

# Town of HOLLY RIDGE

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## HOLLY RIDGE TOWN COUNCIL REGULAR MONTHLY MEETING February 13<sup>th</sup>, 2018

Mayor Dingler 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 Councilman Hines; Mayor Pro-Tem Stanley, Councilwoman Bragg, Councilwoman Hall, and Councilwoman Collins. Also present were Town Manager, Carin Faulkner; Town Clerk, Heather Reynolds; Attorney Chuck Kitchen; and Deputy Clerk, Tracy Martin

### Invocation and Pledge

Dante Murphy from Manhollow Church gave the Invocation and Mayor Dingler led the Pledge of Allegiance.

### Adoption of Minutes

Mayor Pro-Tem Stanley stated on the last page of the Minutes of the Special Meeting held on January 16<sup>th</sup>, 2018 the motion was incorrectly entered and has been corrected to show a Motion was made by Councilman Hines and seconded by Councilwoman Bragg to adjourn at 8:07 p.m.

A motion was made by **Councilwoman Bragg** and seconded by **Councilwoman Collins** to adopt the following Minutes as presented: Special Meeting held on December 21<sup>st</sup>, 2017; Closed Session held on December 21<sup>st</sup>, 2017; Regular Meeting held on January 9<sup>th</sup>, 2018; Closed Session held on January 16<sup>th</sup>, 2018; Special Meeting held on January 30<sup>th</sup>, 2018; and Closed Session held on January 30<sup>th</sup>, 2018. As well as the Minutes of the Special Meeting held on January 16<sup>th</sup>, 2018 as amended. **All Agreed.**

### Adoption of Agenda

Councilwoman Collins stated she knows we have received a request to add the Brunch Bill to the Agenda and it was stated we had to hold a Public Hearing and we should not hear it on the Agenda. Attorney Kitchen stated the last time the Town Council held the Ordinance review there was an inconsistency in the current Ordinance and that will have to go back and be revisited by the Town Council. He went on to explain at that point a Public Hearing would be held and the Ordinance could be adjusted however the Town Council wanted.

Councilwoman Collins asked if a resident requests an item to be on the Agenda, is it better to hold the hearing on the specific issue or is there any difference between hearing it now versus waiting.

Manager Faulkner stated the only difference would be if the Town choose to hear a bunch of the Ordinances at one time during a Public Hearing, we would save money on the advertisement. Councilwoman Hall said a citizen could come and discuss the topic at the meeting regardless.

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

### Persons Wishing to Address the Council

**Dante Murphy – 342 Pike Creek Road, Burgaw, NC** – Mr. Murphy wanted to address the Town Council to let them know on February 1<sup>st</sup>, 2018 the North Carolina Department of Transportation adopted a Resolution dedicating a portion of Highway 17 Ambassador Maddie A. Sharpless near the Edgecombe Community. He explained the process to have a highway or road named after you is very hard unless you are dead, and Mrs. Sharpless is alive and doing quite well. Mr. Murphy explained this was also an honor because that vote took place on the first day of Black History Month. Mr. Murphy extended an invite for activities once the date is set, even though it is a different county, the sign will be placed at the county line and will consist a total distance of five miles.

### ONWASA Report

Councilman Hines gave the following update:

- Had a meeting last month and he was reelected Chairman of the Board and Mr. Bitner was elected Vice Chairman and Mr. Connor was elected as the Secretary.
- There will be no meeting this month, but the meeting next month there will be discussion about the backflow preventers.
- Work is beginning on the Budget and Strategic Planning.

- ONWASA's is at a point now where they want to expand, but the system is so old and some of the infrastructure needs to be replaced with some of the lines being 30 to 40 years old.
- ONWASA has gone seven years without a rate increase and they are striving for no increase.

**Report of Released Tax Refunds for February 2018**

A motion was made by *Councilwoman Bragg* and seconded by *Councilwoman Collins* to release a tax refund in the amount of \$159.45 to Brendan Michael Potter. *All Agreed.*

**Presentation of a Proclamation Declaring February 2018 as Black History Month**

Councilwoman Bragg read the Proclamation declaring February 2018 as Black History Month.

**Adoption and Presentation of a Resolution of Appreciation to Interim Town Manager Mr. Billy Joe Farmer**

Mayor Dingler asked Mr. Farmer to the front of the room to be presented with the Resolution of Appreciation. Mayor Dingler stated on behalf of the employees they all speak very highly of you and I was informed they tried to bribe Mr. Farmer with food to make him stay longer, but sadly he must move on.

Mayor Dingler read the Resolution of Appreciation to Mr. Farmer.

Councilman Hines stated when the Town Council asked Mr. Farmer to help out, they expected him just to keep the ship afloat and Mr. Farmer jumped in above and beyond. He stated he really appreciates the way he got here and jumped in and starting fixing some of the issues.

Mr. Farmer stated Holly Ridge is really special to him and no one knows how much it meant to him to be able to be a part of it again and it means a lot.

**Annual Audit Presentation by Williams-Scarborough-Smith-Gray, LLP**

Paul Urban, CPA from Williams-Scarborough-Smith-Gray, LLP gave the following highlights from the Annual Audit:

- The financial statements were submitted to the Local Government Commission on January 15<sup>th</sup> and we received approval from them on January 25<sup>th</sup>, 2018.
- Based on their testing of the financials there were no material misstatements.
- Explained how the building at 325 Sound Road looked like a loss was taken because the actual value of the building was used.

- The fund balance for the Town is 59.88% and that number can be compared to other Towns that are comparable.
- A couple of the findings in the audit have to be reported again because they were found mid-year last year during the audit. Steps have been taken to correct those issues. Those issues were the unrecorded accounts and the unbudgeted expenditures.
- Internal controls were addressed because Towns across the Country are faced with this challenge because it is not practical to hire three or four people in a finance department. As a result there is a finding for the segregation of duties. The way the LGC recommends handling this issue to obtaining another CPA to prepare the financial statements.
- Their recommendation is for the Town to continue engaging with a second CPA firm to assist during turnover and when preparing financial statements.

### Public Hearings

### Old Business

### Discussion of Possible Amendments to the Code of Ordinances

#### *Signs*

Attorney Kitchen stated he contacted Adam Lovelady with the UNC School of Government and asked him if someone has a good sign ordinance we could copy and the answer was no. Attorney Kitchen went on to explain the City of Durham essentially said they were not changing their ordinance and would wait for someone to sue. Attorney Kitchen suggested taking the existing ordinance and make it compliant and treat all signs the same, and this is what he is presenting tonight. Attorney Kitchen stated a distinction could probably be made between commercial and residential and signs that are on private property and in the public right of way.

Attorney Kitchen identified a problem of how long temporary signs can remain up. Much discussion followed concerning signs on private property. Attorney Kitchen suggested placing no limit on temporary sign on private property and regulating signs in the right of way.

The Town Council was in agreement to set the time limit of 40 days for temporary signs in the right of way. The Town Council and Attorney Kitchen discussed the sizes of the temporary signs. It was agreed upon to not allow temporary signs in excess of six square feet.

Councilwoman Hall asked who would be the ultimate approval for signs. Wes MacLeod stated it would be the Town Manager or the Zoning Administrator. Councilwoman Hall asked if Manager Faulkner is also the Zoning Administrator. Wes stated the way he understands it has been going on since the previous Inspector left is that the Interim Manager was the final say so for the Planning Director or Zoning Administrator. Mr. Farmer stated he believes that really comes from a time when the Town Manager held all of those titles.

Councilwoman Hall asked for the roles to be defined for the Zoning Administrator and who the Planning Department is and for it to be placed on the March Agenda.

Councilwoman Hall said she read within the ordinance that the current signs that are not in compliance can stay where they are but if they are changed then they must be brought up to code.

### *Noise*

Attorney Kitchen stated he took the current Noise Ordinance and made a couple tweaks, the language in (A) is what concerned him. He explained he took the language from the case law and put that in (A) to clean it up.

There were no changes to the proposed Noise Ordinance.

### *Cell Towers*

Attorney Kitchen stated he brought this back at the Town Council's request because everyone did not have the chance to review it before the last meeting.

There were no changes to the Small Cell Tower Ordinance.

Mayor Dingler thanked Mr. Farmer for putting all of this together and getting this going to this point and also asked Attorney Kitchen what ordinances are now going to be sent to the Planning Board. Attorney Kitchen stated the Cell towers, junk vehicles, penalties, and signs.

Councilwoman Hall stated the legal review that American Legal sent addressed a lot of grammar and inconsistencies that needed to be addressed, that probably covered every ordinance we had. Councilwoman Hall stated the Town needs to make sure all of those errors were corrected in that report they sent us. Mayor Dingler asked Mr. Farmer if he made those changes and Mr. Farmer stated he went through and all of those things should be completed. Mr. Farmer explained he completed those and then created the list the Town Council needed to address.

### *New Business*

#### *Possible Adoption of an Ordinance Amending Chapter Six Building Regulations of the Holly Ridge Code of Ordinance concerning Foundation Surveys*

Manager Faulkner read the following brief:

During the Planning Board Meeting held on January 16<sup>th</sup>, 2018 the attached text amendment drafted by the Cape Fear Council of Governments to Chapter 6 – Building Regulations was presented. The Planning Board has recommended approval of the proposed amendment and is sending to the Town Council for adoption. The proposed Ordinance requires a foundation

survey and/or final-as built survey as part of the permitting and inspections process. No public hearing for this text amendment is required.

Wes stated this change was initiated by the Planning Board and this is not something that has been done and if this change is made there may be some feedback about it. He explained developers who have not previously been required to do that here in Town will most likely have something to say about it. Wes stated a foundation survey is fairly common in other jurisdictions.

It was agreed upon by the Town Council to make the following changes:

- Under Section 6.38 (a) add principal building and should read as follows: A final as-built survey, by a licensed land surveyor must be submitted prior to the final inspection and issuance of a Certificate of Occupancy for any new construction of a nonresidential principal building. A final as-built survey shall also be required for residential development of principal buildings on lots 15,000 square feet or less that are part of a state approved storm water system. This survey shall illustrate the finished location of all structures, all impervious surfaces/total square feet, and all property lines, building setback lines, buffers and easements.
- Add the following exemptions: (1) Accessory structures or structures which do not require a building permit. (2) Residential development on lots greater than 15,000 square feet or residential lots which are not regulated by state storm water system.
- The requirement for an as-built survey shall not apply to the following: (1) Accessory structures or structures which do not require a building permit. (2) Residential development on lots greater than 15,000 square feet or residential lots which are not regulated by state storm water system.

A motion was made by *Councilman Hines* and seconded by *Councilwoman Hall* to table this item until the next meeting. *All Agreed.*

### *Town Manager Comments*

Manager Faulkner gave the following updates:

- The draft of the Personnel Policy will be presented to the Town Council for their approval at the March Meeting.
- Hopefully the Code of Ordinances will be wrapped up soon and she will begin making all of the changes and compiling all of the thoughts, and making sure all of the changes are made. She has contacted American Legal and let them know where the Town is in the process.
- A Department Head Meeting was held and there was discussion about tonight's Agenda as well as following up on some of the topics in the Personnel Policy.
- Departmental Budget Requests are due to the Town Manager on March 8<sup>th</sup>, 2018.
- The part-time Parks and Recreation position has been advertised for.
- Mr. Morrison rescinded his resignation for the Building Inspector Position.

- Working on getting to know the staff and their individual duties. Also toured the Town with the Public Works Director.
- Also had a tour of the Police Department recently.

**Town Council Comments**

Councilwoman Bragg stated she wanted to send condolences to Mr. Woodley's family and ask everyone to keep their family in their prayers. She also thanked Mr. Farmer, the Police Department, Fire Department, and employees. Councilwoman Bragg thanked Kenneth for changing his mind.

Councilwoman Collins thanked all of the citizens that came out. She also thanked Chief Longo for having Santa go around on the firetruck this past year, it was a very nice thing the Fire Department did. She also reminded everyone to do kind things for one another.

Mayor Pro-Tem Stanley thanked Mr. Farmer, the Police Department, and the Fire Department. She also welcomed Carin and thought this was a good meeting.

Councilwoman Hall thanked everyone for coming out and thanked Wes and Mr. Farmer. She also welcomes Manager Faulkner and stated this is a very cool town and everyone that comes in her business is incredible. She hopes Manager Faulkner will get out and meet the citizens.

Councilman Hines said the article in the Daily News was the most ridiculous mess yesterday. He went on to say it really didn't make too much sense.

Mayor Pro-Tem Stanley thanked the Attorney for all of his hard work and time spent on the Ordinances.

***Mayor Dingler gave the following Announcements:***

Mayor Dingler thanked the Fire Department and the Police Department for the training at J&J Snack Foods.

The Town Council set the Retreat Meeting date for Thursday, March 22<sup>nd</sup>, 2018 beginning at 12:00 p.m.

- Planning Board Meeting Tuesday, February 20<sup>th</sup>, 2018.
- ONWASA Board of Directors Monthly Meeting – Thursday, March 15<sup>th</sup>, 2018 at the Jacksonville City Hall beginning at 6:00 p.m.
- Friday, March 30<sup>th</sup>, 2018 Town Offices closed in observance of Good Friday.
- Monday, April 2<sup>nd</sup>, 2018 Town Offices closed in observance of Easter Monday.

*Closed Session*

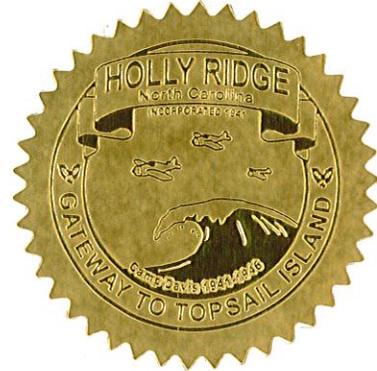
A motion was made by *Councilman Hines* and seconded by *Councilwoman Collins* to enter into a Closed Session for the purpose of Attorney/Client Privilege per North Carolina General Statute 143-318.11 (a) (3). *All Agreed.*

Following the Closed Session Mayor Dingler announced the Town Council received information from the Town Attorney and no action was taken.

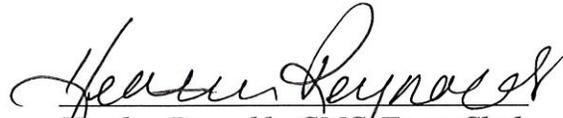
*Adjournment*

A motion was made by *Councilman Hines* and seconded by *Councilwoman Hall* to adjourn at 9:55 p.m. *All Agreed.*

*Attest:*



  
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*Anita Dingler, Mayor*

  
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*Heather Reynolds, CMC, Town Clerk*

*These minutes were recorded and prepared by Town Clerk, Heather Reynolds.*