

**Town of North Wilkesboro
Commissioners Monthly Meeting
April 2, 2019**

A Regular Meeting of the Mayor and Board of Commissioners of the Town of North Wilkesboro was held in the Commissioners Room at Town Hall on Tuesday April 2, 2019.

THERE WERE PRESENT: Robert L. Johnson, Mayor
 Debbie Ferguson, Commissioner
 Junior Goforth, Commissioner
 Bert Hall, Commissioner
 Joe Johnston, Commissioner
 Angela Day, Commissioner

COMPRISING THE ENTIRE BOARD, ALSO:
 H. Edward (Ed) Evans, Jr. Interim Town Manager
 Debra Pearson, Town Clerk
 Gary Vannoy, Town Attorney

CALL TO ORDER

Mayor Robert Johnson called the meeting to order at 5:30 p.m. and delivered the Invocation. The Pledge of Allegiance was led by North Wilkesboro Police Major Scott Teague.

ADOPTION OF AGENDA

There was one item added to the agenda. This item was placed under Item 7 as 7. (a). Discussion on ‘out of town water hookup’ - requested by Commissioner Hall. With this addition, motion to approve the agenda was made by Commissioner Ferguson and seconded by Commissioner Day. Motion unanimously carries.

SPEAKERS FROM THE FLOOR

Mayor Johnson opened the floor for public comments at this time. There was a group representing Canterbury Estates at this meeting. Beth Bare, a resident of Canterbury and a realtor with Realtor One spoke for the group. Canterbury Estates residents have requested fiber optic, high speed internet from their communications carrier, Century Link as well as other communications sources with no positive results. Ms. Bare said with the large dollar amount the development pays in city taxes they should have the same services other neighborhoods in town enjoy. She stated the development doesn’t even have sewer service. The Canterbury Estates neighborhood was developed without internet options and the developer isn’t interested in trying to obtain service due to the high cost. Town Manager Ed Evans made several phone calls to Charter/Spectrum Cable and Wilkes Communication in an attempt to assist the residents. He was told costs to obtain this service would be \$375,000.00 and \$325,000.00 respectively, and with all service lines buried underground in this development, costs would be even more. Mr. Evans was directed by the cable providers to contact the group and suggest the resident closest to cable/communication service go and sign up for service. The board agreed to have the manager draft a Resolution to obtain fiber optic services for the Canterbury Estates residents to present to these companies. Wireless connections as an option was also discussed. Contacting the North Carolina League of Municipalities was also suggested.

CONSENT AGENDA

The consent agenda items were as follows:

- a. Approve and seal minutes of the February 27, 2019 Closed Session meeting, approve minutes of the February 27, 2019 Special meeting, the March 5, 2019 regular board meeting, and the March 21, 2019 work session meeting.
- b. Authorization to allow Interim Town Manager Evans to sign contract extension with HCCOG for Planning Services. Attachment A
- c. Approve the Town's participation in the 457 NC Deferred Compensation Plan- NC Dept. of Treasurer *Resolution #2019-3 Attachment B*

Motion to approve the consent agenda made by Commissioner Goforth, seconded by Commissioner Ferguson. There being no further discussion, motion unanimously carries.

PUBLIC HEARING

At this time Mayor declared the meeting open for the purpose of holding a Public Hearing. Emily Miller from McAdams & Associates, LLC and LeAnn Nixon from the Economic Development Commission (EDC) were present for the hearing. A motion to open the public hearing was made by Commissioner Johnston, seconded by Commissioner Goforth. Emily Miller informed the board this public hearing was to let them know that EDC was ready to commence with grant requests. There were no questions from the audience for this public hearing. Emily stated she wanted to request a public hearing on May 7, 2019 for project specific plans. With no other business to discuss Mayor Johnson declared the public hearing closed. Mayor asked for a motion to approve the request of the Public Hearing on May 7, 2019. Commissioner Hall made a motion to approve with Commissioner Ferguson seconding. Motion unanimously carries.

AGENDA ITEMS

Addition to the Agenda – Request for water from out-of-town resident

Commissioner Hall asked that our policy regarding services to out of city limit residents for water and sewer hookup be discussed. A resident on Sunset Drive is requesting hook up of services but is not in the city limits. Manager Evans says he can't find an existing policy on this. He suggests we work on a policy and have a draft policy ready to review at our next work session and possibly be approved at the next regular board meeting. Commissioner Hall stated there is, unfortunately, no immediate solution to this. Properties are required to annex if not in town limits to receive these services. North Wilkesboro resident Joe Woodie is the person requesting services. He asked to be allowed to say a few words on this to the board. He commented he would appreciate anything the town could do as he is only a few weeks away from having his home completed and needs to know about the water and sewer lines. He stated he did not wish to annex.

Uber and Lyft in Wilkes County – Presentation

Jennifer Nardini- “Uber and Lyft in Wilkes County” provided a PowerPoint presentation to the board stating there are currently five drivers in Wilkes County including Ms. Nardini providing transportation to Wilkes residents. The community isn’t very familiar with these programs yet, but with advertising on Facebook and public presence, the service is being noticed. One positive and important point made by Ms. Nardini is the fact that residents with infirmities or handicaps can use Uber/Lyft services and obtain services more easily than some other means of transportation. She transports a client out of town each week and works as a driver in that town until the client is ready to be picked up and brought back to Wilkes. The client stated to Ms. Nardini his needed travel would not be possible if not for her services. Another transportation service is Uber/Lyft going to the local hospital for those being released with no one to take them home. All transport/id and payments are done electronically. The board agreed this is a good program. This item was for information only. No action taken.

Highway 115 Sewer Project

Gary Flowers with Municipal Engineering gave a power-point presentation on the Hwy. 115 Sewer Project. Gary described the project and presented figures. Some residents in the Lynnwood Subdivision are experiencing septic tank problems and have asked the Town to consider providing sewer service. However, the subdivision is not within the corporate boundaries of the Town. While it is true that some residents would greatly benefit from this service, not all want it and the residents have stated they do not want to be annexed into Town. The estimated current cost of the project is much higher than the initial estimate and in the \$6.5 million range. Gary said this project has been discussed for the past 6 years and that span of time is pretty much like an eternity when faced with inflation costs. If there were a 100% participation for this service, sewer rates for the entire town would increase by 74%. The cost for all town residents would increase even more with a lesser percentage of Lynnwood resident participation. Commissioner Hall asked about any possible grants. Mr. Flowers stated that this project is ready to go to bid. Time for approved loans and grants is running out. Manager Evans asked the Mayor if we were going to proceed with this project or what if anything he needed to do. Mayor stated he thinks the project should be stopped for now and the Commissioners agreed. The board thanked Gary Flowers for his presentation. The Commissioners unanimously agreed that the project should stop and no further work should go forward at this time, essentially putting the project on an indefinite hold.

Yadkin River Raw Water Intake Resolution

A Resolution drafted by Kimley Horn for the Yadkin River Raw Water Intake (#2019-4) has been presented to the board for approval. Manager Evans commented the Reddies River is not always of the quality we want and we have to have water to sell. Research by Kimley Horn has moved forward to the point that they are asking the board for authority to reach out for state loan assistance. Request for approval of the resolution was made by Manager Evans. Commissioner Hall made motion to adopt this resolution with Commissioner Ferguson seconding that motion. The motion unanimously carries. ATTACHMENT C

Sealing of Parking Lot at Memorial Park

A brief discussion was held regarding Carolina Sealer & Striping Company’s estimate to seal the North Wilkesboro Memorial Park Baseball parking lot. The estimate to clear the lot of dirt, rocks and grass from the tennis court area to the drive at the back side of the adjoining business and seal the area is \$10,500.00. The contractor has offered as a donation to the park to fill any potholes, mark parking spaces and add directional signage. An estimate of \$2,000.00 was also requested to trim up the mature trees that line the parking lot. These requests match a donation of \$12,000.00 for new score boards from Window World and East Cost Mill Design. Commissioner Ferguson made a motion to approve funding for sealing the parking lot at Memorial Park and tree trimming with Commissioner Goforth seconding that motion. Motion unanimously carries.

ABC Board Appointment Request

Mayor Johnson asked for approval to appoint North Wilkesboro Fire Chief Jimmy Martin to an ABC Board position recently left vacant by the passing of Mr. Albert Miller. Mr. Miller’s appointment expires August 30, 2019. Commissioner Hall made a motion to accept the appointment of Chief Martin, with Commissioner Johnston seconding. Motion unanimously carries.

Mulberry Elementary School Sewer Project

In July 2018 the Wilkes County Commissioners approved a contract that included accepting a \$1M dollar Community Development Block Grant from the NC Department of Environmental Quality to fund a three-mile long North Wilkesboro sewer line along NC Hwy. 18 to Mulberry Elementary School. The Mulberry

School Sewer Project final design work is complete and has been sent to the State for approval. Due to the fear of a cost overrun, Wilkes County officials proposed changing the sewer to 4 inches rather than the designed 6 inches. Town staff and officials believe that is not in our best interest for the future to change the size of the sewer line downward. Six-inch pipe would serve future purposes more efficiently. I am offering for consideration that the Town consider paying up to \$70,000 for any cost overrun, commensurate with the calculated price of the project with 6-inch sewer pipes rather than 4-inch sewer pipes. Under this scenario, up to \$70,000.00 could be allocated from the town's enterprise fund for any cost overrun over of the \$1million dollar budgeted amount. If total bids come in at more than \$1M the town of North Wilkesboro would agree to pay the maximum up to \$70,000.00. If the bid comes in at \$1,070,000.00 the town would pay \$70,000.00. If the bid is \$1,035,000.00, the town would pay \$35,000.00. If bid is under \$1M, the town pays nothing. The town has the reserve to cover this expense from the Enterprise fund, (water and sewer). Commissioner Hall voiced distaste for the proposal but agreed with the board it needed to be done. No motion to approve is necessary for this project at this time. It will be included in the proposed budget for FY 19-20.

Manager's Report

1. The Commissioners have a scheduled Budget Work Session beginning at 1 p.m. on April 11, 2019.
2. Town Hall will be closed on April 19 in observance of Good Friday.
3. The next Commissioner's Agenda Workshop meeting will be held on April 23 at 5:30 p.m. instead of April 25 to prevent interference with Merlefest.
4. Town staff, engineers from Vaughn and Melton, Greenway Commission representatives, and Lucian Jordan from Tri-County Paving met together on Friday, March 30 to discuss the Greenway Project and moving forward with completion, including the construction and installation of the bridge. We (staff and engineers) believe that Mr. Jordan understands that the bridge must be constructed and installed as per the original plans and he intends to move forward with the project.
5. The Sixth and Main Streetscape project is moving forward and survey work is being done by McGill Associates for the street corners. The original information for the easements submitted was insufficient for the easements as they were based on GIS information. The surveys will cost approximately \$4,000. The project will be bid out when the easements are complete. As you probably recall, we were able to reduce the scope of the work and extend the deadline.
6. The North Wilkesboro and Wilkesboro water interconnect is complete on the North Wilkesboro side and has been tested.
7. The 912 Main Street property has now received an upset bid during each of the three upset bid periods, the most recent being from Mr. Joshua Allen. A new ad will run as soon as possible announcing this most recent upset bid.
8. The NC League of Municipalities annual City Vision Conference 2019 is scheduled for May 15 and 16 with some preliminary meetings on May 14. The Conference will be in Hickory at the Metro Convention Center with programming beginning at 9:00 a.m. on May 15. The Host City event is on May 14 at 6 p.m. and the annual business meeting is on Thursday, May 16 at 4 p.m. Pre-registration ends on April 12. If you want to attend and want staff to handle your registration, please let me know in time to make your registration. If you are registering yourself, please let me know that too.
9. The NCLM regularly sends out literature and emails to elected officials. If you are not receiving emails and/or printed materials from them on occasion, please notify me so I can get your name on their mail lists.
10. The Splash Pad engineered drawings were submitted to the County and then to Raleigh last week and Nelson Martin expects they will either be approved or will require amendment by the engineer within a couple of weeks. The contractor says he is ready to start and hopes to be complete by mid-May if approved soon.

ADJOURNMENT

There being no further business, Commissioner Day made a motion to adjourn. Mayor Johnson declared the meeting adjourned at 7:40 p.m.

TOWN CLERK

Robert L. Johnson Mayor

APPROVED: _____

ATTACHMENT A

AGREEMENT BETWEEN THE HIGH COUNTRY COUNCIL OF GOVERNMENTS AND TOWN OF NORTH WILKESBORO FOR PLANNING AND ZONING ASSISTANCE

This **AGREEMENT**, entered into on the 2nd day of April, 2019, by and between the High Country Council of Governments (hereinafter referred to as the “Planning Agency”) and the Town of North Wilkesboro, North Carolina (hereinafter referred to as the “Local Government”);

WITNESSETH THAT:

WHEREAS, the Planning Agency is empowered to provide technical assistance by the North Carolina General Statutes; technical assistance shall consist of Planning and Zoning Administration services as described below; and

WHEREAS, the Local Government has requested the Planning Agency to provide such technical assistance to the Local Government; and

WHEREAS, the Planning Agency desires to cooperate with the Local Government in every way possible to the end that the proposed activities are carried out in an efficient and professional manner.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Scope of Services

Primary Services shall include the following:

- 1) Zoning Permit Applications
 - a. Review plans
 - b. Assist applicant with application form
 - c. Submit to Town Manager for approval/signature
- 2) Zoning Verification Letters
 - a. Review zoning ordinance
 - b. Prepare letters
- 3) Sign Permits
 - a. Review plans
 - b. Assist applicant with application form
 - c. Submit to Town Manager for approval/signature
- 4) Addressing
 - a. Review building permit
 - b. Verify location of structure
 - c. Assign new address per established process with HCCOG
 - d. Send notification letters to stakeholders
- 5) Subdivisions
 - a. Assist applicant with ordinance requirements
 - b. Review plats
 - c. Present plat to planning Board
- 6) Floodplain and Water Supply Watershed
 - a. Review building permit
 - b. Review floodplain and water supply watershed map data
 - c. Prepare letter documenting compliance/non-compliance
- 7) Staff Planning Board meetings
- 8) Staff Technical Review Committee meetings
- 9) Staff Board of Adjustment meetings

Planning Agency will provide services to the Local Government on Tuesdays and Thursdays from 9:30 am to 4:30 pm, beginning April 2, 2019 and ending August 29, 2019. Services will be provided in North Wilkesboro Town Hall.

2. Compensation. The Local Government will compensate the Planning Agency at a rate of \$60/hour. Planning Agency will provide the Town with documentation of hours worked and services performed.

3. Personnel. During the period of this Contract, the Planning Agency will furnish the necessary trained personnel to the Local Government to perform the work described above.

4. Responsibilities of the Local Government. The Local Government will provide the following:

- 1) Office space
- 2) Clerical assistance for mailings, copying, etc.
- 3) Templates for all zoning-related forms and documents
- 4) Access to past and ongoing project files
- 5) Flowchart of addressing process
- 6) Template for address assignment letter
- 7) Template for floodplain and water supply watershed compliance/non-compliance
- 8) Sewer Use Policy
- 9) Flowchart of Planning Board and Board of Adjustment meeting notification process
- 10) Templates of Planning Board and Board of Adjustment meeting notification correspondence

5. Time of Performance. Planning Agency will provide services to the Local Government on Tuesdays and Thursdays from 9:30 am to 4:30 pm, beginning April 2, 2019 and ending August 29, 2019.

6. Nondiscrimination Clause. No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination with any program or activity funded in whole or in part with funds available under the Housing and Community Development Act of 1974, section 109.

7. Age Discrimination Act of 1975, as amended. No qualified person shall, on the basis of age be excluded from participation in, be denied the benefits of, or otherwise be subjected to the discrimination under any program or activity which receives or benefits from federal financial assistance.

8. Section 504, Rehabilitation Act of 1973, as amended. No qualified handicapped person shall, on the basis handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to the discrimination under any program or activity which receives or benefits from federal financial assistance.

IN WITNESS WHEREOF, the Planning Agency and the Local Government have executed this

AGREEMENT as of the date first above written.

**LOCAL GOVERNMENT:
TOWN OF NORTH WILKESBORO**

**By: _____
Ed Evans, Interim Town Manager**

**PLANNING AGENCY:
HIGH COUNTRY COUNCIL OF
GOVERNMENTS**

**By: _____
Julie Wiggins, Executive Director**

COUNTERPARTS:

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

This instrument has been pre-audited in the manner required by the local government budget and fiscal control act.

Connie Bauguess, Town of North Wilkesboro Finance Officer

ATTACHMENT B

**TOWN OF NORTH WILKESBORO
DEFERRED COMPENSATION PLAN
BOARD RESOLUTION
2019-3**

WHEREAS, the Commissioners of the Town of North Wilkesboro wish to provide a qualified defined contribution plan to the employees of the Town of North Wilkesboro,

AND WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Code § 457(b) for public employees of North Carolina.

THEREFORE, be it resolved that the Commissioners of the Town of North Wilkesboro have adopted the North Carolina Public Employee Deferred Compensation Plan also known as NC Deferred Comp under the terms of the Plan Document and the Third-Party Administrator Agreement. All employees shall become eligible to defer compensation immediately.

Signed this 2nd day of April 2019.

Attest: Town Clerk

Mayor

ATTACHMENT C

RESOLUTION BY GOVERNING BODY OF NORTH WILKESBORO
TO REQUEST STATE LOAN ASSISTANCE FOR
YADKIN RIVER RAW WATER INTAKE PROJECT
RESOLUTION 2019-4

RESOLUTION BY GOVERNING BODY OF APPLICANT

#2019-4

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of a drinking water distribution system project, and

WHEREAS, The Town of North Wilkesboro has need for and intends to construct a drinking water distribution system project described as Yadkin River Raw Water Intake, and

WHEREAS, The Town of North Wilkesboro intends to request state loan assistance for the project,

NOW THEREFORE, BE IT RESOLVED,

BY THE TOWN COMMISSIONERS OF THE TOWN OF NORTH WILKESBORO:

That Town of North Wilkesboro, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of North Wilkesboro to make scheduled repayment of the loan, to withhold from the Town of North Wilkesboro any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Manager Ed Evans, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 2nd day of April, 2019 at North Wilkesboro NC.

H. Edward Evans

(Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of North Wilkesboro does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the North Wilkesboro Town Commissioners duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this - _____ day of _____, 20____.

(Signature of Town Clerk)

(Title)