

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 January 11th, 2011

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

Invocation and Pledge

Mayor Pro-Tem Hines gave the Invocation and Mayor Padgett led the Pledge of Allegiance.

Adoption of Minutes

Mayor Pro-Tem Hines asked for a correction on the set of January 5th, 2011 minutes on page 2 under "Discussion of Town Manager position". Mayor Pro-Tem Hines said the motion was made before the discussion and there was more discussion and then the second to the motion. Mayor Pro-Tem Hines said it was misleading because it didn't show how the discussion got there.

A motion was made by *Mayor Pro-Tem Hines* and seconded by *Councilman Edwards* to adopt the Regular Minutes of December 28th, 2010 as amended and the January 5th, 2011 Closed Session Minutes. *All Agreed.*

Adoption of Agenda

Manager Maiorano asked to add under New Business item 10. B Discussion of the Use of the Town Hall by the College for GED classes.

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

Persons Wishing to Address the Council

There were none.

Committee Reports

Parks and Recreation Report

Manager Maiorano stated the Parks and Recreation could not be here due to the weather, but the Parks and Recreation did not have enough members present to hold their meeting this month. Manager Maiorano informed the Council he did speak to LuAnn today and she said the Parks and Recreation had nothing to report to the Council.

ONWASA Report

Mayor Pro-Tem Hines gave the following report:

- Nothing significant to report since the last meeting.
- Workshop on this Thursday to discuss future goals and the future of ONWASA.
- The issues with the Mandatory Hook-ups which were already addressed at the last meeting will be discussed in the future.

Public Hearings

Request from Anthony and Patricia Longo for Parcel #748-57 (36.85 acres) on Hines Stump Sound Church Road to be Voluntarily Satellite Annexed and Re-Zoned from RA to R15

Manager Maiorano said the Planning Board recommends this property be re-zoned.

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

Mayor Padgett stated Mr. and Mrs. Longo were not here. Councilman Edwards said he would have liked to speak to the people. Larry Willaford said there is possible future development for this property and the zoning of R-15 would be consistent to the zoning in the County. Larry also said the reason for wanting to rezone R-15 is so he can meet the requirements for residential construction. Larry said the biggest thing is annexing into the Town that way he can possibly get sewer on the property down the road.

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

Mayor Pro-Tem Hines said before the board takes action he would like to ask the board to allow him to be excused from voting because the property is next to some of his property and that he was not opposed to it, but just didn't feel it was proper.

Attorney Stroud said it is up to the individual Councilman and if a Councilman abstains it counts as a yes vote. Mayor Pro-Tem Hines said it is because the property is next to his and wanted to know if it would be proper. Attorney Stroud said instead of abstaining, Mayor Pro-Tem Hines should be excused.

A motion was made by *Councilman Edwards* and seconded by *Councilman Wright* to excuse Mayor Pro-Tem Hines from voting on the request for this property. *All Agreed.*

A motion was made by *Councilman Wright* and seconded by *Councilwoman Stanley* to approve the annexation and re-zoning request as submitted. *All Agreed.*

Request from Linwood Jones of Deuce Investments, Inc for a Variance on the Setbacks to be 8 Feet per Side instead of the Current 12 Feet per side on 231.52 acres at the Village of Folkstone (This is a Quasi-Judicial Hearing)

Mayor Padgett said there is no one here to represent them so it is up to the board to reject it or ask them to be here. Councilman Edwards asked if they have called and said they couldn't be here. Manager Maiorano said no that this was set up from the last meeting and Mr. Jones could possibly still think the meetings are at 7:30 pm.

Larry Willaford said the reason they want the 8 foot setbacks is because of the wetlands on the property. Larry said with the setbacks it will allow them to move the structure around but still keep them at least eight feet from the property line. Larry stated they are asking for less in the

variance than what was given to Neighborhood's of Holly Ridge and also the Yow property and he feels it is a reasonable request.

Attorney Stroud said his suggestion is to open and recess the public hearing that way the Town doesn't have to re-advertise. Attorney Stroud stated the applicant having burden of going forward and the burden of proof unless they are here we don't have anything to grant the variance because they are not here to present any evidence. Attorney Stroud also said this will give the applicant a chance to be heard, so open the Public Hearing and recess it until the next meeting.

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

A motion was made by *Mayor Pro-Tem Hines* and seconded by *Councilman Edwards* to recess the matter until Mr. Jones or some of his representatives can present evidence for a Quasi Judicial Hearing. *All Agreed.*

A motion was made by *Mayor Pro-Tem Hines* and seconded by *Councilman Edwards* to set the recess date be the next Regular Town Council Meeting. *All Agreed.*

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

Request from Richard Alsop on behalf of Summerhouse on Everett Bay for a Variance on the Front Setbacks changing them from 15 feet to 5 feet for the Purpose of Steps (This is a Quasi-Judicial Hearing)

A motion was made by *Councilman Edwards* and seconded by *Councilman Wright* to go into a public hearing. *All Agreed.*

Manager Maiorano- Asked Mr. Alsop if what he discovered was that the steps on a few of the properties but we don't know how many are going to encroach on the setbacks. Manager Maiorano also said his understanding was that the steps are going to come inside 6 feet of the 15 feet.

Jeff Harvey was sworn in by Mayor Padgett.

Manager Maiorano- Said he wants to make a distinction that the Architectural Committee Covenants are totally separate from our Ordinances because they conflict with our Ordinance and that is what our concern is. So if you go 6 feet into the 15 feet setback that only leaves 9 feet, so his thought was to make the setbacks 5 feet that way you can go up to 10 feet inside the

setbacks. Once it is decided we will send a letter to the Architectural Committee so they can incorporate it into their Covenants.

Jeff Harvey- What they would be concerned with is to make sure it is specific to steps and uncovered landings because if you go beyond that then you will have rooflines in there.

Manager Maiorano- We are very specific to steps only to make access to the house.

Jeff Harvey- At least 50 percent of the lots are going to have this problem because of the lack of depth.

Manger Maiorano- 10 feet into the setback is what we are looking at allowing to encroach into the setbacks and that should satisfy everyone, we just didn't want to have re-visit each lot.

Councilman Wright- Asked if this covers the whole property.

Manager Maiorano- Stated yes.

Councilwoman Stanley- Asked Mr. Harvey how he is related to this.

Jeff Harvey- Answered he is the operations manager for the contractor and we are building the third house and the issue has come up on this house. The first house that was built was on a cul-de-sac so there was plenty of room to go back, the second house by the clubhouse looks like they might have had a similar issue because they built a series of wooden landings actually on the ground instead of elevated. Most of the lots that back up to the perimeter and back up to the drainage ditches do not have enough depth. The way the restrictions read you have to have a garage under the building and because of the lack of footprint available you can only cover so much ground, you also have to have a two car garage, so by elevating the main living area you start about 9 feet off the ground and it takes a certain amount of distance.

Councilwoman Stanley- Are they going to come straight down or are they going to be curvy?

Jeff Harvey- The one that we have down there now we brought down to a flat landing and went off the sides, and I couldn't bring it back because I was increasing the steps and running into the driveway.

Councilwoman Stanley- Thank you.

Mayor Padgett asked Valerie Ollangg if she had statements or questions.

Valerie Ollangg- My questions pertain to the outside like the roads.

Mayor Padgett- Mr. Harvey doesn't have anything to do with the roads.

Valerie Ollangg- Summerhouse contracted these people to do this road and they are widening the road.

Jeff Harvey- I am a builder.

Mayor Pro-Tem Hines- I agree to let her speak on this once we come out of the Hearing if the rest of the board does.

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

Mayor Pro-Tem Hines said he has a problem with waiving fees, and he doesn't know if we gave the Building Inspector the option to waiver fees but this would be something we could get in trouble with. Mayor Pro-Tem Hines said if we are going to do it for the whole property that is fine, but we shouldn't waive the fees. Councilman Edwards asked Larry why the fees were waived. Larry said the reason is because we were looking at 1,049 lots and it would have been unfair to the developer. Larry also said him and the Town Manager didn't see it justifiable to charge \$200.00 for each lot on each variance. Larry said that is why the fee wasn't charged at that time, but the contractor said he does not have a problem paying the \$200.00. Mayor Pro-Tem Hines said he feels like a waiver of fees needs to be discussed with the board and he understands a situation like this and he is fine with charging the one fee.

Councilwoman Stanley asked if the contractor will come back and pay the \$200.00 fee since we are covering all the lots. Larry stated yes. Valerie Ollangg asked how it is fair to waive a fee for a big development and not the independent people building their homes. Mayor Pro-Tem Hines said anytime a project comes before us they do one request for a variance for the whole development. Valerie Ollangg said she thought they were trying to waive the fee completely and Mayor Pro-Tem Hines said they might have been but that is what he stated he was against doing.

A motion was made by *Mayor Pro-Tem Hines* and seconded by *Councilman Wright* to authorize a variance to change setbacks from 15 feet to 5 feet for the purpose of steps and landings only for the whole development Summerhouse provided the fees are paid. *All Agreed.*

Old Business

Discussion of 134 N. Green Street Variance Request from Chris Rackley

Manager Maiorano said that's a 50 foot right away that runs through there and the house sits outside of the right-of-way and the porch sits approximately five and a half feet encroaching in the right-of-way.

Attorney Stroud said if we checked every right-of-way lines in Town we wouldn't want to see the results. Attorney Stroud said his recommendation for the front porch encroaching in the right of way is to not do anything until it became a problem. Attorney Stroud also said it is on record that we know about it and there is no danger of adverse possession, but it has a potential to open a really messy can of worms if you try to accommodate requests from every individual. Attorney Stroud said it is extremely unlikely that this situation will ever become a problem, and he would be real nervous about any Municipal client taking any sort of official action in terms of relinquishing a right-of-way. Attorney Stroud stated the house also doesn't meet setbacks either and it was probably built prior to setbacks which make it non-conforming and it can stay that way but cannot be added to. Attorney Stroud said his recommendation again is to let sleeping dog lie until they start barking and growling.

Councilwoman Stanley asked Mr. Rackley if he had any questions. Mr. Rackley said at this point he just needs to look at if he wants to put more money into the property. Mr. Rackley asked if the home was there before the Town, how the Town can come in and take a right-of-way and shouldn't that property owner have been compensated and shouldn't there be record of such. Attorney Stroud said he would be very cautious about answering that without doing a whole lot more research because he doesn't know when the house was built, when the zoning was put in, or when the right-of-way was put in there. Attorney Stroud said ordinarily if there was a right-of-way there then it is probably the property owner's responsibility to make sure they aren't encroaching and everyone knows 60 years ago we didn't have the surveying resources that we do now and there are probably a lot of issues like this one around Town. Attorney Stroud said he does not encourage any action by the Town.

Councilwoman Stanley asked Mr. Rackley when he came before the Council if he was just looking for something in writing saying that the porch could be there. Mr. Rackley said he was looking for something saying the home existed before the town did and the town then was incorporated and a right of way was put in on an existing property. Mr. Rackley said unless the home is 51 % destroyed then it can stay as it sits, but if it is more than 51% destroyed then he would tear the remainder down and build it in compliance. Mr. Rackley said he does not want to put money in the property if he is going to have to put \$15,000 into the home to bring it into compliance because it isn't just the porch that would have to be removed the roof would also. Mr. Rackley said the style of the home makes it where you cannot just remove the porch because the porch and roof are attached.

Mayor Pro-Tem Hines said if the board takes no action it remains the way it is.

The Council has decided to take no action at this time.

Mayor Pro-Tem Hines asked Attorney Stroud if it would be possible in our Street Review plan to have the right of ways more uniform. Attorney Stroud said the short answer is yes. Mayor Pro-Tem Hines said if you have one street with a 30 foot right of way and one with a 50 foot right of way there should be a way to make them all uniform. Attorney Stroud said in order to keep the

land record clean you would have to find out who owns each one of the lots and then have the right of way line surveyed to find out where the line is and have descriptions made of how much the Town is relinquishing back to the property owner. Attorney Stroud said it can be done but there are a lot of hoops that have to be jumped through. Manager Maiorano said we include all that data in the street survey so we have it. Mayor Pro-Tem Hines said we do have other properties that have this problem.

Request from Earl Curry for a Proposal to Purchase Land Owned by the Town

Manager Maiorano asked everyone to look at their maps and explained that this property is a Town street that is not open and Mr. Curry is looking to buy this land. Manager Maiorano said Mr. Curry is not here tonight and was not here at the last meeting. Manager Maiorano stated it is his recommendation not to sell this property, especially to someone who is not here and we did not offer this property to anyone else.

A motion was made by *Councilwoman Stanley* and seconded by *Councilman Wright* to not sell the property to Mr. Curry and if it ever is sold it needs to be publically advertised. *All Agreed.*

Discussion of Resolution for Mr. Herschal Brown and Possible Dedication

Manager Maiorano said Councilman Edwards has requested this item be on the agenda because we all remember Mr. Brown and he did a good job on the Town Hall, Community Building, and the Police Department and Councilman Edwards wants to honor him in some way now that he has passed on. Manager Maiorano said there are a couple of ways to do that either buy putting a plaque on the buildings and that has a few precedents it will set. Manager Maiorano suggested A plaque here in the Town Hall and have his family down here once the weather warms up, but it is up to the Council on how to honor him. Councilman Edwards agreed that is what he wants to do such and to have a little dedication ceremony for his family and a plaque on one of the buildings is fine with him. Councilman Edwards said we really need to honor the man because he did a lot for Holly Ridge that he didn't have to do and didn't pay taxes here or live here and was just a fine gentleman. Councilman Wright asked if he saved the Town a lot of money. Mayor Padgett said he did save the Town a lot of money. Mayor Pro-Tem Hines said it might be appropriate to hang a plaque in the Town Hall to show recognition of his contribution and who he was and the names of the buildings he built. Councilman Edwards asked about putting a plaque in all the buildings and Mayor Pro-Tem Hines said the plaque would have more visibility here in the Town Hall.

Councilwoman Stanley commented she appreciates what Mr. Brown did but also a lot of people volunteered a lot of time and saved the Town a lot of money. Manager Maiorano said there is a

plaque here in the Town Hall from 1991 to show recognition for volunteers. Councilwoman Stanley said she is okay with Mr. Brown's plaque but wants everyone else to be recognized also.

A motion was made by *Councilman Edwards* and seconded by *Councilman Wright* to put a plaque in the Town Hall in memory of Mr. Herschal Brown listing the three buildings he helped build and at a later date have an appropriate ceremony for his family and citizens who would like to participate. *All Agreed.*

Mayor Padgett recessed at 8:00 p.m. for a five minute break
Mayor Padgett called the meeting back to order at 8:08 p.m.

Parks and Recreation- Financial Overview

Manager Maiorano informed the Council of the issue that the Parks and Recreation lost \$3436.27 on the rodeo and the Holly Festival didn't go well this year and lost \$64.97. Manager Maiorano said you can see the Holly Festival for 2009 was a lot better with a profit of \$2152.93. Manager Maiorano also said the circus which was thrown together at the last minute netted a profit of \$1367.60. Manager Maiorano referenced the financial overview report and said the figures for fireworks for 2009 and 2010 were pretty standard and they were between a \$500.00 and \$600.00 profit roughly and that is from the concession stand. Manager Maiorano said the current amount left in their budget is \$77.77 and their checking account reflects \$2733.26.

Councilman Wright asked if we know these figures for sure. Manager Maiorano said the two figures we know for sure are what are in their accounts. Manager Maiorano said an example of what happens with the Parks and Recreation is they hold a Talent Show and take \$10.00 per head at the door and they immediately turn around with the funds that would normally be deposited and pay the DJ or caterer directly. Manager Maiorano said once that happens we lose all accountability of funds.

Councilman Wright asked Manager Maiorano if in the future he thought the Town needs more accountability and one way we could do that is to have tickets and every ticket be numbered. Manager Maiorano said absolutely. Councilman Edwards said there should be a beginning and ending ticket, because the way the finances are being done we are leaving a door open for wrong doing. Councilman Edwards said not that there has been any wrong doing but it leaves the door open for it. Councilwoman Stanley asked if the Parks and Recreation has been made aware and if they are going to change it. Manager Maiorano answered he had spoken with LuAnn and the Parks and Recreation Treasurer and let them know that a lot of this accountability was going to be tightened up and they would be doing purchase orders. Manager Maiorano said we are still having a hard time providing a way for them to get funds, but the biggest thing to him is did the board discuss it, is it in the minutes, and is there time enough to get the funds. Manager Maiorano said he made it clear to them that proper planning will prevent the poor performance.

Manager Maiorano also let the Council know that he has heard the Parks and Recreation is not very happy with us meaning the Town and the Board. Councilman Edwards said he is not happy with them at all because he looked at their Minutes from December and they said the Town wasn't paying for the Rodeo fencing so it was theirs. Councilman Edwards said it is not theirs and that is bad thinking, it is the Towns and that kind of thinking scares him. Mayor Pro-Tem Hines said it may be a phraseology thing because the fencing was bought for the department. Councilman Edwards said they are not taking very good care of the Community Building.

A motion was made by Councilman Edwards to dissolve the Parks and Recreation.

Councilman Wright said we should wait until all the items are discussed to take action.

Councilman Edwards retracted his motion.

Parks and Recreation- Hours used at the Community Building

Manager Maiorano said there has been some concern about exactly how many hours the Parks and Recreation can have at the Community Building. We did look it up in the Minutes and in the January 13th, 2009 minutes it says the Parks and Recreation understands they are allocated one day per month. Manager Maiorano said the time period of a day needs to be clarified and it is also important to note that half hour prior to the event using heat and lights and a half hour after for break down and clean up. Councilman Edwards said they should have come back and asked for clarification. Mayor Pro-Tem Hines said all we needed to do was make a motion for how long they could use it.

Mayor Pro-Tem Hines said it's not so much a day but more of a monthly quota that would be fair. Mayor Pro-Tem Hines said Parks and Recreation anywhere is a losing proposition because it costs to have a parks and recreation. Mayor Pro-Tem Hines also said how far we want to go with the Parks and Recreation and how big we want to build the Parks and Recreation would determine how much time they need. If we can get something going there such as activities we may need more than a day it might be three or four and its more of an issue of where we want to go with our Parks and not so much what we want to give them. Mayor Pro-Tem Hines said they are our volunteers and they are hopefully working towards the goal of bringing recreation to the Town. Mayor Pro-Tem Hines said if you look at Surf City there are activities that cost to put on but there are always activities going on and Mrs. Grubb has certain days that she works with. Mayor Pro-Tem Hines said we need to provide quality recreation to the Town and we need to have a plan and it is a work-in progress and we need to figure out what direction we want to go. Councilwoman Stanley said some things take more time such as the Holly Festival because they can meet there and make plans and posters and if they only have eight hours then they would have to meet at someone's house because they don't feel comfortable meeting at the Community Building. Mayor Padgett said he didn't think the time they have planning the festival is counted

in the time used at the Community Building. Councilman Edwards said it's the dance classes and we don't count their meeting time either. Manager Maiorano said in December there were a lot of cancellations because they couldn't get the dance classes together, but if we block up Monday through Friday with dance classes two hours a night we essentially cannot rent the building and that is a problem.

Valerie Ollangg asked where the monies from renting the building are going. Manager Maiorano said the funds obviously help pay for electricity, water, sewer, and garbage, but it is also going to help pay for the maintenance since we have to send our maintenance guys over there daily. Manager Maiorano also said we would hope we are breaking even to making a profit, but the building is barely paying for itself, but if the day ever comes when the building makes \$50,000 a year on it then he would suggest that we expand that project.

Mayor Pro-Tem Hines asked Mrs. Ollangg to state her name and address for the benefit of the Clerk. Valerie Ollangg said her address is 217 Holly Ridge Road.

Parks and Recreation- Membership Concerns

Manager Maiorano said we had three membership requests to join the Parks and Recreation and he advised the Council that all three requests from Jimmy Taylor, Ryan Moxley, and Elizabeth Thomas are from Hines Stump Sound Church Road which is Cynthia Moxley's address. Manager Maiorano said there are two males and one female coming from the same address. There has been concern about having four people coming from the same residence and representing 40 % of the committees decisions. Manager Maiorano said we do have an ordinance that states a majority of the members must come from the ETJ or Town limits. Councilwoman Stanley asked how many members are supposed to be on the board and Manager Maiorano responded nine members. Councilwoman Stanley asked if there are suppose to be four members from the ETJ. Manager Maiorano said no because the ordinance was changed to just say a majority from the Town limits or the ETJ. Councilman Wright said he remembers when it was changed because it was his first term and he went to some of the meetings and the parks and recreation was not in compliance so he brought it before the Council so the committee could still operate. Councilman Wright said he has a problem with the way it is being run because it is his belief our priority is to have representation on the board from the Town of Holly Ridge and the majority of the committee should be from the Town of Holly Ridge. Councilman Wright stated that he had a problem when he saw three members were coming from the same residence and then later found out there was a fourth person and there is no way he would ever vote for anything like that. Councilman Wright said he doesn't want to see us dis-band the Parks and Recreation but we have to do some overhauling or advertising to get some volunteers that would get us in compliance. Councilman Wright said he also has a problem with someone who doesn't live inside the ETJ being Chairperson and it's not that LuAnn hasn't done a good job because it is not that at all. Manager Maiorano said when he saw the minutes from the last meeting they held he asked who did the minutes and the response was the person who prepared the minutes is

one of the people who have applied for an application and who is not on the board. Manager Maiorano said if we want it to run a certain way we have to make sure they adhere to the financial rules and the ordinances and then when there is a break down do not start having animosity. Councilman Wright said they know they are suppose to have a regular monthly meeting, suppose to keep records, and are suppose to keep minutes because that is part of their job. Councilman Wright said he doesn't know what the Town can do to get volunteers unless they solicit Neighborhoods possibly, but we should be in compliance with the majority coming from the Town. Councilman Edwards said he agrees. Councilman Wright asked Councilman Hines what his opinion on it was.

Mayor Pro-Tem Hines said he would love for the majority of the fire department members to come from in Town. Mayor Pro-Tem Hines said he doesn't know how we cannot comply with the ordinance that we have unless we change the ordinance. Mayor Pro-Tem Hines also said if this had not got out of control we would have been better off because we have a handful of people that want to make things happen and can't get anyone to help them. Mayor Pro-Tem Hines said it's hard to get people to volunteer and if they do volunteer they need to follow the rules and in every organization you have certain people who do all the work. Mayor Pro-Tem Hines said instead of there being communication and resolving the problem there is animosity. Councilman Wright said with the Rodeo the guy who put it on pulled the wool over everyone's eyes because it went from a Rodeo to a buck out and he said it would be cheaper and then it didn't. He lied about his representation and if they ever had another Rodeo he would not vote for him to come back. Councilman Wright said the man with the Rodeo should have also known there was another event in the area. Mayor Pro-Tem Hines said part of the problem is that someone on the committee had an interest in it and they had good intentions but weren't aware of the repercussions. Mayor Pro-Tem Hines said we lucked up with the circus because from the time the first ticket was sold we made money.

Councilman Wright asked Manager Maiorano what his recommendation is. Manager Maiorano said with the financial overview he is going to go back over the rodeo and it was never a board action, so from now on there will be minutes and votes and the Town will be seeing contacts and he would be signing the contracts because it is not appropriate for a committee to sign a contract for \$7500.00. Manager Maiorano also said we will make sure their financial records are straight the best we can. Manager Maiorano said the community building is still up in the air. Councilman Wright asked Manager Maiorano what his recommendation for the membership concerns were. Manager Maiorano said we have three people from the ETJ and three from out of town so we are in violation of our ordinance. Councilman Wright asked for the Parks and Recreation to get in compliance, would one of the people from outside of the Town would have to quit. Manager Maiorano said after hearing different things there is a lot of talk about quitting and walking away from us. Councilman Wright asked Heather if she had anything to say concerning the Parks and Recreation and Heather said she personally enjoys doing it.

Councilman Wright asked Heather if she thought the members would quit if the reins are tightened and Heather said it may end up a fifty-fifty situation. Councilwoman Stanley asked what the 24 hours are for. Mayor Padgett said it is basically for the dance classes. Councilwoman

Stanley asked if that money goes back into the parks. Mayor Padgett said if there is any money it is suppose to. Manager Maiorano said there is no set fee and unfortunately there have been three different types of dance classes. Councilwoman Stanley asked if they have 24 hours to do what they want then why does the parks and recreation need to come to the Council for approval. Manager Maiorano said it is for Town events and one concern is they are using it for belly dancing and it is only for females, so maybe we need to make sure there are some activities for the men too. Mayor Pro-Tem Hines said the only cure is to hire a Parks and Recreation Director and anything other than that is just a band-aid. Mayor Pro-Tem Hines said he has heard unflattering things directed towards the board and until we can talk with each other it will never be resolved.

Mayor Padgett excused Attorney Stroud at 8:45 p.m.

A motion was made by *Councilman Wright* and seconded by *Councilman Edwards* to let the Parks and Recreation continue in compliance and set up a workshop with the Town Council and Parks and Recreation. *All Agreed.*

Manager Maiorano said technically the committee is three from the ETJ and three from outside of Town so they are not a committee that cannot do anything until they come into compliance. Manager Maiorano said they cannot meet and take any action and do not have anything happening until April.

Councilman Wright asked Manager Maiorano if he was going to set up a meeting with the Parks and Recreation and Manager Maiorano said yes.

New Business

Contract to Audit Accounts with S. Preston Douglas & Associates, CCD

Manager Maiorano said we used this auditor last fiscal year and for the fiscal year 2010-2011 coming up they have submitted another contract for review and this one does reflect a \$500.00 increase. Manager Maiorano said looking at the contract he said he has not seen where it says about the increase. Manager Maiorano asked the Council if they remember anything about a \$500.00 cola, but even with the increase to \$7,500.00 is a reasonable price. Councilman Wright asked if the minutes could be looked at to see if there is anything in them. Heather said she had already looked and there was nothing in the minutes. Manager Maiorano said if the \$500.00 is not an issue we can go ahead with it and send a RFP next year, because we need to get this on board as soon as possible.

Mayor Pro-Tem Hines asked how much was budgeted. Manager Maiorano stated they budgeted \$7000.00. Manager Maiorano said the increase may have been discussed with the prior Town

Manager and it should have come to the Council if it was discussed. Manager Maiorano said he finds his prices are low. Mayor Pro-Tem Hines asked if we sign the contract it is only good for this year. Manager Maiorano said yes it would just be for this year. Mayor Pro-Tem Hines said this can be discussed at budget time for next year.

A motion was made by *Mayor Pro-Tem Hines* and seconded by *Councilwoman Stanley* to accept the auditor's contract this year with consideration for next year. *All Agreed.*

Discussion of Use of the Town Hall by Coastal Community College for the Purpose of GED Classes

Manager Maiorano said when he came back over to the Town Hall he wasn't aware that the GED classes were on Monday and Wednesdays, because last time he was here it was only Wednesdays. Manager Maiorano said if we decide to have a meeting on Monday or Wednesday we cannot have it at the Town Hall, and we had to move over to the Community Building last week for a meeting. Manager Maiorano said it has caused us certain problems and they did want access to our wireless network and we denied that. Manager Maiorano said we have to turn the room into something else on Monday and Wednesday's, and all the Council pens will be gone after they leave. Manager Maiorano said we lost the Mayor's gavel a few years ago. Manager Maiorano said he was trying to think of an alternative site to send them to. Manager Maiorano said we have had some security issues with the doors being left open. Councilwoman Stanley asked why they can't use the Community Building. Manager Maiorano said if they use the Community Building then the Town wouldn't be able to rent the building on Monday's and Wednesday's. Mayor Pro-Tem Hines asked if the Town Council voted to allow them to use the Town Hall. Manager Maiorano said we are probably going back five or six years. Mayor Pro-Tem Hines said they have outgrown us and it has gotten bigger than what we can handle here. Councilman Edwards said he is sure you can find cigarette butts outside on the ground where they smoke. Councilwoman Stanley asked why they cannot go to the high school. Manager Maiorano said he doesn't know why they cannot use the high school, but he will be happy to help them find another place. Mayor Padgett said we shouldn't throw them out without notice. Manager Maiorano said he would give 30-60 days for them to find another place.

A motion was made by *Mayor Pro-Tem Hines* and seconded by *Councilman Edwards* to inform the GED class that they have outgrown this facility and they need to start looking for a new area to hold classes and give them 60 day notice to find a new facility. *All Agreed.*

Police Department Comments

Councilman Edwards asked if the one death was natural causes. Major Bryant said yes it was natural. Councilman Wright told Major Bryant congratulations on his promotion.

Town Manager Comments

Manager Maiorano said everyone has a letter on their desk from Mayor Sammy Phillips to Heather. Manager Maiorano read the letter to the Council in reference to Mr. Manheim's daughter being able to enjoy the circus. Manager Maiorano said Jim Bullard is clearing the lot at the park so we are moving forward with that. Manager Maiorano pointed out the plaques that

Mayor Pro-Tem Hines had brought in of his grandfather, father, and himself and hopefully we can get pictures of the other Mayor's as well. Manager Maiorano said the Town also received a plaque from the Census for allowing them to use our building.

Council Concerns

Councilman Wright said he appreciated what John is doing and he knows it is a lot of hard work but knows he can handle it.

Councilwoman Stanley said she wanted to thank everyone for doing a good job and thanked the people for coming. Councilwoman Stanley wished John and Gerald good luck on their new positions.

Councilman Edwards said he feels like the Town is moving in the right direction and we had to clean up a few problems but got those taken care of thanks to John. Councilman Edwards said now we can move forward in a more positive direction.

Mayor Pro-Tem Hines said he has always been hesitant about saying a good job to everyone because obviously there has been some that have not done their job, but what he has seen in the last couple of weeks its becoming a team effort that wasn't here before. Mayor Pro-Tem Hines said Larry and Heather have additional weight put on them and John has it and they are putting it all together and moving forward. Mayor Pro-Tem Hines asked if he could use his time to let Valerie Ollang ask her questions. Mrs. Ollang said she could wait until after the meeting.

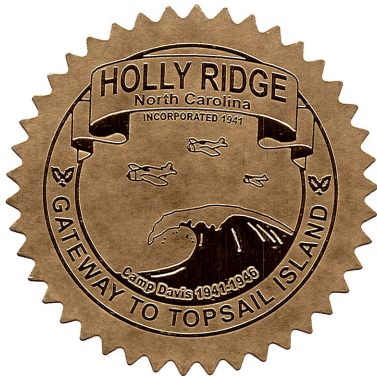
Announcements

Mayor Padgett gave the following announcements:

- Town Hall will be closed Monday, January 17th, 2011 in observance of Martin Luther King Day.
- Four Town Meeting Hosted by Surf City on January 20th, 2011 at 6:30 p.m. in the Welcome Center

Adjournment

A motion was made by *Mayor Pro-Tem Hines* and seconded by *Councilman Edwards* to adjourn the meeting at 9:15 p.m. *All Agreed.*



Attest:



Mayor Elmer Padgett



Heather Reynolds, Town Clerk

These minutes were recorded and prepared by Town Clerk Heather Reynolds