



# Town of HOLLY RIDGE

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## HOLLY RIDGE TOWN COUNCIL REGULAR MEETING October 10th, 2023 6:30 P.M.

Mayor Jeff Wenzel called the Regular Meeting of the Holly Ridge Town Council to order at 6:30 p.m. at the Holly Ridge Town Hall. Council members present were Councilman Sholar, Councilman Hines, Councilwoman Stanley, Mayor Pro-Tem Hall, and Councilwoman Bragg. Also present were the Town Manager, Heather Reynolds; Deputy Clerk, Tracy Martin; Finance Director, Chuck Strickland; and Attorney, Kyle Fountain.

### *Invocation and Pledge*

Chaplain Jim Bowen for the Holly Ridge Police Department gave the Invocation and Mayor Wenzel led the Pledge of Allegiance.

### *Adoption of Agenda*

Manager Reynolds asked that Item 4-A Onslow County Commissioner Chairman Tim Foster be removed from this agenda. Manager Reynolds said Mr. Foster will be attending next month's meeting, and we also have an addition, a Closed Session for Attorney Client Privilege per NCGS 143.318.11 (a) (3).

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

### *Persons Wishing to Address the Council*

*Sharon Rackley – 121 Coral Place Road Holly Ridge* said she is representing 205 Sanders Road Holly Ridge which is her son's property. Ms. Rackley said she is discussing section 7-12-1 in the temporary housing along with the temporary housing unit. Ms. Rackley said the main complaint is the way the ordinance is written. Ms. Rackley said she does not believe it was the Town Council's intention to halt people that currently own property in the town and to improve their property. Ms. Rackley said the current ordinance says that is must be a natural

disaster or an act of GOD for you to be displaced from your home and have a camper on your site, so you can live there while your home is being built. Ms. Rackley said that takes away a slew of people in the current economic situation that we are living in, and the pay grade is not that great. Ms. Rackley said it takes out of the loop people that must purchase their land first and then build. Ms. Rackley said they cannot go and buy a \$350,000.00 home; they must purchase the land first and then build. It is only helping the contractors that come in to build sub-divisions and request annexation into the Town, which does create revenue, but it takes away from the residents that live here. Ms. Rackley said she does not believe it was the Town Council's intention to take away from those folks like her son.

Ms. Rackley said her son is taking away an older model home and replacing it with a new home which the Town will end up with that revenue. Ms. Rackley said it should only take three to six months for the new home to be built. Ms. Rackley said unfortunately you cannot rent a place for less than a year. Ms. Rackley said the family of five is being displaced from their home, but they want a better home. Ms. Rackley said her son is going from a two-bedroom one bath home with five people and Ms. Rackley said she thinks it should make the Town Council happy that this person who grew up in this town gets to build his first home. Ms. Rackley said she thinks that this Town Council would not take that away from him. Ms. Rackley said she knows most of the Town Council and grew up with most of the people on the Town Council. Ms. Rackley said she understands why the Town Council made the ordinance, but it leaves certain people out.

Ms. Rackley said it is her request tonight that that ordinance be amended to include building your own home and take out the portion that says because of your fault you are displaced. Ms. Rackley said her son is just trying to better himself.

Mayor Wenzel said the Town Council will be discussing this issue later in this meeting.

***Dorothy Royal – 127 Sound Road Holly Ridge*** said she is here because of the current RV restrictions in the Town of Holly Ridge. Within the Town of Holly Ridge city limits is a unique blend of homes and businesses. A lot of the industry here is big industry that has big trucks and with more industries coming into town, there will be more big trucks coming into town. Ms. Royal said with her business, they do a lot of trade shows, and with those trade shows we use a toy-hauler. Mr. Royal said a toy-hauler is a cargo trailer that has living accommodations. Ms. Royal said they allow us to keep our material with them, protect what is theirs and, when stored onsite, they allow storage for trade shows and the Royals have security in theirs.

Ms. Royal said she is asking Holly Ridge to add the ability for neighborhood, light industrial, and commercial businesses to have campers, RV's, toy-haulers on their premises. Ms. Royal said it seems a little silly to her that the only thing Holly Ridge allows is on residential property. Ms. Royal said her vehicles and trailers are licensed, titled and she pays taxes on them. Ms. Royal said they are roadworthy, and she uses them, and she has received letters telling her she is in violation. Ms. Royal said she should not be punished.

Ms. Royal said she is not living in her toy-hauler, but her toy-hauler is a part of her life. Ms. Royal said she feels it is necessary that we understand their businesses require things like that. It may be hauling a vehicle to a race, trade or vendor shows, but in no way should she be punished for having something nor should she be told, she cannot have power to it. These are expensive parts of her business and Ms. Royal has air flow in her toy-hauler. Ms. Royal said it is silly to say you can have something, but don't have power to it. Ms. Royals said that is a private piece of property and you would need a search warrant to enter.

Ms. Royal is asking you to amend the current rulings to allow things that the current businesses today are using to be on their property without having harassing letters from some of the Town employees. Ms. Royal said she is not trying to be a pain in the neck, but when you are a small business just trying to make it and every day you are opening another piece of mail that says you are violating our rules. Ms. Royal said that is not business friendly and she is trying to be business friendly. Ms. Royal said they are using these for their business.

**Ricky Royal 127 Sound Road Holly Ridge** said they are trying to accomplish is it is a tool, and it is a part of any other tools Mr. Royal said if it were any other type of business, it would not be a problem. Mr. Royal said he uses it to load all their merchandise in the back of the toy-hauler. Most of the time when Mr. Royal returns it is late at night and there is not enough time to unload the trailer. Mr. Royal said the humidifier runs so it can keep everything fresh.

Mr. Royal said there should be a way to bend the rules so they can use their tools for their business as a profitable item. Mr. Royal said he is looking for a middle ground so he can run his business. Mr. Royal said he cannot run the trailer to the farm and then run it back to the business, load, and unload because he would have hours if not days wrapped up in something that could take fifteen minutes the next day. Mr. Royal said it does not make sense to operate that way.

- A. ONSLOW County Commissioner Chairman Tim Foster and Introduction of Interim Onslow County Manager (*removed from agenda per Manager Reynolds*)
- B. ONWASA Update Presentation by Frankie Howard, CEO, and Introduction of the Newly Hired CFO.

**Frankie Howard ONWASA CFO** introduced David Moore, COO and Matthew Padgett, Field Operations Administrator who are part of the ONWASA team. Mr. Howard said one of the biggest projects that has been under way for the last twelve months is the Pluris acquisition. Mr. Howard said they are at the tail end of this project, and we have the proper approvals from the State levels to proceed with this project. The anticipated closing date is November 9<sup>th</sup>, 2023, and at that time, it will become part of the ONWASA operations. Mr. Howard said currently they have 20 paid staff that are still there with the Pluris operation that will transfer over to ONWASA employees.

Mr. Howard said this was an alternative project to building their own facility that they have been studying for the past three years. That project was estimated to be around eighty million

dollars compared to this project which is around fifty million dollars. This will include around seven thousand existing customers from the Pluris service area. There are two plants that were discussed with this project, one of which is the Sneads Ferry and North Topsail Beach plant that will service some of the Holly Ridge area and the Web Creek facility which is located near Swansboro. The Web Creek plant services around seven thousand customers.

Mr. Howard said ONWASA has partnered with Jacksonville Onslow Economic Development to sell two hundred fifty acres of the twelve-hundred-acre Wachovia parcel to do the Camp Davis Industrial Park Phase III. They will also be doing timber management on this site and roughly two hundred acres have been timbered. Mr. Howard said ONWASA has gained around six hundred thousand dollars on this one site. Mr. Howard said they were also expanding their test wells on this site and D-10 and D-11 are there now and there will be two more test wells to add raw water sources for the Dixon plant.

Mr. Howard gave an update on Summerhouse and said they are in the process of upgrading the membrane system there and they have contracted with Kubota. Mr. Howard said they learned about them during the Pluris acquisition because that is the preferred vendor for Pluris and all their service. Mr. Howard said we have them on contract to update the membrane filtration system at Summerhouse to hopefully maximize the capacity there. Mr. Howard said this was initially thought to be an interim fix until the Pluris project came along but if it is properly running, we will keep it online just to meet the demand areas. Once it does become ONWASA, they will be connecting the two collection systems so that we can flow most of the sewer that way and decommission the Holly Ridge Lagoon system and spray field with that. Mr. Howard said they were fortunate to receive the State grant last year and the budget and they received an additional grant this year. The ten million that ONWASA was awarded last year will go to cover the connection of the two collection systems. The five they received this year were for another sewer project in their system.

Mr. Howard said within the State budget there is a new law that will allow the discharge from these advanced treatment plants into creeks and areas that were not allowed before due to the high quality of wastewater. This will help ONWASA in the future when dealing with the discharge of the sewer treatment plants, which is one of the issues we faced at the Summerhouse plant.

Mr. Howard said there was a question of what we were going to do with Summerhouse once the new plant came along. Mr. Howard said it may need a capacity which we may have to have in the immediate future. Mr. Howard said they may not be able to take it offline as quickly as we had hoped. ONWASA can possibly have another alternative to deal with the discharge with this new State law coming into effect this year.

Mr. Howard said there are other various projects in the works such as water and sewer line extensions in the area. Mr. Howard said one is on Ocean Road in Holly Ridge and some on the other side of Town. Mr. Howard said there are also some lift station upgrades that are underway or being reviewed. Mr. Howard said ONWASA is always happy to be a partner with Holly Ridge and all the participating municipalities.

Mayor Wenzel said Manager Reynolds has received a few questions about a dump location. Mr. Howard said they had to engage in that contract again this past month due to the levels that we were seeing at Summerhouse. Summerhouse has been problematic as far as treating the flow that it sees. The emergency fix to that was the pump and haul it to the Holly Ridge treatment facility and the closest way to get into it was the last manhole.

Mayor Pro-Tem Hall said ONWASA is hoping to make improvements to Summerhouse so why would you want to abandon that after improvements have been made. Mr. Howard said we wouldn't necessarily want to abandon the treatment plant because of the millions of dollars we are going to spend on repairs but the infiltration basin, if we could find alternative way to deal with the influence, we would like to do something else with that, but the capacity that will offer to the area would be necessary with the growth we are seeing and even with the addition we are going to get with Pluris, we will have that capacity at Summerhouse tap into because everything's going to flow that way, we will have the option to send it that way or send it to the Pluris plant.

Councilman Hines asked what the Government was doing about the PFAS over there. Mr. Howard said they are working with the base to sample the monitoring wells that they agreed to install between our wells and their wells. Mr. Howard said they have not seen anything migrate their way. Mr. Howard said their consultant GMA agreed to increase the flow and the usage of D-10 and D-11 because there was no PFAS present and no migration from the contaminated well. Councilman Hines asked if the Government is doing anything to mitigate the PFAS. Mr. Howard said he has not been made aware of anything they are doing specifically for PFAS other than they agreed to do the monitoring.

David Moore, COO for ONWASA said the monitoring they are doing is kind of a long-term analysis of the groundwater flow there. Mr. Moore said they have not been giving a lot of data, but they have been sending test results from the monitoring wells and keeping us up to speed in general terms. Mr. Moore said he thinks it is going to be next year before they finish the testing that they want to do out there, which takes us to the next step that they have not told ONWASA yet.

Mr. Moore said ONWASA is running their wells at sixty-five percent of their capacity, and they are being tested monthly for PFAS. The monitoring wells are tested quarterly, and they have never showed anything.

Councilman Hines said it is the private wells that could be a problem, and they are the ones that the Government needs to keep abreast of what is going on. Mr. Moore said the Navy went out and properly abandoned some of the old wells that were located behind the old bacon plant.

Councilman Hines asked what the capacity at the Pluris plant is. Mr. Moore said 1.57. Councilman Hines asked if it was expandable. Mr. Howard said there is some discussion about how they would expand, and ONWASA is looking at options and needs to expand it as well. Mr. Howard said some of the legislation may help as well. They have infiltration basis

also, but their design is different than what we are used to. Councilman Hines said that legislation should dump into zero flow creek.

Councilman Hines asked as far as the growth in Sneads Ferry, is ONWASA going to be able to pump as much up there and will Holly Ridge be behind the eight ball again looking for help with our growth. Mr. Howard said that is certainly a concern and we have already built it in our CIP planning to make sure we have the capacity in place at that time. Mr. Howard said he did not think it would be a problem being the first company. Councilman Hines said it is going to be a concern of his that Holly Ridge does not get behind again on the wastewater treatment.

Mr. Howard said phase one of the Summerhouse expansion will be two hundred gallons. Mr. Howard said it is on paper that it is 0.18 which is two hundred gallons, but it is built for four hundred gallons.

Councilman Hines said in the current Holly Ridge plan, if we went to zero flow creek, could that still be utilized. Mr. Howard said no because it must be an advanced wastewater treatment method, so it must be one of these MDR filtration plants and not a lagoon system.

Mayor Wenzel asked Mr. Howard to explain how clean the water is that comes out of the MDR's and the example the Pluris plant uses. Mr. Howard said the Pluris plant has in all its facilities a fish tank. They run the effluent through this fish tank and the fish are living among the effluent water and it is so clear.

Mayor Pro-Tem Hall said she lives on Jones Street, and she routinely sees a truck that comes off the base from a side gate at the end of Camp Davis Road. It cracks a red hydrant, and it fills its truck with water. Mr. Howard said the authorized use of the hydrant should have a hydro meter that is issued from the main ONWASA office.

Matthew Padget said it is going to be a low-pressure call or discoloration that it gives. Mayor Pro-Tem Hall said there is a fence from Camp Davis that keeps all of us on the Holly Ridge side and the military side. There is a gate there and it opens and there is this big truck that comes out and fills up with water and then goes back to shut the gate. Mr. Howard asked Mayor Pro-Tem Hall to take a picture of it next time so we can check into this situation.

Councilman Hines asked about the midge flies. Mr. Howard said he has not heard how that is going or if they are still having a problem or not. Mr. Howard said they have two infiltration bases in Summerhouse, but we only use one due to the limitations of the capacity of the plant. Mr. Howard said that is Lake Willow and we installed a fountain there which helps keep the water stirred up and reduce any issues that might be there. Mr. Moore said they are treating it on a regular basis.

Manager Reynolds asked if she heard correctly that ONWASA will be decommissioning the spray fields. Mr. Howard said part of this project would be to decommission the Holly Ridge plant, which has spray fields to go along with it. Mr. Moore said they are looking at some alternatives in reusing the spray fields for disposal, especially the Summerhouse plant. Mr.

Moore said if we are using them for the Holly Ridge plant and they are still spray fields, we have spoken with the State about sending effluent flow from Summerhouse which is cleaner than what comes out of Holly Ridge plant, send that to the spray fields and spray it.

**Town Manager Report**

Manager Reynolds introduced the following new employees:

**Public Works:**

Joshua Schoolcraft  
Paul Lee

**Police Department:**

Shawn Horsley

**Police Department Promotions:**

Captain Mario Procopio  
Major T.J. Waddell

- Manager Reynolds said the preparation for Hometown Christmas is underway. Parks and Recreation Coordinator Audrey Madia has been working very hard on this and she will be going on maternity leave soon and this will defer to Chuck Strickland and others.
- Construction of the pier at Morris Landing is underway through the Marine Fisheries grant.
- The November regular meeting will have a Public Hearing for the sale of lot 18 in the Camp Davis Industrial Park.

Councilman Hines asked about the UPS project and Manager Reynolds said they are still in their due diligence, and they have until the end of November. Councilman Hines asked about the status on the Town roads. Manager Reynolds said she and Mike McFann met with Steve and a pre-meeting was held and things will start to be in place late November early December. This way during the winter they can have everything put in place while asphalt is being made early spring, they can start as soon as possible. Manager Reynolds said they can start the pavement replacement survey in the next couple of weeks and they will have a better picture of how much the repairs will cost and if they have to do a complete rebuild of the streets and once they have that information, they will present that to the Town in a report and they handle the bid process which will be put out the week of Thanksgiving.

Councilman Hines asked if GFL is doing better with the handling of the trash. Deputy Clerk, Tracy Martin said it has gotten better since it was addressed at our Town Council meeting.

Councilman Hines asked how long before the bathrooms at Morris Landing will open. Mike McFann said they are about ninety five percent complete. Mr. McFann said he is waiting for the Certificate of Occupancy from the county on our permit.

Councilman Hines asked Manager Reynolds to give a summary on the Housing Authority. Manager Reynolds said the Town Council called for an Emergency meeting this past Friday due to complaints from some of the residents about their living conditions. The Town Council agreed to move forward with authorizing Town staff to put together a management plan to present to HUD for approval. Manager Reynolds said that particular property can come over to the day-to-day management of the Town, as well as hiring additional legal counsel to work through the process. Manager Reynolds said the staff is working through all those processes at this time. Councilman Hines said as long as he has been on the board, he has never seen so many people happy about what this board did. Councilman Hines said those residents need help and he is glad the Town Council was able to help.

Mayor Wenzel said about a couple of meetings ago we were moving forward with the four lane one hundred twenty feet, how are we progressing with that. Mayor Wenzel asked if we received any of the deeds we could not find. Manager Reynolds said no.

Manager Reynolds said the appraiser has sent back his fee to do the updated appraisal for all the properties. We are waiting for those figures to come in and notification to the property owners to start that clock that the Town Council set as the last meeting.

### Consent Agenda

- A. Approval of the Following Minutes
  - August 29th, 2023, Special Meeting
  
- B. Department Head Reports
  - Finance Department
  - Fire Department
  - Police Department
  - Planning & Zoning Inspections Report
  - Parks and Recreation
  
- C. Committee Reports
  - Planning Board
  - Board of Adjustment
  - ONWASA
  - Re-Branding Committee
- D. Approval of Tax Refund Report

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

### Old Business

**Parks and Recreation Presentation presented by Audrey Madia**

Audrea Madia said she wanted to provide an update on what has been accomplished since September 2022. Ms. Madia said a software program (Rec Desk) has been established for the community to better track the finances, programs, communication between everyone and events. Ms. Madia said all the events have been held and the next one that will be held is the Veteran's Day ceremony and after that is the Hometown Christmas. Ms. Madia said she has established a contract instructor handbook which streamlines the process for outside programs to come in. Most recently we had a Krav Maga instructor which is like Taekwondo that was interested in teaching classes, but unfortunately, we did not receive the turnout, so we are going to pivot and potentially offer a clinic. Ms. Madia said all the rental information as well as the fee schedule has been updated.

Ms. Madia said there have been facility upgrades to include the ballfield fencing, the community center tables and painting the inside of the community center. Ms. Madia said the Christmas tree has been ordered and delivered.

Ms. Madia said she has also received grant funding through Onslow County for our Liberty Festival, and we also received Coastal Federation grant funding for the Morris Landing Pier. Ms. Madia said she was also able to hire a part-time parks and recreation person and her name is Rachael Greene.

Ms. Madia said there are some projects that were listed in the master plan, and she is building off this list and crossing those items off.

Councilman Hines said he would like to see a Rec center moved up the list from six to ten or further up for senior projects. Councilman Hines said we are putting a lot of emphasis on the ballfield, but it only serves maybe nine or ten of our citizens. Councilman Hines said he went to Surf City's the other day and they have a lot of activities. Councilman Hines said we need to move quicker on the rec center than six to ten years. Councilman Hines also requested Ms. Madia to fund out what we need to do to start our own softball league.

Mayor Pro-Tem Hall asked about storm water repairs and maintenance. Ms. Madia said she would defer to Mike McFann, but it is her understanding it was for the ditches. Manager Reynolds said when we went out and toured the park as a group, we talked about having the culverts installed into the ditches to allow additional parking along the edges of the road. Manager Reynolds said Kimmee has been working with the RCCP foundation which is the Resilient Coastal Communities program on trying to find funds because that would be a stormwater project. This would increase resiliency by moving water where we need it to go. Mayor Pro-Tem Hall said we had funding set aside when we were talking about the budget. Manager Reynolds said the money that was funded the million dollars that was included in this fiscal year is for the Partif grant. Manager Reynolds said she thinks that is a combination of what the Town Council prioritizes from the first list. Manager Reynolds said there is a lot and that will require a workshop once we get to that point. Mayor Pro-Tem Hall asked when we will get to that point. Manager Reynolds said we have met with the Partif representative,

and the applications are due in March, so most likely towards the end of the year. Mayor Pro-Tem Hall said the million dollars is set too, we get Partif, we spend it, and part of the money comes in and then the money goes back. Ms. Madia said that is correct, it is a matching grant for five hundred thousand dollars.

Mayor Pro-Tem Hall said she remembers talking about budgeting that money for a portion of the grounds for vendor parking and we were going to pave that portion for handicapped parking. Then we discovered we couldn't because of the way the property is parceled, and it must have so much pervious ground. Mayor Pro-Tem Hall said that is money that was earmarked. Mayor Wenzel said he was not aware that we were not going to do it. Councilman Hines said he did not realize we were not going to do it either.

Manager Reynolds said we had to do a recombination of all the municipal land that is included in the park. Manager Reynolds said we had to take the parcel that the Community Center and the Liberty Fountain sit on and combine it with the open space that we have, and we still have not received a re-combination. Manager Reynolds said we did not include this in this year's budget. Manager Reynolds said we rolled this over to the general fund. Manager Reynolds said we can make a budget amendment if the Town Council would like to move forward to get the work done.

Mayor Pro-Tem Hall said she was looking at one of the things that is already done on the park and now we are waiting on the Partif to get the other bigger portions done. Mayor Pro-Tem Hall asked if there is money to spend on the park. Manager Reynolds said she was cautioning because of the pre work that is involved in the Partif grant, there is a cost to that. There is an environmental that must be done, and we are working through the process with our district representative in preparation to making application.

Councilman Hines said we need to keep in mind if we do build a rec center, it will take some of the pervious property. Councilman Hines said we could change the park plan if we don't go with it. Mayor Pro-Tem Hall said she did not think the rec center was involved in the million dollars anyway. Ms. Madia said she did not think the million dollars would cover the rec center. Councilman Hines said he does not see where it makes common sense to take away one of the athletic fields when we have land beside the community center to put it on.

Mayor Wenzel said the ball field and the community center are some of the town's biggest assets, so if someone wants to use the community center, do we charge each person or do we charge the person who rents it? Ms. Madia said only the renter is charged. Ms. Madia said she has the same policy for the community center. If someone wants to come in and have a dance, Ms. Madia would require a certificate of liability insurance.

***Continue Discussion and Possible Approval of a Contract to Replace the Municipal Ball Field Lights***

Manager Reynolds said we had one additional quote that came in before the meeting.

Mr. Mike McFann said all quotes were to replace thirty-six existing metal fixtures that we have on all poles. They were to replace these fixtures with LED fixtures and re-work some of the wiring in the panel boxes. Mr. McFann said the quote from IP&L is to replace thirty-six metal halide light fixtures with thirty-six LED fixtures, remove the old fixtures and haul away.

The fixtures that are being quoted from this company come with a one-year warranty for all parts and labor and all fixtures are equivalent to one thousand watts. The LED's pull anywhere from four hundred to seven hundred fifty watts and that is equivalent to a little more than one thousand. Mr. McFann said the total price for this is \$58,279.00. Mr. McFann said he has reached out to this company with a couple of questions, but he has not received any response yet. Mr. McFann said the fixtures are something Mr. McFann is familiar with, and they are like the one they replaced at the shooting range a couple of years ago. This is a good fixture and more like a multi-purpose fixture. Mr. McFann said the one-year warranty scares him, but the price is right.

Mr. McFann said the second quote is from Coastline Electric. They will replace thirty-six halide fixtures with thirty-six LED fixtures. They were going to make repairs to the piping on the poles and replace breakers at the panel. The fixtures being quoted have a ten-year warranty and a one-year warranty on all labor. All fixtures are equivalent to five hundred watts. The quoted price from this company is \$180,000.00.

Mr. McFann said the third quote is from Musco Lighting. They will replace all underground wiring, telephone poles, and install fifty LED fixtures. They also will replace the entire panel breaker system. The fixtures have a ten-year warranty on all parts and a one-year warranty on all labor. All fixtures are equivalent to five hundred forty watts. The quoted price from this company is \$250,000.00.

Mr. McFann said this last quote that came in right before this meeting from C-Phase Services and they quote states they will remove thirty-six lights from six existing poles. The quote is based on all poles being accessible with rubber-tired equipment and able to drive up to each pole. They will furnish and install thirty-six LED lights. Spec provided with quote and the quote assumes all existing wiring will work back to its working condition. The quoted price from this company is \$90,535.00.

***Manager Reynolds recommended tabling this item until we receive more information from IP&L.***

Councilman Hines asked if IP&L thought the problem was the breakers or the lights themselves. Mr. McFann said it is the lights themselves. Mr. McFann said this is old technology and there is a lot of juice powering the ballast to run those halide bulbs. The heat is being transferred through the wire back to the breaker which is what is burning up the breakers. Councilman Hines said that is a lot of money to spend for just ten citizens in town to

use. Councilman Hines said people played on that field for many years with out any lights and he can't agree to spend that kind of money not when we have more pressing needs.

*Mayor Wenzel called for a recess at 7:53 p.m.  
Mayor called the meeting back to order at 8:00 p.m.*

### New Business

#### Discussion of Ordinance Regulating Campers/RV's/Toy-Haulers within the Town's Jurisdiction.

Manager Reynolds said this came up because of Mrs. Royal's business specifically and she has spoken with several other business owners in town about the commercial uses for the RV's, campers, and toy haulers. Manager Reynolds said the staff needs some guidance because as it is written in the ordinance currently, those businesses are in violation when they store these recreational vehicles on commercial property. Manager Reynolds said there are several businesses in the area that are in violation. Manager Reynolds said Ms. Royal spoke with Smokey Tony's and Maxton Sholar.

Manager Reynolds said Ms. Royal had originally made a request with the Planning Board for a text amendment and then Ms. Royal felt as though the Town Council should consider rather than being a request from her.

Councilman Hines asked what the pros and cons are. Manager Reynolds said the cons are aesthetically you will have recreational vehicles sitting in commercial districts throughout town.

Community Development Director Joseph Kamperman said there are two other cases we are monitoring. They are Surf City Guns and Ammo, Smokey Tony's, 325 Sound Road and 206 it says Camp Davis RV's and they are being stored on commercial properties. Currently our ordinance only allows rv's to be stored on residential properties and not to be used for material storage. What is being proposed now would not only be an addition to an allowance to be stored on it in a different zone or jurisdiction but would also be to permit it to allow material storage. Mr. Kamperman said there are some concerns, and it would be best viewed from a Planning Board level to at least let the Planning Board weigh in since they are one of the advisory boards.

Councilman Hines asked if food trucks are included in this. Mr. Kamperman said the zoning code section 7-4-11 in the Town's ordinances states travel trailers or recreational vehicles may be stored on any lot in a residential zoning district provided they are not stored in the provided setbacks. Travel trailers currently or recreational vehicles cannot be used for sleeping, utility office highlighted material storage etc, or be currently connected to utilities included but not limited to water, sewer and electric.

Mr. Kamperman said it depends if the Town wants to view food trucks as travel trailers or a recreational vehicle. Manager Reynolds said food trucks have their own regulations.

Ms. Sharon Rackley stated a toy hauler is a recreational vehicle with a garage.

Mayor Pro-Tem Hall asked Mr. Kamperman if his suggestion is to let the Planning Board do its investigation and find out the impacts of changing this part of the ordinance. Mr. Kamperman stated that would be his recommendation.

Councilman Hines said if the citizen did this, they would have to pay a fee, but if the Town Council does it, she would not have to pay the fee. Manager Reynolds said that is correct. Councilman Hines asked if this would set a precedence.

Manager Reynolds said in addition to this something else has come to light are conex containers. These have become an issue. Manager Reynolds said we have people trying to live in them, they are not permitted, and they are popping up around town and this needs to be addressed as well. Manager Reynolds suggested a joint workshop with the Town Council, Planning Board, Joseph Kamperman, and staff members.

Councilman Hines said we could include that no penalties be issued until all of this is resolved.

A motion was made by *Councilman Sholar* and seconded by *Councilwoman Stanley* to waive any fees and violation notices until this matter can be heard by the Town Council and direct staff to organize a joint workshop between the Town Council, Planning department, Planning Board, and business owners that it possibly affects. *All Agreed.*

#### *Discussion of Ordinance Regulating the Temporary Occupancy of RV's*

Manager Reynolds said this was brought up by a couple of Town Council members about residents staying in their recreational vehicles outside of a declared state of emergency outside of a natural disaster. Manager Reynolds said she does not know if the Town Council would like to waive for certain circumstances.

Councilman Hines said she thinks Ms. Rackley's is a time issue. Councilman Hines asked Ms. Rackley when she wanted to start to get this request done. Ms. Rackley said their home is being moved tomorrow and Monday the foundation is supposed to be put down.

Mr. Kamperman said the ordinance defines temporary housing as temporary accommodation for individuals or families whose homes are being destroyed or significantly damaged through no fault of their owner by an emergency or natural disaster.

Mr. Kamperman said the decision that was made by him several weeks ago was the current situation, the code does not allow for staff to move forward with the temporary housing standards because this is not an emergency or natural disaster. Mr. Kamperman said it is

important to remember it cannot be the fault of the owner and that is where we stand with this current topic.

Ms. Rackley said she does not see this as a fault of their own. Ms. Rackley said this is a betterment of their own.

Manager Reynolds said for temporary housing it allows for the time not to exceed twelve months and there can be an extension given or requested and granted. Temporary housing must be removed from the lot within thirty days following completion and repair of the primary structure.

Councilman Sholar asked how this is being policed. Mr. Kamperman said under the temporary housing ordinance section 105 section 12-1 there is a period not to exceed twelve months while repairs are being constructed. The housing permit shall be issued by the Zoning Administrator or Planning Department for all temporary housing units. Mr. Kamperman said staff does not view the current situation as something that would fit under temporary housing.

Councilman Hines said he thinks we went to long by going twelve months. It should have been shortened to six months and then six months extension.

Mayor Pro-Tem Hall said the reason we went that long was because it was after a hurricane and all the builders were busy and we knew people were not going to get a home built in six months. Mayor Pro-Tem Hall said the issue is Town Council cannot make a change to the ordinance and we want a workshop to redefine it and the issue is what can we do between now and then legally to help the Rackley's out.

Mayor Wenzel asked Ms. Rackley if her property was condemned. Ms. Rackley said someone else is taking it and they are going to renovate it and make it their residence outside of Holly Ridge. Ms. Rackley said it is livable but not for five people. It is a two-bedroom one bath home. Mayor Wenzel said he understands that but why was electricity cut today when you know you were in violation of the current code.

Manager Reynolds said the electricity was cut in preparation for the new home being built. Ms. Rackley said they were not allowed to leave the current home there while they were building their new home according to the Town. Manager Reynolds said between now and the workshop, you could set an exception.

Councilman Hines said we do not want to get in the business of every time someone wanted to do, and we waive it, we cannot get into that practice. Mayor Pro-Tem Hall said this is more than an individual situation.

Ms. Rackley said they had to look at a camper with people living in it across the street for over a year.

Attorney Fountain said the Town Council can do a temporary moratorium on the enforcement of this if that is the Town Council's wish. Mayor Wenzel said what if we do a temporary moratorium and we hold a workshop and they decide not to change this, where are we at with this project. Mayor Wenzel said the ball is rolling his opinion is this has put the Town Council in a difficult position. Ms. Rackley stated it has put them in a difficult position also. Mayor Wenzel said stuff is happening tomorrow and here we are tonight. Manager Reynolds said this was requested by a couple of Town Council members to be placed on the agenda.

Manager Reynolds said she is aware that this does put the Town Council in a difficult position because it could possibly set precedence and it is a slippery slope to already have a written set of ordinances and then apply a moratorium.

Mayor Pro-Tem Hall said we could hold a workshop and decide if we want to allow this to happen and come up with a plan that would be able to manage it. Mayor Pro-Tem Hall said it may also come out that the Town Council is not going to do it and we would not know the answer of what the new text or change is going to be, but the Town Council needs to know what to do tonight.

Councilman Hines said we do not want to get to the point that someone wants to do something, and they start doing it and they say what are you going to do about it. Manager Reynolds said we already have that throughout town. It is a consistent issue with Code Enforcement. Manager Reynolds said the Town Council receives a lot of those phone calls. Mayor Pro-Tem Hall said they do receive phone calls.

Mayor Pro-Tem Hall said our ordinances are not to keep somebody from being able to do something, they are there to protect everyone's property. Mayor Pro-Tem said sometimes they grow and change and our community's change. The camper system has changed, and people are buying smaller homes. Our whole environment is changing.

Councilman Hines said to Ms. Rackley that he knew about a camper across the street from her and Councilman Hines did nothing about it. Councilman Hines said he did not know anyone was living in the camper and it is Code Enforcements place to do something about it. Ms. Rackley said she was not saying he knew someone was living in the camper, but he knew the camper was there because Councilman Hines lives in that general area.

Ms. Rackley said the camper will be in the yard after the house is built but it will not be hooked up to the sewer because we do not have the ability to put it on the opposite side to hook the sewer up. Ms. Rackley said this is going to have electricity to it for them to be able to run the heat, lights, and sleep. Mayor Pro-Tem Hall asked how many months this would be. Ms. Rackley said the contractor told them they are looking at eight to twelve weeks.

Councilman Hines asked if Ms. Rackley would still need to get a permit. Mr. Kamperman said the storage of an RV that is not a living quarter is permitted in the residential zoning district. Mayor Pro-Tem Hall said they would have to defer back to the moratorium.

Councilman Hines asked Ms. Rackley how long they knew they were going to do this. Ms. Rackley said it has been a fast process. Ms. Rackley said they came to the Town Hall a month ago and spoke with the building code administrator Greg Lawrence and that is when they started talking about everything. Custom homes will be the ones putting the home up and Ms. Rackley asked what she would need. Ms. Rackley said she was told at that time; they did not see any problems with it because they were replacing one home with a newer home. Ms. Rackley said they then went ahead with their process and then Mr. Kamperman was hired, and he stopped the process which was already in place.

Mr. Kamperman said he was part of that conversation and again the ordinance does allow someone to move home and put another one there if it meets certain standards. An allowance was never given for an RV to be placed on the property as a living quarter. Ms. Rackley said Mr. Kamperman was not a part of the conversation that she and Mr. Lawrence had the day that she came in and spoke with Greg and the woman that was in there also. Mr. Kamperman said that is correct but as the Zoning Administrator, he has the final say. Ms. Rackley said she is just making sure the Town Council understands Mr. Kamperman was not in that conversation.

Attorney Fountain said looking back at some articles that were done in 2018 during Hurricane Florence, and an amendment to a change of temporary housing the ordinance does constitute a change in the zoning ordinance which requires the appropriate notice requirement for a public notice and public participation. Attorney Fountain said his opinion would be if we were to try a modification to the ordinance it would be statutory untimely for those notices.

Mayor Pro-Tem Hall said the Town Council cannot go one way or another until we have our legal counsel give us direction.

Mayor Wenzel asked Manager Reynolds what the correct procedure would be to have an ordinance changed. Manager Reynolds said they would apply for a two-hundred-dollar text amendment, the text amendment would go before the Planning Board where they would consider and send their recommendation to the Town Council. The Town Council would then direct staff to call for a public hearing, legal notices would run for two consecutive weeks in the newspaper and at the next regular Town Council meeting that item would be heard and voted on.

Councilman Hines asked Mr. Kamperman the process that would happen if Ms. Rackley was to place the new home on the land today. Mr. Kamperman said the first process would be informal communication which would be this is not permitted per the code. Ten days later a warning is issued and if it has not been resolved it would then be a thirty-day notice and the applicant has thirty days to bring it before the Board of Adjustment. Mayor Wenzel asked what happens after thirty days if it is still not resolved. Mr. Kamperman stated he would defer to the attorney, but he would think civil penalties would be incurred.

Ms. Rackley asked for future people going through this situation, how would you get the ordinance amended to include landowners that want to build their own home in Holly Ridge that own their land. Mayor Pro-Tem Hall said we are going to have an answer at the planned

provided on how to appeal that decision. Mr. Kamperman said the decision was appealed but he did not hear anything from Ms. Rackley.

**Chelsea Kurtz – 336 Belvedere Dr** asked if there is a hardship variance for Ms. Rackley. Mr. Kamperman said a variance can be granted by the Board of Adjustment and it does have to be a variance that is not created by the said applicant.

Ms. Rackley said they tried to get into Topsail RV, but they only have eleven sites that are not permanent. Ms. Rackley said they could not get in there until mid-November.

Mayor Wenzel asked what the Town Council could legally do tonight. Attorney Fountain said he did not believe there is anything that can legally be done tonight. Attorney Fountain said the variance requirements that the Board of Adjustment could consider if it is applied for are set up by state statute. There are four specific requirements that must be shown to the satisfaction of the Board of Adjustment. They are unnecessary hardship that would apply from strict application of the regulation, the hardship results from conditions that are peculiar to the properties such as locations, demography, the hardships results from personal circumstances as well as conditions that are common to the neighborhood and the general public may not be the basis for a variance, a hardship did not result from actions taking by the applicant or the property owner, the request for the variance is consistent with the spirit purpose and intent of the regulation so public safety and secure substantial justice is achieved. Attorney Fountain said if an applicant can apply for a variance and prove those four factors, then they can receive a variance.

Attorney Fountain said the best thing to do tonight is to refer to the workshop that will be held.

Mr. Kamperman asked if this involves the discussion that was had regarding the temporary recreational vehicles on commercial property, and if staff are being directed to send out warning notices until the conversation we had. Mayor Pro-Tem Hall said Attorney Fountain will have to let Manager Reynolds know if we can defer those waivers. Attorney Fountain said he believes both need to be deferred to the upcoming workshop. Attorney Fountain said again there is a time for enforcement that must be followed under our ordinances.

Mayor Pro-Tem Hall asked again if we can do the waivers on the toy haulers we were discussing earlier. Attorney Fountain stated probably not.

A motion was made by **Councilman Sholar** and seconded by **Mayor Pro-Tem Hall** to add this item to the workshop at a later date. **All Agreed.**

Councilman Hines said Town Council would need to amend that motion. Attorney Fountain said it needs to be a motion to reconsider by voting members who voted in favor of the outcome.

A motion was made by **Councilman Hines** and seconded by **Councilman Sholar** to modify the commercial and hold a workshop. **All Agreed.**

**Persons Wishing to Address the Council**

**Chelsea Kurtz – 336 Belvedere** asked if there is anything on the state or federal that we can look at that would allow the Town Council to move in one direction. Ms. Kurtz asked if there was something like an economic crisis. Ms. Kurtz said this was food for thought.

**Town Council Comments**

Councilwoman Stanley thanked everyone for coming to the meeting and she thanked all the departments for their hard work.

Mayor Pro-Tem Hall said the banana mobile that was at Paradise Axe and arcade was cool. Mayor Pro-Tem Hall said the two gentlemen travel with no cover from the outside elements.

**Announcements**

**Mayor Wenzel gave the following announcements:**

- Tuesday, October 17<sup>th</sup>, 2023, Planning Board Meeting – beginning at 6:30 p.m. in the Council Chambers
- Tuesday, October 17<sup>th</sup>, 2023, Four Town Meeting – hosted by North Topsail Beach beginning at 12:00 p.m. at Splash by the Sea
- October 23<sup>rd</sup>, - October 27<sup>th</sup>, 2023, Fall Yard Debris Pickup
- Tuesday, October 24<sup>th</sup>, 2023, Board of Adjustment Meeting – beginning at 6:30 p.m. in the Council Chambers
- Thursday, October 26<sup>th</sup>, 2023, Candidate Forum – beginning at 6:00 p.m. in the Community Center
- Friday, November 10<sup>th</sup>, 2023, Town Hall Closed in Observance of Veteran’s Day

Mayor Wenzel said he would like to add a budget amendment to add the parking lot funds back over to the parking lot funds. Mayor Wenzel said this was a big priority this past budget year and since it was held up by paperwork for all practical purposes the funds should be added back in.

Mayor Pro-Tem Hall thanked Manager Reynolds and the staff for the quick movement on the Holly Ridge Plaza Apartments.

**Closed Session**

A county social services board or other public body subject to the state’s open meetings law may hold a closed session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege per NCGS 143-318.11 (a)(3).

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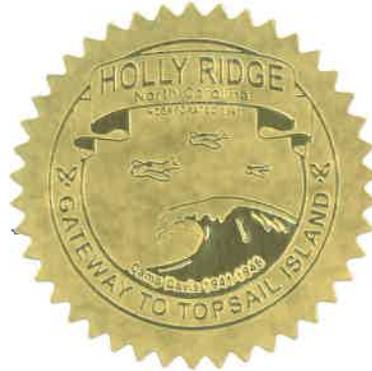
A motion was made by *Mayor Pro-Tem Hall* and seconded by *Councilman Sholar* to go into Closed Session. *All Agreed.*

Mayor Wenzel said Town staff gave direction to Attorney Fountain and no action was taken.

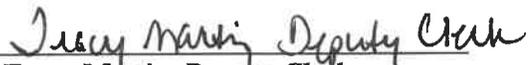
**Adjournment**

A motion was made by *Councilman Hines* and seconded by *Councilman Sholar* to adjourn at 9:35 p.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.*