

REGULAR MEETING

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, May 8, 2018.

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

ABSENT: Junior Goforth, Commissioner

COMPRISING A QUORUM OF THE BOARD, ALSO:
Larry South, Town Manager
Kay Minton, Town Clerk
Gary Vannoy, Town Attorney

Mayor Robert Johnson called the meeting to order at 5:30 p.m. and delivered the Invocation. Police Chief Joe Rankin led the Pledge of Allegiance.

One item was added to the consent agenda (item j) reschedule May 24th board work session to be held on May 30th. Two items were removed from the consent agenda (item e and h) and was placed on the regular agenda for discussion. Commissioner Johnston made a motion to approve the consent agenda as amended, seconded by Commissioner Hall; motion unanimously carried.

- a. Approve Minutes of the April 3, 2018 regular town board meeting, April 19, 2018 budget work session; April 24, 2018 board work session; approve and seal the April 24, 2018 closed session minutes.
- b. Approve Resolution authorizing Finance Officer to open a central depository account with Surrey Bank & Trust.
- c. Approval of budget amendment #20, #21, #22, #23 (fiscal year-end bookkeeping, moving money within departments.)
- d. Approval of Ordinance to allow the sale of alcoholic beverages before noon on Sundays at licensed premises.
- e. Approve Resolution authorizing the Town Manger to lease or rent town property for terms of one year or less (*removed from consent agenda and placed on the regular agenda for discussion*).
- f. Approve Resolution for conversion of Independent Avenue street name to Independence Avenue.
- g. Approve Resolution declaring property surplus and authorize its disposal by the Town Manager.
- h. Town Board to authorize demolition of residential structure located at 3237 River Road/Liberty Church Road; residential structure located at 1360 West D Street and salt shed structure at 1360 West D Street (*removed from consent agenda and placed on the regular agenda for discussion*).
- i. Approve rescheduling June work session for Tuesday June 19th and July 3rd board meeting for Thursday, June 28th. There will be no July board meeting.
- j. Approve rescheduling the May 24th work session to be held on Wednesday, May 30th.

RESOLUTION

BE IT RESOLVED, that the Board of Commissioners of the Town of North Wilkesboro hereby authorizes the Finance Officer to open a central depository account with Surrey Bank and Trust in North Wilkesboro, NC.

This the 8th day of May, 2018.

Robert L. Johnson, MAYOR

ATTEST:
Kay F. Minton, Town Clerk

TOWN OF NORTH WILKESBORO
AMENDMENT TO BUDGET ORDINANCE
FISCAL YEAR ENDING 6/30/2018
BUDGET AMENDMENT #20

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, 2018:

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

| <u>DEPARTMENT</u> | <u>BEGINNING BUDGET</u> | <u>AMENDMENT</u> | <u>FINAL BUDGET</u> |
|--|-----------------------------|------------------|---------------------|
| Police | | | |
| Revenues – | | | |
| 10-3500-0000 State Grant – | -0- | \$46,750 | \$46,750 |
| Governors Crime Commission Grant | | | |
| Expenses – | | | |
| 10-5100-0300 Salary - Aux | \$30,000 | -\$20,000 | \$10,000 |
| 10-5100-1500 Buildings And Grounds | \$25,000 | -\$20,000 | \$5,000 |
| 10-5100-1700 M&R Autos | \$27,000 | -\$2,915 | \$24,085 |
| 10-5100-7400 Capital Outlay Equipment | \$35,000 | \$89,665 | \$124,665 |

To Budget the Governor’s Crime Commission Grant to update and replace the In Car Camera Systems in Police Cars.

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 8th day of May, 2018.

Robert Johnson, MAYOR

ATTEST:

Kay Minton, Town Clerk

TOWN OF NORTH WILKESBORO
AMENDMENT TO BUDGET ORDINANCE
FISCAL YEAR ENDING 6/30/2018
BUDGET AMENDMENT #21

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, 2018:

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

| <u>DEPARTMENT</u> | <u>BEGINNING BUDGET</u> | <u>AMENDMENT</u> | <u>FINAL BUDGET</u> |
|---|-----------------------------|------------------|---------------------|
| Waste Water Treatment | | | |
| Expenses – | | | |
| 30-8150-7300 Capital Outlay Other Improvements | \$65,000 | -\$600 | \$64,400 |
| 30-8150-7400 Capital Outlay Equipment | \$37,500 | \$600 | \$38,100 |

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 8th day of May, 2018.

Robert Johnson, MAYOR

ATTEST:
Kay Minton, Town Clerk

TOWN OF NORTH WILKESBORO
AMENDMENT TO BUDGET ORDINANCE
FISCAL YEAR ENDING 6/30/2018
BUDGET AMENDMENT #22

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, 2018:

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

| <u>DEPARTMENT</u> | <u>BEGINNING BUDGET</u> | <u>AMENDMENT</u> | <u>FINAL BUDGET</u> |
|-------------------|-----------------------------|------------------|---------------------|
| Powell Bill | | | |

Expenses –

| | | | |
|--|----------|----------|----------|
| 10-5700-1600 M&R Equipment | \$10,000 | -\$326 | \$9,674 |
| 10-5700-1900 Snow and Ice Removal | \$5,000 | -\$3,334 | \$1,666 |
| 10-5700-7300 Capital Outlay – Other Improvements | \$52,000 | \$3,660 | \$55,660 |

To Budget the increased costs of the new Salt Shed. The contractor hit rock while digging the foundation, causing additional expense.

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 28th day of May, 2018.

Robert Johnson, MAYOR

ATTEST:

Kay Minton, Town Clerk

OWN OF NORTH WILKESBORO
AMENDMENT TO BUDGET ORDINANCE
FISCAL YEAR ENDING 6/30/2018
BUDGET AMENDMENT #23

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, 2018:

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

| <u>DEPARTMENT</u> | <u>BEGINNING BUDGET</u> | <u>AMENDMENT</u> | <u>FINAL BUDGET</u> |
|---|-----------------------------|------------------|---------------------|
| Water Treatment | | | |
| Expenses – | | | |
| 30-8100-1600 M&R Equipment | \$55,000 | -\$22,400 | \$32,600 |
| 30-8100-7300 Capital Outlay Other Improvements | \$214,600 | \$8,650 | \$223,250 |
| 30-8100-7400 Capital Outlay Equipment | -0- | \$13,750 | \$13,750 |

Transfer funds for Engineering Fees for Low Level Pumps and to pay portion of 18' Godwin Dump Bed.

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 8th day of May, 2018.

Robert Johnson, MAYOR

ATTEST:

Kay Minton, Town Clerk

AN ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES
BEFORE NOON ON SUNDAYS AT LICENSED PREMISES

WHEREAS, on June 29 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled, "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws," and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10:00 a.m. on Sundays, and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017, and became effective on that date (Session Law 2017, Chapter 87);

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of North Wilkesboro, North Carolina that:

Section 1. Pursuant to the authority granted by S.L. 2017-87 any establishment located in the corporate limits of the Town of North Wilkesboro and holding an ABC permit issued pursuant to G.S. 18B-1001 is permitted to sell beverages allowed by its permit beginning at 10:00 a.m. on Sundays.

Section 2. All laws and clauses of law in conflict here with are repealed to the extent of any such conflict.

Adopted this the 8th day of May, 2018.

Robert L. Johnson, Mayor

ATTEST:

Kay F. Minton, Town Clerk

RESOLUTION

WHEREAS, the E-911 addressing standards & procedures manual dictates that street names should not be named similar names which causes confusion with citizens and emergency services; and

WHEREAS, the road within Block 46 was named "Independence Avenue"; and

WHEREAS, across Wilkesboro Boulevard from Block 46 is a street named "Independent Avenue" which is very similar;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of North Wilkesboro that “Independent Avenue” be renamed “Independence Avenue” and that the three addresses along “Independent Avenue” be changed in order to correspond to a single road range for the modified “Independence Avenue”.

This the 8th day of May, 2018.

Robert L. Johnson, MAYOR

ATTEST:

Kay F. Minton, Town Clerk

RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND
AUTHORIZING ITS DISPOSAL BY THE TOWN MANAGER

WHEREAS, the Board of Commissioners of the Town of North Wilkesboro hereby declares the following property surplus and desires to dispose of certain surplus property of the Town;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that:

1. The following described property is hereby declared to be surplus to the needs of the Town of North Wilkesboro:
 - i. 1997 Ford F250 Truck– VIN# 1FTHF26GOVEB33353 Town Vehicle #OS-107
 - ii. 2000 Ford (Crown Vic)– VIN# 2FAFP71W5YX197123 Town Vehicle #OS-2121
 - iii. 1999 Ford ½ Ton- VIN#1FTRX17W7XKB70549 Town Vehicle #OS-11
 - iv. 1995 Ford F150 SuperCab- VIN#1FTEX14N8SKB25283 Town Vehicle #OS-24
 - v. 1992 Chevrolet C/K 3500 VIN# 1GBJC34K5NE214666 Town Vehicle #OS-28
 - vi. 2002 Chevrolet Blazer– VIN# 1GNDDT13W92K237938 Town Vehicle #OS-32
 - vii. 2002 Harley Davidson – VIN# 1HD1FMW102Y653134 Town Vehicle # 120
 - viii. 2006 Ford Explorer– VIN# 1FMEU75886UA99682 Town Vehicle #OS-132
 - ix. 1 Cub Cadet 3000 Series Mower (Yellow)
 - x. 2 Fairbanks Morse Pumps: Size 4, Model B5442-T20
 - xi. 4 Tool Boxes (3 large trucks boxes, 1 small)
 - xii. 1 Norton Clipper Concrete Saw
 - xiii. 1 Snapper Lawnmower
 - xiv. 1 John Deere 245 Lawnmower
 - xv. 1 Jack & Bore with Rods

- xvi. 1 Vehicle Mount LP Tank
- xvii. 2 Bredel Hose Pumps
- xviii. 1 Electric Motor
- xix. 1 3800 Motor
- xx. 1 Packard Drill Press
- xxi. 1 General Asphalt Paver
- xxii. 1 Crafc0 Tar Machine
- xxiii. 1 Alexander Fuel Tank
- xxiv. 1 Vehicle Rear End
- xxv. 1 Bundle of Miscellaneous Aluminum (Roofing & Downspouts)
- xxvi. 1 Steel Wheeled Cart
- xxvii. 1 Trafcon Directional Sign Board
- xxviii. 2 Swenson Salt Spreaders
- xxix. 1 Vermeer 1230 Turbo Brush Chipper
- xxx. 1 Galvanized Kwanza Hut Metal Building
- xxxi. 1 1000 Gallon Septic Tank
- xxxii. 1 Telephone Booth
- xxxiii. 11 Miscellaneous Telephones (Sprint, NEC, Meridian), 2 CPI 2 Base Units, 1 Light, 1 Calculator, & Miscellaneous Phone Cords

- 2. The Town Manager is authorized to dispose of the described property by private sale at a negotiated price.
- 3. The Town Clerk shall publish notice summarizing this Resolution in accordance with G.S. 160A-267.
- 4. The sale may be consummated not earlier than 10 days from the date of publication.

Duly adopted this 8th day of May, 2018.

Robert L. Johnson, Mayor

ATTEST:
Kay F. Minton, Town Clerk

*****END CONSENT AGENDA*****

There was one addition to the agenda; closed session to discuss personnel matter, G.S. 143-318.11(a)(6). Commissioner Ferguson made a motion to approve the agenda. Motion was seconded by Commissioner Johnston and unanimously carried.

Town Attorney Vannoy read aloud a Monthly Rental Agreement he prepared for A Child's Life, LLC for the rental of the former women's detention center located at 700 Boston Avenue. He advised that the Resolution would authorize the Town Manager to execute the agreement with A Child's Life, LLC. When questioned if the Resolution was only for the lease of the 700 Boston Avenue property, Attorney Vannoy replied that was correct. Commissioner Ferguson made a motion to approve the Resolution authorizing the Town Manager to lease or rent property at 700 Boston Avenue. Motion was seconded by Commissioner Johnston and unanimously carried. The rental agreement is as follows:

**RESOLUTION GIVING TOWN MANAGER
AUTHORITY TO LEASE OR RENT TOWN PROPERTY FOR
TERMS OF ONE YEAR OR LESS**

WHEREAS, G.S. 160A-272(b) states, "no public notice as required by subsection (a1) of this section need be given for resolutions authorizing leases or rentals for terms of one year or less, and the council may delegate to the city manager or some other city administrative officer authority to lease or rent city property for terms of one year or less."

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Town of North Wilkesboro, hereby authorizes Town Manager Larry South, and successors so titled, to lease or rent city property for terms of one year or less.

This the 8th day of May, 2018.

Robert L. Johnson, MAYOR

ATTEST:

Kay F. Minton, Town Clerk

MONTHLY RENTAL AGREEMENT

This agreement made and entered into this _____ day of _____, 2018 by and between the Town of North Wilkesboro, hereinafter called (Lessor), and A Child's Life, LLC, a duly organized and existing North Carolina Limited Liability Company, hereinafter called (Lessee).

WITNESSETH:

That for and in consideration of the payment of the rents and the performance of the covenants contained on the part of the Lessee, said Lessor does hereby demise and let unto the Lessee, for use as a recreational summer camp for school age children, those certain premises located at 700 Boston Avenue, North Wilkesboro, North Carolina, for a tenancy on a monthly basis commencing on the 15th day of May, 2018. Rental of \$700.00 shall be paid on a monthly basis, beginning on the 15th day of May, 2018 and on the fifteenth day of the month thereafter. The term of this Agreement shall be for a period of four months, or may extend for an additional month.

It is further mutually agreed between the parties as follows:

Lessee shall not violate any governmental, city, county or local ordinance, regulation or state law in or about the premises.

Lessee shall not sub-let the premises, or any part thereof, or assign this agreement without the written consent of the Lessor.

Lessee, in case of fire or theft, shall give immediate notice thereof to the Lessor or agent of same.

Lessee must not make any alterations or improvements to said premises, without written consent of Lessor.

Lessee shall be responsible for all utilities on the premises.

Lessee or Lessor shall have the option to terminate said Lease with a ten-day written notice. Lessor is not responsible for any lost, damaged or stolen personal property of the Lessee.

Lessor shall not be liable for any accidents or injuries that could occur on said premises. At all times during the Lease period, Lessee shall at its own expense keep in force public liability insurance with such companies as shall be commercially reasonable and naming the Lessor as an additional insured. The amounts of coverage shall be at least \$1,000,000.00 with respect to bodily injury or death of one person as a result of any one accident. All policies required hereunder shall contain a provision whereby the insurer is not allowed to cancel or materially change the coverage without first giving thirty days written notice to the Lessor. Lessee shall save, protect, defend and save harmless Lessor from any and all injuries, death or other liabilities which may occur during the term of this Lease.

This Lease is made upon the express condition that if the Lessee shall neglect to keep and fulfill any of the covenants and agreements herein contained, and shall remain in default thereof for a period of fifteen days after notice from the Lessor of any such default, the Lessor may thereupon enter upon the premises and expel the Lessee therefrom, without prejudice to any other remedy which the Lessor may have on account of such default.

IN WITNESS WHEREOF, the parties have caused this instrument to be signed in their respective names pursuant to authority duly given, in duplicate originals, on the day and year first above written.

Town of North Wilkesboro

By: _____

Larry South, Town Manger

A Child's Life, LLC

By: _____

There were three properties listed on the agenda which were requested to be demolished: (1) residential structure at 3237 River Road/Liberty Grove Church Road; (2) residential structure located at 1360 West D Street and, (3) salt shed at 1360 West D Street. Commissioner Ferguson advised that Preservation NC advised that the residential structure at 1360 West D Street has some historical value and she felt it should not be demolished. Commissioner Johnston recommended that the salt shed, which is in close proximity to the house, not be removed

at this time either. Commissioner Ferguson then made a motion to demolish the residential structure at 3237 River Road/Liberty Grove Church Road. Motion was seconded by Commissioner Johnston and unanimously carried.

Mayor Johnson opened the floor for public comments. There was no one present who wished to speak.

Mayor Johnson declared the meeting open for the purpose of holding a public hearing on a zoning ordinance text amendment to add a homeless shelter definition and allowed zoning district to the zoning ordinance as there is not currently a definition in the zoning ordinance. Planning Director Sam Hinnant advised that meetings were held and he received feedback from the Hospitality House, churches and committee members, that information was passed on to the Planning Board who made a recommendation to the Town Board for a homeless shelter definition and to allow them in Highway Business zoning with conditions and a conditional use permit. Three members of the Catherine Barber Homeless Shelter attended the meeting. Mr. Hinnant stated that including a homeless shelter definition in the Zoning Ordinance would make the Catherine Barber Homeless Shelter legally conforming. Commissioner Hall stated that he did not want to give the impression that the town does not want homeless shelters, because that is certainly not the case. Commissioner Ferguson stated that North Wilkesboro has the only homeless shelter in the county and that we contribute to it. Mr. Hinnant agreed and said the Planning Board determined that Highway Business zoning would be the most appropriate fit for a homeless shelter due to the proximity to sidewalks and to WTA bus stops. Martha Nichols cautioned the board about issues associated with Hospitality House in an adjoining community based on information provided and presented by the Town Manager and Police Chief to the Planning Board. There being no one else who wished to speak, Mayor Johnson declared the public hearing closed. Commissioner Ferguson made a motion to adopt the amendment to the zoning ordinance for the homeless shelter definition and allowed zoning district as recommended by the Planning Board. Commissioner Day seconded the motion and unanimously carried.

AN ORDINANCE TO AMEND THE NORTH WILKESBORO ZONING ORDINANCE

BE IT ORDAINED, by the Board of Commissioners of the Town of North Wilkesboro in Regular Session assembled, that Article 5.3 Definitions-Homeless Shelter and Article 11-Additional Conditions: Homeless Shelter be amended to read as follows:

Article 5.3 DEFINITIONS--HOMELESS SHELTER. A short or long term shelter for persons who lack a fixed, regular and adequate nighttime residence.

Article 11 ADDITIONAL CONDITIONS: HOMELESS SHELTER

11.19-1 SPACING--A homeless shelter shall not be located within two thousand five hundred (2,500) linear feet of any other homeless shelter and within 250 linear feet from any residential use or residentially zoned property, public park, and school, as measured by a straight line from the closest structure to the proposed homeless shelter structure. Article 11.19-1 does not apply to a legally pre-existing homeless shelter.

11.19-2 ACCESS--A homeless shelter shall have access to a public sidewalk unless it is a pre-existing homeless shelter.

11.19-3 SUPERVISION--A homeless shelter shall provide adequate supervision and security for the number and needs of the residents. Staff shall be trained in emergency procedures (including CPR and first aid), safety plans and procedures used by the facility.

11.19-4 HEATED SQUARE FOOTAGE--A minimum of fifty (50) square feet of heated floor area must be provided for each individual sheltered occupant.

11.19-5 The homeless shelter must be in harmony with the area in which it is located and be in general conformity with the comprehensive plan.

| Governmental And Institutional Uses | R20 | R10 | R6 | MT | CD | OI | NB | CBD | GB | HB | LI | GI | CONDITIONS |
|-------------------------------------|-----|-----|----|----|----|----|----|-----|----|----|----|----|------------|
| Homeless Shelter | | | | | | | | | | C | | | 11.19 |

Approved this the 8th day of May, 2018.

Robert L. Johnson, MAYOR

ATTEST:

Kay F. Minton, TOWN CLERK

Planning Director Hinnant presented an updated 2018 Comp Plan. He advised that he had met and worked with the Wilkes Millennial Action Committee and the Planning Board and the Planning Board is now recommending approval of the newly revised Comprehensive Plan. Commissioner Hall made a motion to call for a public hearing on the 2018 Comp Plan; motion was seconded by Commissioner Ferguson and unanimously carried. The public hearing will be held on June 5, 2018.

Commissioner Ferguson made a motion to go into closed session to discuss a personnel matter pursuant to G.S. 143-318.11(a)(6). Motion was seconded by Commissioner Johnston and unanimously carried. After returning to open session, no action was taken.

Town Manager Larry South advised that Arnett Muldrow, the firm hired to develop a brand for North Wilkesboro, was in town for two days and would be back on June 26-28 to complete the task. He advised that they made good progress during their visit and were very complimentary of those who participated. Mr. South advised that he and the finance officer met with the insurance agents recently regarding medical insurance and workman’s comp. He stated that the town’s MOD rate is expected to improve significantly.

Town Manager South advised that the budget had been completed and will be on file in the office of the Town Clerk and Finance Office for public viewing. Commissioner Hall made a motion to call for a public hearing on the 2018/2019 proposed budget; motion was seconded by Commissioner Johnston and unanimously carried. The public hearing will be held on June 5, 2018.

There being no further business, Commissioner Johnston made a motion to adjourn. Mayor Johnson declared the meeting adjourned at 6:53 p.m.

_____ TOWN CLERK _____ MAYOR

APPROVED: _____

