

**Town of Surf City
Regular Council Meeting Minutes
June 7, 2011**

Mayor Guy called the regular monthly meeting of the Surf City Town Council to order at 7:00 p.m. Mayor Pro Tem Medlin gave the invocation, and Councilman Curley led the Pledge of Allegiance. Also present for the meeting were Councilwoman Albury, Councilmen Helms and Fowler, Town Manager Michael Moore, Attorney Charles Lanier, Finance Director Jane Kirk and Town Clerk Patricia Arnold.

BEAUTIFICATION & APPEARANCE RECOGNITION

Mayor Guy presented the Proclamations for the Home of the Month for June to Dwight & Ligia Torres for their property located at 823 Driftwood Drive, William & Laura Godwin for their property located at 819 Driftwood Drive, and the Business of the Month for June to Seacoast Suites located at 305 N. Topsail Drive.

APPROVAL OF MINUTES

Minutes of the May 3, 2011 Regular Meeting were recommended for approval by Town Attorney Charles Lanier. Motion was made by Councilwoman Albury and seconded by Councilman Helms to approve as presented and was carried unanimously.

PUBLIC HEARING

Mayor Guy recessed the regular council meeting at 7:05 P.M. to open the public hearing for comment on Chapter 3 Animals and Fowl Ordinance.

Town Manager Michael Moore stated that the suggestions are changes from the current ordinance. We are trying to follow the state guidelines and both of our counties. The problem issue is certainly not the animals but the owners of these animals that create the problems. The animals are just innocent people here on this earth, and are like family to a lot of us.

After last summer folks came before council and requested that we review the animal control ordinance. It was thought that we needed to do stronger and clearer wording that is in our current animal control ordinance and our nuisance ordinance which it falls under both, when you are talking about the barking side of it. We put some concern citizens together, a group of 5 folks and we looked at this over a 3 month period and I felt good ideas, suggestions and positive information came forth, things I certainly had not thought of when I was looking at an animal control ordinance before. We did have the Pender County Animal Control Supervisor, and folks from TopCat, and they did an excellent job presenting their side.

What we were trying to do in defining the purpose to be is to protect the public health, safety and welfare of the residents of Surf City from dangerous animals under authority of G.S.; to prevent cruelty to animals pursuant to G.S.; to provide for sheltering animals under authority; and to protect animals and the public from the threat of rabies, which falls under the health department.

The issue that really brought all of it forward came about with the feral cat colonies; how to control and what to do about them, and the second part was barking dogs. People tend to come down here on the weekends to enjoy themselves and have a great time which we want and encourage. We want to keep it a family oriented type community, which animals are a part of our family that we are trying to bring to the island. But what we were finding was people are putting, especially the dogs, out on their porches all day long and then they would go out onto the beach. We would find the dogs up on the porch without water, without shelter, so they are in the sun and all day long and so we are trying to find ways to protect them and get people to think about what they are doing while they are out having a good time at the beach they may have left their animals in a situation that was not a humane situation for that animal to be left in.

We also have people that come down with rather large dogs they tend to chain, tether, or tie their dogs outside and again they go off, with these dogs chained outside in the sun, most of them, many of them, without water, and every time somebody is on the street going up and down the dog starts barking. They may bark an hour maybe two hours, they may bark all day. I certainly have become more aware of it and it does not make a difference if I am an animal lover or not, I have animals and have always had animals with my home and children but I do understand that it does get annoying when you are home trying to do something or sit on the back porch and there is a dog next door or two houses down barking all day long.

The feral cats, we were trying to see how to get a control of the feral cats so that is why we had folks from TopCat involved. TopCat is trying to do a job of protecting these animals and control these animals and again we still have the people that come in and they see these cats. When people leave an area restaurant see these cats they want to feed them so we are trying to see how to post signs to protect the animals from people throwing them food that we may not need to be feeding them. Or they will come by and they will bring dog food up and put it out in an aluminum tray and go off and leave it and it winds up blowing around. TopCat folks have certainly tried to help in every way they can and keep people from doing this but unless they are sitting there or we are sitting there all day we cannot stop them from doing this. We are trying to find a way in a positive light to educate people and to help them get a better understanding of what is going on.

There are all kinds of definitions of a feral cat, what's good what's not good, are they good, are they not, will the trap neuter release work or doesn't work, you can find literature on both sides. It just gets down to whatever your community wants to do and how you want to protect the animals that are in your environment.

Raymond Teachey 6091 6th Street, I can understand feral cats obvious because they carry communicative diseases and so forth, but what is the issue for homeowners that are on the island allow their dogs to be in their yard. I understand the barking situation but are we directing this toward people who are coming in on the weekends and leaving their dogs on the decks and letting them stay out there all day or are we looking at homeowners who command their pets. I am confused on what the violations would be.

Mayor Guy stated that the way the proposed ordinance is written it would be a blanket ordinance and address everyone.

Mr. Teachey asked what would be the penalties if someone is here year round that has their dog in a yard and has a radio fence and the dog contained in the yard and should he bark.

Manager Moore stated that if you are talking about barking dogs then someone has to register a complaint and give their names to the Police Department so we can verify whether it was just an one time situation then they would just give a warning and try to get the owner to be responsible. If fines, first offense to the ordinance would be a \$20.00 fine, second offence to the ordinance would be a \$50.00 fine, third offence to the ordinance would be a \$75.00 fine, fourth offence to the ordinance would be a \$100.00 fine, if it happens five times then it is \$150.00 and seizure of the animal.

Linda Sasser, 1216 N. Topsail Drive, stated that she lives on the island, full time resident, and a very responsible resident. She lives at a 1300 sq foot house, she has two 115 pound dogs that do not go in the house; they live outside. They stay on the deck. I have cut a hole in the deck so they go down the stairs, they have shade they have water. Their pen is cleaned every day. They are taken care of. I live on the ocean side, so we have people that walk their dogs and walk by and keep in mind if I could sit my labs and have a logical conversation with them and say ok you are going to get me into trouble if you bark then there would not be a problem. But my dogs do not come into the house. They are taken care of and I cannot sit out on the deck with them all day long to make sure that they don't bark at people going by and dogs. They are going to bark. I don't let them bark uncontrollably if I hear them I try to tell them to please calm down don't bark don't bark. But when people come in and they are staying in the houses over the weekend, kids are there, they're barking at the dogs. The dogs are barking back or whatever I just want you to understand that to me this is kind of crazy. I cannot sit my dogs down and explain to them I am sorry that you cannot bark because you are upsetting some people who don't like dogs barking. If someone calls the law on me and says my dogs have been barking an hour and I say they have been barking 5 minutes whose word are you going to take; theirs or mine? It would be like getting the birds to stop chirping, it gets on my nerves but I am not expecting you to do anything about that.

Barbara Morrow, 1217 N. Topsail Drive, I urge you to support this updated ordinance. I listen to barking dogs every day of my life. Chronically barking dogs wear on you like the slow death of a million bee stings. Barking dogs are ignored dogs. It shows an owners neglect of the animal and the lack of respect for the neighbors well being.

This meeting opened with the pledge of allegiance which states with liberty and justice for all. We all have the right to enjoy domestic tranquility.

I have lived in Surf City for 18 years and Surf City is no longer the small fishing village it used to be where houses were few and far between and mostly seasonal occupied. And as a municipality grows it needs to update its ordinance to reflect its changing

needs for example, New Hanover County bans tethering and defines what an appropriate enclosure is for outdoor confinement. Raleigh and Durham both limit the amount of time that dogs can spend outdoors in any given day. With our houses set 15 feet apart, our population density is no longer conducive to the outdoor containment of animals. Chief Halstead came to you over a year ago and requested your help to have a more enforceable ordinance to better address the complaints that he was receiving. Since then the problem has only worsen, please do not delay this decision any longer and do not postpone it just because potential changes that may occur at the county level. The sheriff has already said that he is going to take time to appraise the situation before making any changes and it was going to take quite a bit of time to do that. One summer has already come and gone and please don't make us endure another summer without any relief. Please give Chief Halstead the resources he needs to ensure the safety and well being of the citizens and visitors alike and allow everyone to enjoy their God given right to domestic tranquility.

This is not about becoming a gated community. Surf City defines itself as upscale community. Our planning board requires developers to conform to those standards and it doesn't seem fair that you make McDonalds have a façade that you would find in Hilton Head while dogs can remain in pain in pens and tied to logging chains. Mayor Guy is fond of saying you can go forward or backwards but you can't stand still. You'll can either move forward and pass this ordinance tonight giving citizens the relief they seek furthering your vision of creating a upscale coastal community or you can do nothing and let our town continue to have its backward decline into a slum like environment but you can't stand still. Pease support this ordinance.

Ann McCullough, 103 Twilight Court, my husband and I own a vacation home. We are seasonal residents and we are here 5 months of the year.

We have many concerns about this draft ordinance; I will speak briefly to four.

The first one is the requirement if you are here more that 30 days to license our pet here in Surf City. If we own any animal we have it licensed and vaccinated in our home community. I don't want to have to come here and relicense my animal if I am here more than 30 days. I realize that this is probably put in for people who are probably here for a longer period of time. But I wonder what's next, do you want my car license in North Carolina as well?

The second one is public accountability. People have a right to complain, but they also need to be accountable for those complaints. Language in the draft ordinance removes this accountability, the way I read it. The three examples and I would like to give this to the clerk when I am finished so you will have it in public record. For example If I complain about a dog running at large, the need for the complaint to be written is crossed out in the draft. If I complain because I am annoyed by sounds from animals and/or barking dogs, the need for the complaint to be 'detailed, written and signed' is crossed out. But it only needs to be in writing if it is about an animal being a public nuisance. I think verbal complaints should be restricted to situations where there is a potential for immediate danger to the public, or for the first report from a complainant of a barking dog. All other complaints should be written

and signed by the complainant. Not requiring a written signed complaint sets up the potential of people being targeted and public officials having to embark on a 'witch hunt' while the complainant has no accountability.

My third issue is Enforcement. This draft ordinance sets up so many potential unenforceable restrictions that it will likely be ignored, or will result in malicious complaints and 'witch hunts' that will cost the town hours of manpower, but more importantly cost public goodwill. And how will all this be paid for? The Town will have to dramatically increase the cost of licensing animals and levy a lot of fines to make the payroll.

My final point is that this whole thing is much ado about nothing. We have yet to see proof that the issue of animal control is severe enough in this town to warrant the amount of time (which is money) that has been spent on drafting this ordinance which we feel is no better (and is in some ways is worse) than the current ordinance. This draft is retrogressive, based on old thinking about animal control, and doesn't demonstrate the current more proactive approaches of other towns and cities. This includes our neighbors to the north in Onslow County who are currently considering measures that will address what can be done for our animals and their owners and caretakers, not how to saddle them with more red tape.

In summary, the Town of Surf City has adequate public nuisance bylaws to handle animal issues. Let's shelve this draft ordinance until town council is prepared to develop a proactive stance.

Mr. Teachey stated that Mrs. Morrow apparently lives here year round and she has neighbors that live here year round and I don't think she is referring to rentals or anything like that. I think the fines that were discussed earlier will take care of that if that dog continues to bother you; you should be fined and you will be and so forth and so on and when the fine reaches the greatest amount people are not going to want to pay. They are either going to contain their dog or they are going to pay the fine and chances are the people are not going to want to pay that top rated fine. I can understand that. A dog can be a nuisance when a dog is barking like that. If you enforce that I think it will work in some respect but if you over shoot the boundaries and is going to deter people from participating in events such as this. To her I would like to say I am sorry that this has happen to you personally because it can be a nuisance without a doubt.

Margaret Godwin, 105 Marshview Rd, Hampstead, stated that she was a property owner in Surf City and has been for 24 years, resident for 15 years and a business person for 17 years in Surf City. I have been very concern about the proposed animal ordinance changes. This issue came to light a year ago. I made a statement at the December town council meeting that I was opposed to change in the new ordinances. I am still opposed to the severity of the proposed ordinance as it refers to the treatment of cats and potential caretakers. After my December statement the town decided to include me on the committee that reviews these documents. I attended all those meetings and tried to defend and promote the animals' rights recognizing the need for safety as well. I appreciate being able to interact and voice my concerns during that

process however I came away from those meetings still very concerned and frustrated about the severe standards proposed for stray and feral cats. For over 16 years Surf City has benefitted from the services from local volunteers working to help local people with the stray cat population. Operation TopCat has had good success and has helped many of your citizens by following the humane program of trap, neuter, and return. Not all people want to participate in an organized group, those individuals who want to help animals individually should be able to do so without fear of reprisal. My efforts in those committee meetings was focused on time to litigate the stringent standards the town seeks to place on the treatment of cats. Overall I did not see the necessity of any changes to the current ordinances in regards to cats. I did however suggest alternative ways to handle inquiry about cats. Ways that would lead to humane treatment and encourage spray and neutering and vaccination of as many animals as possible. Also as a cat owner and a general friend to animals I truly believe most individuals use good judgment to decide how best to care for their pets wants and needs; whether it be cat or dog. Our government should not set guidelines that interfere with our rights but rather support positive actions and good behavior, The bottom line is the people of Surf City can be helped in an organized way in regards to the stray cat population without these new ordinance changes. Number two the people of Surf City should have the freedom of Surf City to manage their pets living standards without ordinances that would open the door to trivial or vindictive complaints.

Brenda Golder, 1313 N. New River Drive, I think there needs to be an ordinance, we need to protect our citizens if you have ever been scratched or bitten by a stray cat like I was and had to have rabies shots, you would understand. I know you guys are doing your best to trap them and I understand that 100% and I respect that but you cannot tell me that you are absolutely sure that every feral cat is getting its rabies shot when it is due. Are they tagged, do they have clips in their ears? I do know that I was bit by a stray cat about 9 years ago and I had to get rabies shots and I would not wish that on a child. I know that we are feeding them at the Soundside Park and at public places where children are. I just can't image a child going through rabies shots like I did. So there does need to be some kind of control, a humane control but it is also for the town's liability I would think, I don't know what the Town's Attorney would think, but the town's liability might be involved if your allowing animals and encouraging them to congregate that may not have rabies shots. I don't know what we would be liable for if a child was bitten.

Russell Holt, 5009 5th Street, I think these things are really being blown out of proportion. We probably have more stray possums and raccoons on the island. I have two small dogs that live in my house and go out on the deck on occasion and they do bark. And a lot of the time what they are barking at are other dogs that people come down on vacation with them that are not used to being here and they will bark all night long. I have more problems with the children yelling and screaming then I do with the dogs barking to be honest with you. The biggest thing I have a problem with is on the beach are people let their dogs go on the beach and leave it. You do a fantastic job by furnishing the bags to get it up with. I actually told some people that you need to get it up. Because I have grandchildren that go out on the beach and one of the other biggest things is keeping your dogs on a leash. That does not happen all the time. I am more

afraid of a big dog running up to me, my little dog is afraid of a big dog. And when they run up to me, I don't know if that dog is going to bite me or not, people say oh he is not going to bite you. They should be kept on a leash. That is one of the biggest things but dogs bark. That's what they do, that's a protection devise to them , that's what they do. When somebody comes down on the weekend with their dogs in a pen and he barks half the night I just cut the radio up.

Allie Sheffield, 36 N. Oak Court, Pleasant Cove, my family built the fifth house on this island, it is still there at 410 S. Shore Drive and my personal house for the past 12 years so I think I have a history at Surf City and no hidden agendas.

The only thing that I want to address relating to this ordinance is the part that deals with cats, not feral cats, provisions that relate to my cat. This ordinance is radical it would prohibit cats from being outside off a leash. There is nobody except Cary in North Carolina that I have been able to find who has such a regulation. The domestic cat owned by people like me that see Dr. Wicks regularly, have all their rabies shots, they would be considered nuisances if they were off my property, and they would also be considered a nuisance if they peed or pooped in either private or public property. My property is private. Nobody complains about my cats. We live in a neighborhood that has a lot of woods nearby and the neighbors are all wonderful. We don't have any problems. But my cats, if they venture off my land without a leash would be illegal and I just don't think that is right. I really don't think that is right. The idea that this part of the animal control ordinance follows state ordinance is not correct. There is no state ordinance that is a draft ordinance or boiler plate that has a cat ordinance like this in it. I am not talking about rabies I just want you to understand I am just talking about normal people with kitties that might wonder into the neighbor's yard without complaints from the neighbors. That doesn't seem to be a requirement with the cat provision so I really strongly object to that. I don't see any reason for there to be any changes to the current ordinance relating to regular cats that have owners that are responsible.

Diane Stancil 8022 8th Street, my biggest problem is we live here permanently we do have some barking dogs; I was chased by dogs the other day on my bicycle and about fell off. My biggest problem is, and I just let it go for a week, but when I did do something about it, I picked up one grocery store bag of dog poop. It is not just on our street, it is on the steps going on the crossover, on the beach that people are leaving, it is not the animals fault, it's the owners fault. I am just about fed up about dog poop. I have grandchildren coming and they are playing in our yard, our neighbors have their grandchildren that play in their yard, every day I start my day off by getting up dog poop. Because I can't catch the people, they are doing it at night when I am asleep, or early in the morning when I am not up. And I am just about fed up with it. It is not the animals' fault it is the owners. I need help. Every day I go through this and it starts my day off horrible.

Tony Fiore, 217 Seascape Drive, Sneads Ferry, Member of TopCat, my question is the cats that are in a registered colony and volunteers have to be registered or they are not allowed to feed them. How are you going to enforce that? You have people that come down here they go to the park and they may see one of the volunteers feeding the cats

and you are going to tell them that they cannot feed the cats and you are going to give them a fine because they go over and feed a cat that is there. It doesn't make sense. Be very careful as law makers that you make a law that enforceable or you are not going to be spinning your wheels and spending tons of money for nothing.

Elaine Gallo 1515 N. Shore Drive, I have to agree with Mr. Moore tonight and that is a milestone except for the feral colonies being out of control. They are not out of control. We have them under control actually. I have a few problems with the ordinances. It seems tonight that the issue is dogs, so why not just put animal back to dog where it belongs. This is crazy. If you want our colonies registered, that won't happen, that will not happen. We are not going to tell anybody where our colonies are in Surf City. Some are known some are not known. We will never tell. People would go up there and poison them like they do, they don't respect animals. Also our volunteers, I doubt very much if we would register our volunteers that is probably completely out of the question also. It would seem to me that the board would simply throw this out and say what are we doing, why we are wasting our time, and why are we wasting these peoples time. I have a husband dying of cancer. I don't have time to come to meetings and defend animals. Law enforcement is not going to have time for this, there is no way they are going to have time for this. I called about a dog, a lost dog 2 months ago. I didn't know what to do, I called the police, the police came to my house, and I said what do I do with the dog. Oh I don't know anything we can do about it. So knowing a few things about stray animals I went to the vet and said could you please scan the animal to see if it has a chip. Well it did, it was registered, we found out where the lady lived. We called and she had left a message on her phone that she was moving to Surf City. Well there is only one thing to do at this point to find the owner from Minnesota. We went up and down the street and found a Minnesota plate and returned the dog. If you can't take care of one dog how are you going to take care of all these complaints? There is no way this is crazy. The lady that got bit, she could have gotten bit by a raccoon, possum, or dog, my neighbor was bitten by a dog on the beach, she went through the rabies shots just because her husband was military. So it is not just cats that bite. There are dog, possum, and raccoon so on and so forth. Why waste your time, life is too short. Defend the animals, stick up for them. Our cats do a lot of good on the island, they catch a lot of snakes and rats, mice and moles. And as far as getting our cats registered; if you want me to register my cats you are going to have to come with a warrant to my house because I am not going to give you any information on them.

Jane Hauser, 2719 S. Shore Drive, I do not own animal but I have a lot of friends that do, and they love their animals, and I love them because they love their animals. But there are people that should not have animals. And when I saw this ordinance it spoke to me about those people, not about the people here that have come to speak on behalf of their efforts and their love for what they are trying to do. So I have listened to this and I still have to say to this council and to the people that have worked on this and I understand that some of the TopCat people were involved in this as well, that I am in favor of it because I personally have suffered with three different times I have had to call the police because either the dogs were either chasing me, or had come in my house, tried to get into my house, or had tried to attack my company. Not to mention the waste and the fact that they are tied up at the walkover and I had to complain about that and

most recently I came down my own driveway and thought I was hitting a child and almost hit the dog next door because the neighbors let it run wild. I went home very upset. The individual called the police and said that I tried to run over their dog, in my own driveway at night coming home. To me we have to have an ordinance or some way to respond to this kind of aggravation, derogation. But my biggest question is when the police came down to accuse me of trying to kill someone's animal that had been alleged, Officer Holmes came to my house and I was incredibly rude to him. I told the Officer that neighbor was trespassing, the Police Officer said there was no way he could enforce it, even though the person said that that they were on my property because he didn't see it. And therefore I would have to record it in picture or in video to make my claim and I understand this, I understand who has something to say and who doesn't. Who's right and who's wrong. Your love for your animal and how you take care, what you see is acceptable and what I see is acceptable. I say leave me alone, and I need an avenue to say to people and I see this as my avenue stop leave me alone, I don't want your dog to poop in my yard, I don't want your dog running after me, I don't want to almost wreck my car, because you are not intelligent enough to police your animal. I agree about the barking, I agree 100%. They are going to bark and we have got to use our common sense and allow the dog to bark but at the same time to listen to a barking dog for 30 minutes to an hour is wrong. It's wrong for the animal and it's wrong for the neighborhood. The defecation is unbelievable and it happens more times than I can count each week that I drive back and forth to my job. Where people walk their dogs and they don't pay attention. And they leave it. Would you send your children out to use the bathroom on the street, we sit here and talk about the love for our animals but you won't do that. You would not send them out to play and be endangered and second of all the fear that I felt for almost hitting someone's loved animal that wasn't fair to me. No one asked me how I was doing and most recently this past Sunday a girl was very upset. Her dog had been hit in the 1600 block of South Shore Drive. It was a well cared for dog obviously and she let it off its leash or it ran out and it was hit and killed. And it took 2 officers, in what looked like an EMT truck, and an officer to police it and take care of it. I don't know how you are going to enforce it. Are you going to make individuals sign papers when they rent property that says I understand the liability that I have. I agree with the woman that spoke a moment ago from her prospective that she doesn't live here full time. Must she register her animals for four months? But if she doesn't register her animal how will she know what the laws are and regulations. How do we respond to that and enforce it. I do not think our law enforcement should be used to this endeavor. I think we need to look at the greater scope with good common sense moved forward with these proposals probably some well thought out suggestions by other people and possibly put a supported position to help maintain the integrity of what both sides are trying to do.

Bobby Owings, 509 N. Topsail Drive, 509 N. Topsail Drive, I am against it because just reading it the old one seems adequate to me seems like it was written to deal with a couple different issues but they're already covered in here. It just seemed from a philosophical stand point, legislating more behavior for people government is getting more involved in peoples' lives. The dog next to me barked for a week after the guy moved in. I got to know the dog and the man. So at night when my son goes to sleep

the man takes the dog inside. Its relationship and community; It's not government and legislation. I have a dog that uses my yard everyday and if I catch him out there I walk out there with a bag and meet the person on the street and say hey how you doing? Welcome to Topsail Island. Do you mind if I pick up after your dog? And the other thing is there is a definition in here, the nuisance thing says people of a community meaning there is an agreement in the community that there is a nuisance and it is rewritten to a say a single member of the community and defines that as a nuisance. That is going to be tough when you have one person on the street that has a problem with their neighbor or that dog over yonder or that dog over yonder and suddenly the police department has got to come down here, and at that time it is not a dog or a cat issue at that point it is still a people issue. This just doesn't do it. And if your job is to write ordinances to guarantee domestic tranquility, good luck.

Cookie Cooper, 228 Topsail Watch Drive, Hampstead, turned in a statement by Sue Tuman to be included with the minutes.

Judy Plaut, 46 Sound Ct., I have had a house here since '94 and live here permanently. Of the things that stuck me when I read this 15 page document is that it is overkill. I came here from the great big city and we didn't have an Ordinance like that and I really want to enter what others have said. I think our ordinance needs to be simple, meaningful and enforceable. And I think that one thing that might help with some of the problems during the summer time, during high season, would be something simple that our realtors could give to our guest because some people do not realize that our dogs need to be on a leash. Our people that live here, yes we ought to be keeping out dogs on a leash and speaking to people that don't do it. If are going to have to have more stringent rules lets have them from May to October and something more relaxed for the full timers that are here the rest of the time. I feel this is way over kill. Especially when you talk about cats, I don't know anybody who can control a cat. You can't own a cat. Honestly when my dog barks 9 times out of 10 it is at the raccoons that are in the marsh and the foxes now that we have living in our community, that are causing more problems and we are more worried about then some of our dogs.

Public Hearing was closed at 8:00 P.M.

Manager Moore stated that you heard everyone tonight and we do know that Pender County is shuffling around animal control from the health department to the sheriff's department. I have not had the chance to speak with the Sheriff's department and their intentions. When it was under the health department they would give us any assistance we wanted, I do not know under the sheriff. Onslow is taking theirs from the Sheriff and making it a separate department. I don't know how his manpower is going to be able to assist us. My recommendation is that we keep the existing ordinance, we direct the police to do a better job of monitoring what is going on so we have a more accurate record of exactly what complaints we are receiving and what types and how we are dealing with them, and we look at this again down the road.

Councilwoman Albury how in the world is the sheriff department going to keep up with dogs and cats when they can't even keep up with people on the road?

Manager Moore stated that they have a separate department that has said that they will do it and all I can say is that is what they have told me and I do not know if they can or they can't.

Councilman Helms stated that he was in agreement at this present time to keep our ordinance we have now and let's give the two county departments time to see what they are going to do. Let the Police Department make written reports at incident calls and let us see if we can get some numbers to go by before we just up and do something that is going to effect a lot of people and upset a lot people. We have problems with not only dogs but cats, raccoons, and possums.

Councilman Curley stated that he was upset for not knowing more about this subject than I know, like our relationship with Pender County. If our Police go and pick up a dog and we take it to Pender County to take care of it in their shelter, all of a sudden they are involved. What if it's something that they disagree with; that it is not a county law. Then we have this group of people that worked for 3 months and have come up with thoughts and ideas and have worked at something. We've got to give those people credit for being human beings, citizens of Surf City, and providing us with certain information. We can't just throw it all out on my opinion. People are responsible for their animals, they should be held responsible for their animals and for us to ignore that in my opinion is wrong.

Councilwoman Albury stated that Mr. Helms said to leave it like it was. If all of you were in this room about a year ago when it was brought up about dogs and cats, they would call the law out there and they said it was not enough ordinances for him to do anything. Well now I'm telling you that is why this board appointed a committee to work on this ordinance, to give the cops more authority. I got tired over the years hearing that the cops go out there and they can't do anything. And the residents got tired of it. Folks we have got to come together and do something. But I don't like my grandchildren going to the beach and stepping in the mess or up and down the street. Leave it like it is and don't give the chief any more authority today to do anything with this ordinance than it did a year ago. Something has got to come to a head.

Councilman Fowler stated that he wrote down all the comments that were made. I had 7 phone calls concerning animal ordinance 1 for 6 against. Tonight listening to your comments we had 11 against 5 for it and 1 just speaking to the fact of the ordinance of what should be and shouldn't be. So seems to me our community is not exactly for the ordinance the committee has worked so hard to do and has time and thought into but they are for strengthening our ordinances as far as enforcement goes. That is what I've heard. In light of that it may behoove us not to throw out to, but make amendments to our current ordinance to give it some teeth to what we have been talking about here tonight. That unfortunately is going to take more time and I would like to see what they are going to do with the Pender County for dog control. I just wanted you to know how I felt and how I interpret things tonight and how we stood basically what the community had said as I heard it.

Councilman Helms stated that in no way shape or form did I ever say that we need to throw away this ordinance. I said we need to go back to our original ordinance which a few in the audience said. We need to give the two counties the opportunity and give the police department the opportunity. I am saying enforcement make written reports of complaints so that we will have documentation and we will know if we are talking about a bunch of dog running at large, people are coming close to running over them, or we have more of a problem with barking dogs then we will have some way through paperwork to address the issue and make amendments to our original ordinance.

Councilwoman Albury stated that I agree we need to search out everything but what is the Chief going to do in the mean time while we are waiting with this old ordinance that he said that he didn't have enough in the ordinance to do anything. That's what I'm getting at.

Public Hearing was reopened at 8:15 P.M.

Councilman Helms made a motion to recess the Public Hearing. Councilman Fowler seconded motion. Motion carried unanimously.

Consensus of Council was to follow the Town Manager's recommendation by keeping the existing ordinance, direct the police to do a better job of monitoring what is going on so we have a more accurate record of exactly what complaints we are receiving and what types and how we are dealing with them, and look at this again down the road.

HOUSE MOVING REQUEST

Manager Moore stated that Roy Melton has requested permission to move a house from 3055 3rd Street.

Mayor Pro Tem Medlin made the motioned to approve the moving of the house. The motion was seconded by Councilman Fowler, and unanimously carried.

SHOPS AT THE PROMENADE

Town Planner Rademacher stated that the developer Promenade at Surf City, LLC, is requesting approval of a 9 unit commercial building over 18,000 square feet. The project, located off of Highway 210 is on property zoned C-3 commercial which will allow for shopping centers and various commercial uses.

Stormwater on the site will be collected on site and moved to the Stormwater ponds already constructed on the tract behind the property and approved by the State. Access from highway 210 will utilize the main entrance for the Promenade complex and has been approved by the NCDOT. Secondary access will be available when the new Caretta Drive is completed in the future. Lighting and landscaping plans have been submitted and are in compliance with the ordinance. Architectural review has taken place with the developer meeting all of the requirements of the Town Architectural code. Note that two of the units will have drive thru windows for customers. Materials being utilized in the construction of this building will be compatible with the existing outparcels as well as with the entertainment complex to be located on the adjacent site.

Water and sewer has been reviewed by the Towns engineers showing compliance with the ordinance, modification to the existing sewer permits will need to be made to accommodate the additional flow. The developer is currently working on this approval.

Sidewalks have been constructed along highway 210 and are in compliance with Town codes. An access way as required by the ADA is shown to get pedestrians from the public sidewalk to the project safely.

Existing fire hydrants located on highway 210 as well as in the main shopping center provide compliance with fire codes and have been reviewed by the Town's Fire Marshall.

The Planning Board recommends approval of the site plan as this area is appropriate for this type of development and the developer has shown compliance with all Surf City site plan requirements.

Councilman Fowler made a motion to approve the Shops at the Promenade site plan. Councilman Helms seconded motion. Motion carried unanimously.

NCDOT SPEED LIMIT

Mayor Pro Tem Medlin made the motion to adopt the Municipal Certification to enact a speed limit of 55mhp for US 17. Councilman Fowler seconded motion and motion was carried unanimously. Copy of Declaration is attached to these minutes.

TAX RELEASES

Finance Director Jane Kirk presented a list of tax releases that were initiated by the County due to clerical errors.

Mayor Pro Tem Medlin made the motion to approve the tax releases. Motion was second by Councilman Fowler and unanimously approved. List of released taxes are attached to these minutes.

ADVISORY BOARD REAPPOINTMENTS

The following members were reappointed to their committees.

Committee	Member	Term Expires
Recreation	Dutch Bageant	6-30-13
	Michael Pasquantonio	6-30-13
	Bob Barlett	6-30-13

Councilman Helms reappointed Dutch Bageant. Mayor Guy reappointed Michael Pasquantonio and Councilwoman Albury made a motion to approve Bob Barlett's reappointment to the Recreation Committee. Councilman Fowler seconded motion. Motion carried unanimously.

VENDOR REQUEST

Manager Moore stated that Rex & Son's RV from Wilmington has requested Council give them permission to hold a RV show in the parking lot of the Harris Teeter which is owned by Weingarten Realty. He stated that there is limited parking there at all times, this event would take away from required and needed parking, and the current ordinance does not allow vendors.

Gary Godwin stated that he looked at the site and the parking lot and it would be a good to have it in the parking lot but the out parcel would work. He would set up a booth with advertising with the area campgrounds. He says his company is considered the RV dealer for the area because of franchising areas.

Mayor Pro Tem Medlin made the motion to approve the request and grant an exception and allow the RV show. Motion was second by Mayor Pro Tem Medlin and unanimously approved.

ENGINEERS PROJECT UPDATES, Gus Simmons, Cavanaugh & Associates **Surf City Wastewater Treatment Facilities**

Juniper Swamp Phase 2 Disposal Design: Bid Advertisement has begun, and we anticipate a great deal of interest in the project on the part of prospective bidders and contractors, given the amount of similar work (or absence thereof) bid in the past several months. Bid Opening is set for July 7, 2011 at 2:00 pm in Town Hall. A Pre-Bid Meeting will be held on June 21, 2011. According to the approval the Town received from Construction Grants & Loans (CG&L), the project must be contracted by September 1, 2011. The loan application is pending approval by CG&L. The project will provide the Town approximately 289,000 gpd additional sewer flow (approximately 800 REU's).

Juniper Swamp Infiltration Basin: Cavanaugh, the Town, Ed Andrews (the hydrogeologist), the contractor, and DENR have continued to discuss and address this issue, and the issue continues to progress towards resolution. In the past several weeks, other infiltration basins that were constructed in similar soils and using a similar design concept have also been reviewed through DWQ, and there are now several folks that are involved in the process and working towards a resolution. The Town's most recent permit issued (for the Phase 2 Disposal, above) listed the Town having the ability 'to construct a 100,000 gallon-per-day infiltration basin' which provides the Town the greatest flexibility in having the basin remedied to satisfactory performance. It is estimated that the basin is currently performing at approximately 40% of its design capacity.

The Town applied for a Technical Assistance Grant (TAG) from the State to assist with the implementation of any and all required improvements to the infiltration basin that may go beyond the scope of the original Construction Contractor's work and requirements. Unfortunately, the Town was not awarded this grant.

Tortuga Lane Street & Utilities Design - Tortuga Lane is under construction and the

mass clearing and grubbing has been completed. The contractor has quite a bit of grading to complete, as well as installation of the stormwater and drainage piping. Cavanaugh is currently assisting the Town in obtaining bids from utility contractors for the construction of the water and sewer systems for the road.

Little Kinston Forcemain Re-route - Cavanaugh received the survey information for the project area last week, and is currently in the design phase of the project. It is anticipated that the design effort will be completed in the month of June, and permitted in the month of July.

Hwy 50 Sidewalk Improvements - Cavanaugh is currently designing sidewalk improvements along NC Hwy 50 that will infill with existing sidewalks along the south side of Hwy 50. C&A has been working with NCDOT to address several obstacles within the right-of-way and gain NCDOT approval for the sidewalk design. It is anticipated that a design approval and Encroachment Agreement will come in July.

PUBLIC FORUM

Carl Richter, 109 Driftwood Lane, stated that he was concerned about fireworks during the July Holiday and the dry draught conditions that we are in. He would like to see warning fliers delivered to all the rental companies to be handed out during that week.

Police Chief Halstead stated that he has a brochure he gives to the rental companies every year with rules and regulations and illegal fireworks are listed.

Fire Chief Rivenbark stated that he would see what he could put together.

Stephen Coggins, Attorney with Routree, Losee & Baldwin, requested that Council bring revocation proceedings to void administrative approval of Cedar Point Subdivision Section II.

Consensus of Council was to have Attorney Lanier look over presented paperwork and to respond back to Mr. Coggins at later time. Attorney Lanier stated he would respond within 30 days.

Barbara Morrow, 1217 N. Topsail Drive stated that now that the animal ordinance is dead, what kind of relief do you plan to offer those of us that suffer from chronically barking dogs. She stated that the town's motto should be, "if you are going to live in Surf City you better love barking dogs?"

COUNCIL FORUM

Councilman Curley stated that we have had very intelligent, open, and constructive conversation and thanked everyone for their input. We are aware of the situation and will continue to follow it.

Mayor Pro Tem Medlin asked everyone to please participate in the July 3rd Celebration and the Saturday before Fathers Day Children's Fishing Tournament.

Councilwoman Albury thanked everyone and stated that she heard everyone's comments and that she hopes the Council can give some relief to people that are having problems and that neighbors would have respect for each other. Senior Day is June 11th from 4-8pm at Soundside Park.

Councilman Fowler stated that he appreciated everyone's touching comments, there was very intelligent dialog, and we will try to alleviate the problems.

Councilman Helms thanked everyone for coming. He stated that the Council did not turn down the animal ordinance completely just we are getting all the facts so we don't approve it then have to go back and redo it later. Mats have been placed at crossover to help for wheelchair access. He asked everyone to enjoy July 4th.

Mayor Guy

- NCDOT will have a lane closure on the NTB high rise June 13th - July 1st from 8:00am-4:30pm.
- Read letter from Representative Carolyn Justice thanking Council for flowers for her mother.
- Read letter from Harry Pugliese Family.

MANAGER REPORT

No report at this time.

TOWN ATTORNEY REPORT

No report at this time.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:57 p.m. upon the motion by Councilman Fowler and seconded by Councilman Helms. The Council unanimously approved motion.

Patricia E. Arnold, CMC Town Clerk

A. D. (Zander) Guy, Jr., Mayor