

**TOWN OF NORTH WILKESBORO
COMMISSIONERS REGULAR MONTHLY
MEETING MAY 4, 2021**

5:30 p.m.

HELD AT THE STONE FAMILY CENTER FOR THE PERFORMING ARTS

THERE WERE PRESENT: Robert L. Johnson, Mayor
 Andrew Palmer, Commissioner/Mayor Pro-Tem
 Angela Day, Commissioner
 Debbie Ferguson, Commissioner
 Bert Hall, Commissioner
 Michael Parsons, Commissioner

ALSO PRESENT: Wilson B. Hooper, Town Manager
 Debra Pearson, Town Clerk
 Daniel Johnson, Town Attorney
 Meredith Detsch, Town Planner
 Interim NWP Chief Rob Thornburg

CALL TO ORDER

Mayor Johnson called the meeting to order at 5:35 p.m. and delivered the Invocation. Mayor Johnson asked Interim Chief Rob Thornburg to lead the Pledge of Allegiance.

IV. Additions/Deletions to the Agenda: There were a few additions to the agenda. Town Manager Hooper added items including a report to the Board by Planning Director Meredith Detsch regarding the zoning of 341 Fairplains Road North Wilkesboro, and notice of a Closed Session to be held at the end of this meeting requested by Town Manager Hooper. An addition named as Item D.1. is the Mini-Brooks Act Exemption for Preliminary Water System Study with a Resolution for possible approval at tonight's meeting.

V. Approval of the Agenda: Mayor Johnson called for a motion to approve the agenda as amended. **Commissioner Parsons made the motion to approve the agenda as stated with additions to Item D. 1. These changes were seconded by Commissioner Ferguson. Motion unanimously carries.**

VI. Public Comments: Mayor Johnson opened the floor for public comments. There were no persons that wished to speak.

VII. Consent (action)

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

A. Approval of Meeting Minutes-

- January 28, 2021 Work Session
- February 25, 2021 Closed Session Approved and Sealed
- March 5, 2021 Board Retreat
- April 6, 2021 Regular Meeting

- April 6, 2021 Closed Session Approved and Sealed
- April 22, 2021 Work Session

B. Budget Amendment-

- Amendment #12 Police Donation of \$9500.00 from the NW ABC Store for protective body armor.

C. Street Closing Resolution-

- Ordinance #2021-6-001 Declaring a Road Closure for Town Sponsored Event-Saturday, June 19, 2021 CDB Loop from 9th Street to 7th Street 6:00 p.m. to 10:00 p.m.

Motion to approve consent items A., B., and C. as stated was made by Commissioner Parsons and seconded by Commissioner Ferguson. Motion unanimously carries.

VIII. Town Manager/Attorney's Reports-

One item discussed was in regards to the question of zoning status of the Clark Property at 341 Fairplains Road. Ms. Detsch presented a letter to the applicant she had sent to Ms. Clark, the application requesting the rezoning of the property from Ms. Clark, and minutes from the 1982 board meeting approving the rezoning. On December 7, 1982 this property was rezoned from R-15 Suburban Residential District to Neighborhood Business District. This was approved by the Board of Commissioners on that date with the Zoning Board of Adjustments approving the rezoning November 2, 1982. Meredith Detsch commented that the last zoning map of the area dated 1986 shows the property as being zoned Neighborhood Business. A letter to Ms. Clark informed her that a current zoning map misrepresented the correct zoning for that property. An update to the zoning map will be made and a refund for the cost of a rezoning application will be made to Ms. Clark. Additionally a similar letter explaining the situation was sent to all adjacent property owners.

IX: Policy:

D.1. Item addition is the Mini Brooks Act Exemption for Preliminary Water System Study- NCGS 143-64.31 also known as the Mini-Brooks Act since it is a scaled down version of a federal provision known as the Brooks Act, requires municipalities to use "Qualification Based Selections" when procuring architects, engineers, surveyors, and construction managers for certain types of projects. There is an exemption to the requirement for projects under \$50,000.00. Preliminary talks with a likely candidate for the work, Withers Ravenel, show the cost to be just under \$50,000.00. In order for the town to move forward with this project, Town Manager Hooper requests the Board approve a resolution exempting the town from these requirements. **A motion to approve Resolution 2021-07, a resolution exempting the town from NCGS 143-64.31 (Mini Brooks Act) per the procedures outlined in NCGS 143-64.32, and authorizing the Town Manager to negotiate and execute contracts for a water system study with the chosen firm- "A Resolution Exempting Water System Study" was made by Commissioner Ferguson and seconded by Commissioner Day. Motion unanimously carries. See Resolution 2021-07 attachment.**

A final addition was the decision by Manager Hooper to hold a closed session meeting at the end of this regular Commissioners' meeting according to GS 143-318-11 (a) (3) to consult with an attorney employed or retained by the public body in order to maintain the attorney-client privilege between the attorney and the public body.

D. Public Hearing on Changes to Zoning Ordinance, Town Code Chapters 1 and 2
Meredith Detsch- At 5:45 **Mayor Johnson declared the floor open for Public Hearing for discussion and possible approval of changes to the Zoning Ordinance. There were no public comments.** The Mayor closed the public hearing. Meredith Detsch noted that the Zoning Ordinance was not part of the Town Code as Chapter 19 but was its own ordinance since 2007. Meredith Detsch went over the final policy choices the board needed to make a decision on before voting. They were:

- Article III Policy Choices- Planning Board, Board of Adjustment and ETJ member numbers was discussed. Commissioners were in agreement with having 8 members on these boards.
- Article IV-Violation Claims- Board agreed to have the Town Attorney make final decisions on these items.
- Article VI Provisional Use Permits/Special Use Permits-Board agrees on having the Board of Adjustment handle all “Special Use Permits” items.

Phil Trew and Kelly Coffey with the High Country Council of Governments were in attendance and also commented to the board members regarding the edits and policy choices.

Mayor Johnson called for a motion to approve the Zoning Ordinance with decisions on the policy choices in Articles III, IV, and VI. Commissioner Parsons moved to approve the Zoning Ordinance as changed. Commissioner Parsons read the consistency statement with his motion: *The Board of Commissioners moves to approve the edits as changed to the Town’s Zoning Ordinance. The Town of North Wilkesboro deems the proposed amendments to be consistent with the Town of North Wilkesboro’s Comprehensive Plan dated June 5th, 2018 and any other applicable plans. The proposed amendments are supportive of the following Plan’s purposes: Establish the legal foundation for zoning and subdivision changes, guide future land-use related regulations and provide predictability for private-sector development. The proposed text amendments are reasonable and in the public’s interest because it supports the adopted Comprehensive Plan. The motion was seconded by Commissioner Palmer. Motion unanimously carries.*

The next item for consideration with this agenda item was Town Code Chapter 1, General Provisions. **Mayor Johnson declared the floor open to for the Public Hearing and discussion. There were no public comments. The Mayor closed the public hearing.** Meredith Detsch explained this Town Code Chapter had very minor edits with the ETJ language changed to conform to 160D requirements. There was no discussion. Mayor Johnson called for a motion. **Commissioner Day moved to approve Town Code Chapter 1 General Provisions as presented. Commissioner Day read the consistency statement with her motion:** *The Board of Commissioners moves to approve the edits as presented. The Town of North Wilkesboro deems the proposed amendment to be consistent with the Town of North Wilkesboro’s Comprehensive Plan dated June 5th, 2018 and any other applicable plans. The proposed amendments are supportive of the following Plan’s purposes: Establish the legal foundation for zoning and subdivision changes, guide future land-use related regulation, and provide predictability for private-sector development. The proposed text amendments are reasonable and in the public’s interest because it supports the adopted Comprehensive Plan. The motion was seconded by Commissioner Palmer. Motion unanimously carries.*

The next item for consideration with this agenda item was Town Code Chapter 2, Administration. Mayor Johnson declared the floor open to for the Public Hearing and discussion. There were no public comments. The Mayor closed the public hearing. Meredith Detsch explained this Town Code Chapter had a few policy changes regarding membership of the Planning Board which needs to match the zoning ordinance.

The board agreed to match the language to the Zoning Ordinance with the make-up of the Planning Board. Mayor Johnson called for a motion. Commissioner Palmer moved to approve the

edits as presented on Chapter 2 Administration. Commissioner Palmer read the consistency statement with his motion: *The Board of Commissioners move to approve the edits as presented to Town Code Chapter 2, Administration. The Town of North Wilkesboro deems the proposed amendments to be consistent with the Town of North Wilkesboro's Comprehensive Plan dated June 5th 2018 and any other applicable plans. The proposed amendments are supportive of the following Plan's purposes: Establish the legal foundation for zoning and subdivision changes, guide future land-use related regulations and provide predictability for private-sector development. The proposed text amendments are reasonable and in the public's interest because it supports the adopted Comprehensive Plan.* **The motion was seconded by Commissioner Day. Motion unanimously carries.**

E. Call for Public Hearing on Town Code Chapter 16 and Wireless Communication Ordinance – Meredith Detsch- Municipalities are required to update their zoning ordinances and town codes to incorporate a Governor approved, updated NCGS 160D regulating land use, passed by the General Assembly in 2019. The updated statute includes technical and procedural clarification as well as consensus reforms. These changes must be complete and approved by July 1, 2021. Commissioners reviewed changes to Town Code Chapter 16-Subdivisions and the separate Wireless Communications Ordinance at the April 22, 2021 Work Session. Meredith Detsch went over the major changes to Chapter 16 Subdivisions and the Wireless Communication Ordinance and noted the policy choices the board would need to make. She noted the small cell installations and discussed with the board to look into potentially regulating them in the future. **Motion to call for a Public Hearing for May 27, 2021 was made by Commissioner Parsons, and seconded by Commissioner Hall. Motion unanimously carries.**

F. Demolition Bond Policy First Discussion-Commissioners were asked to consider removing Chapter 5.2 (a)(2) from the Town Code making the Fee Schedule the default for the moment. Town Manager Hooper recommends updating the Town Code to amend and strike the current language. The current bond amount is not considered to be adequate coverage for any project not completed and is confusing as to the permit costs. The Board was in agreement to accept the model presented to them by Town Manager Hooper with amended language of Chapter 5.2 (a)(2) to read as follows: *"In all cases of removal or demolition of a building or structure, a good or sufficient bond equivalent to the cost of demolition be posted by the property owner or his/her contractor at the time of application for a permit to ensure complete removal of demolition, including all rubble and debris. Failure on the part of the property owner or his/her contractor to completely demolish, remove and clean the premises, after thirty day's- notice by the building inspector shall be cause for forfeiture of the bond."* **Commissioner Palmer made a motion to call for a Public Hearing June 8, 2021 to consider changing the Town Code Chapter 5.2 (a)(2) with Commissioner Ferguson seconding the motion. Motion unanimously carries.**

G. FY21-22 Proposed Budget and Supplementary Spending Plan Presentation – Wilson Hooper Town Manager Hooper thanked Finance Officer Connie Bauguess for her work in with the FY21-22 Proposed Budget. Town Manager Hooper gave the Board bound copies of the proposed budget, and ordinance for approval, and a separate packet called "Supplemental Spending Plan, Using One-time, Limited-duration or Reserve Fund". This plan will fund a number of projects suggested by the Board using one-time limited or reserve funds. These dollars come from the CARES and ARP stimulus funds. These funds will go for previously suggested projects such as a public safety facility, the water system, traffic calming, town beautification, and streetscape projects. He went over items in the budget for both the General Fund and the Water/Sewer Fund. He asked the board to consider calling for a Public Hearing

to approve the FY20-21 proposed budget. **Motion to call for a Public Hearing on June 8, 2021 was made by Commissioner Ferguson, and seconded by Commissioner Day. Motion unanimously carries.**

H. First Batch of Budget Amendments for Supplementary Spending Plan- Amendments # 13, #14, #15 require Board approval to comply with GAAP (General Acceptance Accounting Principals) accounting practices. Additional budget amendments will be necessary once the American Rescue Plan funds are received or when the projects are ready to spend the dollars being held in reserve, depending on the project. **Motion to approve Budget Amendment Item #13 (Splashpad), #14 (Powell Bill transfer), #15 (Kerr Scott refund) was made by Commissioner Ferguson, seconded by Commissioner Parsons. Motion unanimously carries. See amendments #13, #14, #15 attachments.**

X. Mayor and Commissioners Topics: - Commissioner Palmer said he would like to mention a few items for discussion. He asked Town Manager Hooper about funding for the Public Safety Facility. Manager Hooper said he would get back to him with the figures. He also said he would like to see the town get a seat on the TDA Board in Wilkesboro as an Ex-officio. He mentioned the Wilkes Literacy group, and noted that this program teaches adults to read and would like for the town to make a contribution of \$2000.00. This non-profit request for FY 21-22 by Wilkes Literacy was decided against at the budget retreat April 13, 2021. He would like to see a lodge tax for North Wilkesboro

XI. Closed Session:

At 6:15 p.m. Mayor Johnson asked for a motion to go into a closed session. **Commissioner Ferguson made a motion to go into closed session according to GS 143-318.11 to consult with an attorney employed or retained by the public body in order to maintain the attorney-client privilege between the attorney and public body. Commissioner Parsons seconded this motion. Motion unanimously carries.** At 7:50 and with no action taken, the Board returned to open session.

With no other comments or concerns, Mayor Johnson called for a motion to adjourn. **Meeting was adjourned at 7:50 p.m. with a motion made by Commissioner Parsons and seconded by Commissioner Ferguson.**

Debra W. Pearson, Clerk

Robert L. Johnson MAYOR

Approved _____

Resolution 2021-07

RESOLUTION 2021-07
A RESOLUTION EXEMPTING *WATER SYSTEM STUDY*
FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee;

WHEREAS, the Town proposes to enter into one or more contracts for design services for work on *Water System Study*; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE *Board of Commissioners* OF THE *Town of North Wilkesboro*

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

This the _____ day of _____, 2021

Robert L. Johnson, MAYOR

ATTEST:

Debra W. Pearson, Town Clerk

TOWN OF NORTH WILKESBORO
 AMENDMENT TO BUDGET ORDINANCE
 FISCAL YEAR ENDING 6/30/2021
 BUDGET AMENDMENT #13

BE IT ORDAINED by the Governing Board for the Town of North Wilkesboro, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

SECTION 1. To amend the General Fund budget as follows:

DEPARTMENT	BUDGET	AMENDMENT	FINAL BUDGET
10-6200-7300 Capital Outlay- Other Improvements	-0-	\$150,000	\$150,000
10-6200-0210 Salaries Overtime	\$10,000	-\$5,000	\$5,000
10-6200-0300 Pool Salaries	\$25,000	-\$15,000	\$10,000
10-6200-1300 Utilities	\$25,000	-\$6,000	\$19,000
10-6200-1500 M&R Buildings and Grounds	\$27,000	-\$8,000	\$19,000
10-6200-5400 Insurance and Bonds	\$8,000	-\$2,000	\$6,000
10-6200-5700 Miscellaneous	\$15,000	-\$14,000	\$1,000
10-9990-9900 Contingencies	\$101,256	-\$100,000	\$1,256

To budget the expenditures for the Splashpad.

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 _____ day of May, 2021.

 Robert Johnson, MAYOR

 Debra W. Pearson, Town Clerk

TOWN OF NORTH WILKESBORO
AMENDMENT TO BUDGET ORDINANCE
FISCAL YEAR ENDING 6/30/2021
BUDGET AMENDMENT #14

BE IT ORDAINED by the Governing Board for the Town of North Wilkesboro, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

SECTION 1. To amend the General Fund Capital Reserve budget as follows:

<u>DEPARTMENT</u>	<u>BUDGET</u>	<u>AMENDMENT</u>	<u>FINAL BUDGET</u>
70-3990-0140 Transfer from General Fund Powell Bill Funds	\$140,000	-\$140,000	-0-
70-6990-0140 Transfer Out Powell Bill Funds	\$140,000	-\$140,000	-0-

To reduce the budget for holding the Powell Bill Funds for future use.

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 _____ day of May, 2021.

Robert Johnson, MAYOR

ATTEST:

Debra W. Pearson, Town Clerk

TOWN OF NORTH WILKESBORO
AMENDMENT TO BUDGET ORDINANCE
FISCAL YEAR ENDING 6/30/2021 BUDGET
AMENDMENT #15

BE IT ORDAINED by the Governing Board for the Town of North Wilkesboro, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

SECTION 1. To Amend the Water Fund budget as follows:

<u>DEPARTMENT</u>	<u>BUDGET</u>	<u>AMENDMENT</u>	<u>FINAL BUDGET</u>
30-3375-0000 Reimbursement from The Town of Wilkesboro W. Kerr Scott Debt payment	\$156,786	-\$30,518	\$126,268
30-8100-7415 W. Kerr Scott Debt	\$313,572	-\$61,036	\$252,536
30-8100-4000 Professional Services/Other	\$20,000	\$30,518	\$50,518

To reduce the Water Fund budget for the Town of Wilkesboro Reimbursement of the W. Kerr Scott Debt payment and to reduce the W. Kerr Scott debt expense and to increase the expense in the Professional Services line in the Water Treatment Plant budget, to cover the expense for the water system study.

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 _____ day of May, 2021.

Robert Johnson, MAYOR

ATTEST:

Debra W. Pearson, Town Clerk