

Town of HOLLY RIDGE

PO Box 145 * Holly Ridge, NC 28445 * Phone (910) 329-7081 * Fax (910) 329-1593

HOLLY RIDGE TOWN COUNCIL REGULAR MONTHLY MEETING May 9th, 2017

Mayor Dingler called the Regular Monthly Meeting of the Holly Ridge Town Council to order at 7:01 pm at the Holly Ridge Town Hall. Council members present were Councilman Hines; Councilwoman Hall, and Mayor Pro-Tem Bragg. Also present were Town Clerk, Heather Reynolds; Attorney Chuck Kitchen; and Manager Joe Pierce. Absent from the meeting were Deputy Clerk Tracy Martin, Councilwoman Stanley and Councilman Lang.

Mayor Dingler stated before the meeting gets started she would like to congratulate Town Manager Joe Pierce on the birth of their new son Liam Robert Pierce.

Invocation and Pledge

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

Adoption of Minutes

Mayor Dingler stated there were grammatical errors in the State Healthcare Plan minutes in regards to Angie Mannen.

A motion was made by **Councilwoman Hall** and seconded by **Councilman Hines** to adopt the Special Meeting Minutes held on April 4th, 2017 (Chapter 7 Workshop) and the Regular Meeting Minutes held on April 11th, 2017 and the Special Meeting held on April 19th, 2017 (State Healthcare Plan and Chapter 7) as amended. **All Agreed.**

Adoption of Agenda

Manager Pierce stated Mr. Riggs has requested to take the following items off of the agenda until Chapter 7 has been set and completed so he can go through the developing process without any issues.

Mayor Dingler stated items 7 B, 7 C, and 7D will be removed from the Agenda per the request from Charles Riggs until after the Town is through with Chapter 7.

A motion was made by *Mayor Pro-Tem Bragg* and seconded by *Councilwoman Hall* to adopt the Agenda as amended. *All Agreed.*

Persons Wishing to Address the Council

Laura Matthews-She stated she represents the AARP Coastal Volunteer Group for the Wilmington and Jacksonville Area. She asked if the Town would support the Medicare and Medicaid acts. She said these two will be cut by the Government. She would like for the Town to oppose the Bill to cut Medicare Benefits. Mr. Jones asked where someone could find the information. Ms. Matthews stated the AARP group in Wilmington.

ONWASA Report

Councilman Hines stated the Summerhouse Plant is operating fine. He said there are Four Trains and they are utilizing one Train and it is working fine. He said one of the capital projects is to open up a second train and a study for a third train. He said there is room for expansion. He said there would be no proposed increase in the ONWASA Bill. He stated ONWASA has gone about five to six years without a rate increase due to good management practices. He said there next year ONWASA has some capital projects that will benefit the whole system.

Report of Released Tax Refunds for April 2017

The following refunds did not require approval from the Town Council.

- Trey Anthony Romero in the amount of \$80.90
- Brandon Michael Whelan in the amount of \$79.74

The following refund required approval from the Town Council.

- Dominick Ciampo in the amount of \$240.61.

A motion was made by *Mayor Pro-Tem Bragg* and seconded by *Councilwoman Hall* to release the funds. *All Agreed.*

Public Hearings

Public Hearing to Possibly Adopt an Ordinance Amending Chapter 7- Zoning of the Town of Holly Ridge Code of Ordinances.

Manager Pierce said the Town Council had proposed changes from the last meeting in regards to Chapter 7. He said Wes MacLeod from the Council of Government has his own input to simplify and understand and still be effective.

A motion was made by *Mayor Pro-Tem Bragg* and seconded by *Councilwoman Hall* to go into Public Hearing. *All Agreed.*

Wes MacLeod with the Cape Fear Council of Government out of Wilmington stated they have been brought on board to help the Town Council and make sure things are going as they should in regards to subdivisions and zoning ordinances. He said in regards to this issue there was a memo drafted and would like to know if there are any questions. He said before everyone there is an amendment to the PUD. He stated we took out PUD because there wasn't proper procedure in the zoning ordinance. He said small towns do not engage in PUD and Conditional Zoning. He stated there are a lot of things that the Town could be liable for if not done properly in terms of infrastructure being installed. He said moving forward there are two options. Mr. MacLeod said one is if the Town wants a Plan Use Development procedure in the zoning ordinance, it needs to be more thorough such as the types of uses, setbacks, things that would be approved in a special use permit procedure. The second options is to hold off on PUD, meet with developer, and figure out how to make it work under the existing Ordinances.

Councilman Hines asked if Mr. MacLeod recommended having PUD. He said the Town has Summerhouse and maybe it makes sense for that to have been a PUD. He said he thinks that Summerhouse could have been handled like a typical subdivision procedure. Mr. MacLeod stated if the Town wants to have a PUD, then there needs to be very clear rules, regulations and guidelines on how it is going to be handled. This type of thing is a typical subdivision a by right.

Councilwoman Hall asked if the Town's subdivision ordinances are defined well enough to work through the developer's process and do a good job. Mr. MacLeod said yes. He said you have a by right. This means the applicant or the property owner has the right to subdivide at this particular lot size. He said you have a preliminary plat procedure. He said there are some exceptions in there and if he was a planner at the Town Hall he would like to have had the responsibility that says water and sewer proposed. He said he would want those things to be shown because he would like for it to be done properly and the Town has some way to force correct installation. He said if you don't you open yourself up for trouble.

Mayor Dingler said the Town wants something that is set for awhile so the Town does not have to go back and reword our Ordinance. She asked Mr. MacLeod if what the Town has is sufficient to help the next developer with adjustments and modifying certain requirements. Mr. MacLeod stated yes the number of units proposed would fit in with R-15. He said a lot of the lots are smaller than 15,000 square feet but he has a large area that is not being used for lots so maybe there is wet land there. He said the Town has a standard subdivision ordinance and zoning Ordinance.

Councilman Hines stated if the Town went with a PUD, each PUD is going to be different and it will be handled differently and a lot more work will need to be done. Mr. MacLeod said it is fine if the Town wants to go that route, but Mr. MacLeod is not saying that is necessarily a bad thing but PUD's are difficult to administer and if you are going to go that route he would recommend having a meeting on procedures and how they are handled. He said you need to be crystal clear on your requirements.

Councilman Hines stated the Town needs the simplest way to get what the developer needs done and for the Town to. Mr. MacLeod said the simplest way is to say look here is R-15 and you have a right to go and subdivide at 15,000 square feet and if you are not happy with that then you can request the Town to rezone to a denser zone. He said he thinks some of that could be justified for Chapter 7. He suspects the R-15 has been in place before sewer availability. He said some of this burden should be placed on the applicant also and not necessarily bending for every applicant that comes in.

Mayor Dingler stated what the Town agreed upon moving forward was to go with PUD and talk about Conditional Zoning later on. She said if we modified and be specific or use what we have now is it sufficient for the size of our town and what should be coming in. Mr. MacLeod stated that is why he took the PUD out of the zoning ordinance. He said we did not get into dealing with the subdivision ordinance and there are some procedures in there for that and the PUD procedure should be in the zoning ordinance not the subdivision ordinance. Mayor Dingler stated this is one of the changes the Town made and it is in Chapter 7 now.

Councilman Hines asked what the trend is in regards to using or not using PUDs around the state. Mr. MacLeod said in small towns, they are not going to want to use PUD's. He said they are going to want to have a standard subdivision ordinance and zoning ordinance.

Mayor Dingler said a concern has been if a developer comes in and proposes a plan, follows the steps we have, how we can be sure that is what they will do when they start building. She said this is where the Conditional Zoning came in and the PUD because all of this is very specific. She said we hold their feet to the fire with their plans with what we have modifying with our subdivision ordinance to be a little more stringent. She asked if we could still know when that developer comes in with their plans, they can't change their minds.

Mr. MacLeod said we could do that now. He said there is a provision in section 8-16 of the subdivision ordinance that states no construction or installation of improvements shall commence in a proposed subdivision until all preliminary plats have been approved and all plans and specifications have been approved by all appropriate utilities and agencies. He said there are certain things that need to be in place. He said the problem could lie when the final plat is approved and you don't have your infrastructure in place. He said this is when someone is selling lots and they don't have water, sewer and roads in place.

Attorney Kitchen said one thing that is different here is the Town has water and sewer through an authority as opposed to the Town. Mr. MacLeod said he feels sure it is the responsibility of the developer to acquire water and sewer. Mr. MacLeod said the developer can't have a bond

or letter of credit and go and get the final plat before he starts selling lots and infrastructure is installed.

Councilman Hines asked about the water and sewer being in place and activated. He asked if the water is going to run through a hydrant does the hydrant need to be activated. Mr. MacLeod stated yes it should. Councilman Hines stated in the past when someone was building subdivisions and they were building on and the hydrants were not activated.

Attorney Kitchen said in the ONWASA ordinance it states everything has to be complete before ONWASA takes it which includes the hydrants. Mr. MacLeod stated the preliminary shows everything that is going to go in. He said the final confirms everything is in place and this is when you have an administrative check off and they take the final plat and go to the Register of Deeds and the land is actually divided and you can start selling. He said what is important is at the preliminary plat stage folks from ONWASA, fire and everyone else looks to see if everything is in place and nothing is leaking. He said also check to make sure the roads are up to standards. He said there are procedures in place for the technical review committee to do some of that.

Councilwoman Hall asked where the section on wet lands is located. Mr. MacLeod stated this should be on the preliminary plat. He said there are some procedures in there and there are some things that could be exempted which would cause some concern such as wet lands. He would want this to be shown. He said it is not the Town's responsibility to make sure there is wetland mitigation permit but he thinks it would behoove the Town to do so. He said in a lot of cases the wetlands are also located in flood plains zone, you will need all permits from agencies.

Mayor Dingler asked when the final plat comes. Mr. MacLeod said after everything has been installed, all the necessary improvements have been installed, the appropriate agencies have said ok; everyone has installed everything according to specifications and the Town signs off on the final plat. Mayor Dingler asked if the plat comes after the Council says yes you can do this. Mr. MacLeod said for subdivisions the Council is not involved. Mr. MacLeod said the preliminary plat goes to the Planning Board for approval. Mr. MacLeod said then it is up to staff administratively to approve the final plat. He said in some towns on a significant subdivision, the governing board wants to hold the responsibility of signing off on the final plat. Ultimately there will be some financial responsibility to the Town such as accepting streets, or anything else that might have a financial impact.

Mayor Dingler said as of right now the Town's procedures is if the person is not annexed in the Town, they will need to be and then if they need to be rezoned once they are rezoned, we approve the site plan. She said if we go with modifying of our subdivision ordinance rezone accordingly and then approve the site plan.

Mr. MacLeod said if the Town is going from R-15 to R-75 commercial you will have a site plan for the commercial component and you will have a major subdivision plat for the

residential component of it. The site plan is approved by the Planning Board but there is a whole set of requirements that will be needed for the site plan as well.

Mayor Dingler asked if the following are the correct steps for modifying our subdivision ordinance and not going with the PUD.

1. Annex if requested
2. Rezone if needed depending on what they are doing
3. Site Plan procedure goes with staff level. If there is a special use permit then it goes before the Board of Adjustment.

Mr. MacLeod stated all of the above is correct.

A motion was made by *Mayor Pro-Tem Bragg* and seconded by *Councilwoman Hall* to return to Regular Session. *All Agreed.*

Mayor Dingler asked the Council if they want to go with the PUD or modify our subdivision ordinance to have more specific verbiage. Mr. MacLeod stated the Town does not have to touch our ordinance at all. He said if the applicant is not satisfied with their property and they want more intensive development then they can petition the Town to rezone.

Mayor Dingler asked what the time line would be for someone who wants to rezone. Mr. MacLeod stated it has to go before the Planning Board and then the Town Council for approval. He said the site plan for the front part of the commercial. He said this could possibly be approved as soon as 30 days by the staff. He said the preliminary plat is going to have to be prepared and if it is prepared by the next Planning Board meeting and everything has been properly done, it would take approximately two months because it has to go through technical review.

Councilman Hines stated the Town Council could eliminate some time if we allowed staff to call for a Public Hearing at the next Town Council Meeting. Mr. MacLeod stated that is correct. Attorney Kitchen said this is just policy. The staff can call for a Public Hearing and will need to notify the Town Council.

Mr. MacLeod suggested we remove the PUD from Chapter 7 and stay with what the Town has now. Modify Chapter 8 subdivision and send information to Manager Pierce.

Councilman Hines wants to make sure that under 75-5G1 Technical Review Committee it shall have a technical review procedure. He stated the Town does not have a procedure. He said he thinks it needs to be required that the Town has a Technical Review Committee. Councilman Hines said he thought when the plans come in; they should go to the fire department, water and sewer department, and the police department. He said it should say it will go through them. He said under 7-9-4 accessory buildings on property needs to be clarified so the people can know they could put more than one accessory building on the property provided it meets the setbacks and the storm water runoff requirement. He said right now it is real vague on what it says.

Larry Willaford stated it is under section 7-9-3. He said we took out the sentence of one accessory building. Mr. MacLeod said he would want this section cleaned up and made clearer for understanding.

Mayor Dingler said the changes to Chapter 7 are to remove the PUD, removing the section of only one building on the property and adding the Technical Review Committee.

Mayor Dingler said there will be no adoption of Chapter 7 tonight. She said the Planning Board will have three changes to review. Mayor Dingler asked if the Town Council needed to call for a Public Hearing and Attorney Kitchen stated the Town Council does not call for a Public Hearing any longer the staff does this. Councilman Hines asked if the removal of PUD from 8 be done at the next meeting.

Mayor Dingler requested to waive all fees for Mr. Riggs moving forward because we have continued his request for so long. Attorney Kitchen said instead of using the verbiage "waived" why the Town doesn't refund the fee for the PUD application and apply it to next application.

A motion was made by *Councilman Hines* and seconded by *Councilwoman Hall* to waive the fee for the PUD application and apply the fee to Mr. Riggs next application. *All Agreed.*

Old Business

New Business

Possibly call for a Public Hearing on the Proposed Municipal Budget for Fiscal Year 2017-2018.

Mayor Dingler stated the Town Council has a proposed Budget and they need to call for a Public Hearing. Mayor Dingler asked if staff was supposed to call for the Public Hearing. Attorney Kitchen said he thought the Public Hearing for the Budget should stay with the Town Council. Councilman Hines said anything else could go to the staff.

A motion was made by *Mayor Pro-Tem Bragg* and seconded by *Councilwoman Hall* to call for a Public Hearing at the next Town Council Meeting. *All Agreed.*

Possible Adoption of an Ordinance Amending Chapter 4-Police of the Holly Ridge code of Ordinance Concerning Dogs.

Manager Pierce said he discussed this matter with Holly Ridge Chief of Police regarding animals running at large. He said they came to the realization that they can write citations based off of the County's ordinance. He said this way we have the ability to use the County's animal control; otherwise if we implemented our own ordinance, we would have to deal with the transport of those animals etc. He said there is a call history when the Police go to

someone's home so the second response might justify a citation. He said we do not need to change chapter 4. He said there are procedures in place as opposed to changing chapter 4.

Possible Approval of the Recycling Agreement with Sonoco Recycling, LLC

Manager Pierce stated in November the Town Council approved an agreement with Sonoco Recycling that is set to expire on June 30th, 2017. He said the agreement approved in November included a fee schedule to offset the charges they are incurring in order to sustain as a business. In the proposed agreement those prices have not changed. He said the Town generates roughly 15 tons of material per month with the price per ton being approximately \$34.00 per ton. He said based on these figures the cost for the Town would be approximately \$510.00 per month.

Councilman Hines if five years was standard. Manager Pierce said that was correct he said our last agreement was for five years. He asked if this was what Waste Industries takes to the recycle and gets rid of. Manager Pierce said correct, this is what they take to Material Recovery Facility (MRF). Councilman Hines asked if everything was the same except for the dates. Manager Pierce said no, everything stays the same.

A motion was made by **Mayor Pro-Tem Bragg** and seconded by **Councilwoman Hall** to approve the Sonoco Recycling Agreement. **All Agreed.**

Ratification of Signature for Fence Purchase at the Liberty Fountain

Manager Pierce said this is the same thing he spoke with the Town Council about using the grant money we received from the County for the Liberty Fountain. He said the amount is \$5000.00 for the fence. He said the fence is aluminum looks like black raw ironed fence and is about four feet high post that will have a solid portion behind the flag pole. He said this will eliminate people walking over the veteran's bricks. No action was needed by the Town Council.

Councilman Hines asked if this was the only estimate the Manager acquired. Manager Pierce said he got three estimates and this was the lowest.

Possible Approval of Budget Amendment 6 Concerning Police Department Salaries

Manager Pierce said due to the retirement of former Police Chief John Maiorano, a payout and a promotion and the cost was broken down by line items. Mayor Dingler said this is information the Town Council agreed on months ago but we waited until the end of budget season to do the transfer. Manager Pierce stated that is correct. Manager Pierce said it was a good thing the Town waited because if the Town Council had adopted the previous recommendation it would have been short \$8000.00. Manager Pierce said we projected the cost of the salaries to include retirements until the end of the year and that come up to \$45,809.67

Councilman Hines asked if John Mairoano's salary was included in the \$29,575.66. Manager Pierce said no that was promotions and we had officers who came off of their six month probationary period. Councilman Hines said there should have been a reduction because Chief Whaley did not start out making what Chief Mairoano made. Manager Pierce said there was significantly reduction and it could have been higher. He said the amount that was projected before did not include the retirement and 401-K and that increased it quite a bit. He said the previous paper work he received did not include those two pieces.

He said a fund balance appropriation in the amount of \$45,809.67 from line item 10-399-00-0 includes the following:

10-510-02-0	Salaries	\$29,575.66
10-510-05-0	Social Security	\$2,221.95
10-510-07-0	Retirement	\$6,264.42
10-510-08-0	401-K	\$7,747.64

A motion was made by *Councilwoman Hall* and seconded by *Councilman Hines* to approve the fund balance appropriations as written. *All Agreed.*

Town Manager Comments

Manager Pierce gave the following report:

Parks and Recreation Update:

- Marsha is still working on the recipes for the Liberty Fountain Cookbook
- Sent out vendor applications for the 4th of July Liberty Fest.
- Received payments from vendors for the 4th of July Liberty Fest
- Getting estimates for DJ's for 4th of July Liberty Fest
- Confirming activities for Memorial Day Ceremony
- Partnership with florist in Wilmington and florist in Sneads Ferry: both florists will be providing an artificial wreath that parks and Recreation can use in future events such as Memorial Day and Veteran's Day events
- Reached out to Bo jangles- possibly partnership for Halloween and Christmas events. Waiting to hear back

Public Works Department Update:

- Completed the scheduled semi-annual debris pick up throughout Town
- Trimmed trees at park
- Remove grass and weeds from mulch beds at Liberty Fountain
- Installed metal landscape edging, weed barrier fabric to mulch beds, and eight yards of mulch at Liberty Fountain
- Completed 31 work orders outside of their normally scheduled work

- Part time employee is back helping with cutting the grass around Town

Inspections and Zoning Department Update:

- 16 New home permits issued in the past 4 weeks
- 89 total open permits being monitored

Admin Update:

- Tracy is attending her second week of the Municipal Clerk School
- Town is still seeking a Finance Officer

Police Update:

- Checkpoint on May 26th, 2017 between 11:00 p.m. and 3:00 a.m.

Mayor Dingler asked Manager Pierce to please give an update at the next monthly meeting on the debris pickup such as how much they picked up etc.

Councilman Hines asked about the signage for the Neighborhoods of Holly Ridge. Manager Pierce said we have a quote for around \$5000.00. He said he is trying to figure out how not to spend that much money or emendate that area with signs. Manager Pierce said he looked into the Powell Bill and they can fund that because they are public streets. He said he has spoken with both Mike McFann and Jeff Edens to see if how we could get by without having to put a sign every 400 feet. Councilman Hines asked what we have done about the parking on the streets. Manager Pierce said nothing can be done until we have the signage up. Manager Pierce said the Town would need about 62 no parking signs and they run around \$64.00 a piece.

Town Council Comments

Mayor Pro-Tem Bragg gave thanks to all of the departments for the work they are doing. She thanked the Town for the bereavement for her family. She said she thought the Town was looking good especially when you come into the Town.

Councilwoman Hall gave thanks to the staff and the Town Council and anyone else who has been involved in trying to get Chapter 7 right.

Councilman Hines stated the Public Works Department did an outstanding job on the Liberty Fountain. He commended the Public Works Department on a job well done. He said he was at a Planning Board meeting along with Councilwoman Hall and they started talking about the nightclub. He said he even got a call about the sign at the new business. He said he rode by to check on the sign and on one side it says a gentleman walks into the bar and on the other side it states a lady walks into a bar. Councilman Hines said he is not sure what the owner is trying to say but everything he told the Planning Board was this is not going to be a bar it is going to

be a high class night club. Councilman Hines said after seeing the sign he is wondering what is he really going to put in that space. He said he hopes he gets to see the new owner, because he intends on asking him what is he really going to do. Councilman Hines said he did not think this was an appropriate sign to put out in front of the business.

Mayor Dingler gave the following Announcements:

- Special Meeting (Comprehensive Growth Plan) Thursday, May 18th, 2017-Beginning at 3:00 p.m. in the Council Chambers.
- ONWASA Board of Directors Meeting-Thursday, May 18th, 2017-Beginning at 6:00 p.m. at the Jacksonville City Hall.
- Town Hall Closed in Observance of Memorial Day Monday, May 29th, 2017.
- Memorial Day Ceremony-Monday, May 29th, 2017-Beginning at 11:00 a.m. at the Liberty Fountain Park.
- Planning Board/Board of Adjustment meeting Tuesday, May 23rd, 2017-Beginning at 6:30 in the Council Chambers.

Closed Session

- A. To Consider the Performance of a Public Official per North Carolina General Statute 143-318-(A) (6).

A motion was made by **Mayor Pro-Tem Bragg** and seconded by **Councilwoman Hall** to into Closed Session to consider the Performance of a Public Official per General Statute 143-318. 11(A) (6). **All Agreed.**

Mayor called for a 5 minute break at 9:05 p.m.

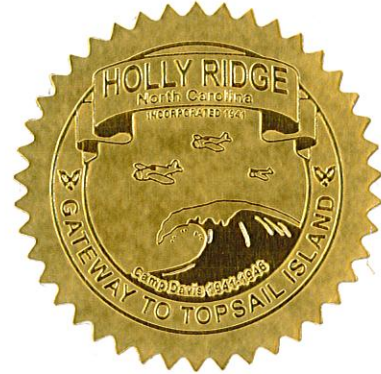
Mayor Dingler stated Town Council went back into Regular Session at 10:15 p.m.

A motion was made by **Councilman Hines** and seconded by **Councilwoman Hall** to approve an increase in the Town Manager's salary. **All Agreed.**

Adjournment

A motion was made by **Councilman Hines** and seconded by **Councilwoman Bragg** to adjourn at 10:15 p.m. **All Agreed.**

Attest:



Anita Dangler
Anita Dangler, Mayor

Heather Reynolds
Heather Reynolds, CMC, Town Clerk

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