



Town of HOLLY RIDGE

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HOLLY RIDGE TOWN COUNCIL REGULAR MONTHLY MEETING June 12th, 2012

Mayor Padgett called the Regular monthly Meeting of the Holly Ridge Town Council to order at 7:00 pm. at the Holly Ridge Town Hall. Council members present were Mayor Pro-Tem Edwards, Councilman Hines, Councilwoman Stanley, Councilwoman Dinger and Councilman Wright. Also present were Manager Maiorano, and Town Clerk, Heather Reynolds. Attorney Stroud was also present.

Invocation and Pledge

Councilman Hines gave the Invocation and Mayor Padgett led the Pledge of Allegiance.

Adoption of Minutes

A motion was made by **Councilman Hines** and seconded by **Mayor Pro-Tem Edwards** to adopt the minutes of the Regular Meeting held on May 8th, 2012 and the Budget Workshop held on May 9th, 2012. **All Agreed.**

Adoption of Agenda

A motion was made by **Councilwoman Stanley** and seconded by **Councilman Wright** to adopt the Agenda as presented. **All Agreed.**

Persons Wishing to Address the Council

There were none.

Parks and Recreation Report

Manager Maiorano reported the 4th of July event is on track and the town is hoping to have the same number of people as last year. Manager Maiorano stated this year's event should go well with some changes that have been made such as moving the restrooms and adding inflatables.

ONWASA Report

Councilman Hines gave the following report:

- The Stakeholders Meeting that is coming up is the biggest thing going on right now.
- The work has started on the Summerhouse Plant and there will be more sewer availability to this area once this plant is online.
- ONWASA's Public Hearing on their budget is coming up and there has been no increase in rates.

Public Hearings

Discussion and Possible Adoption of the 2012-2013 Fiscal Year Budget Ordinance and Budget

A motion was made by **Councilman Hines** and seconded by **Mayor Pro-Tem Edwards** to go into a public hearing. **All Agreed.**

Manager Maiorano stated he was pleased to present this year's budget and wanted to go over the highlights:

- Total budget is \$1,891,619
- Powell Bill funds \$42,000
- Taxes remain 41.5 cents per \$100.00 of valuation

Councilman Hines asked if the town has heard anything from the State about possibly cutting back the Powell Bill funds. Manager Maiorano answered he has not heard anything but there has been a decrease over the years. Manager Maiorano said the town is in really good shape as far as Powell Bill funds.

A motion was made by **Councilman Hines** and seconded by **Councilwoman Stanley** to return to Regular Session and to adopt the 2012-2013 fiscal year budget and budget ordinance as presented. **All Agreed.**

Discussion and Consideration of an Ordinance amending the Town's Charter to Change the Terms of Office for the Mayor and Members of the Council to Four Year Staggered Terms

A motion was made by *Councilman Hines* and seconded by *Mayor Pro-Tem Edwards* to go into a Public Hearing for the purpose of discussing the four year terms. *All Agreed.*

Manager Maiorano stated once this ordinance is passed the town will notify the state of the change to the Charter.

A motion was made by *Councilwoman Stanley* and seconded by *Councilman Wright* to return to Regular Session. *All Agreed.*

A motion was made by *Councilwoman Stanley* and seconded by *Mayor Pro-Tem Edwards* to adopt the ordinance to amend the Town's Charter to change the terms of office for the Mayor and members of the Council to four year staggered terms. *All Agreed.*

Old Business

Discussion and Resolution of the Hudiburg Pond

Manager Maiorano stated the town is coming to a resolution on this matter and he wanted to err on the side of caution for this particular matter because he wanted to make sure the town had a good foundation to stand on. He went on to say Mr. Williams was at the meeting here last month and the Council discussed this matter with him. Manager Maiorano said the month before the meeting a letter was sent to Mr. Williams asking him to appear at Town Hall and discuss his plans. Mr. Williams did come to Town Hall and do that and then we didn't hear from him for a couple of weeks until the day of the May Regular Meeting and then he appeared before the Council. Manager Maiorano said since the May meeting he had not heard from Mr. Williams until today around 2:00 p.m. and Mr. Williams assured the town 100% that he will handle this problem and would kill the water hyacinths and the cattails and will have it launched and completed within 30 days.

Manager Maiorano said the good thing about Mr. Williams cleaning the pond will be that he will kill the cattails too and the town cannot kill the cattails because they are not considered a noxious weed. Manager Maiorano suggested the town wait and see if he cleans the pond and if not then the town will launch to have the pond cleaned and Mr. Williams seemed sincere.

Mayor Pro-Tem Edwards agreed with Manager Maiorano because the town has no idea how much it will cost to clean the pond. Councilman Hines said if Mr. Williams kills the weeds in the pond it will then have an odor once it starts to rot. Councilman Hines also said at last month's meeting the board did not make a motion for Mr. Williams to have the pond cleaned within 30 days so it seems he is just buying more time. Councilman Hines made the point that just killing

the weeds will not fix the problem. Councilman Hines stated the minutes last month state that Larry will get in touch with Mr. Williams and explain to him how to fix the problem.

Councilman Hines asked Larry if he had been in touch with Mr. Williams. Larry answered the Town Manager was going to handle that. Manager Maiorano stated Hiram was going to get in touch with the town and he never did.

Manager Maiorano said he wants to be careful when dealing with the ordinances because we could end up with a \$20,000 bill that the town could eat because the judge may not see things the way the town does.

Attorney Stroud stated Mr. Rob Emens with NCDENR can give the town a lot of input and guidance to make sure this problem is solved. He went on to say in one of his first conversations with Mr. Emens his suggestion was not to just spray the pond with herbicide but to mechanically remove as much as possible of the weeds then spray the vegetation. Attorney Stroud made the suggestion that the Manager and Mr. Emens and himself meet and let Mr. Emens give the town expert guidance.

Councilman Hines asked how enforceable the town's ordinance is. Attorney Stroud said the courts do not like nuisance ordinances. Attorney Stroud stated he feels it is enforceable but if there is anyway outside of court it will be a lot cheaper in the long run. Councilman Hines said it is clear that Mr. Williams wants to take the cheapest and easiest way out but if that doesn't correct the problem then we will be back in the same position. Attorney Stroud said that is why he thinks it is a real good idea to get Mr. Emens involved because herbicide is very expensive and then there could be an odor problem.

Councilman Hines stated the town should have done our homework better because nine out of ten times there is an odor issue. Councilman Hines suggested meeting with Mr. Emens and then tell Mr. Williams exactly what he needs to do.

Manager Maiorano said he sees if we move ahead prematurely we may spend \$20,000 to clean it up and then an additional \$10,000 to \$15,000 in court and that is a problem. Mayor Pro-Tem

Edwards said if the town doesn't tell Mr. Williams exactly what the town wants done then the town has no chance of winning. Councilman Hines stated the town cannot back down either. Councilman Hines said whoever meets with Mr. Emens can establish exactly what we want done and then let Mr. Williams know what has been decided.

Manager Maiorano stated he will call Mr. Williams and advise him.

A motion was made by **Councilwoman Stanley** and seconded by **Councilman Wright** to have Manager Maiorano and Attorney Stroud set up a meeting with Mr. Emens with DENR to find out what needs to be done and then Manager Maiorano set up a meeting with Mr. Williams and tell him exactly what needs to be done and let him know it has to be done within 30 days. Councilman Hines and Councilman Wright are also to be included in the meetings. **All Agreed.**

Mayor Pro-Tem Edwards suggested having Heather in the meetings to record what happens in case this goes to court.

New Business

Purchase of Powell Bill Equipment

Manager Maiorano stated this purchase is logged as Powell Bill equipment for now but the Council can discuss that. Manager Maiorano said this piece of equipment would be really useful and it is pretty cheap too. Manager Maiorano said this equipment could also be used on the sides of the roads. Manager Maiorano said a four and a half foot blade Infield Rascal is \$3100.00 and a five and a half foot Infield Rascal is \$3400.00. Mayor Pro-Tem Edwards asked if this blade will work behind the town's gator and Manager Maiorano said yes.

A video showing the use of the equipment called the Infield Rascal was shown to the Council and audience.

Manager Maiorano stated if this equipment is put on the streets it can be purchased out of the Powell Bill funds. Manager Maiorano said this will also be on the baseball field too along with on the sides of the streets. Mayor Pro-Tem Edwards said all he saw it doing was working the ball field in the video. Manager Maiorano said it does everything.

A different video was played to show other uses of the equipment.

Councilwoman Dinger said there will be a lot of uses such as the street shoulders, the parking lots and the multipurpose field. Manager Maiorano said the equipment will be used if purchased. Councilwoman Stanley said the town bought the crack sealer and wanted to know how many times it has been used because she doesn't want to see the town spend the money and the equipment not be used. Manager Maiorano said the crack sealer is something that has to be scheduled in for the maintenance department and that department really hasn't had enough people to operate the machine because they need at least three people to operate and they are backlogged. Manager Maiorano said the equipment will be used and he believes it will do a good job.

A motion was made by **Councilman Hines** and seconded by **Councilman Wright** to purchase the 4.5' Infield Rascal and make sure it includes the ribbon teeth and the grading blade and for the expenditure to come from Powell Bill funds as long as it can be justified. **All Agreed.**

Police Department Comments

Major Bryant said the new police cars are in now and the department is preparing for the 4th of July.

Fire Department Comments

Chief Longo thanked the Council and staff for all their assistance and support. He said last month was busy with 40 calls and the department is expecting that to double. Chief Longo also said the Fire Department has been holding fundraisers and membership drives. He stated the new ladder truck has been picked up and the truck will be in service in a month.

Town Manager Comments

Manager Maiorano stated he sent an email to Jacksonville Paving 10-12 days ago because the work has not been completed and R.J. responded that as soon as the rain stopped they would be here. Manager Maiorano suggested contacting their attorney if the town doesn't hear anything in the next week.

Manager Maiorano stated the town has not heard anything about the Coastal Federation Grant and the state is dragging their feet with the Police Department grant. He also mentioned the ONWASA Stakeholder's Meeting which will be held tomorrow.

Manager Maiorano also announced he met with Craig who is the new director of the Chamber and invited him to the Stakeholders Meeting and spent about an hour and a half with him.

Mayor Pro-Tem Edwards asked how the town's website is coming along. Manager Maiorano stated it is coming along but it is a slow process.

Council Concerns

Councilwoman Dingler said thank you to the employees and the Fire Department included. She also said she is excited about the 4th of July.

Councilman Wright said thank you to everyone and he is excited about the 4th of July as well.

Councilwoman Stanley said thank you to everyone and said she saw the fundraiser being held by the Fire Department and it was a great idea. Councilwoman Stanley also thanked Manager Maiorano, the Police Department and everyone for coming tonight.

Mayor Pro-Tem Edwards said he appreciates what everyone is doing.

Councilman Hines asked about the issue concerning Bay Branch and asked the attorney if he had all the information he needed on this issue. Attorney Stroud said he had a fairly long conversation yesterday with the person who is representing Mr. Lewis and he understands that the Town is not happy with the way the project was presented. Attorney Stroud said the Town is in a good position because the conditional use permit was never made formal in that case for whatever reason. Attorney Stroud said Mr. Lewis is recognizing the Town has firm ground to revoke the conditional use permit if it was actually issued. Attorney Stroud said he needs to be in touch with the Manager and get into the minutes and records from then and by the July meeting the Council should have some options. Councilman Hines asked if Bay Branch understands they cannot go any further with the project at this time. Attorney Stroud stated it appears DENR has stopped them as well. Attorney Stroud said this issue has broken so quickly over the last couple of days he hasn't even had a chance to discuss the conversation with Mr. Lewis's attorney with Manager Maiorano. Councilman Hines wanted to make sure that Bay Branch cannot do anything further until they come back before the Council and do something with a conditional use and also asked if Attorney Stroud has everything he needs to back the town up on that and give the town advice. Attorney Stroud said yes and have gotten and getting.

Councilman Hines said if there is a rental property in town for instance a trailer and the tenant is not maintaining the property correctly and the town takes action against the tenant but doesn't the owner of the property have some sort of responsibility too? Councilman Hines asked if this needs to be addressed in the ordinance that says the tenant and the owner has the responsibility of maintaining the property. Attorney Stroud stated the owner has the ultimate responsibility especially the outside of the property. Councilman Hines asked if anything needs to be done to the town's ordinances in order to enforce the ordinances. Attorney Stroud said he didn't think so.

Manager Maiorano asked if we are talking about underpinning or anything else on the mobile homes. Councilman Hines said it would be anything concerning maintaining the property.

Larry said if a lot is being rented to the owner of a mobile home and in the ordinance it says after 30 days the town can go after them by means of a fine and then a lien. Larry said the problem the town is running into is the lot is owned by one person and the mobile home is owned by another person and it makes it hard to put a lien against them. Larry said the question would be is the lot owner partially responsible and could we put a lien against his property. Attorney Stroud said if the lot owner has only rented a space out then he has a harder time saying that he is responsible for underpinning and things of that nature.

Manager Maiorano suggested presenting a mobile home ordinance at the next meeting. Councilman Hines asked the staff to present a mobile home ordinance at the next meeting.

Councilwoman Stanley asked if there was a way to enforce citizens removing junk from the side of the roads. Larry said once code enforcement is notified then the department notifies the occupant that they have to remove it.

Councilman Hines said the last meeting the Council was asked to attend had a dinner of \$30.00 and he felt that was excessive. Mayor Padgett said that is probably the reason no one showed up.

Announcements

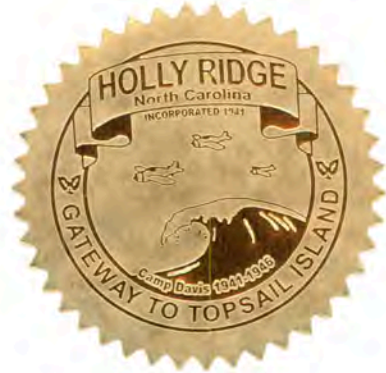
Mayor Padgett gave the following announcements:

- 4th of July Celebration in the Park – Wednesday, July 4th, 2012 at 6:00 p.m.

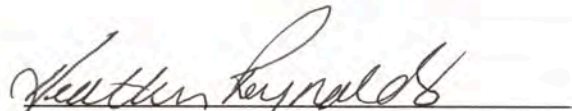
Adjournment

A motion was made by Councilman Hines and seconded by Councilwoman Dingler to adjourn at 8:30 p.m. *All Agreed.*

Attest:




Mayor Padgett


Heather Reynolds, Town Clerk

These minutes were recorded and prepared by Town Clerk Heather Reynolds