



Town of HOLLY RIDGE

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HOLLY RIDGE TOWN COUNCIL REGULAR MEETING October 11th, 2022 6:30 P.M.

Mayor Jeff Wenzel called the Regular Meeting of the Holly Ridge Town Council to order at 6:32 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 Town Manager, Heather Reynolds; Deputy Clerk, Tracy Martin; Public Works Director Mike McFann; Community Development Director Nate Rhue; and Attorney Kyle Fountain.

Invocation and Pledge

Pastor Danny McLamb – The Gathering gave the Invocation and Mayor Wenzel led the Pledge of Allegiance.

Adoption of Agenda

A motion was made by **Councilwoman Stanley** and seconded by **Councilwoman Bragg** to adopt the agenda as amended. *All Agreed.*

Persons Wishing to Address the Council

ONWASA Update

CEO Frankie Howard provided an update from ONWASA. They currently serve around 56 thousand customers throughout the county and that is due to the growth in Holly Ridge. Mr. Howard is trying to get additional sewer capacity to meet the growth by exploring several alternatives with land. They are now considering a new plant on the spray field site in Holly Ridge. The plant will have a 1.5-million-gallon capacity and the engineer group plans for the permits to go in January. Mr. Howard said the cost of this plant will be around \$55 million dollars, using \$2 million that was previously ear-marked thanks to our state legislators.

Mr. Howard addressed some of the issues that were brought up at the September meeting regarding the two ponds within the Summerhouse subdivision. ONWASA currently uses the

Lake Willow Pond, and upon inspection, Mr. Howard observed the algae and the ditch flies and reported that they are increasing their treatment process, as well as the treatment with the exterminating company. Mr. Howard additionally reported that there have been a few improvements in Summerhouse Plant. It was originally designed for 340 thousand gallons per day but because of the condition of the plant, it can only allow 180 thousand gallons per day.

Furthermore, Mr. Howard stated there are water issues occurring on wells 10 and 11, located right outside of town on Highway 50. The plan is to continue to explore water sources down the Hwy50 corridor and put additional lines to feed back to the Dixon treatment plant. Mr. Howard is collaborating with a consultant to expand the capacity of the Dixon treatment plant, as well as adding an additional plant in the Richlands area.

Mr. Howard continued to state that they are in the process of getting additional line extensions that had been requested by the town on Ocean Road and Jones Street. One extension will be for sewer and one for both sewer and water, as well as discussion about an elevated storage tank to allow us additional capacity for disastrous situations.

Mayor Wenzel asked for an update on the PFAS testing on Camp Lejeune. Mr. Howard said one of the issues with wells D-10 and 11 is its proximity to Camp Davis and the known PFAS contamination that had come about with the wells on base. Mr. Howard said they have reduced the capacity so to not draw any contamination from the base, and both the base and ONWASA are monitoring the wells and the treatment plant.

Councilman Hines asked what to expect from the timeline for the new plant. Mr. Howard said that a realistic is for the project to be complete between 2024 and 2025.

Councilman Hines asked where Holly Ridge stands as far as water supply. Mr. Howard stated that the capacity is projected to be sufficient for the next several years, but it will depend on the growth. Mr. Howard reported that there are three plants including Dixon, Hubert and all the wells around the Richlands area. Mr. Howard said they are looking at line extensions from Richlands to move more water this way.

Public Hearings

Possible Approval of a Proposed Text Amendment of the Holly Ridge Zoning Ordinance to amend Section 7-4-12 to set a minimum area of 100 acres for outdoor firing ranges and Section 7-3-26 to remove the requirement for special use permits for outdoor firing ranges within the Rural Agricultural Zoning District.

Nathan Rhue proposed a Text Amendment submitted by applicant Wesley Wooten Penslow, LLC. Mr. Rhue stated this is a text amendment that will apply throughout town and should not be for consideration for annexation, re-zoning, or any site-specific requirements. This is an amendment to an already existing text and already existing ordinance pertaining to outdoor and

indoor firing ranges. Mr. Rhue said there are no changes proposed as far as setbacks, separations from housing facilities, warning signs, all the things that are pre-existing.

The application pertaining to this has just put a minimum area for outdoor firing range. The number for that was 100 acres. Mr. Rhue said, as with any amendment, staff has recommended this, and the Planning Board has considered this, but does not bind you to that consideration. There are other options that may satisfy the intent of the Town Council. As it exists, if anyone within the open area, recreational, light industrial, rural agriculture, desires an outdoor firing range, then they would apply for a special use permit, and submit their site plan. This process is not being taken away. With the removal of a special use permit and the removal of the accompanying 100-acre area, it is staff's opinion as well as the Planning Board's opinion, that with a 100-acre minimum this would allow for more area to allow for some supplemental requirements to be in place. Mr. Rhue said without those, problems will arise. Mr. Rhue said with it being in the rural agriculture is where this would primarily apply. Mr. Rhue said that was the intent behind the recommendation that staff as well as Planning Board provided to get these outdoor firing ranges into an area where it is less likely to be less dense and cause any issues.

Mr. Rhue said additionally, Town Staff offer recommendation to further amend Section 7-4-12 (C) to replace the specified reference to "The Range Manuel, a guide to planning and construction" along with the subsequent chapters and sections, with "the most recent version of the NRA Range Source Book". It was staff's recommendation to amend Section 7-4-12 (H) to include verbiage that, as part of the required site plan, "a certificate signed by a licensed design professional attesting that all requirements of this section have been met." Verification by a professional engineer is already included for any construction standards, as provided in Section 7-4-12 (C), and it was Staffs intent to have this required for the site plan as well to ensure compliance with the provided standards. Both the Planning Board and applicant agreed to include this as part of the requested amendment.

Mr. Rhue said that currently, there is no minimum area requirement associated with outdoor firing/shooting ranges. The proposed amendment would only require a minimum of 100-acres to operate such a use and would also afford more protective measures (i.e., shot fall areas, buffering, sound mitigation efforts, etc.) to be considered. It would also allow for additional assistance in determining compatibility with surrounding uses. Additionally, the removal of the Special Use Permit requirement would allow for more expeditious consideration for development to start for such a use. Mr. Rhue stated both staff and the Planning Board felt this was consistent with the Land Use Plan. The inclusion of the minimum acreage requirement would also limit this particular use into areas more apt for either low-density residential uses and/or those uses found within those areas designated as open space, such as nature trails, forestry, and agricultural uses.

Mr. Rhue stated the Town of Holly Ridge Planning Board recommends adoption of the proposed amendments of Chapter 7 of the Town's Code of Ordinances – Section 7-4-12-Indoor/Outdoor firing range and Section 7-3-26 – Permitted Use Table and finds that (i) it is consistent with the Town's Comprehensive Land Use Plan because the minimum acreage

requirement would place such uses within low-density and open space areas which uses would include agriculture and forestry activities as well as educational and recreational opportunities in more qualified open space as indicated on page 5-9 and 5-10 of the Land Use Plan and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the Town of Holly Ridge by requiring such uses to be located in a minimal area to which adequate safety and sound efforts are more readily able to be met.

Mr. Rhue said again if the hold up is the amount of acreage, there is nothing that prohibits you as a board to amend, should you feel that that is some sort of bias, and is up to your discretion.

Councilman Hines asked if Rural Agriculture is the only area that a gun range can be located. Mr. Rhue said it is currently allowed in both the areas of recreational, light industrial and rural agriculture.

Councilman Hines asked that if 100-acres was approved, at some other time, could someone else could put a request in to reduce the number off acres. Mr. Rhue stated that is correct. Mr. Rhue said our ordinance allows for amendments and regardless of the decision it could be re-addressed again in a 12-month period.

Councilman Hines asked Mayor Wenzel if he could ask the applicant Mr. Wooten a question. Councilman Hines asked Mr. Wooten if his land was located on Highway 50. Mr. Wooten confirmed. He furthermore stated that he is a lifelong resident and farmer of Pender County. Mr. Wooten said the property is around two miles west of town.

A motion was made by *Councilman Sholar* and seconded by *Councilwoman Bragg* to go into Public Hearing. *All Agreed.*

Wesley Wooten – Currie said again the land is a hog farm that needs to be remediated and there is a lagoon on the property which we are willing to shut down and clean up so they can hopefully proceed with the recreation to benefit the town.

Councilman Hines asked if Mr. Wooten could not do that, what is his alternative plan would be for the land use. Mr. Wooten stated that he is a farmer but is also in the sewer business. Mr. Wooten bought the land as a potential spray field for wastewater, but after speaking with some people, the unique situation of the land creates an opportunity for a shooting range with very little need to mitigate sound for nearby residents. Mr. Wooten had also met with Chief Sorg, and discussed the need for firearms training, emphasizing on the abundant amount of retired military in the surrounding areas and some of them would like to continue to train. Mr. Wooten said that through conversations with Town Manager Reynolds, Community Director Nathan Rhue and Chief Sorg, he realized the need for this asset and the Town of Holly Ridge has been wonderful to work with.

Councilman Hines asked Mr. Wooten why he decided on 100 acres. Mr. Wooten said that was Chief Sorg's and Mr. Rheu's suggestion because of the amount of room in each direction. Many

people in town are used to shooting in their back yards, but there are now sub-divisions next to them. Mr. Wooten stated there is nowhere in this area that has a facility like this, with the closest similar facility being in Myrtle Beach, South Carolina. Mr. Wooten stated again that the Town of Holly Ridge has been wonderful to work with and he appreciates the opportunity.

Mayor Wenzel reiterated Mr. Wooten is the applicant however, this text amendment will apply for all of Holly Ridge.

Guy Royal – 640 Holly Ridge Road said he just heard about this news, and it is cut and dry that this is only going to benefit Mr. Wooten. This is a monopoly. Mr. Royal said he has been to gun ranges all over the state and there is no need to have a minimum of 100 acres for a gun range. Mr. Royal said he and his friends are all in favor of a shooting range and has considered opening a shooting range himself. Mr. Royal said he can applaud Mr. Wooten for bringing this to the area, but this seems a little dishonest. He does not believe this will benefit Holly Ridge and it will only benefit Mr. Wooten. Mr. Royal said there is a law that you are not allowed to shoot within the city limits and if this get annexed in, what are the town's plans moving forward.

Maxton Sholar – 111 Highway 17 said he agrees with Mr. Royal, and he does not see why he would need 100 acres. Mr. Sholar said he has been approached by several military people and they would like for Mr. Sholar to build a gun range on the back of his property. Mr. Sholar said he does not have 100 acres, but he has enough property to build a nice gun range. Mr. Sholar said if a man has 7 acres, he could build a 100 x 2000-foot-long gun range and it would prohibit he or anyone else from building a gun range. Mr. Sholar said he hates to see 100-acres be the law of Holly Ridge.

Christina Asbury – 308 Folkstone Road said she is a local realtor and specializes in land use and she is at the meeting tonight because of the 100 acres minimum and to support the special use process. Mrs. Asbury said special use permits are permits allowing for the establishment of certain uses in certain districts that are considered worthy of additional scrutiny in their proposed location. Ms. Asbury said this is the perfect reason that the special use permit process exists. She stated, that she serves on the Onslow County Board of Adjustments, and knows this can be a cumbersome and argumentative process and it can take more money than a simple text amendment.

Mrs. Asbury said a lot of 100 x 225 anywhere other than Holly Ridge can support a wheelchair accessible for a 50-yard range for disabled veterans or individuals. You do not need 100 acres to design an NRA approved safe range. Typically, everyone's main concern is public health and safety. Ms. Asbury stated NRA, insurance companies, OSHA will all ensure that a public use range is operated safely. Ms. Asbury said the Town of Holly Ridge already has zoning ordinances in place to ensure public safety and there are already set backs in our zoning ordinance. Ms. Asbury said if we do a special use permit on a use like this, all the adjacent and surrounding property owners are going to receive notification and they are not going to find out three hours before a meeting.

Ms. Asbury continued to state that if you look at the legal definition of sporting ranges, is it a public use, private owned, private use private range. These have different requirements on different levels. Ms. Asbury said how many parcels in Holly Ridge or the ETJ would be potentially non-conforming properties because of the text amendment change.

Councilman Hines asked Mr. Wooten if it would matter if we did this in less than 100 acres. Mr. Wooten addressed Mr. Royal saying he is looking to build a commercial range open to the public which is totally different than someone shooting in their back yard. Mr. Wooten said he is willing to put the investment in the Town of Holly Ridge and build a first-class range open to the public. He continued to state with due respect to the special use permit, based on the location of the property not being in town, it is not possible to do it that way. Mr. Wooten said this text amendment allows the location to be secure. Mr. Wooten said he has no objection lowering the acreage, and this recommendation only came after conversation with Chief Sorg and Community Developer Director Nate Rhue.

Mayor Pro-Tem Hall asked Mr. Wooten if the concern is building it and then later requesting to be annexed and applying for a special use permit that could be denied. Mr. Wooten said if he cannot get the permit for annexation, so we must go this route or withdrawal. Mr. Wooten said he could go to Onslow County, but Mr. Wooten had rather be under Chief Sorg's protection as well as pay the taxes for police and fire services in Holly Ridge versus Onslow County.

Mayor Pro-Hall stated that if the town takes the lot size down to 25 acres, or take it away entirely and not have any lot size, which is what we have now. When we take away the special use permit that means anybody can have a range without coming to the town. Just follow the rules and do not shoot too close homes and anybody can have a public firing range in the Town of Holly Ridge. Mr. Wooten stated that is why they came up the size of the property. Mayor Pro-Tem Hall said her concern circumventing the special use permit process. There is a reason why this was created a long time ago and she is not against his business. Mr. Wooten said he would be okay with that, but we can not because we are not inside the town.

Mayor Pro-Tem Hall said her feeling is Mr. Wooten gets annexed into the town and you put your special use permit through, you would more than likely receive it. Mayor Pro-Tem Hall said we need sometimes to make a conscience decision making and firearms, strip bars, alcohol are just some of them. Mayor Pro-Tem Hall stated Onslow County has the same and Mr. Wooten said he had rather be in Holly Ridge.

Guy Royal asked if the Town Council could not vote on this tonight and because it is a hot mess and there is nothing clear about what has been discussed and we are about to change the laws for someone who is not even in the town yet.

Councilman Hines stated if we change this, we do not have to annex Mr. Wooten in the town. Mayor Pro-Tem Hall said if we take away the special use permit, our police department will be overlooking a lot of shooting ranges.

Mr. Nathan Rhue said the recommendation for this was the minimum of 100 acres. This is also the basis for not having the requirement for the special use permit. Staff, nor the town would want to have the liability for a five- or ten-acre lot that did not carry a special use permit requirement. If the removal of the special use permit was removed for those individual smaller lots, staff would not recommend that.

Mayor Pro-Tem Hall stated it is only for 100-acre plot would not have a special use permit but everyone else would. Mr. Rhue said the amendment is going to be any firing range for a 100-acre lot.

Mayor Pro-Tem Hall said 100 acres is a lot of land and in everyone's mind the range will go right in the middle. Mayor Pro-Tem Hall said what if the land is shaped like a banana and there is only 20 acres across a portion of the land and that is where the range is. Mayor Pro-Tem Hall said we can just assume because it is 100 acres it is going to be safe. Mayor Pro-Tem Hall said taking the special use permit out just because it is 100 acres does not say where the range will be placed.

Mr. Rhue said that is correct but at the same time there are some things that are considered as far as that. When it comes to the Board of Adjustment there are four standards that each applicant must meet.

- The use of not materially endangering the public health
- The use meets all the requirements and ordinance
- The use will not substantially join property
- The location and character of the use is developed according to the plan

Mr. Rhue was not agreeing with Mayor Pro-Tem Hall in what she was saying, but Mr. Rhue thinks it would be from a site-specific entity for that zone. Mr. Rhue said if they have that for that area of 100 acres meeting those requirements where they would meet those standards therefore not causing it to come before another board just to say yes that is what they do.

Mayor Wenzel asked for clarification regarding this proposed text amendment stating if someone has 100 acres or more, they do not need a special use permit to put a firing range in. Mr. Rhue said that is correct and it is also any outdoor firing range would have a minimum area of square feet. Mayor Wenzel said he thinks that is the issue. Mr. Rhue said he does not disagree with that and at the beginning of his presentation he said it does not have to be a hard fast number. Mayor Wenzel said what if the text amendment says it was less than 100 acres a special use permit would still be required.

Maxton Sholar said he still goes back to the 100 acres, and he does not understand what is stopping and not stopping this. Mr. Sholar said if Mr. Wooten goes and buys 100 acres and he wants to annex into Holly Ridge, the Town Council will annex because they want the tax money more than likely. Mr. Sholar asked why we didn't annex and then it would fall under the same thing that Mr. Sholar's property would fall under.

Councilman Hines said he thinks the biggest thing there is no guarantee that Mr. Wooten will get a special use permit if he wants to be annexed into the town. Councilman Hines asked what the main problem is.

Councilman Sholar said it is the special use permit. Special use permits were for such uses. Councilman Hines said but do you understand his position as far as Mr. Wooten would annex into the town and he is not going to do this development if he is not sure he can do it.

Maxton Sholar said if Mr. Wooten can't get this through the Town of Holly Ridge, he can go to Onslow County. Nothing is going to stop him. Councilman Hines said that is right but hadn't you rather him come through the Town of Holly Ridge. Mr. Sholar said that is what I meant when he said one way or another it will be done.

Christina Asbury said what are we trying to accomplish. Mrs. Asbury said if you have 100 acres and we are getting rid of the special use requirement, this will only benefit a few property owners. The text amendment decision is going to be made to benefit the few. This will effectively ensure a few and the real advantage to Holly Ridge is potentially businesses opening, increasing your tax basis. Mrs. Asbury asked what the town is trying to accomplish.

Ken Bradshaw 134 Beacon Woods Dr said he is not a fan of knee jerk reaction, and he does not mean any disrespect towards the Town Council, but he feels like this topic does not need to be voted on at tonight's meeting.

Mr. Wooten said he was here two months ago for a Board of Adjustment meeting, and he feels there has been ample time for this topic to be discussed. Mr. Wooten said there was a meeting with the Planning Board, and it was approved. He is willing to make an investment in the town bringing a draw for people to visit. This type of facility will bring tourism, competitive shooters, and law enforcement agencies from around the state for training. Mr. Wooten stated this building will be first class and we have an engineering firm that builds ranges for law enforcement and federal agencies. Mr. Wooten stated they are not trying to take away anybody's rights to shoot on their own property. Mr. Wooten stated he is looking at making a large investment in commercial property and therefore they need the security of knowing they have the zoning that they need. Mr. Wooten said if they can't have those assurances than they will have to go elsewhere.

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

A motion was made by **Councilman Hines** and seconded by **Councilman Sholar** to approve a proposed Text Amendment of the Holly Ridge Zoning Ordinance to amend Section 7-4-12 to Set a minimum area of 100 acres for outdoor firing ranges and Section 7-3-26 to remove the requirement for special use permits for outdoor firing ranges within the Rural Agriculture Zoning Districts.

Voting was as follows:

Councilman Hines – Yes
Mayor Pro-Tem Hall – No
Councilman Sholar – No
Councilwoman Stanley – Yes
Councilwoman Bragg – Yes

Motion Passes

***Mayor Wenzel called for a recess at 7:35p.m.
Mayor called the meeting back in recess at 7:45 p.m.***

Town Manager Report

Manager Reynolds gave the following report:

- Blue Water Candy has broken ground in the Camp Davis Industrial Park, and they have applied for their permits and now they are moving forward with their building
- Topsail Steamer is on their way with their plans in the Camp Davis Industrial Park
- Department of Transportation completed the repairs at the intersection of N. Hines Street and Highway 50
- The town is gearing up for Hometown Christmas and we plan to have the business tree decorating contest.
- There was a clean-up at Morris Landing and nine bags of garbage were collected
- Manager Reynolds attended the Community Discussion meeting hosted by the Jacksonville Board of Realtors. Senator Lazzara, House Representative Shepard, and House Representative Cleveland were all in attendance and this meeting was very informative.

Councilman Hines asked about Debris pickup and Public Works Director Mike McFann gave the dates of pickup and details of what will be allowed for pick up.

Consent Agenda

- A. Approval of the Following Minutes
- September 13th, 2022, Regular 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 *Councilman Hines* and seconded by *Mayor Pro-Tem Hall* to approve the Consent Agenda. *All Agreed.*

Old Business

Update and Possible Adoption of the New Town Seal Design

A motion was made by *Mayor Pro-Tem Hall* and seconded by *Councilman Sholar* to adopt the New Town Seal Design. *All Agreed.*

New Business

Discussion and Possible approval of a Resolution in Support of a Local Magistrate for the Town of Holly Ridge and Surrounding Areas

Manager Reynolds presented a Resolution to support a local magistrate for the Town of Holly Ridge and surrounding areas. Manager Reynolds was initially approached by Surf City Councilwoman Teresa Batts, and reported that if the Resolution was supported, it would save Holly Ridge Police Officers two to three hours per arrest, keeping officers on our streets and active. Included in the Resolution is data from our Police Department which included 152 arrests in the past year. Manager Reynolds said 152 arrests were required to see a magistrate with no site and release option. This equated to an estimated total of 5700 miles driven between here and Jacksonville North Carolina and 380 gallons of fuel.

Councilman Sholar asked how this would work between the two different counties Pender and Onslow. Chief Sorg stated this will have to be something that we work through.

A motion was made by *Councilman Hines* and seconded by *Councilwoman Bragg* to approve a Resolution in Support of a local Magistrate for the Town of Holly Ridge and surrounding areas. *All Agreed.*

Discussion and possible Approval of a Resolution Accepting the Streets within the Neighborhood of Sages Ridge into the Town of Holly Ridge Maintained Road System

Manager Reynolds presented the Resolution of accepting the streets within the Neighborhood of Sages Ridge into the Town of Holly Ridge. The neighborhood was initially developed by Mr. Ottaway's father and he has since passed away. Mr. Ottaway is the only remaining family member and approached the town regarding the town to take over the streets.

In order for a neighborhood to be accepted into the Holly Ridge maintained road system, an individual must first file a petition. The Public Works Director, Mike McFann then initiates a thorough inspection of the streets, signage, drainage, and culverts. A punch list is then provided to the petitioner and once completed, notifies the town to ensure completion.

Mr. Ottaway made all the punch list repairs, which consisted of a 160-page report of action items, all the engineering statements and reports showing all the boar testing, and a bituminous coating over the asphalt. After inspection, the staff recommendation is to accept the streets into the town's maintained road system.

Mayor Pro-Tem Hall asked if a meeting had been scheduled with the residents, Manager Reynolds, and Chief Sorg to explain and answer any questions regarding the changes. Manager Reynolds replied that a meeting had been discussed, but not yet finalized. Manager Reynolds will discuss the scheduling of the meeting with Britany Myers and Susan Arnold, and it will be held prior to any enforcement action is taken.

Councilman Hines asked if the only right-of-way is the paved service and if there is no shoulder right-of-way? Mike McFann said we do maintain the culverts throughout the neighborhood.

A motion was made by **Mayor Pro-Tem Hall** and seconded by **Councilwoman Stanley** to approve a Resolution Accepting the Streets within the Neighborhood of Sages Ridge into the Town of Holly Ridge Maintained Road System. **All Agreed.**

Discussion and Possible Adoption of a Memorandum of Understanding with the Town of Topsail Beach for the Purpose of Inspections

Manager Reynolds reported that due to the Town of Topsail Beach's Inspector retiring in August of this year, the Town of Topsail Beach has requested the assistance of our Building Inspectors. This memorandum is required by the Department of Insurance and by the General Statute so that our authority can extend over to another municipality. Topsail Beach has minimal inspections and only offers them on certain days of the week. Manager Reynolds said there would be no monies exchanged and this would be a two-way deal.

Councilman Hines asked if the Town of Topsail Beach has only one inspector. Manager Reynolds said that is correct. Councilman Hines asked for clarification about providing this service for free due to Topsail having this vacancy since July. He felt that they had to budget for this position, and while Holly Ridge has recently added several inspections positions to create a more obtainable workload, he feels like they could not return the help because it is

just one position. Councilman Hines believed that we should be compensated for our time going to Topsail Beach and only if it does not interfere with our inspections.

Mayor Pro-Tem Hall asked if when Holly Ridge was short an inspector, did we not receive one from the county? Manager Reynolds said that is correct, but we have also borrowed inspectors from Surf City and Topsail Beach in the past and Topsail Beach is also requesting Memorandum of Understandings with the other local townships.

Nathan Rhue said we have two people under contract, but we also have a Memorandum of Understanding with Surf City and there is no compensation for.

Councilman Hines said the problem with this is Topsail Beach will not be able to pay someone back because they will only have one inspection. Councilman Hines said he would be in favor if Topsail Beach could pay for the person's time and if it did not interfere with our inspectors.

Councilwoman Bragg said if Topsail Beach has reached out to the other three towns, one of those should also be able to help them out.

A motion was made by **Councilman Hines** and seconded by **Councilwoman Stanley** to agree to the Memorandum of Understanding with compensation with the time of employees down there and only be sent if it does not deter them from doing their inspections for the Town of Holly Ridge.

Mayor Wenzel clarified that this is not what the original memorandum states and would the motion now be to create a new Memorandum of Understanding. Manager Reynolds said that is correct. Manager Reynolds said we could make the changes to our Memorandum of Understanding and send it to Topsail Beach for their approval.

Attorney Fountain agreed with Manager Reynolds and said this is the way he would handle this.

Councilwoman Bragg asked if the salary paid to this inspector be their current salary or one that we agree to pay them. Councilman Hines said compensation and expenses for their time.

Voting was as follows:

Councilman Hines – Yes
Mayor Pro-Tem Hall - Yes
Councilwoman Bragg – Yes
Councilman Sholar – No
Councilwoman Stanley – Yes

Motion Passes

Attorney Fountain asked how we were going to request compensation, how is this going to be calculated. Councilman Hines calculates the employee's salary down to an hourly rate.

Discussion and Possible Adoption of a Contract Instructor Handbook, an Updated Community Center Rental Packet, and Call for a Public Hearing to Consider Amending Fee Schedule

Parks and Recreation Coordinator, Audrey Madia requested that first item to be approved is the Contract Instructor Handbook. This outlines duties and responsibilities of someone coming into one of our facilities to teach a class or program. Mrs. Madia reported that the new software Rec Desk, will allow the town to handle all the marketing and registration for classes or programs, and give us a better understanding of who is in using our facilities. Mrs. Madia highlighted that in the contractor handbook is the individual teaching the class would be making 60% and the town would make 40% of their earnings. This will make up for our time, facility, and resources.

The second item requested for approval was The Community Center Rental Packet. The only major change to this policy would be updating to allow beer and wine only.

A Fee Schedule was also presented as a way to streamline the programs and services that we offer. The current fees have not been addressed since 2008, so Mrs. Madia held a fee study based on what is currently being charged in Onslow County, Jacksonville and Surf City. The recommendation made were based on the median fees in these three Parks & Recreation agencies.

Councilman Hines stated he did not have a problem with the alcohol use in the community building but clarified that there needs to be a way for the police chief to be notified. Councilman Hines also asked what requirements were in place for the fields. Mrs. Madia said that due to the Community Center being a venue it would be a different rental packet. Mrs. Madia said she would review the town ordinances for the parks and in the case that someone wanted to hold a special event with beer sales, Mrs. Madia would bring that before Town Council.

Councilman Hines said as far as the fee schedule, it has been previously established that residents within the city limits would only have to pay half the cost to rent the community center and fields. He requested that the fees be reevaluated for the next meeting.

Councilman Hines asked about the revenue generated from the softball program with Surf City. Mrs. Madia stated that in the summer season we made \$9.00 but this Fall season, we are scheduled to make around \$1000.00. Mrs. Madia's recommendation moving forward would be to charge for the facility and lights. Councilman Hines stated he believes Surf City does not recognize the Town of Holly Ridge as a partner and is getting a better end of the deal.

Councilman Hines also addressed the issue of moving the Christmas tree from the Fire Department to the Town Hall or Community Center. He stated that we have been through this before and we were not interested in doing that due to the traffic is coming through Town. Councilman Hines stated he would like for the tree to remain at the Fire Department. Mrs. Madia said she respects his thoughts and from her perspective, she was thinking of safety on highway 17. Councilman Hines thanked Mrs. Madia for all the work she has done, and she is doing a great job.

Mayor Pro-Tem Hall said she agreed with moving the tree. Mayor Pro-Tem Hall said she would love to have a tree in the empty field by Town Hall and at the community center. Mayor Pro-Tem Hall suggested doing some type of fundraiser for a Christmas tree fund.

A motion was made by *Mayor Pro-Tem Hall* and seconded by *Councilman Hines* to adopt the contractor instructor handbook and update the Community Center packet. *All Agreed.*

Councilman Hines asked if we are going to address the ballfield situation. Manager Reynolds said yes and because we currently have a Memorandum of Understanding with Surf City with a 60/40 split, we will look at doing a facility rental and maybe some type of discount since they are non-profit like we are.

Mayor Wenzel asked if the split is not upon the revenue but based upon the profit. Mrs. Madia said the current 60/40 split is after they make their money and expenses are taken out. Holly Ridge then receives their 40%. Manager Reynolds stated when we entered this memorandum of understanding with Surf City at that time our main goal was to make sure that our facilities were being used and we were able to offer programs to the citizens and it was not necessarily about the revenue. Manager Reynolds said she understands about our expenses being covered while a profit is made by another entity.

Discussion and Possible Creation of the Holly Ridge Housing Authority Feasibility Team

Manager Reynolds said over the past several months we have received several complaints about the housing authority. The housing authority has not had a maintenance person since the month of May, and they have discontinued and cancelled their contract with their landscaping company while not having another company lined up. The housing authority's grass was so tall the Town was going to have to send ourselves a notice of violation letter.

Manager Reynolds said in looking at the financials the vacancy rate is very high and with conversations with the property manager when tenants move out the apartments are not being rented due to not having a maintenance man onsite.

Manager Reynolds said they would be a team made up of a Councilmember, personnel from the Police Department, Mike McFann from the public works department and Chuck Strickland, Finance Director. Manager Reynolds said Mayor Pro-Tem Hall has asked to facilitate it and Councilman Hines has shown interest in sitting on the team. The goals of the

team would look at the operating procedures of the current management company, what it cost to run the property and determine if it would be feasible for the town to take over the day-to-day operations which would entail hiring a property manager that would be an employee of the town and public work staff that would be assigned to that property. Manager Reynolds said she has reached out to the current property management and Manager Reynolds has asked the name of a citizens that lives at the housing authority to sit on this team. Manager Reynolds said she would like to bring in the town's CPA Alisha O'Reilly so she can look at the financials and a forensic audit to be completed before we take possession of accounts or management.

Councilman Sholar asked if the Public Works Department has hired anyone for their vacant positions. Manager Reynolds said we have received a couple of applications but no has been hired.

A motion was made by **Councilwoman Stanley** and seconded by **Councilman Hines** for a Creation of the Holly Ridge Housing Authority Feasibility Team. **All Agreed.**

A motion was made by **Councilman Sholar** and seconded by **Councilwoman Bragg** to appoint Mayor Pro-Tem Hall as the facilitator and Councilman Hines as a member of the newly created Holly Ridge Housing Authority Feasibility Team. **All Agreed.**

Presentation of a Proposal fro Oren Klein & Jeff Lechmanick to Purchase Two Town-Owned Parcels consisting of .12 acres located on Green Street

Manager Reynolds was contacted by their team in reference to the two small parcels on Green Street that are owned by the town. They have been under contract by the adjoining parcels which is small. Manager Reynolds said they have submitted a proposal to purchase the property but because we are local government, we would have to either fall under the economic development statute or there would have to be an upset bid process. Manager Reynolds said before a lot of work goes into this proposal, we want to see what the consensus of the Town Council is as far as if we even want to sell the property.

Manager Reynolds said they plan on putting some type of commercial business on the property.

Mr. Jeff Lechmanick stated they are under contract with the property at the corner of Highway 17 and Sound Road and Mr. Lechmanick and his partner would like to know if the Town is interested in selling the two parcels. Mr. Lechmanick said his goal is to develop the corner property and we will be flexible with what we are looking to do with the property.

Mayor Wenzel asked if the billboard is part of the property. Mr. Lechmanick stated the billboard is on the property and Gray Outdoors the owner of the billboard will maintain an easement as well.

Councilwoman Stanley the original owner of the property ear marked the property for the town's Park and Recreation Department and if the property is sold, will the money go into the Parks and Recreation Department? Manager Reynolds said that would be a question for Attorney Fountain.

Mayor Pro-Tem Hall said Helen Taylor gifted this to the town and it states so on the GIS deed card. Mayor Pro-Tem Hall asked that if the property is sold can the money go to the Parks and Recreation Department. Mayor Pro-Tem Hall said it was donated in 1972.

Attorney Fountain said he would have to check the deed and the language.

All the Town Council Consensus was in favor of selling the property.

Charles Riggs said the tract that they have under contract is 9000 square feet and these two lots are 5000 square feet ant total about 14,500 square feet. Mr. Riggs said there is already due diligence with the Department of Transportation and there is no access to Highway 17 or Sound Road.

Persons Wishing to Address the Council

Belinda Sholar – 111 Highway 17 said as it stands right now Mr. Wooten does not need to get a special use permit so if Mrs. Sholar has 20 acres and she wants to put a gun range on this property, Mrs. Sholar can go this, but she will need to get a special use permit.

Mr. Rhue said there is no outdoor firing ranges allowed less than 100 acres.

Councilman Hines said anyone can put a gun range in town if they go through a special use permit. Councilman Sholar said not unless is more than 100 acres. Councilman Hines said they don't have to get a special use permit for 100 acres or more.

Mr. Rhue said he did not understand that deal it was amended as far as what was voted on.

Attorney Fountain said the language of the proposed ordinance was that the outdoor shooting range will have a minimum of 100 acres, and it was classified as a permitted use within the Rural Agriculture district without a special use permit.

Councilman Hines said it was his understanding that 100 acres or more would not require a special use permit.

Manager Reynolds said if that was not the intent of the Town Council, can this be re-visited. Councilman Hines asked if we could come back and add to the text amendment that a shooting range can be done with a special use permit on land.

Mr. Rhue said the way the ordinance is written is if it is initiated from Town Council that would not apply.

Mayor Pro-Tem Hall said so if someone from the Town Council can suggest a text amendment and it does have to fall under the 12-month period. Mr. Rhue said that is his understanding. Councilman Sholar said he would have one at next month's meeting.

Vern Jones – 215 Jones Street said he noticed since August changes have been made as to the way the meetings are ran. It used to be before you voted you would open the floor up for comments from people.

Mayor Wenzel stated this is a Town Council Meeting and the meeting is for the Town Council to make decisions. There are times allowed at the beginning and the end and there are also public comment areas, but this is not designed to be all throughout the meeting. Mr. Jones stated let us know what you are doing with the money. Mr. Jones said the town keeps taking over roads in subdivisions and has the town increased the road maintenance plans.

Ken Bradshaw 134 Beacon Woods Dr stated he agrees with Councilman Hines regarding the ballfields. Mr. Bradshaw said there should be some revenue coming in for the fields.

Manager Reynolds said Attorney Fountain found the information pertaining to Town Council can bring a text amendment back before the 12-month period and Town Council does have the ability to do so.

Town Council Comments

Councilwoman Bragg thanked all the departments for the great job they are doing.

Councilwoman Stanley thanked all the town employees and she thanked everyone for coming to the meeting.

Mayor Pro-Tem Hall thanked everyone for coming to the meeting and please continue to support the Town Council and let's keep moving forward.

Councilman Hines said he appreciates Mayor Wenzel controlling the meeting in a certain amount of time. Councilman Hines suggested getting the agenda out to anyone that would like a copy before the meeting and then during public comments they could comment at that point and time. By doing this it gives the citizen time to review the agenda packet should there be any questions.

Announcements

Mayor Wenzel gave the following announcements:

- Monday, October 17th, 2022, - Friday, October 21st, 2022, Yard Debris pickup
- Tuesday, October 18th, 2022, Four Town Meeting Hosted by the Town of Holly Ridge – beginning at 12:00 p.m. in the Holly Ridge Community Center
- Tuesday, October 18th, 2022, - Planning Board Meeting – beginning at 6:30 p.m. in the Council Chambers
- Tuesday, October 25th, 2022, - Board of Adjustment Meeting – beginning at 6:30 p.m. in the Council Chambers
- Tuesday, November 8th, 2022, - Regular Town Council Meeting – beginning at 6:30 p.m. in the Council Chambers
- Friday, November 11th, 2022, - Town Hall Closed in Observance of Veteran’s Day
- Thursday, November 17th, 2022, - ONWASA Board Meeting – beginning at 6:00 p.m. in the Council Chambers

Closed Session

Adjournment

A motion was made by **Mayor Pro-Tem Hall** and seconded by **Councilman Sholar** to adjourn at 9:10 p.m. **All Agreed.**

Attest:

Jeff Wenzel, Mayor

Tracy Martin, Deputy Clerk

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

DRAFT