

**TOWN OF NORTH WILKESBORO
COMMISSIONERS MEETING**

January 26, 2023

5:30 p.m.

HELD AT THE NORTH WILKESBORO BOARD OF COMMISSIONERS BOARD ROOM

<https://us02web.zoom.us/j/83936470996?pwd=SnZxb1dsSmNWZUF4UHA5aGl0K2dpUT09>

Meeting ID: 839 3647 0996

Passcode: 615823

And YouTube:

<https://www.youtube.com/channel/UC7NdWffjwMjbLuarfqHDemg>

THERE WERE PRESENT: Marc R. Hauser, Mayor
 Angela Day, Commissioner
 Andrew Palmer, Commissioner
 Michael Parsons, Commissioner
 Bert Hall, Commissioner
 Otis W. Church, Mayor Pro-tem
 Holly R. Minton, Town Manager

ALSO PRESENT: Daniel Johnson, Town Attorney
 Chief Rob Thornburg, NRPD
 Meredith Detsch, Planning Director
 Taylor Gann, Community Dev. Director
 Sarah Davis, Planner I
 Kini Hamby, Interim Fire Chief

ABSENT: Debra W. Pearson, Town Clerk

CALL TO ORDER

I. II. III. Call to Order, Invocation, and Pledge of Allegiance - Mayor Hauser called the meeting to order at 5:30 p.m. and asked the board to join him in reciting the Lord's Prayer. Mayor Hauser then asked North Wilkesboro Police Chief Rob Thornburg to lead in the Pledge of Allegiance.

IV. Additions/Deletions to the Agenda -

There are two additions to the agenda tonight. First, Planning Director Meredith Detsch will be sworn in to serve as clerk to record minutes of tonight's meeting. Town Clerk Debbie Pearson is unable to attend this meeting. Secondly, there are two budget amendments, #12 and #13 being added under VIII. Routine Business/Consent.

V. Approval of Agenda -

Mayor Hauser called for a motion to approve the agenda as amended. The motion to approve the agenda was made by Commissioner Church and seconded by Commissioner Hall. Motion unanimously carries.

VI. Awards and Recognitions - *none at this time*

VII. General Public Comment Period -

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

There was one person in attendance to speak tonight. Mr. Terry Cahill. He will return to the meeting when the topic of the Temporary Recreation Vehicle Park/Campground is addressed.

VIII. Routine Business/Consent - (action)

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

- A.) Approval of Minutes - December 22, 2022 Commissioners' Regular and Closed Session Minutes
- B.) Approve the 2023 Commissioner's Meeting Schedule
- C.) Approve Budget Amendments
 - #9 Departmental Cleanup,
 - #10 Water Fund,
 - #11 Aerial Fire Truck
and added budget amendment items,
 - #12 Pump Replacement at VFW Pump Station River Road #2 and additional cost of new vac truck,
 - #13 Budget transfer from Capital Overlay to Street Department Storm Drain M&R to budget for storm drain repair on Shaver Street.

Motion to approve the Routine Business/Consent items was made by Commissioner Church and seconded by Commissioner Day. Motion unanimously carries.

At this time Ms. Detsch is sworn in as temporary Town Clerk by Mayor Hauser. Mayor Hauser administered the Oath of Office to Planning Director Meredith Detsch as temporary Town Clerk to record the minutes of this meeting. Ms. Pearson will transcribe these minutes when she returns.

XI. Manager's/Town Attorney's Report/Emerging Issues - Town

Manager Holly R. Minton & Town Attorney Daniel Johnson

Town Manager Minton reports:

- The Town has a new Public Utility Director, Mr. David Poore. He will begin work this Monday, January 30, and comes with excellent credentials for this position. Town Manager Minton thinks he will be instrumental in the upcoming raw water project. A letter of intent from DEQ and the Division of Water Infrastructure will be arriving any day.
- New Fire Truck and new garbage trucks have been delivered.
- New Flood Plain Study maps will be changing. Questions should be directed to the Planning Department. Maps in our region will be changing regarding this flood plain.
- Staff time is being dedicated to NASCAR All-Star Events at this time.

Town Manager Minton asked for any emerging issues from the board.

- Commissioner Palmer commented that with the budget season approaching, he'd like to see Wilkes EDC in its own category for town donations, and the other item he wanted to mention is the water intake, which Manager Minton touched on in her report stating the letter of intent from DEO and the Division of Water Infrastructure will be arriving soon.

Town Attorney Daniel Johnson has nothing to report.

X. Consideration of Old Business –

D.) Public Hearing Code Changes Chapter 2 Article II, Board of Commissioners 2-7 Meetings
Language change is needed to be codified to read:

*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, **with the exception of holidays and special events**. 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.*

Commissioner Parsons feels that Commissioners need to amend the consent agenda due to the change in the language of meetings and requests that the board approve the meeting schedule after this public hearing on Town Code Changes- Meetings. **Commissioner Parsons made a motion to amend the consent agenda motion on Item B.) Commissioners Meeting Schedule- to be approved after the Public Hearing. The motion also included calling for a public hearing on Code Changes Chapter 2 Article II Board of Commissioners 2-7 Meetings. (this should have actually been motion to conduct a public hearing). The motion to approve both the Code Change to Chapter 2 Article II Meetings Ordinance and the Commissioners Meeting Schedule was seconded by Commissioner Palmer. Motion unanimously carries.**

E.) Resolution to Authorize the Exchange of Property with the North Wilkesboro Housing Authority-
North Wilkesboro Town Attorney Daniel Johnson reports the Housing Authority approached the town last spring with interest in the town-owned property they would like to use for potential affordable housing. An ariel map showing this property is included with the proposed resolution presented tonight. The Resolution is in accordance with NCGS 160A-274 which authorizes governmental units to exchange real property under such terms and conditions as it deems wise, with or without consideration, with both parties being in agreement. This is a swap conveying parcels 1404385 and 1403630, at Odell Street and Elizabeth Street respectively to the Housing Authority and the Housing Authority will convey its property, parcel 1403620 on C Street to the town. The property on C Street would be used as additional parking for the town. Commissioner Church asked when this would become effective. Attorney Johnson replied he would be working with the attorney for the housing authority. Commissioner Palmer asked about the right of way at the Elizabeth Street location and Attorney Johnson replied there will be an easement providing access to the town-owned property, which is also described in the resolution. Mayor Hauser asked if there were any questions. With there being no questions, he asked for a motion to approve Resolution 2023-01 to Authorize the Exchange of Property With The North Wilkesboro Housing Authority. **Commissioner Day made that motion and Commissioner Church seconded the motion. Motion unanimously carries.**

XI. Consideration of New Business –

F.) Public Hearing to consider amendments to the Town of North Wilkesboro’s Zoning Ordinance: Article 5.3 Definitions; Article 6.7 Table of Uses; and Article 11.9-5 Temporary Recreation Vehicle Park/Campground-

*Town Manager Minton asked if the council would consider hearing **Item F.** at the end of this agenda in order to allow a citizen that wished to join the Public Hearing to return to the meeting. The citizen had stepped out earlier due to the fact it would be some time before the Commissioners heard this item, and said he would return. Commissioners are in approval of this.*

G.) Resolution to proclaim 2023 the Year of The Trail-

Town Manager Minton reports this resolution is a precedent of support for trail creation and expansion this year. Staff believes there will be multiple funding opportunities over the next twelve months. This will serve as a written version of support from the board to the community for others embarking on funding opportunities as well as our staff regarding trails. **The motion to approve the Resolution to Proclaim 2023 The Year of The Trail was made by Commissioner Palmer. The motion to approve was seconded by Commissioner Church. Motion unanimously carries.**
See resolution attachment.

H.) Social District– Call for a Public Hearing

Planner 1 Sarah Davis presented this item to the board. On August 25, 2022, a public hearing was held and commissioners voted in favor of staff continuing work on the Downtown Social District. In July 2022, House Bill 211 was ratified and provides some clarity to Social Districts. Staff wants to be sure the town is in line with the latest legislation. A few updates have been made. With these changes we now will need to complete a text amendment, a management and maintenance plan, and adopt a district to designate the boundaries for the social district. The text amendment has been passed out to board members tonight. The proposal is to begin at 5th Street and continue up Main Street, including 9th and 10th Streets to include Dom’s Bakery and Pizzeria. Alleyways and parking lots will be excluded. The time frame for the social district will be from 11:00 a.m. to 10:00 p.m. A permit from the town for restaurants and establishments wishing to participate will be required. Businesses such as retailers, not wishing to participate will need to obtain window “cling” stickers to let the public know whether or not they can enter their business with alcohol. The maintenance plan has general statutes requiring alcohol to be served in no more than 16-ounce containers with specific wording on the cups reading “drink responsibly and be 21”. Downtown Development Director Taylor Gann is looking at option for stickers for establishments to place on the cups so that the establishment can write in their name on the cup. Mapping for the social district includes posting signage at all entrance and exit points, hours of operation, and verbiage for the ALE Division number. Anyone exiting the social district will be required to dispose of their beverage upon leaving the district or entering a vehicle. Commissioner Parsons asked about using his business name on cups, supporting a particular establishment or restaurant. Planner 1 Davis will check on this. With these changes and updates a motion to call for a public hearing is required. **The motion to call for a public hearing on February 23, 2023 to adopt the Downtown North Wilkesboro Social District was made by Commissioner Parsons and seconded by Commissioner Church. Motion unanimously carries.**

F.) Public Hearing to consider an amendment to the Town of North Wilkesboro's Zoning Ordinance: Article 5.3 Definitions; Article 6.7 Table of Uses, and Article 11.9-5 Temporary Recreation Vehicle Park/Campground-

The Board of Commissioners agreed earlier in this meeting to place this item later in the meeting to accommodate a citizen who wished to speak. This item will now be heard. Mr. Kerry Cahill began but was stopped long enough for Mayor Hauser to declare the floor open to the Public Hearing. Mr. Cahill began by saying about a year ago, he and his wife retired and moved here from their farm outside of Nashville and purchased 30 acres of land on Breeze Hill Road. He says they really like the area with its creeks, ferns, and peaceful surroundings. A short time later he learned NASCAR racing was coming back to the racetrack. While bulldozers were there clearing the homesite on his property he had five concrete pads poured for RV's after clearing this with the city. He has also planted slow-growth plantings and built a fence on the property. He recently saw the article online regarding regulations for RV/Camping. He is asking to be allowed to lease out spots for up to 150 days during the year as well as the occasional three to four-day rentals to supplement his income. Planning Director Detsch gave the good news that Mr. Cahill is not in the town's zoning jurisdiction. Ms. Detsch showed Mr. Cahill his property on the town's GIS system. Mayor Minton pointed out the area within the jurisdiction and reiterated that he was not in that jurisdiction. With a smile, he jokingly said "well, goodbye"! He was very pleased to hear this good news. The board thanked Mr. Cahill and asked for his contact information in order to make possible renters informed of his property. With no other comments or concerns, Mayor Hauser declared the floor closed to Public Hearing. **Commissioner Parsons made a motion to approve the Town of North Wilkesboro's Zoning Ordinance: Article 5.3 Definitions; Article 6.7 Table of Uses; and Article 11.9-5 Temporary Recreation Vehicle Park/Campground reading the language to approve; The Town of North Wilkesboro's Board of Commissioners deems the proposed amendments to the Zoning Ordinance, in regards to temporary campgrounds are consistent with the Town's comprehensive plan, any small area plans or elements thereof and, supports the Comprehensive's Plan goals and policies. Further the proposed amendments regarding the location where temporary campgrounds are allowed is reasonable in the public's interest. Commissioner Church seconded that motion.**

Before motion carries, Commissioner Palmer asked if this ordinance is for year-round or just special events. He asked if this allows anyone to RV Camp anytime of the year. Planner Detsch explained this ordinance is intended for special events and there are guidelines listed in this ordinance. The ordinance allows for up to 14-day stays, three times a year. Town Manager states there are safeguards in place and the town has authority measures in place. Commissioner Palmer states the ordinance looks like it allows year-round RV Camping. He is not in favor of this ordinance. **Motion carries 4-1 with Commissioner Palmer voting no on the Town of North Wilkesboro's Zoning Ordinance Article 5.3 Definitions; article 6.7 Table of Uses; and article 11.9-5 Temporary Recreation Vehicle Park/Campground.**

I.) Introduction to Fee Schedule for North Wilkesboro Police Department-

Town Manager Minton along with Police Chief Rob Thornburg states the town has several businesses/buildings in town with repetitive false alarm calls. There were sixty-eight false alarms at one business last year. Town Manager Minton says this is a drain on public resources and the police department's time and efforts. Chief Thornburg has developed a draft alarm ordinance with a scaled fine approach in correlation to the number of false alarm calls. He says there are different types of alarm calls. Manager Minton told the board the town would have to amend its fee schedule. This would hopefully encourage businesses to repair their systems. Commissioner Church asked whether these alarms were

monitored by the security company or by the police department. Chief Thornburg states at this time the police department responds to all alarms. Commissioner Church states the fee schedule is too lenient. Chief Thornburg gave a scenario of alarm situations that would and would not be considered false alarms. This ordinance is intended to reduce the number of false alarms being answered by the police department. Commissioner Church's opinion is that the town should send false alarm charges to the security company that monitors the businesses' alarm. Commissioner Parson's concern is that not all security monitoring is provided by the actual alarm company, and that the monitoring company isn't responsible for false alarms. Commissioner Parsons asks if there will need to be a public hearing to approve this ordinance. Town Manager Minton states that a public hearing is needed to change the town's fee schedule. Commissioner Parsons asked to bring this ordinance back in a month before we call a public hearing and said the ordinance definitely warrants further discussion. Manager Minton will follow up on this item.

XII. Closed Session-

At 6:40 p.m. Mayor Hauser asked for a motion to go into a closed session. **Commissioner Palmer made the motion to go into a Closed session reading the General Statutes listed below. Commissioner Parsons seconded this motion. Motion unanimously carries.**

GS 143-318.11 (a) (1)

To prevent the disclosure of information that is privileged or confidential pursuant to the laws of this State or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

And,

GS 143-318-11 (a) (6)

To consider the qualifications, competence, performance, character, fitness, condition of appointment of an individual public officer.

XIII. Adjourn-

With no other comments or concerns, Mayor Hauser called for a motion to return to an open session. The motion to return was made by Commissioner Church and seconded by Commissioner Hall. The motion unanimously carries.

Commissioner Parsons stated that Manager Minton completed her three-month probationary period. Commissioner Parsons made a motion that the board approves her five percent salary increase in conjunction with the agreed-upon terms at the time of her hire. Commissioner Day seconded the motion. The motion carries unanimously.

The motion to adjourn the meeting was made by Commissioner Parsons and seconded by Commissioner Church. The meeting adjourned at 8:15 p.m.

Meredith H. Detsch, Acting Town Clerk

Marc R. Hauser, MAYOR

Approved _____

*Minutes transcribed by Debra W. Pearson, Town Clerk

TO PROCLAIM 2023 AS THE YEAR OF THE TRAIL

WHEREAS, The Town of North Wilkesboro’s natural beauty is critical to its residents’ quality of life, health, and economic well-being; and

WHEREAS, the trails that span across our community are an integral part of the recreational and transportation possibilities of our area and promote an enjoyment of scenic beauty by our residents and our visitors; and

WHEREAS, the parks, greenways, trails and natural areas in our community are welcoming to all and provide a common ground for people of all ages, abilities and backgrounds to access our rich and diverse natural, cultural, and historic resources; and

WHEREAS, the Town of North Wilkesboro’s natural assets and resources are integral to disaster recovery and resiliency to climate change for future generations; and

WHEREAS, the Town of North Wilkesboro’s nature trails vary from miles of Greenway trails to a paddle trail that meanders down the Yadkin River; and

WHEREAS, trails offer quality-of-life benefits to all as expressions of local community character and pride, as outdoor workshops for science education, as tools for economic revitalization, as free resources for healthy recreation, as accessible alternative transportation, and as sites for social and cultural events; and

WHEREAS, the North Carolina General Assembly designated 2023 as the Year of the Trail in North Carolina to promote and celebrate the state’s extensive network of trails that showcase our state’s beauty, vibrancy and culture; and

WHEREAS, North Carolina is known as the “Great Trails State;”

NOW, THEREFORE, BE IT RESOLVED THAT, I, MARC HAUSER, MAYOR, do hereby proclaim 2023 as "THE YEAR OF THE TRAIL" in the Town of North Wilkesboro, and commend its observance to all people.

Adopted this the 26th day of January 2023.

Marc R. Hauser, MAYOR

ATTEST:

Debra W. Pearson, Town Clerk