMH (Bowman Murray Hemingway) on the pier project site planning proposal.

Commissioner Kwiatkowski said one of the things that isn't laid out in the Block Q proposal is the time expected for each of the two phases. Randy Baker from Pinnacle said the two phases depends on when they can get the TIA (Transportation Impact Assessment) Study done. To do to the engineering work, layout and things like that you would be looking at three – four weeks. With the closing of Carolina, they want to make sure all of the setbacks, things like that are taken care of. When they do the drawing, they want to make sure it is representative of what the Town would get. To actually do the documents, it would probably take two – three months. Mr. Baker explained the process for the TIA Study. Commissioner Murdock asked if the study will be impacted since the traffic is lighter now than in July. Mr. Baker thinks with the Town, DOT and things like that there is enough record. He doesn't think it will impact it that much. Town Manager Hewett added we can probably synchronize their efforts with the Grand Strand MPO, which Holden Beach is part of, to get some data that could compliment that effort. Mayor Pro Tem Smith said his vision is to aid the Wildlife ramp with boat parking on the north side and a green area, with perimeter parking around it. He said the green area could be changed to parking in the future if it is required by the Corps. Mr. Baker said they need to speak to the inspector about the toilet facilities. Commissioner Dyer asked if the bathroom would be an area that the Town

can consider adding some showers. Mr. Baker replied absolutely. Commissioner Dyer also inquired if there would be room for a dog park in that area. She talked about the trouble with having it in residential areas. Mr. Baker agreed you could. Commissioner Kwiatkowski said the way she understands it would be three – four weeks to get a drawing, but two to three months to get all of the documents finalized. That will be mostly driven by the TIA. Mr. Baker agreed and added they will also need to get the Corps involved and things like that.

*Motion by Commissioner Kwiatkowski to approve the budget amendment specifically for Block Q, which is represented in Ordinance 22-23, The Ordinance Amending 22-14, Revenues and Appropriations for Fiscal Year 22 – 23, (Amendment No. 2), approve the budget amendment and the ordinance; second by Mayor Pro Tem Smith; approved by unanimous vote.*

Commissioner Kwiatkowski said we also need to approve the proposal as put forward with the time that has been indicated for three to four weeks for an initial rendering and two to three months for the full document.

*Motion by Commissioner Kwiatkowski to approve the proposal with those times indicated; second by Mayor Pro Tem Smith. Town Clerk Finnell repeated the motion. The motion passed unanimously.*

Commissioner Kwiatkowski asked for an estimated time that BMH anticipates for completing the schematic master planning phase for the pier. Chip Hemingway said based on the proposed reworking of the existing building and some added features to the pier associated with the new building, they do need a detailed site survey, so two months from when the survey is delivered. He talked about meeting during the process. Commissioner Kwiatkowski suggested that when the survey is done, the Board can get with them to find the appropriate time to schedule a meeting. Mr. Hemingway said his initial statement was that the Board should maybe think about replacing the building. The original Request for Qualifications mentioned a new facility. The proposal at this point is for rehab of the existing facility. Mayor Pro Tem Smith said before we can request grants, we need to have a master plan. He inquired if that is something that could be done in tandem. Mr. Hemingway replied when and if any grants are identified, they can go after them. Typically, an owner goes to them with a grant and they help satisfy the requirements of a grant application. They don't know what type of grants the Town may get building it below flood level, but they can investigate. He confirmed Commissioner Kwiatkowski's statement that if the building is taken down, an elevated building would need to be built. Mr. Hemingway explained the CAMA line would determine where the building could be located. They need the survey. At this point they are not pursuing a new building. He explained what the process will be. Commissioner Murdock said the Board needs to think about doing a comparison of the cost to build a new building and to fix the existing. He asked Mr. Hemingway to keep them informed when they get in there. Commissioner Murdock said he is assuming the pier would be fixed to a standard to where it would last. It could be added to. He would like to see a comparison and would like BMH to tell the Board if what they are thinking is not the right direction. How to move forward was discussed. Mr. Hemingway said once they get the survey and see where the CAMA line is, they can do a quick assessment.

*Motion by Commissioner Kwiatkowski to approve the pier project site planning proposal that has been provided with the added information that the schematic master planning stage will take approximately*



*two months from the time of receipt of a detailed site survey; second by Commissioner Murdock; approved by unanimous vote.*

*Motion by Commissioner Kwiatkowski to approve the budget amendment authorizing town manager to execute the contract and to approve Ordinance 22-24, which is the ordinance amending our revenues and appropriations ordinance for the fiscal year, Amendment No. 3; second by Commissioner Murdock; approved by unanimous vote.*

## **STATUS OF STORMWATER AND WATER TOWER REQUEST FOR QUALIFICATIONS PREPARATIONS AND AGREEMENT ON DESIRED TIMEFRAME FOR BOARD REVIEW OF DRAFTS**

Commissioner Kwiatkowski said the draft in the packet from staff for stormwater is very similar to a Surf City RFQ that she sent to the Town as an example. She read information listed under Department Profile. She inquired if the Town's system dates back to the 1950s or if that was left in from the Surf City RFQ. Public Works Director Clemmons replied that he will doublecheck that. Commissioner Kwiatkowski asked if it is appropriate to add having the vendor assist in identifying, applying for and securing grants and any other types of funding available under the Initial Scope of Work. Town Manager Hewett explained why he thinks it should be added. Commissioner Kwiatkowski asked if it would be appropriate to add the vendor will assist in identifying, applying for and securing grants and other types of available funding as the fourth task under the Scope of Work. She suggested under the Submittal of Qualifications, it be added that the vendor submit information on stormwater infrastructure grant money that has been obtained.

Commissioner Kwiatkowski asked about the proposed timeline and where it will be advertised. Town Manager Hewett responded that the Town would follow the Surf City timeline. It will be advertised in the newspaper, the North Carolina City and County Manager Association's website, and the League of Municipalities. If there are suggestions from the Board for specific firms to solicit, we will include those. Commissioner Kwiatkowski said there is a website called bid.com and another website that bids go up on. She said she will forward the information. She said if Public Works Director Clemmons researches the question on the dates and the two additions just discussed about grant funding and making sure that grant money obtained is part of submittal qualifications, she would think it could be done fairly quick.

*Motion by Commissioner Kwiatkowski to approve the RFQ with the indicated changes/corrections; second by Commissioner Murdock; approved by unanimous vote.*

Commissioner Kwiatkowski wanted to discuss what is being done for the water tower. Town Manager Hewett said we need a water capacity study. At the last Board meeting, the Board directed him to assemble and put forth an RFQ to that affect. He has not refined the draft, but is working on it and will send it out. He would like to get it together before Thanksgiving if possible and get it out.

**ADJOURNMENT**

*Motion by Mayor Pro Tem Smith to adjourn at 6:25 p.m.; second by Commissioner Arnold; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
TUESDAY, NOVEMBER 15, 2022 – 5:00 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Regular Meeting on Tuesday, November 15, 2022 at 5:00 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock, Page Dyer, Pat Kwiatkowski and Gerald Arnold; Town Manager David W. Hewett; Town Clerk Heather Finnell; Assistant Town Manager Christy Ferguson; Police Chief Jeremy Dixon; Inspections Director Tim Evans; Public Works Director Chris Clemmons; Budget & Fiscal Analyst Daniel McRaney; and Town Attorney Rick Green.

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

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

*Motion by Commissioner Kwiatkowski to approve the agenda; second by Mayor Pro Tem Smith; approved by unanimous vote.*

**APPROVAL OF MINUTES**

*Motion by Mayor Pro Tem Smith that we approve the minutes from our last meeting (October 18, 2022); second by Commissioner Murdock; approved by unanimous vote.*

**PUBLIC COMMENTS ON AGENDA ITEMS**

Jim Bauer provided information on his concerns with the bike path project and said the Town should have a plan. He detailed his concerns with the washout of sand during storms. Mr. Bauer would like to know what's going on with the pier and the cost to insure it.

**ANNUAL MONITORING REPORT – FRAN WAY, APPLIED TECHNOLOGY AND MANAGEMENT**

Assistant Town Manager Ferguson introduced Fran Way. Mr. Way reviewed his slideshow (hereby incorporated into the minutes). They look at volume change and shoreline change. The monitoring has occurred annually for over 20 years. Monitoring is used for planning and FEMA eligibility. The 2021 hurricane season was considered minor. This year we had Ian that was at a king tide and had five feet

of storm surge. We just had Nicole. The effects of Ian and Nicole are not in the annual report. Mr. Way provided details on the 2022 nourishment project. It was a successful project with nice sand, nice color and nice coarseness. There were a few delays for Weeks Marine, the dredger, but it was a good, successful project. It was all FEMA reimbursable. The Lockwood Folly Inlet Crossing also got a nourishment last year. For the two projects together, it was about 1.6 million cubic yards of new material being put on the beach. Mr. Way reviewed volume analysis and shoreline change analysis. The west end did have some erosion last year. Overall, island wide there was 1.6 cubic yards of gain. All of the sand placed will move west in the long term. He reviewed a chart of the mean high water shoreline change. From 2000 to 2022, the beach is much healthier now than it was. Mr. Way reviewed ongoing beach management activities. The Corps is working on their 50-year study. It is difficult to find that much material. They are continuing to coordinate with FEMA. The Lockwood Folly Inlet Crossing and the bend widener will also be something they watch. They will work on the west end analysis.

Mayor Pro Tem Smith asked if they are going to continue to dredge the Lockwood Folly Inlet. Mr. Way explained that they would.

#### **PRESENTATION OF FISCAL YEAR 2021 – 2022 AUDIT RESULTS – ELSA WATTS, MARTIN STARNES AND ASSOCIATES**

Town Manager Hewett introduced Elsa Watts. Ms. Watts said the Town received an unmodified opinion, which is a clean audit opinion. She thanked staff for their hard work on the audit. Any requested information was given timely and accurately. She reviewed the definition of Fund Balance. The Total Fund Balance for the General Fund was \$4.5 million. The Town had stabilization by state statute of \$622,000. That gives an Available Fund Balance calculation of \$3.9 million. This is an increase in Available Fund Balance by about \$406,000. The increase is due to overall increases in Fund Balance. Available Balance as a Percent of Expenditures for the General Fund was 146.8%. The LGC recommends you maintain at least 8%. The Fund Balance of \$4.5 million for the General Fund Revenues was an increase of \$555,000. Revenues continue to exceed expenditures. Revenues for the General Fund were \$4.1 million. This is an increase of about 7%. Expenditures were about \$3.1 million. That was an increase of less than 1%. She reviewed the top three revenues and expenditures for the General Fund.

The Quick Ratio for the Water Sewer Fund is 6.43. The LGC would be concerned if it was less than 1. The performance indicator that the LGC monitors should be at least 16%, The Town has it at 50%.

#### **AUDIT COMMITTEE MESSAGE TO THE BOARD OF COMMISSIONERS ON THE EXTERNAL AUDIT FOR THE YEAR ENDING JUNE 30, 2022**

Commissioner Kwiatkowski said the Audit Committee has been through the audit and heard a presentation from Ms. Watts. They prepared a message for the public that is in the Board's packets. As Ms. Watts said, this was a clean audit. It wasn't just one clean audit, we also had audits under federal and state requirements for grants. The fact that everything came back clean and there were no observations of internal control issues speaks a lot for how the Town has come forward in the Financial Department. She thinks the Financial Department should be commended for this. She reviewed the highlights.

## **AUDIT COMMITTEE RECOMMENDATION TO THE BOARD OF COMMISSIONERS TO AUTHORIZE THE TOWN MANAGER TO ISSUE A REQUEST FOR PROPOSALS AS SOON AS PRACTICABLE FOR CONTRACTING WITH AN EXTERNAL AUDIT FIRM**

Commissioner Kwiatkowski stated this was the third year of a three-year contract with Martin Starnes. The Audit Committee recommends the Board authorize the town manager to issue a Request for Proposals as soon as practicable for contracting with an external audit firm.

*Motion by Commissioner Kwiatkowski that we recommend to authorize the town manager to issue a Request for Proposals; second by Mayor Pro Tem Smith; approved by unanimous vote.*

## **DEPARTMENT OF TRANSPORTATION OCEAN BOULEVARD RESURFACING/BIKE PATH CONSTRUCTION UPDATE – CAITLIN MARKS & CHAD HIMES, DEPARTMENT OF TRANSPORTATION**

Town Manager Hewett introduced Chad Himes and Caitlin Marks. Ms. Marks said they are resurfacing Ocean Boulevard and adding bike lanes. The limit of that is state maintenance to state maintenance. That is from about Schooner Drive on the west side and Dunescape Drive on the east side. Bike lanes will be added to both sides of the road, so they need to widen the road by 10 feet. They are doing asymmetrical widening, so they will be adding seven feet on the oceanside and three feet on the opposite side where the sidewalk already is. Ms. Marks reviewed funding estimates. GSATS did provide about \$1 million in DA funds, the Town is providing a match of about \$725,000 and DOT's resurfacing portion is about \$2.5 million. These are just estimates. Once the bids are opened, the real prices will be known. They did have some challenges with permitting. For the permit, they needed to notify about 192 citizens in an area where the project overlapped with an area of environmental concern. They received 20 citizen objections that they need to respond to. DOT signed a letter that said they would be monitoring the work after the bike lanes go in for any sort of drainage issues and they will address that at that time. Ms. Marks said the permit was successfully issued November 9<sup>th</sup>. At the end of the month, they will advertise the project. They will open the bids in one month. They will know the cost at that point and will determine if they would like to move forward with the project. They will have a date of availability of January 23<sup>rd</sup> and they will be finished by Memorial Day.

Mayor Holden asked about an updated survey for Swordfish. Ms. Marks did not have an update, but will get back to him. Commissioner Kwiatkowski asked how far the bike lane is going to go. Ms. Marks replied it is stopping at Schooner.

## **DISCUSSION AND POSSIBLE ACTION ON THE NORTH SIDE RIGHT-OF-WAY AFTER BIKE LANE CONSTRUCTION**

Commissioner Kwiatkowski said three feet will be added to the north side. There is more than three feet between the current end of the road and the sidewalk. There will be a narrow strip of space. She asked if DOT fills that in and if they do, what material they use. Ms. Marks responded that they typically leave it grassy. Commissioner Kwiatkowski inquired if DOT has an approved pervious product that could be used for the sidewalk that could be considered in typically bad areas for stormwater. Mr. Himes explained when applying for a permit, they have been approved for what is there today, which is

impervious. He said the question came up if the bike lanes could be pervious. They do not have an asphalt for that thickness to be pervious as well. They treat it in places they can treat it.

#### **POLICE REPORT – CHIEF DIXON**

- For the most part, they are business as normal. Went over the report. Didn't have Otto Connect's numbers in time for the packets. They had 296 violations. For the 2022 season, they issued 2,311 violations out of 64,000 vehicles that they parked. That is a 3.5% violation rate and 96.5% compliance rate. Town Manager Hewett added that generally speaking in comparison, the violations issued is significantly lower than in other places.

Commissioner Dyer asked if they had any issues with compliance since the Town didn't change the speed limit this year. Chief Dixon said they have been working on traffic enforcement down there. Mayor Pro Tem Smith said he noticed the speeds are significantly better than in the past.

- Run Holden Beach has been rescheduled for December 10<sup>th</sup>. Plan accordingly. If you need to be anywhere, leave early. There will be cones, pilot cars and lane closures. Reviewed routes and times.
- The two vehicles ordered last year finally were delivered to the upfitters. Still waiting on some equipment. The truck ordered this year has shown up. Will deliver it to the upfitter before Thanksgiving.
- In the budget, they were approved for interview room cameras and the back-office suite. Part of that was a program so in the next few years the system would be buildable, they could add in-car cameras and body worn cameras. The interview room is set up, but the cameras are on back order. The Greater Holden Beach Merchants Association has been doing fundraisers on behalf of the Police Department. They have been going above and beyond. They ordered over \$11,000 of body worn cameras and had them delivered to the Police Department. Presented members of the association with a thank you plaque.

#### **INSPECTIONS DEPARTMENT REPORT – INSPECTIONS DIRECTOR EVANS**

- Reviewed the report. They had 39 active new permits, 309 other active permits, issued seven permits for over \$30,000 and have 13 total permits waiting to be picked up, for a total 357 permits worked for the month. They have 29 permits in review, two CAMA permits in review and they issued 15 zoning permits and six CAMA permits. They serviced 94 permits for the month and had 374 inspections.
- Had their 10<sup>th</sup> annual contractors meeting this month. Had over 70 contractors in the room. Provided information on the meeting.
- New inspector received her first level one certification. She is currently signed up to take the building next. That will be in January and she will hopefully be tested in March.



## **DISCUSSION AND POSSIBLE ACTION ON THE PLANNING & ZONING BOARD'S (P&Z) RESPONSE TO THE BOARD'S TASKER CONCERNING FRONTAL DUNES (CODE OF ORDINANCES SECTION 94.03 FRONTAL DUNE POLICIES AND REGULATIONS)**

Inspections Director Evans explained P&Z recommended option 5. He brought back the extra information requested by Commissioner Kwiatkowski. Commissioner Kwiatkowski asked how to keep people on a track when going to the beach. She said when you have multiple dunes and it is not 300 feet, people are wandering through the dunes. She inquired about a possible solution. Inspections Director Evans replied he doesn't know. The 300 feet has no bearing on that. The 300 feet that was put into the exception at the west end was the number that was required to get over the water. Inspections Director Evans provided information on the research P&Z did.

*Motion by Commissioner Kwiatkowski that we put option 5 into the agenda at next month's meeting to allow public comment and a decision by the Board at that time.*

*After discussion, the Board came to a consensus to put option 5 on the agenda for December.*

## **CONDITION AND SAFETY ISSUES WITH TOWN-OWNED PROPERTY AT 796 OCEAN BOULEVARD WEST – JOEL EHLE, HOMEOWNER 798 OCEAN BOULEVARD WEST**

Mr. Ehle reviewed his slideshow that included what he would like the Town to do to 796 Ocean Boulevard West and pictures of the property. He would like the house maintenance on the home to include paint for the exterior surfaces, remove or replace the HVAC units/stands, remove the TV antenna and wire hanging and remove/replace torn screens. Mr. Ehle said there is interest from neighbors to buy the property.

Commissioner Kwiatkowski said the reason the Town bought the building was as a buffer for noise for the lift station. There has been an evaluation done of what the building could become as a parks & rec facility. She stated she assumes any Town property is periodically inspected. She asked how often people are checking inside the building. She said if things need to be done the Board would have a budget discussion. Mr. Ehle said he doesn't think the noise from the lift station is bad, the sound from the HVAC units is worse. Commissioner Dyer said she believes money for the engineering analysis is in the budget this year. She inquired if it is possible to move forward to get the engineering analysis and to revisit the master plan to decide what the Board wants to do with the building. She added if we are keeping the building, paint and HVAC need to be addressed. Assistant Town Manager Ferguson said she is working with Town Manager Hewett and Inspections Director Evans to get the engineering analysis completed. The amount of money put into the budget was \$40,000 so there is not money currently included for painting or HVAC. Mayor Pro Tem Smith asked about the condition of the back steps. Inspections Director Evans responded the fasteners have degraded, but right now the building is not being occupied. If people are going in and out, you could post it as no trespassing. You could remove the steps and the HVAC, but he wouldn't recommend removing the HVAC units unless they are going to be replaced. The inside looks good. It protects the structure by running the system. The units will not be allowed to go back on the side. The current ordinance will require them to be moved to the front or the rear once work is started. Inspections Director Evans said they are in the process of getting an engineer, but they are more interested in getting a layout or site plan and then having the

engineering analysis done. Assistant Town Manager Ferguson explained the Police Department has the property under the keep check process and staff checks it periodically since we bought it.

Commissioner Kwiatkowski suggested taking the screens out. Commissioner Dyer recommended taking the wire and antenna down. How to proceed was discussed.

## **IAN AFTER ACTION REPORT**

Town Manager Hewett reviewed preliminary actions before a storm comes through. Mayor Holden assembles the staff. Some actions if we think the storm will impact us include pulling the beach mats, dropping shade sails, fueling all vehicles and generators, prepositioning generators, hoses and pumps and dropping the Town Hall shutters. We coordinate with the Fire Department who is an important partner in our emergency preparedness. Ian was forecasted as low-grade category 1, with the probability of canal flooding. Every storm is different and there are uncertainties that go with forecasting. The track presented gave us a false sense of security. He reviewed what was expected. We have a new tide gauge that gives us real time data on tides, in addition to a wind and rain gauge. Based on how the storm came through on top of a six-foot-high tide, we got an additional five feet of tide. That tide happened within about two hours. That was unexpected. Fortunately, we didn't have any issues with power and we didn't lose water. We had to shut down the sewer lift stations. Town Manager Hewett said his impression was this was a tide surge event, not stormwater. We saw impacts in the canals, the 300 block and the west end. He showed pictures of the effects of the storm. The lift stations were never designed to run under three feet of water. While the water didn't harm the lift stations, it is not the safest environment for crews.

Town Manager Hewett reviewed the outcomes. Public Works Director Clemmons lost a truck due to flooding. Town Manager Hewett thanked the Fire Department, Chief Todd, Todd Robins, Tyler Johnson and Ken Hall from Engine 872. They were instrumental in helping pump out flood waters. Lift station #4 had water over the top slab and wet well. The basement needs a watertight hatch. Public Works Director Clemmons has some ideas on improving the robustness of the lift stations. The wet well also needs a 24-inch collar added to the top of it. Met with the engineer, Leo Green on the Greensboro lift station #2 effort. After working 17 hours, the Public Works Department had the lift stations working the next day. Town Manager Hewett said we recognize the Town needs some sort of island wide drainage. If you don't have somewhere to pump the water, all the pumps in the world will not do any good. Until the tide falls out, you can't pump the water anywhere. Simultaneously with the storm, we had a ransomware issue we needed to deal with. We will do a better job of making sure the people who are working are taken care of with food when these things happen.

Town Manager Hewett said a couple of weeks before the storm hit, we had our sea oats harvested. If we didn't pull the seeds when we did, we would be less likely to have a robust program as we do currently. The Inspections Department did a windshield tour assessment. He believes the estimates are at about \$8 million of damages. For communications during the storm, we do not try to relay real time weather information. We assess threats and advise people accordingly. When the storm gets here, we focus on our assessment and reconstitution of the island. Town Manager Hewett talked about our disaster debris contact. One of the major takeaways is at the staff level we will be evaluating what we call our walkaway point of service delivery. We do not want to have a tragedy occur.

## **DISCUSSION AND POSSIBLE APPROVAL OF WARD AND SMITH, P.A. ENGAGEMENT LETTER**

Assistant Town Manager Ferguson said every year at this time of the year, the Board needs to reevaluate the Ward and Smith contract. They provide service in advocacy at the federal level. The three outlined areas are federal beach nourishment, Lockwood Folly Inlet and dredge spoil sites. Approval of the contract would require a budget amendment to increase BPART Professional Services expenses by \$44,900 funded by a Fund Balance Appropriated increase of \$44,900. The remainder of the contract would be executed through existing funds in the Canal Dredging Budget specific to the item on dredge material disposal sites. They did not go up on their contract from last year.

*Motion by Mayor Pro Tem Smith to approve the Ward and Smith contract for 2023 and the associated budget amendment including directing the manager to execute the contract; second by Commissioner Arnold.*

Commissioner Kwiatkowski questioned if all of the items need to be included this year. Assistant Town Manager Ferguson said as far as the federal level relating to beach nourishment, they do count that as the Corps' project. It is everything they do to keep the project pushed along and advocacy at the federal level. When it outlines beach nourishment it would be if they came up with any other grant opportunities. Last year the other three things they did was when they assisted with earmarks. She said we can ask about a decrease in service level, but thinks we are definitely locked into the top three. Commissioner Murdock said they did an amazing job and he can't see a reason to not continue with the advocacy they provide. They found money where we wouldn't even know where to look. Mayor Pro Tem Smith agreed with Commissioner Murdock. He added we do not know what projects will come up and it is no time to back off. Commissioner Arnold agreed he would stay with them.

*The motion passed by a 4 – 1 vote with Mayor Pro Tem Smith and Commissioners Murdock, Dyer and Arnold voting for the motion and Commissioner Kwiatkowski voting in the negative.*

## **DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-26, AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022 – 2023 (AMENDMENT NO. 5)**

Assistant Town Manager Ferguson explained the Town applied for a CAMA grant for land acquisition for the pier. That funding did come in. It was \$166,484. It will be placed in a line titled CAMA Grants-Pier and will result in a decrease in the Accommodations Tax line in the same amount. Since the decrease in occupancy tax revenue will result in a \$27,448 decrease in remittance to the county, a corresponding decrease in Fund Balance Appropriated will be used to equalize revenues and expenses.

*Motion by Mayor Pro Tem Smith that we approve the budget amendment, Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 5); second by Commissioner Arnold; approved by unanimous vote.*

## **DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE 22-27, AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022 – 2023 (AMENDMENT NO. 6)**

Budget and Fiscal Analyst McRaney stated the amendment would add interest accounts for the Town's various debt services. Adding the accounts was suggested by the auditor to streamline end of year entries and financial statement preparation. This amendment will also add in implementation of the Town's new debt tracking software.

*Motion by Commissioner Kwiatkowski to approve Ordinance 22-27, Amending Ordinance 22-14, Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 6); second by Mayor Pro Tem Smith; approved by unanimous vote.*

Budget and Fiscal Analyst McRaney explained the new software will help with the end of year entries and will give staff reminders when payments are due. We acquired the software to be in compliance with GASB 87, these are just add-ons.

## **DISCUSSION AND POSSIBLE ACTION ON SEWER STATION PLANNING**

Commissioner Kwiatkowski said several months ago Town Manager Hewett indicated there were issues that might require work at lift station 1. She inquired about the status. Public Works Director Clemmons explained the background and responded he has spent about \$20,000 for equipment that will help them monitor waterlog situations. He doesn't know what will happen in years to come and he doesn't know what will happen as properties are developed. That station is a work horse. Commissioner Kwiatkowski said people have looked at the McGill Report and what was recommended for the sewer system. She reviewed the options laid out in the report. She asked if Option 3 would have prevented a shutdown during Ian. Public Works Director Clemmons replied no it would not. The major components are above base flood elevation. He said there are some minor issues in stations 3 and 4, the hatch and elevating the wet well about 24". He said that should take care of it. You wouldn't be gaining anything but spending money by doing the other option. You can't run the system when it is like that. If you tried to run it like that you would be putting people's lives in danger.

The Board took a recess from 7:00 p.m. - 7:05 p.m.

## **REQUEST FOR EXPANDED FINANCIAL REPORTING OF PROFESSIONAL SERVICES AND RECENTLY PURCHASED PROPERTIES PROJECT**

Commissioner Kwiatkowski said two of her items were addressed at the special meeting. This is a reminder and request to staff for expanded financial reporting on things the Board had asked for in the budget. She said the pier project already has some split out and they said they would do Block Q once they start to get some traction on the project. It is a reminder that the Board asked for expanded financial reporting of financial services. She said professional services have reached a percentage of the budget where details are warranted so they would like to see additional detail on what professional services are being applied to.

## **REQUEST FOR OWNER INPUT ON RETAINING RIGHTS-OF-WAY (ROW) PARKING IN NON-DESIGNATED PARKING AREAS OUTSIDE PAID PARKING HOURS DURING SEASON AND IN OFFSEASON MONTHS NEXT YEAR**

Commissioner Kwiatkowski said when the Board was working on the parking plan, the ordinance as it was originally put forward was there would be no ROW parking except in designated areas. When the ordinance was put in place, the Board said they would allow ROW parking outside of the paid parking season and after 5:00 p.m. during the season. She said if people were happy, nothing would need to be changed. If people have concerns, she needs to know it. Mayor Pro Tem Smith said he spoke with Lieutenant Dilworth and from his standpoint he didn't see an issue. He said as a co-chair of the Parking Committee, he was going to do a lessons-learned with the Police Department, Inspections Director Evans and Otto Connect. If there is any input from the citizens, they need to channel it through the normal channels, by getting it to Town Clerk Finnell. Chief Dixon said to his knowledge he didn't know of any problems. Commissioner Murdock stated he did have a couple of people contact him wondering if we were going to take their rights away to park in the ROW. He said he didn't think it was the intention. Commissioner Kwiatkowski said the Board is not talking about adding more ROW parking; the Board just needs to make sure people are okay and it worked for them. Town Manager Hewett said the Parking Committee is over. The process would be managed by the Board. Mayor Pro Tem Smith said he planned to give the input to the Board.

Commissioner Kwiatkowski said if people on the side streets and back streets had problems with ROW parking, they need to let the Board know.

## **REQUEST FOR CORPS' STATUS OF COASTAL STORM DAMAGE REDUCTION STUDY INFORMATION REQUEST TO CORPS OF ENGINEERS**

Commissioner Kwiatkowski stated a couple of months ago, the Board asked for the staff to request minutes and further cost details by month from the Corps. She asked if we received anything more. Town Manager Hewett replied no. He will ask them again.

## **PUBLIC COMMENTS ON GENERAL ITEMS**

No comments were made.

## **TOWN MANAGER'S REPORT**

- FEMA CRP 2 – still awaiting the federal final inspection on our beach project. Have been requested to supply supplemental background information for the federal reviewers. Until the final inspection is performed, they are withholding approximately \$600,000 in reimbursement. What remains for action items and the timeline is unknown. Once the final inspection takes place, we are subject to a top to bottom review of the project, everything that includes our purchasing process, for up to three years after the closeout. The good thing is we had the sand on the strand before hurricane season.
- Tax Revaluation – was informed by the tax administrator of the county, that the Town's tax values are up approximately 65%. That will be the values going into the upcoming budget year. At this



time, the revenue neutral tax rate is calculated and estimated to be in the 11 cents range compared to our current 20 cents per hundred dollars. We will have more information coming forward.

- Town's Parking Revenue – with the first season complete (April to October, across budget years) the amount is \$455,000.
- Building Inspections- congratulations on another successful workshop and additional activities. Over the course of the last 18 months or so, Inspections Director Evans has been the subject of two investigations into his competencies by the NC Code Officials Qualifications Board, rising from specific complaints with the NC Department of Insurance. Both of the complaints have been dismissed as being without merit. Thanked Inspections Director Evans personally and professionally for continuing to enforce the rules that he is charged with equitably, fairly and above all with reason and a rationale nexus of basis regardless of the administrative, organizational and political pressures to do otherwise.
- GFWC Little Library – along with Mayor Holden, participated in an installation ceremony of the GFWC Little Library at Sailfish Park.
- Turkey Trot – being held Thanksgiving morning.
- Christmas Tree Lighting – December 1<sup>st</sup>.
- Regarding repeated questions on the insurance costs for pier, along with the news about the environmental holdup on CAMA permit for the bike lanes - the information on the pier insurance was reported in July or August. He believes it was reported twice. Unfortunately, his report comes at the end of the agenda. The briefing and report to the Board on the CAMA permit was issued last month. The information is a matter of public record and has been reported at previous meetings.

## **MAYOR'S COMMENTS**

- Was reminded that he always said we won't have any storm after October 15<sup>th</sup>. We didn't have a hurricane.
- Thinks things are going pretty good in the Town. Complaints have been reduced drastically over the last couple of weeks. Thanked everyone for what they are doing.

## **BOARD OF COMMISSIONERS' COMMENTS**

### **Mayor Pro Tem Smith**

- Thanked the Merchants Association for being so kind to set up the raffles and so forth to allow our officers to be upfitted with body cameras. That is a big plus for our Town. The Merchants Association does a lot for our Town.
- Had a Veterans lunch Wednesday of last week. Thanked staff. We have some veterans on the force. It was a heartfelt meeting. Appreciated what they did for veterans in the area. It was a great meal. It was a lot of fun.
- Thanked Inspections Director Evans. Thinks it is the 10<sup>th</sup> year for putting on the contractors' forum. It is an opportunity for the people who build our houses and make sure our island is safe to know what is new, what is coming and what he expects of them. Staff served a wonderful meal. It is a complement to our Town to have someone that can stand in front of our contractors to help them do their best.
- Festival by the Sea was fun. The Pancake Breakfast at the Chapel was a big success. A lot of hard work went into both of those.



- Emergency Management for the Past Storm – there is a lot of work that goes on behind the scenes that nobody knows is going on. We are aware of what is going on and communicate with all the entities. We are as ready as we can be in the case we need to do something as the storm approaches.
- Making progress on the pier and Block Q with the engineering people. Met with some of them and have them guided hopefully in the right direction so they can get something back to us. Not sitting on our hands.
- Need to be mindful this is the season for thanksgiving. We should all be thankful for the blessing we have of being able to live on this beautiful island. Enjoy Thanksgiving and please be safe.

#### Commissioner Murdock

- Thanked staff for the Veterans' Luncheon. Met some really nice people and heard some interesting stories. We don't know how lucky we are to be sitting here because of each and every one of them and the service they provide to this country.
- Contractors' meeting was successful. Is a contractor on the island. It is very informative and accomplishes exactly what Mayor Pro Tem Smith said, to educate them and hopefully get a green sticker on the job.
- We are not sitting on our hands for the pier, Block Q or stormwater. There are a lot of things in the works, but it is not going to happen soon. It will take a lot of time and planning. Stopped by 796 today. We will do something with it. All of these projects have to go through the proper channels. We want to do them right with proper planning. Hopefully at the end with some patience and guidance, it will turn out an excellent product that the Town will be proud of. It will be safe and enjoyable to everybody.
- Wished everyone a happy Thanksgiving. Family is very important. It is a good time of year to take a few days and be thankful for everything you do have.
- Happy with the way we are progressing.

#### Commissioner Dyer

- Good to see more vendors for the festival. The crowd seems to be back to its pre-COVID state. Good to see everyone out having a good time.
- Can't thank the Merchants Association enough, keeping our officers safe. Thinks it was a very generous thing to do and is greatly appreciative of that.
- Wished everyone a safe Thanksgiving. Hopefully we will have some nice weather and it will be enjoyed by all.

#### Commissioner Kwiatkowski

- Doesn't ever remember in the five years as commissioner, having this much stuff out there for bids and projects that we know need to happen in the near future, within the next few years. Let's remember we can't have everything going at once. Part of the planning will be picking the order things go in. We have limited staff; they work hard and do a great job but we can't do 10 projects all at once. Even if we had the money, we wouldn't be able to. Be patient, we are working on it. There has been a lot accomplished these past few months. There will be even more accomplished through the next few months and budget period. We are on the right track and will figure out how to do it the best way possible for the money we have coming year after year.
- Wished everyone a happy Thanksgiving. Looks forward to seeing you in December.

Commissioner Arnold

- Appreciates all that has been said and concurs with it.
- Thankful for all of the good that we received. Would like to reflect on the spirit of service. You see employees here, not just here for a paycheck but for a mission. They get a lot done. Sees the cars early at work and late. Witnesses some obstacles and challenging moments where he is very thankful our public servants are able to retain civility, courtesy and kindness. Sometimes wonders how they do it. Said the same to mayor and members of the Board. Appreciates what they do. They give meaning to that old biblical missive to whom much is given, much is required. You make Holden Beach government truly of the people, by the people and most importantly for the people.

The Town's snowflakes were discussed.

**CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(3), CONSULT WITH THE ATTORNEY**

*Motion by Commissioner Kwiatkowski to go into Closed Session at 7:36 p.m.; second by Commissioner Murdock.*

Town Clerk Finnell read the reason for Closed Session.

*The motion passed by unanimous vote.*

**OPEN SESSION**

The Board went back into Open Session at 7:43 p.m. No action was taken.

**ADJOURNMENT**

*Motion to adjourn at 7:43 p.m. by Mayor Pro Tem Smith; second by Commissioner Murdock; approved by unanimous vote.*

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk



**TOWN OF HOLDEN BEACH  
BOARD OF COMMISSIONERS  
SPECIAL MEETING  
TUESDAY, NOVEMBER 29, 2022 – 5:30 P.M.**

The Board of Commissioners of the Town of Holden Beach, North Carolina met for a Special Meeting on Tuesday, November 29, 2022 at 5:30 p.m. in the Town Hall Public Assembly. Present were Mayor J. Alan Holden; Mayor Pro Tem Rick Smith; Commissioners Brian Murdock, Page Dyer, Pat Kwiatkowski and Gerald Arnold; Town Manager David W. Hewett; and Town Clerk Heather Finnell.

Mayor Holden called the meeting to order.

**PUBLIC COMMENTS**

No comments were made.

**CLOSED SESSION PURSUANT TO NORTH CAROLINA GENERAL STATUTE 143-318.11(A)(6), PERSONNEL**

*Motion by Commissioner Murdock to go into Closed Session at 5:32 p.m.; second by Commissioner Arnold.*

Town Clerk Finnell read the reason for Closed Session.

*The motion was approved unanimously.*

**OPEN SESSION**

The Board went back into Open Session at 7:02 p.m. No action was taken.

**ADJOURNMENT**

*Motion by Commissioner Murdock to adjourn at 7:02 p.m.; second by Mayor Pro Tem Smith; approved by unanimous vote.*

\_\_\_\_\_  
J. Alan Holden, Mayor

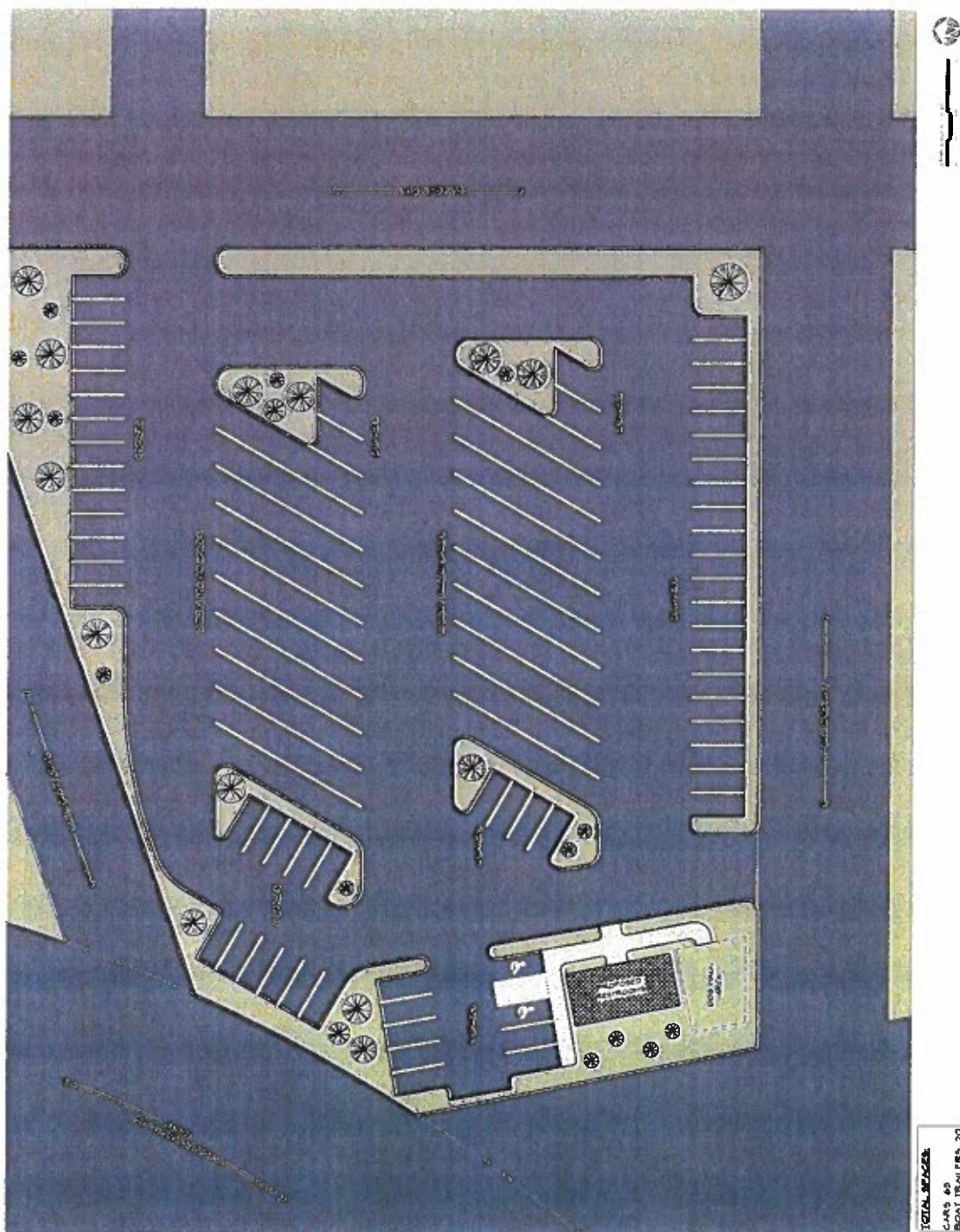
ATTEST:

\_\_\_\_\_  
Heather Finnell, Town Clerk



Date: December 12, 2022  
To: Commissioners and Mayor Holden  
From: David W. Hewett, Town Manager  
Re: Draft Master Site Plan for Block Q

Randy Baker from Pinnacle Architecture plans on attending the meeting to discuss his rough draft of the master site plan for Block Q.







Date: December 12, 2022

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk HF

Re: Mayor Pro Tem

Per Section 30.05, Mayor Pro Tempore of the Holden Beach Code of Ordinances, the Board shall elect from one of its members a mayor pro tem. The normal term of office is one year, commencing with the December meeting.

If the Board chooses to elect a new mayor pro tem, you can vote by ballot or verbally, whichever is the Board's preference. If the Board votes by ballot, please make sure to sign your ballot.



## Holden Beach Code of Ordinances

### **§ 30.05 MAYOR PRO TEMPORE.**

(A) The BOC shall elect a Mayor Pro Tempore. The normal term of office of the Mayor Pro Tempore shall be one year, commencing at the first regular meeting in December; provide, however that the member shall serve at the pleasure of the BOC.

(B) The Mayor Pro Tempore shall discharge the duties and exercise the powers and authority of Mayor in the absence, disability, disqualification of the Mayor and during a vacancy in the office of Mayor; provided his or her rights and duties as BOC shall remain unimpaired; except he or she shall receive the salary or expenses of Mayor when serving in that capacity. No additional oath of office shall be required of the Mayor Pro Tempore upon assuming the duties of the Mayor beyond that oath taken at the time of appointment to Mayor Pro Tempore.

(Ord. 07-04, passed 5-22-07; Am. Ord. 15-08, passed 12-16-15; Am. Ord. 20-06, passed 3-17-20)

***Statutory reference:***

*Mayor Pro Tempore; disability of Mayor, see G.S. § 160A-70*



Date: December 12, 2022

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk

Re: Meeting Schedule

Enclosed is the proposed 2023 Board of Commissioners' Regular Meeting Schedule. All dates, except for the March date, reflect the third Tuesday of the month. The proposed March date is for the second Tuesday of the month, due to scheduling conflicts.

Staff recommends approval.



**TOWN OF HOLDEN BEACH  
2023 BOARD OF COMMISSIONERS' MEETING SCHEDULE  
5:00 P.M.  
LOCATION –TOWN HALL PUBLIC ASSEMBLY**

**January 17<sup>th</sup>**

**February 21<sup>st</sup>**

**March 14<sup>th</sup>**

**April 18<sup>th</sup>**

**May 16<sup>th</sup>**

**June 20<sup>th</sup>**

**July 18<sup>th</sup>**

**August 15<sup>th</sup>**

**September 19<sup>th</sup>**

**October 17<sup>th</sup>**

**November 21<sup>st</sup>**

**December 19<sup>th</sup>**



Date: December 12, 2022

To: Commissioners and Mayor Holden

From: Heather Finnell, Town Clerk *HP*

Re: Cape Fear Council of Governments Delegate & Alternate

The Cape Fear Council of Governments (CFCOG) is requesting that the Board of Commissioners appoint a CFCOG delegate and alternate. Currently the delegate is Mayor Holden and the alternate is Mayor Pro Tem Smith. The practice for selecting the delegate and alternate in the past has always been the mayor is appointed as the delegate and the mayor pro tem as the alternate.

The suggested motion is appoint the mayor and mayor pro tem to serve as the delegate and alternate to the CFGOG.



## Holden Beach Police Department

110 Rothschild St  
Holden Beach, NC 28462  
[www.hbtownhall.com](http://www.hbtownhall.com)

Phone: 910-842-6707  
Fax: 910-846-6907  
[hbp@hbtownhall.com](mailto:hbp@hbtownhall.com)



Monthly Activity Log (Nov '22)

Printed on December 13, 2022

Descriptions	Totals	
911 Cell Hang-Up or Open Line	1	1
Alarm (SIG45 Signal 45)	20	20
Animal Control Call	5	5
Attempt to Locate (ATL)	2	2
Attempt to Locate (ATL), Suspicious Vehicle or Subject (10-60 x60)	1	1
Call By Phone (10-21Law x21L)	16	16
Call By Phone (10-21Law x21L); Mental Patient or IVC Service (10-73 x73)	1	1
Chase or Pursuit (10-43 x43); Stopping Vehicle (10-61 x61)	1	1
Chest Pain or Discomfort [Delta]	1	1
Commercial or Industrial Fire Alarm [Charlie]	1	1
Convulsions or Seizures [Alpha]	1	1
Convulsions or Seizures [Delta]	1	1
Crime in Progress (10-64 x64)	1	1
Diabetic Problems [Alpha]	1	1
Diabetic Problems [Delta]	1	1
Disabled Motorist (10-87 x87); Intoxicated Person (10-56 x56)	1	1
Disturbance or Disorderly Subject	3	3
Disturbance or Disorderly Subject, Mental Patient or IVC Service (10-73 x73)	1	1
Domestic Disturbance (10-82 x82)	2	2
Falls [Alpha]	4	4
Falls [Bravo]	3	3

Descriptions	Totals	
Hit and Run (Property Damage Only 10-54 x54)	1	1
Improperly Parked Vehicle (10-70 x70)	6	6
Information or Message Delivery (10-14 x14)	1	1
Lost or Found Property	4	4
Marine or Boat Fire in Coastal Water [Delta]	1	1
Meet with Complainant (10-83 x83)	7	7
Mental Patient or IVC Service (10-73 x73)	2	2
Noise Complaint	1	1
Obvious Death [Bravo]	1	1
Open Door	3	3
Outside Fire [Alpha]	1	1
Outside Fire [Bravo]	1	1
Psychiatric or Abnormal Behavior [Alpha]; Suspicious Vehicle or Subject (10-60 x60)	1	1
Service Call [Alpha]	1	1
Sick Person [Charlie]	1	1
Single Residential Fire Alarm [Bravo]	4	4
Special Check - Business - Residence (10-79 x79)	326	326
Special Check - Business - Residence (10-79 x79); Call By Phone (10-21Law x21L)	1	1
Special Check - Business - Residence (10-79 x79); Open Door	1	1
Special Operations Assignment (Signal 55 SIG55)	2	2
Stopping Vehicle (10-61 x61)	14	14
Stroke or TIA [Charlie]	1	1
Suspicious Vehicle or Subject (10-60 x60)	5	5
Take Written Report (10-92 x92)	3	3



Descriptions	Totals	
Traffic Accident (Property Damage Only 10-50PD x50PD)	3	3
Trespassers	2	2
Trespassers; Call By Phone (10-21Law x21L)	2	2
Unconscious or Fainting [Delta, Arrest]	1	1
Unknown Problem [Bravo]	1	1
Water or Sewer Problems	3	3
Welfare Check	5	5
<b>Totals</b>	474	474

**Holden Beach Police Department**

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Holden Beach, NC 28462  
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Phone: 910-842-6707  
Fax: 910-846-6907  
[info@hbtownhall.com](mailto:info@hbtownhall.com)

HBPD Monthly Report (Nov 22)

Pg

Reported	Case Number	Address	Offenses
11/11/22 08:51	HBP22-00076	107 ROTHSCHILD ST	14-54.1(A) - BREAK/ENTER PLACE OF WORSHIP
11/18/22 13:45	HBP22-00077	918 OCEAN BLVD W	FIRE - NO CRIME
11/21/22 21:17	HBP22-00078	[REDACTED]	Mental Patient (IVC)

**Total Records: 3**

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## CONSTRUCTION TYPE REPORT

TOWN OF HOLDEN BEACH

11/08/2022 TO 12/12/2022

FY 2022-2023

Construc Type	Sta	Descriptio	Date Applied	Permit class/ Number	Occup Group	Square Feet	Valuation(\$)	Permit Fee (\$)
BH	10	Bulkhead	11/15/2022	RDR-018712	G1	0.00	48,000.00	522.00
BH	10	Bulkhead	11/15/2022	RDR-018714	G1	0.00	65,000.00	675.00
BH	10	Bulkhead	11/18/2022	RDR-018726	G1	0.00	14,000.00	141.00
BH	10	Bulkhead	11/29/2022	BPM-018743	G1	0.00	19,500.00	190.50
<b>Subtotal for Bulkhead:</b>					<b>4</b>	<b>0.00</b>	<b>\$146,500.00</b>	<b>\$1,528.50</b>
Btype1	10	New Construction/General	11/09/2022	BP-018704	G1	0.00	730,000.00	19,212.12
Btype1	10	New Construction/General	11/14/2022	BP-018710	G1	0.00	920,671.00	6,716.93
Btype1	10	New Construction/General	11/14/2022	BP-018711	G1	0.00	1,030,159.00	7,726.14
Btype1	10	New Construction/General	11/28/2022	BP-018737	G1	0.00	476,000.00	15,288.16
Btype1	10	New Construction/General	11/29/2022	BP-018746	G1	0.00	784,900.00	7,836.54
<b>Subtotal for New Construction/General:</b>					<b>5</b>	<b>0.00</b>	<b>\$3,941,730.00</b>	<b>\$56,779.89</b>
Decks	10	Decks	11/29/2022	BPM-018745	G1	0.00	20,000.00	195.00
Decks	10	Decks	11/30/2022	BPM-018748	G1	0.00	13,500.00	429.50
Decks	10	Decks	12/12/2022	BP-018771	G1	0.00	17,000.00	168.00
Decks	10	Decks	12/12/2022	BPM-018774	G1	0.00	12,000.00	123.00
<b>Subtotal for Decks:</b>					<b>4</b>	<b>0.00</b>	<b>\$62,500.00</b>	<b>\$915.50</b>
Demoli	10	Demolishin	11/09/2022	DM-018701	G1	0.00	275.00	290.00
Demoli	10	Demolishin	11/17/2022	DM-018724	G1	0.00	75.00	75.00
<b>Subtotal for Demolishin:</b>					<b>2</b>	<b>0.00</b>	<b>\$350.00</b>	<b>\$365.00</b>
Elect	13	Electrical	11/09/2022	EL-018705	G1	0.00	2,100.00	75.00
Elect	13	Electrical	11/28/2022	EL-018738	G1	0.00	1,500.00	75.00
Elect	10	Electrical	11/28/2022	EL-018739	G1	0.00	1,300.00	75.00
Elect	10	Electrical	11/28/2022	EL-018740	G1	0.00	1,300.00	75.00
Elect	10	Electrical	11/29/2022	EL-018742	G1	0.00	2,850.00	75.00
Elect	10	Electrical	11/30/2022	EL-018749	G1	0.00	600.00	75.00
Elect	10	Electrical	12/01/2022	EL-018752	G1	0.00	1,500.00	75.00
Elect	13	Electrical	12/01/2022	EL-018753	G1	0.00	1,500.00	75.00
Elect	13	Electrical	12/01/2022	EL-018754	G1	0.00	1,500.00	75.00
Elect	10	Electrical	12/01/2022	EL-018755	G1	0.00	1,500.00	75.00
Elect	10	Electrical	12/05/2022	EL-018764	G1	0.00	1,200.00	75.00
<b>Subtotal for Electrical:</b>					<b>27</b>	<b>0.00</b>	<b>\$16,850.00</b>	<b>\$825.00</b>
Mech	10	Mechanical	11/09/2022	MEC-018702	G1	0.00	8,744.00	150.00
Mech	13	Mechanical	11/09/2022	MEC-018703	G1	0.00	0.00	75.00
Mech	10	Mechanical	11/17/2022	MEC-018718	G1	0.00	4,300.00	75.00
Mech	10	Mechanical	11/17/2022	MEC-018719	G1	0.00	6,940.00	75.00

Mech	10	Mechanical	11/17/2022	MEC-018720	G1	0.00	14,950.00	225.00
Mech	10	Mechanical	11/21/2022	MEC-018728	G1	0.00	6,800.00	75.00
Mech	10	Mechanical	11/28/2022	MEC-018741	G1	0.00	8,150.00	75.00
Mech	10	Mechanical	11/30/2022	MEC-018750	G1	0.00	8,100.00	75.00
Mech	10	Mechanical	12/01/2022	MC-018751	G1	0.00	15,000.00	750.00
Mech	10	Mechanical	12/02/2022	MEC-018758	G1	0.00	9,557.71	75.00
Mech	10	Mechanical	12/02/2022	MEC-018759	G1	0.00	18,075.00	225.00
Mech	10	Mechanical	12/02/2022	MEC-018760	G1	0.00	7,500.00	75.00
Mech	10	Mechanical	12/05/2022	MC-018762	G1	0.00	13,628.00	150.00
Mech	10	Mechanical	12/07/2022	MEC-018766	G1	0.00	4,525.00	75.00
Mech	10	Mechanical	12/07/2022	MEC-018767	G1	0.00	7,125.00	75.00
Mech	10	Mechanical	12/07/2022	MEC-018768	G1	0.00	13,943.00	150.00
<b>Subtotal for Mechanical:</b>					<b>16</b>	<b>0.00</b>	<b>\$147,337.71</b>	<b>\$2,400.00</b>
Other	10	Non Identified	12/02/2022	HM-018757	G1	0.00	1,100.00	1,100.00
<b>Subtotal for Non Identified:</b>					<b>1</b>	<b>0.00</b>	<b>\$1,100.00</b>	<b>\$1,100.00</b>
Pools	10	Swimming Pools	11/14/2022	BPM-018706	G1	0.00	33,300.00	514.70
Pools	10	Swimming Pools	11/21/2022	BP-018729	G1	0.00	53,800.00	649.20
<b>Subtotal for Swimming Pools:</b>					<b>2</b>	<b>0.00</b>	<b>\$87,100.00</b>	<b>\$1,163.90</b>
Remod	10	Renovation/Repair	11/08/2022	BPM-018695	G1	0.00	12,500.00	352.50
Remod	10	Renovation/Repair	11/08/2022	BPM-018696	G1	0.00	25,000.00	240.00
Remod	13	Renovation/Repair	11/08/2022	BPM-018697	G1	0.00	800.00	80.00
Remod	10	Renovation/Repair	11/08/2022	BPM-018698	G1	0.00	22,000.00	213.00
Remod	13	Renovation/Repair	11/09/2022	BPM-018699	G1	0.00	20,110.00	195.99
Remod	10	Renovation/Repair	11/09/2022	BPM-018700	G1	0.00	8,500.00	91.50
Remod	10	Renovation/Repair	11/14/2022	BP-018707	G1	0.00	87,075.00	858.68
Remod	10	Renovation/Repair	11/14/2022	BP-018708	G1	0.00	185,000.00	1,915.00
Remod	10	Renovation/Repair	11/14/2022	BPM-018709	G1	0.00	34,678.00	487.10
Remod	10	Renovation/Repair	11/15/2022	RDR-018713	G1	0.00	20,000.00	195.00
Remod	10	Renovation/Repair	11/17/2022	BPM-018721	G1	0.00	15,000.00	150.00
Remod	10	Renovation/Repair	11/17/2022	BPM-018722	G1	0.00	5,000.00	80.00
Remod	10	Renovation/Repair	11/17/2022	BPM-018723	G1	0.00	15,000.00	325.00
Remod	10	Renovation/Repair	11/18/2022	BP-018725	G1	0.00	30,900.00	303.10
Remod	10	Renovation/Repair	11/23/2022	BP-018730	G1	0.00	8,500.00	218.00
Remod	10	Renovation/Repair	11/28/2022	BP-018731	G1	0.00	62,500.00	587.50
Remod	10	Renovation/Repair	11/28/2022	BPM-018732	G1	0.00	8,200.00	80.00
Remod	10	Renovation/Repair	11/28/2022	BPM-018733	G1	0.00	15,000.00	150.00
Remod	10	Renovation/Repair	11/28/2022	BPP-018734	G1	0.00	5,600.00	80.00
Remod	10	Renovation/Repair	11/29/2022	BP-018744	G1	0.00	100,000.00	925.00
Remod	10	Renovation/Repair	11/29/2022	BP-018747	G1	0.00	30,000.00	445.00
Remod	10	Renovation/Repair	12/05/2022	BPM-018763	G1	0.00	15,000.00	225.00
Remod	10	Renovation/Repair	12/12/2022	BPM-018770	G1	0.00	7,850.00	85.65

Remod	10	Renovation/Repair	12/12/2022	BP-018772	G1	0.00	42,000.00	628.00
Subtotal for Renovation/Repair:					24	0.00	\$776,213.00	\$8,911.02
SFC	10	Single Family Constructi	12/02/2022	BP-018761	G1	0.00	435,000.00	5,571.07
SFC	10	Single Family Constructi	12/12/2022	BP-018773	G1	0.00	550,000.00	4,714.01
Subtotal for Single Family Constructio:					2	0.00	\$985,000.00	\$10,285.08
Walk	10	Walkway	12/02/2022	RDR-018756	G1	0.00	4,300.00	80.00
Subtotal for Walkway:					1	0.00	\$4,300.00	\$80.00
Zoning	13	ZONING	11/15/2022	Zoning-018715	G1	0.00	0.00	50.00
Zoning	13	ZONING	11/16/2022	Zoning-018716	G1	0.00	0.00	50.00
Zoning	13	ZONING	11/16/2022	Zoning-018717	G1	0.00	0.00	50.00
Zoning	13	ZONING	11/28/2022	Zoning-018735	G1	0.00	50.00	50.00
Zoning	10	ZONING	12/07/2022	Zoning-018765	G1	0.00	50.00	50.00
Subtotal for ZONING:					13	0.00	\$100.00	\$250.00
GRAND					77	0.00	\$6,169,080.71	\$84,603.89

## INSPECTIONS DEPT. FROM 11/08-12/12

**ACTIVE NEW HOME PERMITS = 43**

**OTHER ACTIVE PERMITS= 319**

**PERMITS ISSUED OVER \$30,000 = 13 (AMOUNT INCLUDED IN ACTIVE TOTAL)**

**PERMITS ISSUED WAITING PICK UP = 19**

**TOTAL PERMITS = 381**

**PERMITS IN REVIEW= 7**

**PERMITS SUBMITTED INCOMPLETE = 12**

**CAMA IN REVIEW CURRENTLY= 0**

**ZONING PERMITS ISSUED = 14**

**CAMA PERMITS ISSUED= 6**

**CAMA VIOLATIONS = 2**

**PERMITS SERVICED FOR INSPECTIONS (FROM 11/18-12/12)= 102**

**TOTAL INSPECTIONS MADE= 409**



Date: December 12, 2022

To: Commissioners and Mayor Holden

From: Tim Evans, Inspections Director T.D.E

Re: Section 94.03 Frontal Dune Policies and Regulations

As directed by the Board of Commissioners at the November meeting, staff has prepared a draft amendment to the Town's Code of Ordinances, Section 94.03 Frontal Dune Policies and Regulations based on information provided by the Planning & Zoning Board.

If the Board agrees with the information, the suggested motion is: approve Ordinance 22-28, Ordinance Amending Holden Beach Code of Ordinances, Section 94.03 Frontal Dune Policies and Regulations.



**ORDINANCE 22-28**  
**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,**  
**CHAPTER 94: BEACH REGULATIONS (SECTION 94.03 FRONTAL DUNE POLICY**  
**AND REGULATIONS)**

**BE IT ORDAINED BY** the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Chapter 94: Beach Regulations (Section 94.03 Frontal Dune Policy and Regulations) be amended as follows.

**Section One:** Amend Section 94.03(C)(2)(a) to read as follows:

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the ~~N.C. State Building Code~~ North Carolina Residential Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6- foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune. ~~or the existing line of escarpment determined by averaging the downward slope or escarpment line for the property in question and those properties directly adjacent.~~

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code.~~ North Carolina Residential Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. ~~The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune.~~ In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than ~~the~~ one four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the one four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements. Exception: swimming pools maybe located south of the town's designated frontal dune, placement of pools and decking shall not extend more than 50 feet from the established seaward toe of designated frontal dune. This exception only applies when the CAMA dune is more seaward than the town's frontal dune.

**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.

This the 20<sup>th</sup> day of December, 2022.

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk

## TOWN OF HOLDEN BEACH - BEACH MAT PROGRAM

### 1. Existing Public Walkways

### 2. Existing Areas for Beach Mats

East End- PW1 - Because of dry sand area and high water mark

Depending on CRC Approval

Quinton Street - PW180 - Because of dry sand area and minimal high water mark

Depending on CRC Approval

Pier - PW - Handicap approval / Complete project

800 Block- PW40 - Area provided for Handicap ramp- Dry sand area and High water mark

### 3. Areas identified for future Handicap Access

800 Block -PW40

Avenue E - PW

Pier project - ramp

Ramps pre prep vegetation (2010) - as available

### 4. Conditions

Existing and Future Areas

Vegetation

Rules - Require Ordinance changes

Conditions- Tidal

Widelife Study Required

### 5. CAMA Approvals & Variances

Current Rules

Variances- make application, be denied, then apply for variance

Statue - 15A NCAC 7H .0306(a)(2) and 15A NCAC 7H .036089(a)(5)

Approval Variance - which require the beach mats to be landward of the static vegetation line

- seasonal - removal during off season?

### 6. Employee Responsibility & Physical Uncontrollable conditions

Department policy changes

Designated Responsibility

Beach mat maintenance and placement/removal

### 7. Budgeting & Costs

Estimate = \$150,000 - \$200,000 for Engineering/Surveys/Construction

Estimate = \$15,000 for product cost of mats

(Pier project not included in estimate costs for construction)



Date: December 12, 2022  
To: Commissioners and Mayor Holden  
From: Chris Clemmons, Public Works Director CC  
Re: Engineering Services Contract

Green Engineering has prepared a revised contract for sewer lift station #2 engineering services that needs to be approved by the Board of Commissioners before we can proceed with the request for bids.

## **ARTICLE 5**

### **COMPENSATION (REVISED)**

#### **5.1 Compensation for Basic and Construction Management Services**

Compensation for Basic and Construction Management Services of this Amended Agreement shall include all compensation due the Engineer from the Town for all services under Articles 3.1 and 3.2 of this Agreement. The amount(s) payable to the Engineer for these Services is:

	<b><u>Original Charges</u></b>	<b><u>Additional Charges</u></b>	<b><u>Revised Charges</u></b>	<b><u>Paid To Date</u></b>	<b><u>Balance Due</u></b>
Design Phase	\$ 116,296.00	\$ 6,500.00	\$122,796.00	\$116,296.00	\$ 6,500.00
Bidding Phase	\$ 9,308.00	\$ 2,000.00	\$ 11,308.00	\$ 9,308.00	\$ 2,000.00
Construction Adm./ Supervision Phase	<b><u>\$130,386.00</u></b>	<b><u>\$10,000.00</u></b>	<b><u>\$140,386.00</u></b>	<b><u>\$ 0.00</u></b>	<b><u>\$140,386.00</u></b>
<b>Total Compensation</b>	<b>\$255,990.00</b>	<b>\$18,500.00</b>	<b>\$274,490.00</b>	<b>\$125,604.00</b>	<b>\$148,886.00</b>

Payment for these Services shall become due and payable monthly in proportion to satisfactory services performed and work accomplished. Payments will be made monthly by the Town within 30 calendar days of receipt of an invoice which is in form and substance acceptable to the Town. Each invoice shall contain the Engineer's name and federal tax identification number.

#### **5.2 Reimbursable Expenses**

Reimbursable expenses are not applicable to this Project unless previously approved and authorized by the Town.

#### **5.3 Additional Services**

Request for Additional Services by the Town not included in the Basic and Construction Management Services identified under Articles 3.1 and 3.2 of this Agreement shall be agreed upon in writing and billed in accordance with the fee negotiated for the services required.

## **ARTICLE 6**

### **RESPONSIBILITIES OF THE TOWN**

#### **6.1 Cooperation and Coordination**

The Town has designated the Town Manager to act as the Town's representative with respect to the Project and he shall have the authority to render decisions within guidelines established by the Town Board of Commissioners and shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

Current  
AGREEMENT FOR ENGINEERING SERVICES

FOR

STRUCTURAL AND MECHANICAL MODIFICATIONS

TO

VACUUM SEWER SYSTEM STATION #2 UPGRADE

This Agreement made and entered into this 4 day of June, 2021, by and between Town of Holden Beach, North Carolina (hereinafter, the "Town") and Green Engineering, PLLC (hereinafter, the "Engineer").

WITNESSETH:

That the Town and Engineer, for the consideration herein named, do hereby agree as follows:

ARTICLE 1

**1.1 Scope of Work**

**1.1.1** This Agreement is for Professional Services to be rendered by Engineer to Town with respect to a project known as Structural and Mechanical Modifications to Vacuum Sewer System Station #2 Upgrade (hereinafter, the "Project"). The Project is described more particularly as follows:

Provide all required Engineering Services necessary for construction of an above ground structure to house an all new Duplex Vacuum System including all related Structural Components; Piping Systems; Mechanical and Electrical System Components required for the continued operation of the present vacuum sewer pumping system at the Town's present Vacuum Station No. 2.

The Project will be generally modeled after the concept identified as "Alternative 2" recommended in the April 2017 Sewer Study prepared by McGill Associates and selected/approved by the Holden Beach Board of Commissioners at a Special Meeting 19 May 2017."

**1.1.2** By execution of this Agreement, the Engineer represents and agrees that he is qualified to and fully capable of performing and providing the services required under this Agreement in a fully competent, professional and timely manner.

**1.1.3** Time is of the essence with respect to this Agreement.

**1.1.4** The services to be performed under this Agreement consist of Basic Design and Construction Related Services as described and designated in Article 3 hereof. Compensation to the Engineer for these Services under this Agreement shall be as set forth herein.



## **ARTICLE 2**

### **RESPONSIBILITIES OF THE ENGINEER**

#### **2.1 Services to be Provided**

- 2.1.1** The Engineer shall provide the Town with all services required to satisfactorily complete the Project within the time limitations set forth herein and in accordance with the professional standard of care.

#### **2.2. Standard of Care**

- 2.2.1** The Engineer shall exercise reasonable care and diligence in performing services under this Agreement in accordance with the generally accepted standards of this type of Engineering practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. The Engineer shall serve as a representative of the Town in accordance with the terms and conditions of this Agreement.
- 2.2.2** The Engineer shall correct at no additional cost to the Town any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts in any Drawings, Specifications or other Documents prepared by him or any of his Sub-Engineers.
- 2.2.3** The Engineer shall properly communicate that all Drawings, Specifications or other Documents prepared by him or any of his Sub-Consultants hereunder are in accordance with applicable laws, statutes, building codes and regulations and that all necessary or appropriate applications for approvals are submitted to all appropriate federal, state and/or local governments or agencies in a timely manner so as not to delay the Project.

#### **2.3.1 Engineer's Representations and Warranties**

The Engineer represents and warrants the following to the Town as an inducement to the Town to execute this Agreement, which representations and warranties shall survive the execution and delivery of this Agreement, any termination of this Agreement and the final completion of the Services and Project:

- that it has employees and/or Sub-Consultants available with the appropriate credentials and experience as required to provide the services and perform its obligations hereunder.
- that it is authorized to do business in the State of North Carolina and properly licensed by all necessary governmental and public and quasi-public authorities having jurisdiction over it and over the Services.
- that its execution of this Agreement and its performance thereof is within its duly authorized powers.
- that its duly authorized representative and key employees for this engagement have carefully examined the Agreement, have investigated the Scope and Conditions of the Project and services to be provided, is familiar with the local and special conditions under which the Services are to be provided and have correlated on site observations with the requirements of the Agreement.

## **ARTICLE 3**

### **BASIC AND CONSTRUCTION MANAGEMENT SERVICES**

#### **3.1 Basic Services**

The Engineer shall perform as Basic Services that work, and services described herein and as follows:

- Obtain from the Town copies of all available Plans and Specifications of the present Vacuum Pumping Station,
- Update existing site information by way of performing necessary onsite GPS surveys showing the proper location of all existing above ground physical features and improvements,
- Obtain information from Town representatives relating to preferred requirements for the completed project. This information may include equipment performance characteristics; preferred equipment and material specifications; and architectural features of the proposed structure,
- Prepare Detailed Plans and Specifications for development of a complete operating vacuum pumping system to include all structural, electrical, SCADA and mechanical components,
- Obtain all Permits required by the Town and all other Regulatory Authorities having jurisdiction over the project,
- Prepare Bidding Documents sufficient for public Advertisement for Bids and subsequent execution by Town and Contractor(s) selected to perform the construction of the Project,
- Provide the Town with a list of qualified Bidders having experience in the construction of projects similar in nature to the one proposed,
- Assist the Town with Advertising Project for Bid, prepare and issue Addenda as appropriate to clarify, correct or change the issued Bid Documents, attend Bid opening, prepare Bid Tabulation, make recommendation to appropriate Town representatives for Contract Award and assist the Town with preparation of Final Contract Documents.

#### **3.2 Construction Management Services**

Upon successful completion of the Bidding and Negotiating Phase, the Engineer will provide Construction Management Services to include the following items:

- Issue Notice to Proceed with Construction to the qualified Contractor(s) selected to perform the work,
- Participate in and chair a pre-construction conference prior to commencement of work,
- Receive, review and determine the acceptability of Project Schedule and Schedule of Values that have been prepared and submitted by the Contractor(s),
- Conduct Shop Drawing Review of items of construction proposed for use by Contractor(s),
- Establish baselines and benchmarks for locating the work which are necessary to enable Contractor(s) to proceed with the work,

- During construction, the Engineer and/or his Sub-Consultants will make visits to the site at intervals appropriate to the various stages of construction to observe the progress of the executed work,
- If required, the Engineer, after consulting with the Town, will prepare Change Orders for all modification to the work that require adjustments to the original Contract sum,
- Review, approve and issue Monthly Payment Request from the Contractor(s) to the Town,
- Receive and Review Monthly Sales Tax Reports submitted by the Contractor(s),
- Issue Final Acceptance of Work Performed.

#### **ARTICLE 4**

#### **PROJECT DEVELOPMENT SCHEDULE**

- 4.1** The commencement date for the Engineer's Basic Services shall be the date of delivery to the Engineer from the Town of a fully executed original of this Agreement. The following is a projected schedule for Project Development:

• Submit Engineering Agreement to Town.....	05/24/2021
• Engineering Agreement approved by Town.....	06/01/2021
• Begin Design.....	06/07/2021
• Deliver 100% Plans to Town for review .....	08/20/2021
• Advertise for Bids.....	09/01/2021
• Receive Bids.....	10/05/2021
• Town Awards Contract(s).....	10/19/2021
• Begin Construction.....	11/01/2021
• Complete Construction (180 days).....	04/30/2022
• System Start-Up.....	04/15/2022
• Project Closeout.....	05/01/2022

- 4.1.1** This Agreement is made in anticipation of conditions permitting continuous and orderly progress through completion of the services. Times for performance shall be extended as necessary for delays or suspensions due to circumstances that the Engineer does not control.
- 4.1.2** Notwithstanding any other provision of this Agreement, the Engineer shall not have liability for or be deemed in breach because of delays caused by any factor outside of his reasonable control, including but not limited to, natural disasters, adverse weather, or acts of the Town, third parties, or governmental agencies.
- 4.1.3** Should the Town determine the Engineer is behind schedule, it may require him to expedite and accelerate his efforts, including providing additional resources and working overtime, as necessary, to perform his services in accordance with the approved project schedule. These additional efforts will be at no additional cost to the Town.

## **ARTICLE 5** **COMPENSATION**

### **5.1    Compensation for Basic and Construction Management Services**

Compensation for Basic and Construction Management Services of this Agreement shall include all compensation due the Engineer from the Town for all services under Articles 3.1 and 3.2 of this Agreement. The amount(s) payable to the Engineer for these Services is:

• Design Phase .....	\$ 116,296.00
• Bidding Phase .....	\$ 9,308.00
• Construction Administration/Supervision Phase .....	<u>\$ 130,386.00</u>
Total Compensation	\$ 255,990.00

Payment for these Services shall become due and payable monthly in proportion to satisfactory services performed and work accomplished. Payments will be made monthly by the Town within 30 calendar days of receipt of an invoice which is in form and substance acceptable to the Town. Each invoice shall contain the Engineer's name and federal tax identification number.

### **5.2    Reimbursable Expenses**

Reimbursable expenses are not applicable to this Project unless previously approved and authorized by the Town.

### **5.3    Additional Services**

Request for Additional Services by the Town not included in the Basic and Construction Management Services identified under Articles 3.1 and 3.2 of this Agreement shall be agreed upon in writing and billed in accordance with the fee negotiated for the services required.

## **ARTICLE 6** **RESPONSIBILITIES OF THE TOWN**

### **6.1    Cooperation and Coordination**

The Town has designated the Town Manager to act as the Town's representative with respect to the Project and he shall have the authority to render decisions within guidelines established by the Town Board of Commissioners and shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

This document had been pre-audited  
in the manner required by the  
Local Government Budget and  
Fiscal Control Act

*DM*

## **ARTICLE 7** **INSURANCE**

### **7.1 General Requirements**

The Engineer shall purchase and maintain and shall cause each of his Sub-Consultants to purchase and maintain, during the period of performance of this Agreement, insurance for protection from claims under workers' or workmen's compensation acts; Comprehensive General Liability Insurance covering claims arising out of or relating to bodily injury, including bodily injury, sickness, disease or death of any of the Engineer's employees or any other person and to real and personal property including loss of use resulting thereof; Comprehensive Automobile Liability Insurance, including hired and non-owned vehicles, if any, covering personal injury or death, and property damage; and Professional Liability Insurance, covering personal injury, bodily injury and property damage and claims arising out of or related to the negligent performance under this Agreement by the Engineer or his agents, consultants and employees.

The minimum insurance rating for any company insuring the Engineer(s) shall be Best A.

### **7.2 Limits of Coverage**

Minimum limits of insurance coverage shall be as follows:

<b>INSURANCE DESCRIPTION</b>	<b>MINIMUM REQUIRED COVERAGE</b>
• Worker's Compensation	Limits for Coverage A - Statutory State of N.C. Coverage B - Employers Liability \$1,000,000 each accident and policy limit and disease each employee
• Commercial General Liability	\$2,000,000 Each Occurrence \$4,000,000 Aggregate
• Automobile Liability Combined Single Limit	\$1,000,000
• Professional Liability	\$1,000,000 Per Claim \$2,000,000 Aggregate

All insurance policies (with the exception of Worker's Compensation and Professional Liability) required under this Agreement shall name the Town as an additional insured party. Evidence of such insurance shall be furnished to the Town; together with evidence that each policy provides that the Town shall receive prior written notice of any cancellation, non-renewal or reduction of coverage.

### **7.3 Indemnity**

The Engineer agrees to indemnify and hold harmless the Town from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Services provided and arising from breach of any representation, warranty, covenant or obligation contained in the Agreement; and bodily injury including death or property damage to any person or persons to the extent caused in whole or in part by the negligence or willful misconduct of the Engineer except to the extent same are caused by the negligence or willful misconduct of the Town. It is the intent of this provision to require the Engineer to indemnify the Town in accordance with the terms of this Agreement to the fullest extent permitted under North Carolina law.

## **ARTICLE 8** **AMENDMENTS TO THE AGREEMENT**

### **8.1 Changes in Basic Services**

Changes in the Services outlined in this Agreement that will require additional compensation or a change in duration of this Agreement shall be made by a written Amendment to this Agreement executed by the Town and the Engineer. The Engineer will proceed to perform the Services required by the Amendment only after receiving a fully executed Amendment from the Town.

## **ARTICLE 9** **TERMINATION AND SUSPENSION**

### **9.1 Termination for Convenience of the Town**

This Agreement may be terminated without cause by the Town and for its convenience upon seven (7) days prior written notice to the Engineer.

### **9.2 Other Termination**

The Engineer may terminate this Agreement based upon the Town's material breach of this Agreement; provided the Town has not taken all reasonable actions to remedy the breach. The Engineer shall give the Town seven (7) days' prior written notice of his intent to terminate this Agreement for cause.

### **9.3 Compensation after Termination**

In the event of termination, the Engineer shall be paid that portion of his fees and expenses that it has earned to the date of termination, less any costs or expenses incurred or anticipated to be incurred by the Town due to errors or omissions of the Engineer.

Should this Agreement be terminated, the Engineer shall deliver to the Town within seven (7) days, at no additional cost, all documents, drawings, and electronic data bases relating to the Project.



#### **9.4 Waiver**

The payment of any sums by the Town under this Agreement or the failure of the Town to require compliance by the Engineer with any provisions of this Agreement or the waiver by the Town of any breach of this Agreement shall not constitute a waiver of any claim for damages by the Town for any breach of this Agreement or a waiver of any other required compliance with this Agreement.

### **ARTICLE 10 ADDITIONAL PROVISIONS**

#### **10.1 Relationship of Parties**

Engineer is an independent contractor of the Town. Neither Engineer nor any employee of the Engineer shall be deemed an officer, employee or agent of the Town. Engineer's personnel shall not be employees of, or have any contractual relationship, with the Town.

#### **10.2 Limitation and Assignment**

10.2.1 The Town and the Engineer each bind themselves, their successors, assigns and legal representatives to the terms of this Agreement. Neither the Town nor the Engineer shall assign or transfer its interest in this Agreement without the written consent of the other.

#### **10.3 Governing Law**

This Agreement and the duties, responsibilities, obligations and rights of respective parties hereunder shall be governed by the laws of the State of North Carolina.

#### **10.4 Dispute Resolution**

Owner and Engineer agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or relating to this Agreement or the breach thereof ("Disputes") to mediation by [here insert name of mediator, or mediation service]. Owner and Engineer agree to participate in the mediation process in good faith. The process shall be conducted on a confidential basis and shall be completed within 120 days. If such mediation is unsuccessful in resolving a Dispute, then (1) the parties may mutually agree to a dispute resolution of their choice, or (2) either party may seek to have the Dispute resolved by a court of competent jurisdiction.

#### **10.5 Extent of Agreement**

This Agreement represents the entire and integrated agreement between the Town and the Engineer and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures.

**10.6 Severability**

If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be enforceable without such provision.

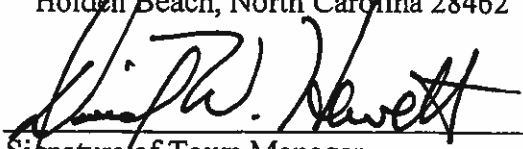
**10.7 Ownership of Documents**

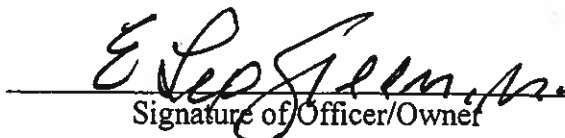
Upon full and final payment to Engineer, all designs, drawings, specifications, design calculations, notes and other works developed in the performance of this contract shall become the property of the Town and may be used on any other project without additional compensation to the Engineer. The use of the documents by the Town or by any person or entity for any purpose other than the Project as set forth in this Agreement shall be at the full risk of the Town or such person or entity.

IN WITNESS WHEREOF, the parties, by and through their authorized agents, have hereunder set their hands and seal, all as of the day and year first above written.

TOWN: Town of Holden Beach  
110 Rothschild Street  
Holden Beach, North Carolina 28462

ENGINEER: Green Engineering, PLLC  
303 Goldsboro Street E., P.O. Box 609  
Wilson, North Carolina 27894

  
Signature of Town Manager

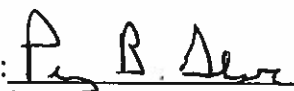
  
Signature of Officer/Owner

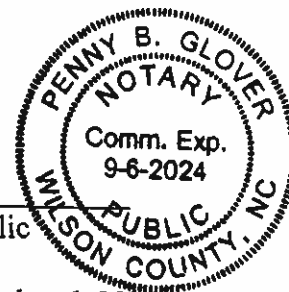
David W. Hewett, Town Manager  
Printed Name and Title

E. Leo Green, Jr., Managing Member

(SEAL)

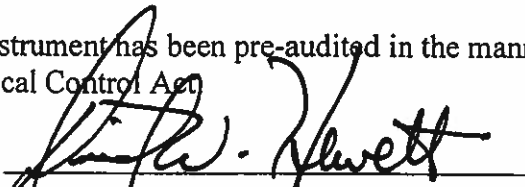
ATTEST:

By:   
Penny B. Glover, Notary Public



My Commission Expires: September 6, 2024

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act

  
David W. Hewett, Finance Officer



Date: December 12, 2022

To: Commissioners and Mayor Holden

From: Daniel McRainey, Budget & Fiscal Analyst

Re: Ordinance 22-29, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 7)

This amendment is to realize the money received for the insurance claim on the Public Works' truck that was flooded during Hurricane Ian. Approving this amendment will allow the town to move forward with acquiring a replacement truck for the Public Works Department.

The recommended motion is to approve Ordinance 22-29, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 7).

## TOWN OF HOLDEN BEACH

## ORDINANCE NO. 22-29

## AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022-2023 (AMENDMENT NO. 7)

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 22-14 appropriating funds for fiscal year 2022-2023 be amended as follows:

**Revenues**

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
MISC REV SEWER FUND	30.0335.0100	37,112	INCREASE
	<u>TOTAL</u>	<u>37,112</u>	

**Expenses**

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
WATER CAP OUTLAY - VEHICLES	30.0810.7403	37,112	INCREASE
	<u>TOTAL</u>	<u>37,112</u>	

The Town Manager acting in his capacity as Budget Officer or Finance Officer as may be appropriate is hereby authorized to effect such administrative actions as necessary to ensure compliance with the Local Government Fiscal Control Act and Governmental Accounting Standards Board.

This amendment is effective the 20th day of December, 2022.

ATTEST:

\_\_\_\_\_  
J. Alan Holden, Mayor

\_\_\_\_\_  
Heather Finnell, Town Clerk



Date: December 12, 2022

To: Commissioners and Mayor Holden

From: Daniel McRainey, Budget & Fiscal Analyst

Re: Ordinance 22-30, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 8)

This amendment is to encumber funds to the Pier Renovation and Repair line for the minor repairs that took place after hurricane Ian and for any upcoming minor repairs prior to the full renovation.

The recommended motion is to approve Ordinance 22-30, An Ordinance Amending Ordinance 22-14, The Revenues and Appropriations Ordinance for Fiscal Year 2022 – 2023 (Amendment No. 8).



## TOWN OF HOLDEN BEACH

## ORDINANCE NO. 22-30

## AN ORDINANCE AMENDING ORDINANCE 22-14, THE REVENUES AND APPROPRIATIONS ORDINANCE FOR FISCAL YEAR 2022-2023 (AMENDMENT NO. 8)

Be it ordained by the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Ordinance No. 22-14 appropriating funds for fiscal year 2022-2023 be amended as follows:

**EXPENDITURES**

DESCRIPTION	ACCOUNT #	AMOUNT	ACTION
441 UTILITIES&INSURANCE	50.0710.6102	5,000	INCREASE
441 OBW	50.0710.6100	(5,000)	DECREASE
	<u>TOTAL</u>	<u>-</u>	

The Town Manager acting in his capacity as Budget Officer or Finance Officer as may be appropriate is hereby authorized to effect such administrative actions as necessary to ensure compliance with the Local Government Fiscal Control Act and Governmental Accounting Standards Board.

This amendment is effective the 20th day of December, 2022.

ATTEST:

\_\_\_\_\_  
J. Alan Holden, Mayor

\_\_\_\_\_  
Heather Finnell, Town Clerk

**Heather Finnell**

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**From:** patricia kwiatkowski <pattykwi@gmail.com>  
**Sent:** Monday, December 5, 2022 7:55 AM  
**To:** Heather Finnell  
**Subject:** Dec agenda

Discussion and possible action on revising "Discharge of firearms prohibited:exceptions, ordinance 130.01"

Background: following a presentation by Chief Dixon to HBWPOA on police department responsibilities and general practices, he and I briefly discussed the use of firearms within municipal limits. After separately reviewing the current ordinance 130.01 ( see below) we agreed it could be improved/modernized. Chief Dixon is prepared to bring a proposal for modification to the BOC if the BOC requests it.

**§ 130.01 DISCHARGE OF FIREARMS PROHIBITED; EXCEPTIONS.**

It shall be unlawful for a person to shoot or project any stone, rock, shot, or other hard substance by means of a slingshot, bean shooter, air rifle, popgun, bow, or other similar contrivance, or to fire any pistol, gun, or other firearms within the town except on archery ranges, firing ranges, or in legally-established shooting galleries or ranges, or in the discharge of duty by law enforcement officers, provided that the use of firearms in the destruction of rodents, pigeons, squirrels, or similar animals or birds or reptiles that are considered to be a menace to public health or property may be permitted by special permission of the Chief of Police.

Sent from my iPad

**Heather Finnell**

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**From:** Rick Smith <rsmith9431@gmail.com>  
**Sent:** Wednesday, December 7, 2022 10:22 AM  
**To:** Heather Finnell; Rick Smith  
**Subject:** 796 OBW

Heather

I would like to add a BOC discussion on how we address concerns with 796 OBW to the December BOC meeting agenda.

Discussion points:

- 1) Possibly direct the Town Manager to solicit bids for painting the outside of 796 OBW.
- 2) Possibly direct the Town Manager to solicit bids to repair A/C platforms, steps and remove antenna from 796 OBW.
- 3) Discuss the possibility of requesting bids from local realtors for possibly providing weekly rental activity.

Thanks,  
Rick Smith

**Discussion and Possible Direction to Town Manager to Review Information and Suggestions from Holden Beach Citizens on the First Year of Paid Parking and Return Staff Suggestions to the Board of Commissioners for the January Meeting – Mayor Pro Tem Smith**

I would like to discuss possibly having the BOC direct the Town Manager to review this information and suggestions from HB citizens on the first year of paid parking and return staff suggestions to the BOC for the January BOC meeting.

Below are the suggestions received to date:

- 1) Discuss making possible changes to the way we handle boat trailers with no tags. Possibly make contract adjustments.
- 2) Discuss a possible 24 hour limit to authorized right of way paid parking.
- 3) Discuss possibly having free parking for the 2 festivals and in the area of any permitted event.
- 4) Discuss giving each homeowner (not empty lot owners) one free yearly pass and apply before April 1st of each year.
- 5) Discuss asking for a more detailed breakdown of the 1<sup>st</sup> year's revenue. (annual and weekly passes, daily parking, ticket revenue and % of collections)
- 6) Discuss possibly increasing fees? (\$4 per hour, \$20 per day, \$80 per week and \$150 yearly)
- 7) Discuss possibly changing the paid parking dates of operation. (April 1<sup>st</sup> - Nov. 30<sup>th</sup>)
- 8) Discuss the possibility of having our parking contractor install signage where necessary to reduce confusion. (no parking signs on marsh streets and side streets and all areas where parking is not allowed)
- 9) Discuss eliminating all unauthorized right of way parking.
- 10) Discuss the possibility of having the parking contractor and town staff do a street by street review of parking and suggest sign placement.



Date: December 13, 2022  
To: Commissioners and Mayor Holden  
From: Heather Finnell, Town Clerk  
Re: Recycling Fees HF

We have received the updated fees assessed by GFL Environmental for people who utilize the voluntary curbside recycling program.

The annual 2023 cost for people participating in the program will be \$106.88 per bin. This is an increase from the current rate of \$86.37. The fee schedule needs to be amended to reflect the new amount.

Staff recommends the Board approve Resolution 22-09, Resolution Amending the Holden Beach Fee Schedule, if you wish to continue the curbside recycling program.

**RESOLUTION 22-09**  
**RESOLUTION AMENDING THE HOLDEN BEACH FEE SCHEDULE**

**WHEREAS**, As reflected in the Solid Waste and Recyclables Collection, Transportation and Disposal Agreement between the Town and GFL Environmental, GFL Environmental will provide a 95-gallon container for the voluntary curbside recycling program for a fee that includes the base charge and a processing fee; and

**WHEREAS**, the annual total assessed per bin for 2023 is \$106.88; and

**WHEREAS**, the Holden Beach Fee Schedule needs to be updated to reflect the current fee.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners of the Town of Holden Beach, North Carolina does hereby amend the fee schedule to reflect the new recycling fee of \$106.88 per bin.

**BE IT FURTHER RESOLVED**, that this fee should be effective for recycling services beginning on January 1, 2023.

This the 20<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
J. Alan Holden, Mayor

ATTEST:

\_\_\_\_\_  
Heather Finnell, Town Clerk

## ADMINISTRATION FEES

Vehicle Decals	
First 4 Decals	\$0
On Island Business	\$10.00 each
Off Island Business	\$10.00 each
Replacement Decals	\$5.00 each
Curbside Recycling	<del>\$86.37</del> \$106.88 annually
User Fees	
Pavilion (Jordan Boulevard) Rental Resident	\$100/daily
Pavilion (Jordan Boulevard) Rental Non-Resident	\$110/daily
Bridgeview Park Picnic Shelter Rental Resident	\$75/four hours
Bridgeview Park Picnic Shelter Rental Non-Resident	\$85/four hours
All Other Town Facilities (Town Hall, EOC)	\$75
Recreation Programs	(\$0 - \$150) Varies per Activity
Independent Contract Instructors	25% of Fees Collected for Program
Bridgeview Public Dock Fees. Said fees are per day and not to exceed three consecutive days.	
Dock Fee	\$1.25 per foot
Sewer Pump Out	\$5
Laundry	\$5
Shore Power 20, 30 amp	\$5
Shore Power 50 amp	\$10
Special Event Fee for Races	\$1,500
*Ability to waive or reduce for non-profits. If number of Police Officers exceeds five, an additional fee will be charged.	

## PRIVILEGE LICENSE FEES

Off-Premises Unfortified Wine, Off-Premises Fortified Wine or Both	\$10.00
Off-Premises Malt Beverages	\$5.00
On-Premises Malt Beverages	\$15.00
On-Premises Unfortified Wine, On-Premises Fortified Wine or Both	\$15.00