

TOWN OF NORTH WILKESBORO

Agenda



Regular Meeting
Tuesday, July 6, 2021

5:30 p.m.

Town Hall Commissioners Room
210 9th St.

Zoom online platform:
<https://us02web.zoom.us/j/83089812534>

And YouTube:
<https://www.youtube.com/channel/UC7NdWfFjwMjbLuarfqHDemg>

“Any individual with a disability who needs an interpreter or other auxiliary aids, please contact Debbie Pearson at 336-667-7129 ext. 3001 or email at townclerk@north-wilkesboro.com. Please make this request 48 hours in advance of the scheduled meeting.”

THIS PAGE LEFT INTENTIONALLY BLANK

- I. Call to Order**
- II. Invocation**
- III. Pledge of Allegiance**
- IV. Additions/Deletions to agenda**
- V. Approval of Agenda (action)**
- VI. Public Comments**

Mayor will acknowledge no more than 5 speakers. Speakers have five-minute limit.

VII. Consent

All consent items may be approved in one motion. Items requiring further discussion will be pulled and voted upon separately.

- A.) Street Closing Resolution (action) – Crystal Keener

VIII. Town Manager's/Attorney's Report

Town Manager's and Town Attorney's Reports as needed

IX. Policy

- B.) Name Wilkes Art Gallery (WAG) North Wilkesboro's Designated Art Agency (action) – Ashley Barton
- C.) Updated Board of Commissioners Meeting Practices (action) – Wilson Hooper

X. Emerging Issues (formerly Mayor and Commissioner Topics)

Board members may bring up topics not listed on the agenda for discussion or staff follow up

XI. Closed Sessions

XII. Adjourn

A. STREET CLOSING ORDINANCE (ACTION)

Approve a resolution temporarily closing CBD Loop between 6th and 9th streets on July 17, 2021 between 4:00-10:00 PM

STAFF RESOURCES: Crystal Keener, Tourism and Marketing

FUNDING SOURCE: N/A

BACKGROUND:

- The Foothills Corvette Club has requested to hold a cruise-in in conjunction with Concerts on the Deck on July 17, 2021.
- The club has requested the temporary closure of CBD Loop between 6th and 9th streets to accommodate the cruise-in.
- A resolution from the local governing board is required as part of NCDOT's standard procedure for closing streets. The resolution is attached.

ACTION:

- Approval of this resolution will extend local approval of the temporary closure of this state-maintained street.

ATTACHMENT:

- 1.) Resolution

AN ORDINANCE DECLARING ROAD CLOSURE FOR TOWN SPONSORED EVENTS

WHEREAS, the Board of Commissioners of North Wilkesboro acknowledges the tradition of holding events for the pleasure of its citizens; and

WHEREAS, the Board of Commissioners of North Wilkesboro acknowledges that its citizens realize a financial benefit from holding events; and

WHEREAS, the Board of Commissioners of North Wilkesboro acknowledges certain events require two hours to install traffic control and signage before the event, and some time after the event for removing signs, traffic control, and litter; and

NOW, THEREFORE, BE IT ORDAINED, that the Board of Commissioners of the Town of North Wilkesboro, pursuant to the authority in GS 20-169, does hereby declare a temporary road closure for the date and time set forth below on the following described portion of the State Highway System route.

Date: Saturday, July 17, 2021

Time: 4:00 PM – 10:00 PM

Route Description: 600 to 800 block of CBD Loop

This ordinance to become effective when signs are erected giving notice of the limits and times of said events, and implementation of adequate traffic control to guide through vehicles around the route.

Adopted this _____ day of _____, 2021

Attest:

Town Clerk

Robert Johnson, Mayor

B. NAME WILKES ART GALLERY (WAG) NORTH WILKESBORO'S DESIGNATED ART AGENCY (ACTION)

Approve a resolution naming Wilkes Art Gallery North Wilkesboro's Designated Art Agency for the purpose of seeking NEA funds.

STAFF RESOURCES: Crystal Keener, Tourism
Ashley Barton, Wilkes Art Gallery

FUNDING SOURCE: N/A

BACKGROUND:

- In 2015 the Wilkes Art Gallery (WAG) and the Wilkes Cultural Arts Council merged.
- Since that time, WAG has been responsible for managing government funds for the arts in Wilkes County, most notably \$25,000 from the North Carolina Arts Council.
- Over the last three years, WAG has sub-granted \$70,000 to other art agencies -such as Bleu Moon Productions and Wilkes Playmakers- to fund productions.
- However, art agencies were affected by the pandemic, and funds for arts were minimal or missing from relief legislation.
- For this reason, the WAG is hoping to broaden their fundraising reach and apply for funds from the National Endowment for the Arts (NEA).
- To do so, WAG must be designated as the official art agency of the area.
- The gallery is requesting that the town so designate WAG so that they may be eligible to apply for federal funds.

ACTION:

- The Board is asked to approve a resolution officially designating the Wilkes Art Gallery as North Wilkesboro's Designated Art Agency

ATTACHMENT:

- 1.) Resolution

RESOLUTION #XX-2021

A RESOLUTION DESIGNATING WILKES ART GALLERY AS THE LOCAL ARTS AGENCY
ACTING ON BEHALF OF THE TOWN OF NORTH WILKESBORO

WHEREAS, In 2015 the Wilkes Art Gallery and the Wilkes Cultural Arts Council merged; and

WHEREAS, Since that time the Wilkes Art Gallery has provided quality art and cultural programming to residents of North Wilkesboro, Wilkes County, and beyond; and

WHEREAS, the Wilkes Art Gallery also offers subgrants to other art and cultural agencies in the community; and

WHEREAS, the Wilkes Art Gallery would like to apply for grants from the National Endowment for the Arts for their own purposes and to award as subgrants to other agencies; and

WHEREAS, the National Endowment for the Arts requires that, to be eligible,

“Applicants must be an arts agency (“local arts agency”) that is a unit of city or county government or be official designated to act as an arts agency on behalf of its local government.”

NOW, THEREFORE, BE IT ORDAINED, That the Board of Commissioners of the Town of North Wilkesboro appreciates the work of the Wilkes Art Gallery to support and maintain art and culture in the North Wilkesboro community; and

NOW, THEREFORE, BE IT FURTHER ORDAINED, That the Board of Commissioners of the Town of North Wilkesboro does hereby designate the Wilkes Art Gallery as its official Local Arts Agency.

Adopted this _____ day of _____, 2021

Attest:

Town Clerk

Robert Johnson, Mayor

C. UPDATED BOARD OF COMMISSIONERS MEETING PRACTICES (ACTION)

Approve additional updated meeting practices governing the work of the North Wilkesboro Board of Commissioners.

STAFF RESOURCES: Wilson Hooper, Town Manager

FUNDING SOURCE: N/A

BACKGROUND:

- The Board of Commissioners discussed updates to its meeting practices at the April 22, 2021 and May 21, 2021 meetings.
- After a public hearing on June 8, 2021 the Board voted to change the Town Code to do away with the format distinction between the two monthly meetings, and update the order of business for Board meetings.
- Other matters discussed include rules of procedure for public comments, directions to staff, transparency, and agenda setting.
- These practices are not prescribed in Town Code, and therefore do not require a public hearing.
- The attached document merges the results of the two earlier discussions into a single set of guidelines.

ACTION:

- Changes to the meeting format and order of business have already been approved and updated in the Town Code.
- A vote is requested on the additional changes, even though they do not appear in Town Code, to memorialize the Board's intention to follow these practices.

ATTACHMENT:

- 1.) Updated Board of Commissioners meeting practices document

North Wilkesboro Board of Commissioners Operating Practices

Purpose – this document is intended to codify the practices of the North Wilkesboro Board of Commissioners and bring mutual understanding to all elected officials and town staff of procedures for holding meeting, conducting meetings, recommending agenda items, and directing staff amongst other things. These practices shall be in keeping with the requirements listed in Town Code and North Carolina General Statute.

- 1.) Meeting Format/Order of Business – The Board of Commissioners has adopted a common format for both of its monthly meetings and done away with the distinction between Regular Meetings and Work Sessions. All meetings shall include a period for open public comment. Presuming all public hearing and other pre-requirements are met for the matters at hand, the Board of Commissioners may take official action on all matters at all meetings. Finally, agenda setting will no longer be performed at Work Session but according to the process described later in this document.

This change was codified in an update to Town Code. The language of the update is included below:

2-7 Meetings – There shall be two regular meetings per month of the board of commissioners; the first held on the first Tuesday after the first Monday of each month and the second on the fourth Thursday of each month. Meetings shall be held in the town hall except under circumstances as the Town Manager may see fit, and start at such an hour as the commissioners may schedule by resolution. If the scheduled dates fall upon a holiday, the board may, by resolution or motion, schedule another day or cancel such meeting. North Carolina General Statutes require that at least one meeting with a public comment period be held every month.

Presuming all public hearing, public notice, and other pre-requirements have been met, action may be taken at both monthly meetings.

Special meetings may be called at any time by the mayor or by the majority of the commissioners; and the mayor and each commission, not joining in the call, shall be notified of the meeting and the purposes thereof, and no business shall be transacted at such meeting other than that stated in the call. Special meetings are public meetings and therefore may not be scheduled for a time that precludes the minimum advertising period as established in statute.

2-11 Order of Business – At each regular meeting of the board of commissioners the order of business shall be as follows:

- (a) Call to order, invocation, and pledge of allegiance.*
- (b) Approval of agenda. Additions and deletions shall be entertained.*
- (c) Awards and recognitions (if necessary).*
- (d) General public comment period*
- (e) Approval of the minutes of the last regular meetings and other special meetings, if any shall have been held*
- (f) Routine business*

- (g) Town Manager/Town Attorney report*
- (h) Public hearings (if necessary), followed by Board action on said items*
- (i) Remaining action items*
- (j) Consideration of new business*
- (k) Emerging issues*
- (l) Closed Session (if necessary)*

2.) Public Participation in Board Meetings – The Board of Commissioners acknowledges that public participation is essential in a democracy, and enhances the work of the board. However, the Board of Commissioners also wishes to responsibly manage public participation so as not to divert focus from the tasks at hand, or make meetings unworkably long.

NCGS requires that public comment sessions be held at least once per month. North Wilkesboro's recent action means that here, there will be two a month. An excerpt from the UNC SOG on the type of limitations that can be put in place is below.

Participants in statutorily required public comment periods, on the other hand, are generally free to comment on any subject that is within the jurisdiction of the local government that is holding the comment period. The public comment period is a "limited public forum" for purposes of the First Amendment's rules on freedom of speech, and the broad language of the statutory directive to hold "public comment periods" likely means that the board must allow general comments about any topic related to the city, county, or school district. The board also must be careful not to restrict comments about such topics based on the viewpoint stated by the speaker, or by the forcefulness of the speaker's arguments.

This is not to say that boards cannot have any rules governing public comment periods. In language borrowed from G.S. 153A-52 and G.S. 160A-81, the public hearing statutes for counties and cities, G.S. 115C-51, G.S. 153A-52.1, and G.S. 160A-81.1 allow boards to adopt reasonable regulations governing the conduct of public comment periods, including but not limited to rules setting time limits for speakers, and providing for (1) the designation of spokesmen for groups supporting or opposing the same position, (2) the selection of delegates from groups supporting or opposing the same position when the number of persons wishing to attend the comment period exceeds the capacity of the hall, and (3) the maintenance of order and decorum in the conduct of the public comment period. Under the First Amendment, these types of rules are called "reasonable time, place, and manner" restrictions on speech.

Therefore, the Board of Commissioners has adopted the following rules for all public comments:

- Speakers be limited to no more than five minutes. The mayor may, in his/her discretion, offer speakers a nominal amount of additional time to conclude their remarks.
- The Town Clerk shall operate a countdown timer visible to speakers so that they know how much time they have left.
- Speakers may not yield or grant their time to another speaker.

- To expedite the pace of the meeting, Commissioners will generally refrain from responding to public speakers and instead, if necessary, follow-up with speakers using other means.
- a. General public comments –
 - Sessions shall be limited to ten speakers per meeting.
 - Prior to each session, the mayor shall publicly read the following statement:
 - “We’ll now enter into a general public comment period, designed to allow members of the public to address the Board about their matters of interest. The Board has established a limit of ten speakers per session. Those who have signed the sign-up form will be given the first opportunity to speak, those who have not will be recognized if there are additional spots available. Speakers will be given no more than five minutes apiece to speak, as timed by the Town Clerk.”
 - b. Official public hearings – For matters in which a legal public hearing is required, the Board must publicly call for such a hearing a statutorily defined number of days before it is held, and give notice of the hearing according to the procedures described in statute.
 - c. Invited public speakers – From time to time, staff will recommend outside speakers to participate in the Board’s deliberations for the purposes of information sharing and to answer questions. Staff shall introduce these speakers for acknowledgement by the mayor, and they shall present at the pleasure of the Board with no written time limits.
 - d. Other speakers – At his/her discretion, the mayor may permit speakers wishing to speak during the debate of a specific agenda item to do so. These speakers shall also be limited to five minutes as in the general public comment period, unless they are answering a specific question from the Board.
- 3.) Agenda Setting and Distribution – The Town Manager shall manage the agenda setting process, with input from the elected officials as described below. Agendas shall follow the Order of Business as described in Section 2-11.

Agenda and all supporting documents shall be published no later than the Friday before the meeting. Hard copies of the publication shall be delivered to all Commissioners as well on that date, unless a Commissioner opts out of receiving a hard copy. The agenda and supporting documents shall be published on-line and distributed to media contacts on the same day.

Commissioners may propose items for upcoming agendas during the “Emerging Issues” section of the meeting’s order of business. The Board shall agree by consensus or, if no consensus exists, by majority vote whether to place the proposed item on a future agenda.

- 4.) Direction/requests to staff – In general, communication with staff shall be limited to Town Manager, Town Clerk, Department Heads, or deputy department heads, if so approved by the department head. Exceptions shall be made for communication related to routine constituent requests such as a missed trash collection. More significant requests for action shall be

governed by the four-hour rule. In essence, any inquiry that is likely to take more than four hours of staff time shall be made via the Town Manager. The Town Manager will use his/her discretion to either assign the work to the relevant staff member, or seek permission from the full Board to proceed. The former will occur when the matter is related to a previously-expressed Board priority. The latter will occur when the request is on a new matter.

This arrangement is designed to provide a workforce that's ready and responsive to Board needs, yet maintain the statutory and charter-defined separation between elected officials and town staff.

- 5.) Transparency – Agendas and all supporting material shall be published and posted to a publicly accessible website no later than 48 hours before a meeting. These same documents shall also be distributed to the town's local media contacts. Any additional supporting material not published with the agenda due to extenuating circumstances shall be made publicly available at the meeting hour. An updated agenda package with the most current documentation shall be posted no later than one business day after the meeting.

Board meetings shall be publicly broadcast using accessible electronic forums like Zoom, YouTube, Facebook, or other platforms. The platform and a link to the meeting's virtual location shall be published with all meeting notices and advertisements, and on the cover of the agenda document.

A video recording shall be published on a publicly accessible web location no more than one-week after the meeting. An audio recording shall be published for posterity on the town's website no more than one-week after the meeting.

CLOSED SESSIONS

Conduct a closed session according to GS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

And,

Conduct a closed session according to GS 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment...of an individual public officer.

STAFF RESOURCES: Wilson Hooper, Town Manager
Lee Ann Nixon, Wilkes EDC

FUNDING SOURCES: TBD

ATTACHMENT:

- 1.) (Supporting documents will be distributed separately)