

REGULAR MEETING

A Regular, Rescheduled Meeting of the Mayor and Board of Commissioners of the Town of North Wilkesboro was held in the Commissioners Room at Town Hall on Monday, June 28, 2010.

THERE WERE PRESENT: Robert L. Johnson, Mayor
Jeffrey Elmore, Commissioner
Debbie Ferguson, Commissioner
Bert Hall, Commissioner
Bart Hayes, Commissioner

ABSENT: Dr. Leo Baugham, Commissioner

COMPRISING A QUORUM OF THE BOARD, ALSO:
Hank Perkins, Town Manager
Danny Johnson, Attorney
Kay F. Minton, Town Clerk

Mayor Johnson called the meeting to order at 7:00 p.m. Mayor Johnson delivered the Invocation. The Pledge of Allegiance was led by Police Chief Joe Rankin.

Mayor Johnson asked for a motion to approve the consent agenda. Commissioner Ferguson made a motion to approve the consent agenda. Motion was seconded by Commissioner Hayes and unanimously carried. The consent agenda items were as follows:

- a. Approval of the Minutes of the June 8, 2010 Regular Meeting and the June 17, 2010 Special Meeting.
- b. Approval of easement for 807 Main Street for sidewalk repair.
- c. Approval of Resolution to charge off insolvent utility accounts.
- d. Approval of resolution to charge off insolvent 1999 taxes.
- e. Approval of Raw Water Sluice Gate Improvements Capital Project Ordinance.
- f. Approval of Resolution for Raw Water Impoundment Sluice Gate improvements.
- g. Approval of Energy Grant Capital Project Ordinance.
- h. Approval of reappointments to the North Wilkesboro Planning Board for another five-year term to expire in June, 2015: Freida Matthews, Martha Nichols.
- i. Approval of Capital Project Ordinance for Damascus Church Road Construction Phase.

This instrument drafted by: J. Gary Vannoy
After recording, mail to: Town of North Wilkesboro

North Carolina
Wilkes County

EASEMENT

This Easement made this ____ day of June, 2010, by and between Harold I. Greene, ("Grantor"); and the Town of North Wilkesboro, ("Grantee"); all of Wilkes County, North Carolina;

WITNESSETH:

THAT WHEREAS, said Grantor is the owner of a certain lot of land at 807 Main Street, in the City of North Wilkesboro, the same being the land conveyed to him by deed recorded in Book 751, Page 797, in the office of the Register of Deeds of Wilkes County;

AND WHEREAS, on the East side of Grantor's property there are steps and a sidewalk, which is approximately 25 feet long and 4 feet wide, that have been used for public access from Main Street to public parking lots adjoining Grantor's property;

AND WHEREAS, the said sidewalk is in a state of disrepair and the Grantee has agreed to remove the existing cement and concrete in order for the Grantor to repair and install a new sidewalk;

AND WHEREAS, in consideration of Grantee removing the existing sidewalk, Grantor has agreed to convey to Grantee a perpetual easement for the steps and sidewalk for the use of the public in accessing the public parking lots described above.

NOW, THEREFORE, said Grantor, for and in consideration of the mutual covenants herein contained, does hereby grant and convey unto said Grantee a perpetual right and easement as described herein to provide public access to public parking lots from Main Street.

To have and to hold said right and easement to the said Grantee and it's successors in title; it being agreed that the right and easement hereby granted is appurtenant to and runs with the land now owned by Grantor and hereinabove referred to.

In Testimony Whereof, said Grantor has hereunto set his hand and seal the day and year first above written.

_____(SEAL)
Harold I. Greene, Grantor

NORTH CAROLINA
COUNTY OF WILKES

I, _____, a Notary Public of the County and State aforesaid, certify that, Harold I. Greene, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ____ day of _____, 2010.

Witness my hand and official stamp or seal, this ____ day of _____, 2010.

My commission expires: _____

Notary Public

**RESOLUTION TO CHARGE OFF
UTILITY ACCOUNTS RECEIVABLE**

WHEREAS, it appears to the Board that Utility Accounts Receivable for the year-ending June 30, 2010 amounting to \$9,579.98 are Insolvent and the chances for ever collecting these accounts are very limited and that there is being carried on the books a Reserve for Water & Sewer Accounts Receivable and a Reserve for Garbage Disposal Fees Receivable;

NOW THEREFORE, BE IT RESOLVED, that the Finance Officer be hereby ordered and directed to charge off the said amount of uncollected utility accounts receivable for the period ending June 30, 2010, and that any amount collected on said Utility Accounts taken after June 30, 2010 be credited to the Revenue Account “**Insolvent Utility Accounts**” in the Water and Sewer Fund and “**Insolvent Garbage Disposal Accounts**” in the General Fund.

\$ 7,786.06	Water & Sewer Accounts
1,793.92	Garbage Disposal Fees
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\$ 9,579.98	Total Amount – Net Insolvent After Applying Deposits

This the 28th day of June, 2010.

Robert L. Johnson, Mayor

ATTEST:

Kay F. Minton, Town Clerk

**RESOLUTION TO CHARGE OFF
INSOLVENT 1999 TAXES
(PRINCIPAL ONLY)**

WHEREAS, it appears to the Board that the balance of unpaid taxes for the year 1999 amounting to \$ 6,829.32 are insolvent and the chances of ever collecting any of said taxes are very limited and that there is being carried on the books a Reserve for Uncollected Taxes, now therefore,

BE IT RESOLVED, that the Finance Officer is hereby ordered and directed to charge off the said balance of uncollected taxes for the year 1999 to “**Reserve for Uncollected Taxes**” and that any amount collected on said taxes after June 30, 2010 be credited to the Revenue Account “**Insolvent Taxes**” in the General Fund.

This the 28th day of June, 2010.

Robert L. Johnson, MAYOR

Attest:

Kay F. Minton, Town Clerk

**RAW WATER SLUICE GATE IMPROVEMENTS
CAPITAL PROJECT ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of the Town of North Wilkesboro, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of improvements to the Town’s raw water impoundment sluice gate system to be financed by a Clean Water Management Trust fund Grant, a NC Rural Center grant, and a local match.

Section 2. The officers of the Town of North Wilkesboro are hereby directed to proceed with the capital project within the terms of the Clean Water Management Trust Fund grant documents, the NC Rural Center grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

	Rural Center Grant	Local Match	Total Cost Amount
Cost Description			
Replace Sluice Gate	25,325	35,475	\$60,800.00
Concrete Retaining Wall	90,000		\$90,000.00
Rip Rap	15,000		\$15,000.00
Electrical Work	8,000		\$8,000.00
Automatic Controls	35,000		\$35,000.00
Other	135,200		\$135,200.00
			\$0.00
Construction Sub -Total	308,525	35,475	\$344,000.00
Contingency	34,400		\$34,400.00
Engineering Design		35,000	\$35,000.00
Permitting	6,000		\$6,000.00
Land Surveying Costs			\$0.00
Easement Preparation			\$0.00
Closing Fee (if applicable)			\$0.00
Construction Administration/Observation	27,995	24,005	\$52,000.00
Grant and/or Loan Administration			\$0.00
Legal Costs	1,000		\$1,000.00
Other (specify)			\$0.00
Administration Sub-Total	69,395	59,005	\$128,400.00
			\$0.00
TOTAL PROJECT COST	377,920	94,480	\$472,400.00

Section 4. The following revenues are anticipated to be available to complete this project:

NC Rural Center Grant #2010-268-40101-112	377,920
Local Contribution Match	94,480

Total Revenues

\$472,400

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agencies, the grant agreements, and federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agencies in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total loan and grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this Capital Project Ordinance shall be furnished to the Town Manager, the Town Clerk, and to the Finance Officer for direction in carrying out this project.

Adopted this 28th day of June, 2010.

SIGNATURE

DATE

Robert L. Johnson

Mayor

TYPED NAME

TYPED TITLE

ATTEST:

(Seal) ↴

Kay F. Minton, Clerk

**RESOLUTION BY THE BOARD OF COMMISSIONERS
OF THE
TOWN OF NORTH WILKESBORO, NORTH CAROLINA**

WHEREAS, In the summer of 2008, the North Carolina General Assembly included a \$50 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements; and

WHEREAS, The Town of North Wilkesboro has need for and intends to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as Raw Water Impoundment Sluice Gate Improvements; and

WHEREAS, The Town of North Wilkesboro has received grant assistance from the NC rural Center Supplemental Grants Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE TOWN OF NORTH WILKESBORO:

For a 5,000 gallon per month user, the monthly combined water and sewer bill is \$46.00. The annual cost is \$552.00. North Wilkesboro's Median Household Income, as published on the NC Rural Center web site, is \$22,813. At 1.5% of that figure, the calculated High Unit Cost threshold is \$342.20. Therefore, the Town's annual water and sewer cost for an average user is above the calculated High Unit Cost threshold.

Adopted this the 28th day of June, 2010 at North Wilkesboro, North Carolina.

SIGNATURE OF CHIEF ELECTED OFFICIAL/AUTHORIZED REPRESENTATIVE

DATE

Robert L. Johnson
TYPED NAME

Mayor
TYPED TITLE

ATTEST:

(Seal) ↑

Kay F. Minton, Clerk

**TOWN OF NORTH WILKESBORO
CAPITAL PROJECT ORDINANCE
ENERGY EFFECIENCY UPGRADES PROJECT**

BE IT ORDAINED by the Board of Commissioners of the Town of North Wilkesboro that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

SECTION 1. The project authorized is the Energy Efficiency Upgrades Project.

SECTION 2. The officers of this unit are hereby directed to proceed with the project within the terms of the budget contained herein beginning in the Fiscal Year 2009/2010.

SECTION 3. The following revenues are anticipated to be available for the project:

REVENUES:

90-3970	Transfer from General Fund	\$5,240
90-3980	State Energy Office-ARRA Grant	<u>38,810</u>
		\$44,050

SECTION 4. The following amounts are appropriated for the project

90-4900	Energy Efficiency Upgrades	\$44,050
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SECTION 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to provide the accounting required by any agreement associated with this project.

SECTION 6. Copies of this Capital Project Ordinance shall be furnished to the Clerk to the Governing Board, the Budget Officer and the Finance Officer for their direction.

Adopted this the 28th day of June, 2010.

Signed: _____
Robert L. Johnson, Mayor

Attest: _____
Kay F. Minton, Town Clerk

**TOWN OF NORTH WILKESBORO
CAPITAL PROJECT ORDINANCE
DAMASCUS CHURCH ROAD COMMUNITY SEWER
CONSTRUCTION PHASE**

BE IT ORDAINED by the Board of Commissioners of the Town of North Wilkesboro, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted.

SECTION 1. The project authorized is the DAMASCUS CHURCH ROAD COMMUNITY SEWER-CONSTRUCTION PHASE.

SECTION 2. The officers of this unit are hereby directed to proceed with the project within the terms of the budget contained herein.

SECTION 3. The following revenues are anticipated to be available for the project:

Contribution from Other Agencies	\$51,727
CWMTF Grant 2008-604	1,071,000
NC Rural Center Grant 2008-280-40101-112	<u>\$500,000</u>
	\$1,622,727

SECTION 4. The following amounts are appropriated for the project:

Permits and Fees	\$3,630
Legal Costs	10,500
Construction	1,499,146
Construction Inspection/Administration	72,000
Construction Contingency	<u>37,451</u>
	\$1,622,727

SECTION 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to provide the accounting required by any agreement associated with this project.

SECTION 6. Copies of this Capital Project Ordinance shall be furnished to the Clerk to the Governing Board and to the Finance Officer for direction in carrying out this project.

Adopted this 28th day of June, 2010.

Robert L. Johnson, MAYOR

ATTEST:

Kay F. Minton, TOWN CLERK

*****END CONSENT AGENDA*****

There were no additions or deletions to the agenda.

Commissioner Hayes made a motion to approve the agenda. Motion was seconded by Commissioner Elmore and unanimously carried.

There was no one who wished to speak during the public comments portion of the meeting.

A rezoning request from Rick Whitley to rezone property located at the corner of 3rd and M Streets from (R6) High Density Residential to (HB) Highway Business was presented to the board. Commissioner Hall made a motion to call for a public hearing on the rezoning request. Motion was seconded by Commissioner Hayes and unanimously carried.

Amendments to the 2009/2010 Budget Ordinance were presented to the Board. Commissioner Hall made a motion to approve the budget amendments. Motion was seconded by Commissioner Ferguson and unanimously carried.

TOWN OF NORTH WILKESBORO
AMENDMENTS TO BUDGET ORDINANCE

FISCAL YEAR ENDING 6/30/2010
BUDGET AMENDMENT 4

BE IT ORDAINED by the Governing Board for the Town of North Wilkesboro, North Carolina that the following amendments be made to the annual budget ordinance for the fiscal year ending June 30, 2010:

SECTION 1. To amend the General Fund, the expenditures are to be changed as follows:

		<u>Increase</u>	<u>Decrease</u>
10-4100	Governing Body	\$8,000	
10-4200	Administration	3,500	
10-4900	Business Support	10,000	
10-4400	Finance Department		\$6,500
10-4700	Legal Department		7,500
10-4800	Planning and Inspections		7,000
10-5000	Public Buildings		11,000
10-5120	Drug Forfeiture	5,000	
10-5110	Police Supplement	5,500	
10-5300	Fire	9,500	
10-5450	Public Works	12,000	
10-6200	Recreation		12,000
10-5600	Streets and Highways		2,000
10-6900	Special Appropriations		2,500
30-8100	Water Plant	25,000	
30-6900	Special Appropriations		8,000
30-7200	Billing & Receivable		4,000
30-7500	Public Utilities		8,000
30-8110	Water Maintenance		5,000

To provide additional revenue for the above, the following revenues shall be increased:

10-3990-0100	Appropriated Drug Forfeiture Reserve	5,000
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SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board and the Finance Officer for their direction.

Adopted this 28th day of June, 2010.

Robert L. Johnson, MAYOR

ATTEST:

Kay F. Minton, Town Clerk

Town Manager Hank Perkins reminded the board of the fireworks and fire truck parade to be held on Saturday, July 3rd.

There being no further business, Commissioner Hall made a motion to adjourn the meeting. Motion was seconded by Commissioner Hayes and unanimously carried. The Mayor declared the meeting adjourned at 7:04 p.m.

_____ TOWN CLERK

_____ MAYOR

APPROVED: _____

