

NORTH WILKESBORO BOARD OF COMMISSIONERS

Work Session

Thursday, April 22, 2021

5:30 p.m.

At the Stone Family Center for the Performing Arts

Members present: Mayor Robert Johnson, Commissioner Angela Day, Commissioner Debbie Ferguson, Commissioner Michael Parsons, Mayor Pro-tem Andrew Palmer, Commissioner Bert Hall.

Staff present: Town Manager Wilson Hooper, Clerk Debra Pearson, Town Attorney Daniel Johnson, Town Planner Meredith Detsch, Payroll and Human Services Officer Trish Wagoner, and NW Interim Police Chief Charles Thornburg.

- Call to Order- Mayor Robert Johnson
- Invocation- Mayor Robert Johnson- Mayor Johnson gave the invocation and asked that we remember recently retired Officer John Vandervort and his family in prayer as he has fallen very ill and is in the hospital.
- Pledge of Allegiance- NW Interim Police Chief Charles Thornburg

There were no additions or deletions to the agenda. Motion to approve the Agenda was made by Commissioner Hall and seconded by Commissioner Day. Motion unanimously carries.

VI. Awards and Recognitions

Youth Week Proclamation – Mayor Johnson- Mayor Johnson presented a Resolution to the Board Proclaiming May 1 – 7, 2021 as Youth Week. This Proclamation is sponsored by the North Wilkesboro Elks Lodge #1846. This is to honor and observe our “Junior Citizens”, and to show support, guidance, inspiration and encouragement to these young adults. We are encouraged to demonstrate our partnership with Youth, our understanding of their hope and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship. *See full Proclamation Attachment.*

VII. Action Items

“Reception Hall/Events Venue” Text Amendment Public Hearing – Meredith Detsch- Mayor Johnson opened the floor for a Public Hearing to approve a request by Valery Guevara to open a “Reception Hall/Events Venue establishment on 10th Street, North Wilkesboro. This type of venue calls for a change to the current text amendment’s wording which is “Recreational Hall” and would add Events Venue to it. It

would then identify as Recreational Hall/Events Venue giving it a distinct place in the table of uses. According to Planner Meredith Detsch, the former title identifies much larger group uses such as assembly halls, coliseums, armories, and ballrooms. Ms. Guevara wishes to use the space to rent out for small event, parties and private gatherings. This text amendment was reviewed at the March 25, 2021 Work Session and was approved by the Planning Board March 11, 2021. With no other comments or concerns, Mayor Johnson declared the Board out of the Public Hearing. **A motion to approve the text amendment was made by Commissioner Parsons reading the motion “The Town of North Wilkesboro’s Board of Commissioners deems the proposed amendments to the Zoning Ordinance in regards to Reception Hall/Events Venue is consistent with the support the Comprehensive’s Plan goals and policies. Further the proposed amendments regarding Reception Hall/Events Venue is reasonable in the public’s interest. The Board recommends to approve the amendment to the Zoning Ordinance”. This motion was seconded by Commissioner Ferguson. Motion unanimously carries.**

VIII. Work Items

- B.) Board Operating Procedures First Discussion – Town Manager Hooper went over some of the feedback received by the Board of Commissioners regarding proposed operating practices. He presented a Board of Commissioners briefing sheet. Some of the proposals are doing away with the “Work Session” making it possible to take action and vote on items at both the first Tuesday after the first Monday of the month Regular Board Meeting and the fourth Thursday of the month Work Session Meeting This would also allow for Public Comment segments of both meetings rather than just at the Regular Board Meeting. Another suggestion is to create procedures that govern how Commissioners may have an item added to the Agenda. No formal action was required at this meeting for this item. Once the Board agrees on proposed changes to operating procedures, a public hearing will be required to update the Town Code. Commissioners Parsons and Ferguson were in favor of these changes. **Motion to call for a Public Hearing on June 8, 2021 was made by Commissioner Parsons and seconded by Commissioner Ferguson. Motion unanimously carries.**
- C.) Zoning Ordinance and Town Code Update for 160D Project – Planner Meredith Detsch informed the Board they would need to call for a Public Hearing on the Town Code Updates to 160D Project at the May 4, 2021 Board Meeting. Public Hearing will be May 27th or possibly June 8th, 2021. Items to be voted on are:
- Redlined Chapter 16: Subdivisions and
 - Redlined Wireless Communication Ordinance.
- D.) Updated Incentives Policy Discussion – Wilson Hooper and, Lee Ann Nixon with Wilkes EDC (attending via ZOOM) asked the Board to again consider new guidelines

for industrial incentives that were originally presented to the Board in March. The purpose of this policy is to update guidelines and make investors aware of incentives available from North Wilkesboro, to set a limit on incentives offered to discourage entities from requesting disproportionate funds, and make the citizens of the town of North Wilkesboro aware of what incentive are being awarded and in exchange for what type of investment. Commissioner Ferguson stated that it is a move forward and is in favor to adopt the policy. **Motion to approve the new guidelines was made by Commissioner Ferguson and seconded by Commissioner Parsons. Motion unanimously carries.** *See Industrial Development Incentive Grant and Small Business Incentive Grant briefing sheet attachments..*

E.) Town Manager Evaluation Process – Trish Wagoner, Payroll and Human Resources Officer for the town of North Wilkesboro joined the meeting to answer any questions the board might have regarding the Town Manager Evaluation Process. The Board of Commissioners has asked that the current evaluation process for Town Manager be reassessed. Town Manager Hooper has asked Trish to work with the board and be the staff resource. The proposed evaluation was created by Commissioner Palmer. It consists of a timeline, performance categories and a group decision form. He read the process recommendations. Commissioner Parsons said this evaluation is numerical, similar to the one they would like to see updated. Commissioner Ferguson asked how can an evaluation can be done without using numerics. Commissioner Parsons said he would like to compare last year’s evaluation against this one. Clerk will request template from Town Manager Hooper and email to the Commissioners.

With no other items or concerns to be discussed, Mayor Johnson called for a motion to adjourn. **Motion to adjourn was made by Commissioner Parsons and seconded by Commissioner Hall. The meeting was adjourned at 7:55 p.m.**

Debra W. Pearson, CLERK

Robert L. Johnson, Mayor

APPROVED _____

GRAND LODGE
ACTIVITIES COMMITTEE
WAYNE D. COTTERLY
Chairman



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GRAND LODGE
Benevolent and Protective
ORDER OF ELKS
UNITED STATES OF AMERICA

Suggested Youth Week Proclamation

FOR LODGE USE

Whereas, The Benevolent and Protective Order of Elks has designated May 1-7, as Youth Week to honor America's Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and,

Whereas, North Wilkesboro Elks Lodge # 1846 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and,

Whereas, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and,

Whereas, our Youth need the guidance, inspiration and encouragement which we alone can give in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and,

Whereas, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship;

Now Therefore, I **Robert L. Johnson**, Mayor of **North Wilkesboro**, do hereby proclaim the first week in May as Youth Week, and urge all departments of government, civic, fraternal and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance.

A handwritten signature in cursive script that reads "Robert L. Johnson".

North Wilkesboro, North Carolina

INDUSTRIAL DEVELOPMENT INCENTIVE GRANT BRIEFING SHEET

Concept – a program (or programs) that offers a grant equivalent to a portion of their ad valorem tax payments to businesses that make significant investments in capital equipment or job creation within the town limits. Incentives are based on a formula; the greater the investment the greater the incentive. This type of program is an economic development tool intended to induce investment and accomplish the Board of Commissioners' ED policy goals. Though called different things in different places, programs utilizing this concept are common and are used widely throughout the state. Therefore, for the town to compete it must be clear to potential investors that this tool is available, what the available incentive is, and what conditions must be met to receive the incentive.

Legal requirements – these programs must meet a series of legal requirements:

- Strict procedural requirement – outlined in NCGS 158-7.1, this statute outlines specific procedures for approving such a deal. This includes specific public notice and public hearing requirement. This same statute requires that all incentive agreements contain “clawback” measures should the private company not meet its investment goals.
- Public purpose limitation – the NC Constitution requires that public dollars only be spent on things that benefit the public generally, and not for the sole benefit of particular persons or interests. However, the NC Supreme Court rules in *Marely vs. The City of Winston-Salem et. Al.* and in subsequent cases from the court of appeals, that the expenditure of public funds for economic development is a public purpose if it meets certain criteria. The main criteria is that the investment must bring about a “net public benefit” of providing jobs, increasing the tax base, and diversifying the economy.
- Other procedural requirements – a “but for” must be established for the incentives; expenditures are made as reimbursements not cash payments; final approval is made at a public meeting, properly noticed; and a written agreement governs implementation.

Policy choices – Whether to have the program or not; what types of businesses are eligible; what kind of private investment is eligible; the formula for determining how much incentive is offered to encourage the investment; the length (in years) of the incentive; the wage required for the jobs to be considered an eligible investment; whether to publish the guidelines or keep them in our pocket to use when we get inquiries.

Eligibility – (Refer to Appendix 1) To qualify, new businesses must create 20 jobs, invest at least \$1M, pay 100% of the average county wage, and pay 50% of health insurance for employees. Existing businesses must create at least 10 new jobs, invest at least \$750,000, pay 100% of the average county wage, and pay 50% of health insurance for employees.

Incentive – (Refer to Appendix 1) For incentive purposes, a formula will be used to categorize each investing businesses based on the amount of their investment. Businesses that invest more will be categorized higher. Level 3 businesses will be awarded a refund of

80% of their ad valorem tax for seven years. Level 2 80% for six years. Level 1 80% for five years.

Additional points – (Refer to Appendix 1) Five points will be added to the solution to the formula for businesses that are opening an HQ facility, reusing a vacant building or former industrial site, an outdoor economy business, or occupy an LEED certified building.

SMALL BUSINESS DEVELOPMENT INCENTIVE GRANT BRIEFING SHEET

Concept – a grant program that provides financial incentive to small businesses that make significant investments in capital equipment or job creation within the town limits. Payments are made to companies. This type of program is an economic development tool intended to induce investment and accomplish the Board of Commissioners' ED policy goals. Though called different things in different places, programs utilizing this concept are common and are used widely throughout the state. Therefore, for the town to compete it must be clear to small businesses that this tool is available, what the available incentive is, and what conditions must be met to receive the incentive.

Legal requirements – TBD

Policy choices – Whether to have the program or not; what types of businesses are eligible; what kind of private investment is eligible; the wage required for the jobs to be considered an eligible investment; whether to publish the guidelines or keep them in our pocket to use when we get inquiries.

Eligibility – (Refer to Appendix 1) To qualify, new businesses must create at least 5 jobs, invest at least \$250,000, and pay 100% of the average county wage as defined by the job's NAICS code.

Incentive – (Refer to Appendix 1) The company is eligible for a payment of \$5,000 after they complete the investment and make their first tax payment on the next investment.