



# Town of HOLLY RIDGE

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## HOLLY RIDGE TOWN COUNCIL EMERGENCY MEETING February 2nd, 2024 9:00 A.M.

Mayor Jeff Wenzel called the Regular Meeting of the Holly Ridge Town Council to order at 9:00 a.m. at the Holly Ridge Town Hall. Council members present were Councilman Misciagno, Mayor Pro-Tem Patti, Councilman Hines, Councilwoman Stanley, and Councilwoman Ritter. Also, present were the Town Manager, Heather Reynolds, Deputy Clerk, Tracy Martin, Major Waddell and Chief Sorg.

### *Invocation and Pledge*

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

### *Adoption of Agenda*

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

### *Persons Wishing to Address the Council*

### *Discussion and Possible Action Concerning securing the Holly Plaza Property and Possibly approving an Expenditure in the amount of approximately \$28,000.00 for fencing and wind screening.*

Manager Reynolds said yesterday we locked the units at Holly Plaza Apartments. Our Police Department went in and cleared each unit. Our Public Works Department went behind the Police Department and made sure the sliders were secure and they pad-locked the front of the units.

Manager Reynolds said our Attorney Collier as well as our League of Municipality Insurance Adjuster was on site with IRRFNIC which is the risk fund we are in.

Manager Reynolds said prior to locking the units, we held an internal meeting with Chief Sorg, Major Waddell, and Public Works. We were discussing how hard it would be to enforce the trespassing without a particular boarder to the Housing Authority. Manager Reynolds said while on-site yesterday, there were people still walking through the area.

Chief Sorg said providing a barrier and posting the no trespassing signs would meet the North Carolina General Statute.

Manager Reynolds said Public Works did go and purchase 20 No Trespassing signs and they have been posted. The fence, if approved, would have a 15-foot buffer from the back of each apartment and go all around the property. Manager Reynolds said it would not encompass the mailboxes because the tenants are still receiving their mail.

Manager Reynolds said the first quote was from National Construction Rentals. This quote included two 8x12 gates. The second quote came in late last night and it was more than the first one and it does not include the gates. The second quote is also only six foot tall versus the first one which is eight foot tall.

Mayor Wenzel asked Manager Reynolds to go over again why it is important to secure this area.

Manager Reynolds said it is a liability for anyone to enter the property. Manager Reynolds said someone could break out a window and enter a unit, which would then entail our Police to have to go and secure the units. Manager Reynolds said eventually there will be no power at all. Manager Reynolds said since the units have been condemned, our Community Development can call and have power and water shut off. This adds another issue that our Police Department would now have to enter units with no power or water. Manager Reynolds said the stealing of the air conditioning handlers would be handled as well as cutting the pipes that have the refrigerant in them.

Manager Reynolds said we are required to preserve the property for evidence purposes meaning we cannot destroy anything or demo anything. The best thing to do is leave it as it sits and try and preserve it exactly how it is.

Manager Reynolds said yesterday Attorney Collier and the insurance adjuster along with Manager Reynolds were discussing how this could possibly be folded into litigation cost.

Mayor Pro-Tem Patti asked if there were any instances of theft from November 2024, until January 31<sup>st</sup>, 2024? Chief Sorg said yes there have been appliances and sightings of someone going in and stripping out copper and going into some of the units and taking food.

Chief Sorg said some of the units are completely empty and some of them still have all their belongings in there.

Mayor Pro-Tem Patti asked if the tenants had unfettered access up until now? Chief Sorg said the tenants had access until yesterday. Mayor Pro-Tem Patti asked if they were allowed to come and go as they pleased? Chief Sorg said there was a curfew in place, but if the tenants needed to stay later to remove their stuff, we allowed them to do so.

Mayor Pro-Tem Patti said there was an incident yesterday, but then asked do you feel like it is the residents mostly and it is a few or is it an overwhelming amount? Chief Sorg said it was a few people walking their dogs, they just took a shortcut through the property. Chief Sorg said a couple of days ago there were residents that Public Works just from the time and manner they were in there, had some suspension that some had stayed for maybe the night to move stuff out, but no one really knows. Chief Sorg said a lot of phone calls were fielded into Town Hall yesterday concerning picking up tenant's belongings and asking about further access to the property.

Councilman Hines asked if the Fire Department would have access or would we need to wait for the Police Department. Manager Reynolds said the Fire Department would have access. Councilman Hines asked what the status will be with the remaining in these units.

Manager Reynolds said that is another point to bring up. Manager Reynolds said the attorney for these tenants have said the plan for the Town was to trash everything that was on the outside and inside of the units. Manager Reynolds said this is not accurate. Manager Reynolds said we are not able to trash anything until a judge says we can. Manager Reynolds said another reason for the barrier is that the tenants are not going in and removing things after we have taken inventory of all the contents which was done through body cam. Manager Reynolds said if everything is secure, we are mitigating any additional losses that could possibly turn around on the Town.

Mayor Pro-Tem Patti asked who is responsible for maintenance if there is damage? Mayor Pro-Tem asked if they know about windscreens? Windscreens are like sails sometimes. Who is responsible if there is any damage, or they fall due to a storm? Manager Reynolds said these are leased, so the company would be responsible.

Councilwoman Stanley said she noticed on the second estimate which was \$4,000.00 and there is no line item for setup or anything, so will our Public Works set this up. Manager Reynolds said no, the company will set everything up.

Councilman Hines suggested having a conversation with the Chief Longo to see what kind of access he may need to get to the back of the units.

Building Code Administrator Greg Lawrence said to his knowledge, it is 150 feet that the fire truck will need to be able to get the hose to any point in any building. Mr. Lawrence said what it sounds like will happen if they are in the parking lot, they will be able to get to the point of the building they need to get to.

Mayor Pro-Tem Patti said the way he is approaching this is an economically cost benefit analysis. The only thing Mayor Pro-Tem Patti is struggling with is a fence is a deterrent, but those that want to get in will get in anyway. Mayor Pro-Tem Patti said to him it seems there are only a few that want to get in and it's not this overwhelming coming from the northeast and the Philadelphia region. Mayor Pro-Tem Patti said this is the only thing he is struggling

with justifying \$30,000.00 of taxpayer's money. Mayor Pro-Tem Patti said he is struggling with spending that much money for a fence that may or may not work for a few.

Councilman Misciagno said his piece was the fact that we spend \$28,000.00 which he totally gets and then the news is going to take it and say why didn't we spend \$28,000.00 for a few more weeks in the hotel for the tenants. Councilman Misciagno said he thinks let the law enforcement do their job. Councilman Misciagno said he understands what Chief Sorg said in the beginning, it was like a scaling offense to help you as law enforcement like here is your multiple layers of stay out, but you are still coming in.

Chief Sorg said that and having a hard deadline. Chief Sorg said now that we are at this date, and they have been given the ultimatum and given the better part of several months, now it is a hard deadline. Chief Sorg said it turns differently with a fence and no trespassing signs where now it is enforcement.

Councilman Misciagno said this is more of a preserve the investigation process to keep tenants out per the Town. It does not have anything to do with being mean to the tenants, we are at a point now where we must preserve the evidence.

Mayor Wenzel said it is also a safety issue and it will also keep people out who might see this as possible means of buying and selling things they had nothing to do with this, but they just saw this as an opportunity.

Councilman Misciagno asked if the tenants were still at the hotel? Deputy Clerk, Tracy Martin said yes. Ms. Martin said some tenants had come into the Town Hall and told me there were only a few people left at the hotel and this was as of Monday.

Councilman Ritter said this is coming from the contingency fund for stuff that has already passed through strictly for Holly Plaza. Manager Reynolds said that is correct. Finance Director, Chuck Strickland said after the hotel stays, testing and everything else that came out of this fund, there is still \$255,000.00 in that account.

Mayor Wenzel said the reason for this meeting is our Town Manager per policy can only spend up to \$2500.00 if it is not a budgeted line item that was approved in the budget.

Councilman Hines asked if the Town Council would have to have another meeting pertaining to the attorney fees. Manager Reynolds said possibly, she is not sure. Manager Reynolds said she knows we have Attorney Potter and his firm handling the litigation with Pendergraph which is separate. Councilman Hines said he thought with the contingency fund, we would not have to meet again. Councilman Hines said he thought the contingency fund was like a budgeted item and whatever needs to be taken out of that budget would come out.

Mayor Wenzel said at the next regular meeting, we could address this and decide what would be allowable expenses that Mr. Strickland could pay. Mr. Strickland said he thought the legal

fees would be included unless it goes beyond the allocated amount in that line item. Mr. Strickland said he thinks this is something more than needing a vote because it is not really a capital item because we are not keeping it in the end. It is not normal to the proceeding. This was outside of the norm and legal fees should be fine.

Mayor Wenzel asked Manager Reynolds which quote she would like to entertain. Manager Reynolds said National Construction Rentals because that one includes the gates, and the fence is 8 feet versus the other one that is 6 feet. Manager Reynolds said with the taxes, the total is \$29,844.27.

A motion was made by **Councilman Hines** and seconded by **Councilman Misciagno** to authorize an expenditure in the amount of \$29,844.27 for fencing and wind screening.

***Voting was as follows:***

***Councilman Ritter – Yes***

***Councilwoman Stanley – Yes***

***Mayor Pro-Tem Patti – No***

***Councilman Misciagno – Yes***

***Councilman Hines – Yes***

***Motion Passes.***

Manager Reynolds said she would like to clarify the reason we said yesterday approximately \$27,000.00 is because when we pulled the sales and use tax, it comes from a different account and the Town receives the sales tax.

**Adjournment**

A motion was made by **Councilman Hines** and seconded by **Councilman Ritter** to adjourn at 9:22 a.m. **All Agreed.**

***Attest:***

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***Jeff Wenzel, Mayor***

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***Tracy Martin, Deputy Clerk***

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