



Town of HOLLY RIDGE

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HOLLY RIDGE TOWN COUNCIL REGULAR MONTHLY MEETING November 13th, 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, Councilman Wright, Councilwoman Stanley, and Councilwoman Dingler. Also present were Manager Maiorano; Front Desk Clerk, Tracy Martin; and Attorney Kitchen.

Invocation and Pledge

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

Adoption of Minutes

A motion was made by **Mayor Pro-Tem Edwards** and seconded by **Councilwoman Stanley** to adopt the minutes of the Regular Meeting held on October 9th, 2012 as presented. **All Agreed.**

Adoption of Agenda

A motion was made by **Councilman Hines** and seconded by **Mayor Pro-Tem Edwards** to adopt the Agenda as presented. **All Agreed.**

Presentation and Reading of the Indian Heritage Month Proclamation

Councilwoman Dingler read the Indian Heritage Month Proclamation.

Presentation and Reading of the Veterans Proclamation

Manager Maiorano read the Veterans Proclamation.

Persons Wishing to Address the Council

Parks and Recreation Report

Manager Maiorano stated there was a movie held the other day at the Community Center in conjunction with Onslow County and there was not much attendance. He mentioned the next movie being held on December 7th in the Community Center which is also in conjunction with Onslow County and will include Santa. Manager Maiorano said the Town has their own Christmas Party for the children that will be held December 15th in the Community Center with Santa.

ONWASA Report

Councilman Hines gave the follow report:

- Within the next 24 months the Summerhouse Plant should be on-line and operating if everything goes according to plan.
- The Summerhouse Plant is a 400,000 gallon a day plant, so we will have a lot of capacity left even after Summerhouse builds out.

Old Business

Hudiburg Pond Update

Manager Maiorano said himself and Councilman Wright, Councilman Hines, Mrs. Brown, Mr. Williams, and Jim Bullard met last week. Manager Maiorano referenced a picture of the pond now and it is looking like a pond and prior to the picture presented you couldn't see any water at all. Manager Maiorano said the Town doesn't care how they do it as long as the pond is complete in the time frame and they did start the pond this week and they are stabilizing the sides and it looks really good now. Manager Maiorano stated the ditch line that has been getting complaints for years is also cleaned up and there is some water standing in the far left corner of the pond and

they plan on working on that next. Manager Maiorano said the pier will be torn down. Councilman Hines said there are two trees left and that is a good thing because they are nice trees. Councilwoman Stanley asked if there is going to be a fence around the pond or any type of warning signs. Manager Maiorano answered no and he believes they are pretty much done.

Town Contribution to Morris Landing Project

Manager Maiorano said the Town agreed to team up with Coastal Federation and Mike Giles is here with the Coastal Federation. Manager Maiorano said the Town did the CAMA Access Grant and the Town pledged a certain amount of money for the grant along with in-kind work and the amount was \$8,000 budgeted for the grant which is what we thought would be the match. Manager Maiorano said the in-kind service must match the amount of the money and we are able to lower the in-kind service to \$10,500 and we will need to match that amount with \$10,500. Manager Maiorano said staff needs another \$2,500 to match the grant to meet the criteria for the grant approval.

A motion was made by ***Councilman Wright*** and seconded by ***Councilwoman Dingler*** to increase the Town contribution to \$10,500 to match the grant. ***All Agreed.***

Mike Giles said he wanted to confess because the grant writer missed this clause and everyone else missed it as well. Mayor Pro-Tem Edwards asked when he thought the project would begin. Mr. Giles said as soon as the contract is processed and he will meet with the Town and it should take about four weeks once the process begins.

Budget Amendment for Police Officer Position

Manager Maiorano said we have been dealing with this since budget time and now it is time to come back before the Council for the match of the grant. Manager Maiorano said the recommendation is to make a fund balance appropriation in the amount of \$49,946 for the grant to take us through the fiscal year. Manager Maiorano said this is a real good deal for the Town and the Town will recoup 85% of those funds back this year and a good candidate has been chosen.

A motion was made by ***Mayor Pro-Tem Edwards*** and seconded by ***Councilman Wright*** to make a fund balance appropriation in the amount of \$49,946 for GHSP grant funding to accounts in 10-515. ***All Agreed.***

New Business

Possible Amendment of Section 12-4 Property Kept Clean located in Chapter 12 Health Protection and Disease Prevention in the Code of Ordinances

Manager Maiorano said the Town Attorney was directed to change the ordinance to say “may” instead of “shall” and to also allow the Town Manager to direct any issues to the Town Attorney. Attorney Kitchen said you have the proposed amendment in front of you with the changes in red. He went on to say the amendment allows for the Manager instead of having to deal with issues himself he can turn it over to the Town Attorney if it cannot be resolved. Attorney Kitchen said he also cleaned up some of the language under “Retention/Detention Pond and/or Other Ponds” since before it wasn’t entirely clear that we could make them clean animal sediment and other materials that may be accumulating in the ponds and he wanted to make sure that the Town could actually do that. Attorney Kitchen said that should take care of any situation like we just had or any situation in the future.

A motion was made by *Mayor Pro-Tem Edwards* and seconded by *Councilwoman Stanley* to adopt the amendment as presented concerning Section 12-4 of the Holly Ridge Code of Ordinances. *All Agreed.*

Call for Public hearing on the Request from Charles Riggs on behalf of Kenneth Watkins for the Possible Rezoning of Parcel #'s 734A-14 and 734A-14.1 from Neighborhood Business to R-15 located on Sound Road

Manager Maiorano said this property is the overflow parking for July 4th beyond Rena Bragg’s house on the right side of Sound Road. He went on to say we are looking to call for a public hearing for the rezone request and Larry and Charles Riggs are here if anyone had any questions. Councilman Wright asked if we are jumping ahead of ourselves since the one parcel is not in Town yet. Manager Maiorano said we can do it either way and usually the Town does it in one show. Attorney Kitchen said generally he would suggest you zone it once it comes inside the Town limits and he prefers the public hearing to happen the same time the parcel is being annexed. Attorney Kitchen said the annexation takes between 70 and 75 days once you decide to do it, then you have at least 30-60 days after that to get the zoning done. Councilwoman Stanley asked if the Town should do the annexation first and then the rezoning. Attorney Kitchen said generally the annexation is first because the annexation doesn’t take effect for about two and a half months due to the preclearance letter. Attorney Kitchen said it has been a concern of his by doing the annexation after the rezoning because what happens is the statute says you can rezone after it becomes effective so you have to do the rezoning again. Attorney Kitchen said his recommendation is to do the annexation first and then do the rezoning. Councilman Hines asked if looking at it from the landowner’s perspective he would not want to have it annexed unless it

got rezoned, so he does not see where it is beneficial to the landowner. Attorney Kitchen said what you really want to do is get out from under the preclearance first and he understands the issue.

Charles Riggs who was speaking on behalf of Kenneth Watkins stated from his standpoint he would like to keep this project clean and he would like it annexed whether it is before or after the rezone because now it is two tax parcels and the rear portion is outside the Town limits but inside the ETJ. He went on to say they are looking to develop this property from a residential standpoint. Mr. Riggs said he was under the impression if they voluntarily annexed then that would happen upon the approval of the Town Council but he will yield to the Attorney on that one. Attorney Kitchen said the property can be rezoned because the property is in the ETJ but once it is annexed it would need to be rezoned again because it is a new piece of property coming in and you have to take action on a new piece of property because the zoning doesn't stick. Mr. Riggs said his review of the property he believes there will be four residential units there. Attorney Kitchen wanted to say for the record that what he is placing on the parcels cannot be considered.

Councilman Hines suggested doing both the rezone and the annexation at the same time. Attorney Kitchen said it could be done that way but then the zoning would need to be established on the parcel that was annexed following the preclearance. Councilwoman Dingler asked if a public hearing would need to be held on establishing the zoning on the one parcel. Attorney Kitchen said he would need to check on that.

A motion was made by *Councilman Hines* and seconded by *Councilwoman Stanley* to call for a public hearing to rezone parcel numbers 734A-14 and 734A-14.1 from Neighborhood Business to R-15. *All Agreed.*

Call for Public Hearing on the Request from Charles Riggs on behalf of Kenneth Watkins for the possible Contiguous Annexation of Parcel #734A-14.1 located on Sound Road

A motion was made by *Councilman Hines* and seconded by *Mayor Pro-Tem Edwards* to call for a public hearing for contiguous annexation for parcel number 734A-14.1 located off Sound Road. *All Agreed.*

Closed Session

Mayor Padgett stated this Closed Session is for the purpose of attorney/client privileges per General Statute 143-318.11 (a) (3).

A motion was made by *Mayor Pro-Tem Edwards* and seconded by *Councilwoman Stanley* to enter into Closed Session for the purpose of attorney/client privileges per General Statute 143-318.11 (a) (3). *All Agreed.*

Mayor Padgett called for a five minute break at 8:05 p.m.
Mayor Padgett called the meeting back to order in Regular Session at 8:10 p.m.

Mayor Padgett stated no action was taken in Closed Session and the Council directed the Town Attorney and the Town Manager to handle the dispute.

Police Department Comments

Major Bryant gave the follow report:

- DWI Checkpoint on December 13th, 2012 and everyone is invited.
- The new officer will be Mike Schultz and is from Swansboro.

Councilman Wright mentioned the letter of praise the Police Department received from the Village of Folkstone during Halloween for their service and Councilman Wright said he appreciated the departments work and asked the Major to please pass that on to the officers.

Fire Department Comments

No one was present from the Fire Department.

Town Manager Comments

Manager Maiorano said the Corn hole games are completed and Councilman Wright and himself built them and they have been tested. He went on to say we will be looking for judges for the tournaments.

Mayor Pro-Tem Edwards asked the status on the E-Watch program. Manager Maiorano stated the E-Watch program is up and running with anywhere between 12 and 20 people.

Council Concerns

Councilwoman Dingler wanted to mention the letter from Village of Folkstone that Councilman Wright mentioned as well. She also hoped everyone has a nice Thanksgiving.

Councilman Wright said he is happy to see the pond done and appreciates the effort on that. He also said he appreciates the work of the staff for their hard work.

Councilwoman Stanley wanted to thank all of the Veterans. She also said she thinks a fence should be added around the pond and said everyone is doing a good job. She said Happy Thanksgiving.

Mayor Pro-Tem Edwards said he is glad the website is online now and it will be a great tool if the Town can keep it updated.

Councilman Hines mentioned the underpinning of a trailer in town and it has been over a year. He also said there is a garbage cart there and wanted to know if he has water now. Manager Maiorano said as of now there has been no certificate of occupancy issued so they cannot live there. Councilman Hines said his point is some of the ordinances the Town has requires us to make people to maintain their underpinning and keep it up but we cannot enforce his just because he does not have an occupancy permit. Councilman Hines said the Town needs to make him come into compliance even if we have to change the ordinance to do so. Councilman Hines said the problem is we make everyone else in town keep their underpinning maintained and he has a trailer sitting there with no underpinning indefinitely. Manager Maiorano said this is the guy that has spent over a year trying to get this home ready and the trailer is just sitting there. Councilman Hines said something needs to be done with the ordinance to make it where they need to put underpinning on the trailers even if they do not have the certificate of occupancy.

Manager Maiorano said staff is looking at doing some changes to the underpinning ordinance. Councilman Hines said that is what he is saying is that something needs to be done about when a trailer is moved in there is a certain amount of time for the trailer to have underpinning.

Councilman Hines said it would be nice to send a letter of appreciation to Karen for what she did for the Town from the Council. Councilman Hines also told Tracy she did a good job filling in.

Manager Maiorano invited the Council to the staff Thanksgiving dinner at 12:00 next Tuesday.

Announcements

Mayor Padgett gave the following announcements:

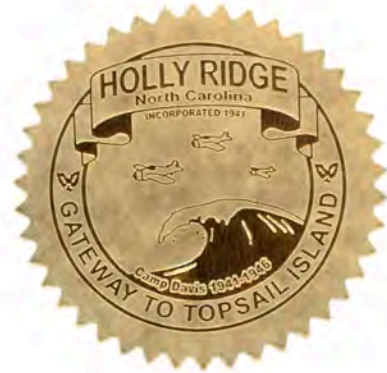
- Steering Committee Meeting – Thursday, November 15th, 2012 at 6:00 p.m.

- Planning Board Meeting – Tuesday, November 27th, 2012 at 6:30 p.m.
- Free Christmas Movie in the Community Center – Friday, November 7th, 2012 at 6:00 p.m.

Adjournment

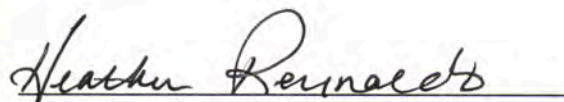
A motion was made by *Mayor Pro-Tem Edwards* and seconded by *Councilwoman Dingler* to adjourn at 8:35 p.m. *All Agreed.*

Attest:





Mayor Padgett



Heather Reynolds, Town Clerk

These minutes were recorded by Tracy Martin and prepared by Town Clerk Heather Reynolds