

**Town of North Wilkesboro  
Commissioners Monthly Meeting  
June 4, 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 June 4, 2019.

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

ALSO PRESENT:                            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 Chief Joe Rankin.

**ADOPTION OF AGENDA**

Motion to approve the agenda was made by Commissioner Ferguson and seconded by Commissioner Day. Motion unanimously carries.

**CONSENT AGENDA**

The consent agenda items are as follows:

- a. Approval of Minutes
  - i. May 7, 2019 Regular Monthly Commissioner's minutes
  - ii. May 7, 2019 Closed Session minutes - approve and seal
  - iii. May 16, 2019 Closed Session minutes - approve and seal
  - iv. May 28, 2019 Closed Session minutes - approve and seal
  - v. May 28, 2019 Agenda Work Session minutes
  - vi. May 29, 2019 Closed Session minutes - approve and seal

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

**SPEAKERS FROM THE FLOOR**

Mayor Johnson opened the floor for public comments at this time. No one had public comment and the Mayor closed the public comment session.

**PUBLIC HEARINGS**

**Proposed FY 2019-2020 Budget** - Mayor Johnson asked for a motion to begin a Public Hearing for the Proposed FY 2019-2020 Budget. This hearing is one of five to be heard at this meeting. A motion to open the first Public Hearing was made by Commissioner Hall, seconded by Commissioner Ferguson. Motion unanimously carries. Interim Manager Ed Evans presented a PowerPoint on the proposed Town of North Wilkesboro 2019-2020 Budget. The presentation was very concise and given in an easy to understand format. At the end of the presentation Mayor Johnson asked the public if anyone had any comments or questions concerning the Proposed Budget presentation. Mrs. Martha Nichols commented it was the best presentation she'd ever heard. Mr. Blake Lovette asked about two separate items discussed and was told by Manager Evans that one budget is the General Fund and the other is the Water and Sewer or Enterprise Fund. Mayor Johnson then asked the board if they had comments or concerns regarding the proposed budget. The board agreed the presentation was very good and showed a good and solid budget. With no other comments or concerns, Mayor Johnson then asked for a motion to close the Public Hearing. Commissioner Hall made the motion to close with Commissioner Ferguson seconding the motion. Motion unanimously carries. Mayor Johnson then asked for a motion to

adopt the Town of North Wilkesboro FY 2019-2020 Budget. Commissioner Ferguson made the motion to adopt the Budget Ordinance with Commissioner Goforth seconding. Motion unanimously carries. *See Addendum A*

**Proposal to change Town Code Chapter 2 Administration Article 2, 2.7 Meetings** - Mayor Johnson called for a motion to open a Public Hearing to consider Agenda meeting time and day and to allow voting at this meeting. Commissioner Hall made a motion to open this Public Hearing with Commissioner Day seconding the motion. Motion unanimously carries. This Town Code change would allow time sensitive issues to be voted on at the Commissioner's Work Agenda Meetings. The Board of Commissioners were in favor of this code change. Mayor Johnson asked if the public had any comments or concerns, and with no one voicing comments or concerns, then Mayor Johnson asked the board if they had any comments or concerns. With no board member having comments or concerns, Mayor Johnson called for a motion to close the Public Hearing. Commissioner Hall made a motion to close the Public Hearing with Commissioner Goforth seconding. Motion unanimously carries. Mayor Johnson asked for a motion to adopt the Proposal to Change Town Code Chapter 2 Administration Article 2, 2.7 Meetings. Commissioner Ferguson made motion to adopt the Proposal to Change Chapter 2 Administration Article 2, 2.7 Meetings, with Commissioner Johnston seconding. Motion unanimously carries. *See Addendum B*

**Proposal to change Town Code to require Knox Box or Knox Box Switch for certain types of Properties** - Mayor Johnson called for a motion to open the Public Hearing to consider a request made by Fire Chief Jimmy Martin to make our town code consistent with the NC Fire Code. Motion to open Public Hearing was made by Commissioner Johnston with Commissioner Day seconding the motion. Fire Chief Jimmy Martin presented the request to have certain types of businesses install Knox Boxes to prevent delays in accessing the property during an emergency. These properties would be high-rise buildings, gated communities, buildings that use, store, manufacture or process hazardous materials, buildings with elevators, equipped with a fire sprinkler system, or any building that could create any unreasonable delay for the fire department. Mayor Johnson asked if the public had comments or concerns regarding this item. With no one having comments or concerns, Mayor asked the board if they had questions or concerns. With no board member having comments or concerns, Mayor Johnson called for a motion to close the Public Hearing. A motion was given by Commissioner Ferguson with Commissioner Goforth seconding. Motion unanimously carries. Mayor called for motion to adopt the Town Code change to require Knox Boxes or Knox Switches for certain properties. Commissioner Day made the motion to adopt the Chapter 8 Fire Protection, 8-9 NC Fire Code. Commissioner Ferguson seconded that motion. Motion unanimously carries.  
*See Addendum C*

**Proposal to change Town Code 8-16 General Authority of Members-Interference with firefighters in Performance of Duty Prohibited-** Mayor Johnson called for a motion to open the Public Hearing for this code change. Motion to open a Public Hearing was made by Commissioner Goforth with Commissioner Johnston seconding. Motion unanimously carries. This code change allows members of the fire department to assist Emergency Medical Services using North Wilkesboro's departmental medical personnel and to make it unlawful for any person to willfully interfere in any manner with any fireman in the performance of his duty. Mayor Johnson asked the public if there were any comments or concerns on this Town Code Change. With no one having comments or concerns, Mayor Johnson asked the board if they had any comments or concerns. With no comments or concerns voiced, Mayor Johnson called for a motion to close the Public Hearing. Motion to close was made by Commissioner Hall with Commissioner Johnston seconding the motion. Mayor Johnson called for a motion to adopt the Town Code Change 8-16 General Authority of Members. Commissioner Ferguson made the motion to adopt this Town Code Change with Commissioner Hall seconding. Motion unanimously carries. *See Addendum D*

**Proposal to Change Town Code Chapter 18- Water, Sewer, and Sewage Article 1** - Mayor Johnson called for a motion to open the Public Hearing for this Code Change. Commissioner Ferguson made the motion to open with Commissioner Goforth seconding the motion. Motion unanimously carries. This Code Change requires residents outside the corporate boundaries of

North Wilkesboro with water and/or sewer lines in close proximity to their property wishing to connect to these services to request voluntarily annexation into the town limits. Mr. Joe Woodie, a Wilkes County resident has requested water and sewer hookup on his property. Mr. Woodie's property is not within the city limits. Mr. Woodie appeared before the board previously to request these services. Mr. Woodie does not wish to annex. He thanked Commissioners Hall and Goforth for their support in this matter. Mayor Johnson asked the public if they had comments or concerns on this issue. Retail businessman Otis Church stated he did not agree with Commissioner Hall's opinion on the matter of allowing connection without annexing into the Town. Mayor Johnson asked the board for any comments or concerns. Commissioner Goforth stated he could see both sides on this issue. Commissioner Hall was not in agreement with the Town Code change. With no further comments or concerns voiced, Mayor Johnson called for a motion to close the Public Hearing. Commissioner Hall made the motion to close the Public Hearing with Commissioner Ferguson seconding that motion. Mayor Johnson called for a motion to approve the Town Code Change for Water/Sewer Connection to property owners outside the corporate boundaries of North Wilkesboro. Commissioner Johnston made the motion to approve, Commissioner Day seconded the motion. Motion carries 4-1 with Commissioner Hall opposing the Town Code change. *See Addendum E*

**Resolution 2019-7 To Seek Opportunities for North Wilkesboro Speedway** - A Resolution to seek opportunities utilizing the North Wilkesboro Speedway was presented to the Board at the May 23, 2019 Work Session. Mayor Johnson explained that this is a non-binding resolution to identify any possible ideas and opportunities as a community of interested supporters. He further stated, "The North Wilkesboro Speedway is a great piece of history for North Wilkesboro, Wilkesboro and Wilkes County." Mayor Johnson called for a motion to approve the North Wilkesboro Speedway Resolution. Motion to approve the Speedway Resolution was made by Commissioner Hall with Commissioner Ferguson seconding. Motion unanimously carries.

**Resolution 2019-8 In Support of the Current ABC Control System for the Sale of Liquor** - North Wilkesboro ABC Store Manager Jimmy Lovette presented this Resolution for approval by the Board. This Resolution is intended to show support for retaining control of North Carolina's current control system for the sale of liquor and prevent the privatization of same. Mayor Johnson called for a motion to approve this Resolution. Commissioner Hall made the motion to approve with Commissioner Goforth seconding that motion. Motion unanimously carries.

**Approval of Amendment to Budget Ordinance FY Ending 6/30/19 Budget Amendment #9** - Budget Amendment to Amend the Water/Sewer Fund and Hwy 115 Sewer Project Fund- Mayor Johnson called for a motion to approve Amendment #9. Commissioner Ferguson made the motion to approve, Commissioner Johnston seconded the motion. Motion unanimously carries.

**Approval of Amendment to Budget Ordinance FY Ending 3/30/2019 Amendment #10** - Budget Amendment to Amend the General Fund. Mayor Johnson called for a motion to approve Budget Amendment #10. Commissioner Hall seconded the motion. Motion unanimously carries.

**Resolution to Accept the Bid for 912 Main Street** - The North Wilkesboro Board of Commissioners accepted the final bid from Mr. Joshua Allen for the 912 Main Street property at our June 4, 2019 Regular Board Meeting. His final bid came in at \$65,784.72. This was Mr. Allen's fifth and final attempt at an upset bid for the property. There were three other bidders besides Mr. Allen. Those bidders were Neil Shepherd, Ronnie Walsh/Brushy Mtn. Properties and Gabriel Miller. All three bidders are Wilkes residents. Mr. Allen currently lives in Asheville, NC but plans to move to Wilkes and start an upscale Barber Shop in the street level area of the building and create family living space for himself, his wife and children in the upstairs portion of the building.

#### **Official Reports and/or Comments**

- a. Town Attorney- Deed of trust improperly recorded on a property owned by the NW Housing Authority acquired through foreclosure. Take action to execute deed of trust back to the housing authority and correct paperwork. *See Addendum F*
- b. Interim Town Manager Ed Evan's report to the board for June 2019 *See Addendum G*

**ADJOURNMENT**

There being no further business, Mayor Johnson declared the meeting adjourned at 7:35 p.m.

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TOWN CLERK

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Robert L. Johnson Mayor

APPROVED: \_\_\_\_\_

**ADDENDUM A**

**TOWN OF NORTH WILKESBORO  
BUDGET ORDINANCE  
FY 2019 – 2020**

BE IT ORDAINED by the Town Board of Commissioners of the Town of North Wilkesboro, North Carolina, meeting in regular session this 4<sup>th</sup> day of June, 2019, that the following fund revenues and departmental expenditures, together with certain restrictions and authorizations, are adopted:

Section I – General Fund

A. Revenues

Taxes	\$2,257,500
State Shared Revenues and State Collected Local Taxes	1,841,000
Interest, Fees, Rents, Donations, Other	<u>2,709,438</u>
Total	<u>\$6,807,938</u>

B. Expenditures

<u>Department</u>	
Governing Body	\$133,128
Administration	211,981
Finance	255,006
Christmas Cheer	8,100
Legal	40,520
Planning & Inspections	201,210
Tourism	168,127
Public Buildings	281,500
Police	2,189,289
Police Supplement	71,405
Town Garage	104,207
Fire	546,820
Public Services	70,015
Streets	412,928
Powell Bill	162,362
Sanitation	891,947
Recreation	377,611
Cemeteries	129,939
Special Appropriations	193,348
Special Services Debt	69,338
Contingencies	289,157
Total	<u>\$6,807,938</u>

Section II – Water and Sewer Fund

A. Revenues

Charges for Utilities	\$2,500,000
Other Revenue	370,786
Total	<u>\$2,870,786</u>

B. Expenditures

Department

Special Appropriations	\$69,575
Transfers and Debt	150,113
Utility Billing	107,336
Utility Public Services	69,515
Water Treatment	1,226,242
Water Maintenance	393,744
Waste Treatment	624,210
Pump Stations	106,500
Contingencies	123,551

Total	<u>\$2,870,786</u>
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Section III – Firemen Supplementary Fund

A. Revenues

Contribution from Firemen’s Relief Fund	\$4,000
Interest Income – Surrey Bank Firemen Relief Fund	63
Fund Balance Appropriated	12,737
Total	<u>\$16,800</u>

B. Expenditures	<u>\$16,800</u>
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Section IV – Tax Rate Established

An Ad Valorem tax rate of \$0.52 per \$100 at full valuation is hereby established as the official tax rate for the Town of North Wilkesboro for the fiscal year 2019-2020.

Section V – Privilege Licenses and Fees

Privilege License within the Town of North Wilkesboro are hereby levied at Board of Commissioners adopted rates provided by General Statute guidelines.

Section VI – Special Authorization – Budget Officer

The Budget Officer is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- A. He/She may transfer amounts between objects of expenditure and departments of the same fund without limit provided those transfers are reported to the Board of Commissioners at their next regular meeting.
- B. He/She may not transfer any amounts between funds nor from any contingency appropriation within any fund.
- C. He/She may not distribute any money to the Wilkes County Economic Development Corporation without the prior approval of the Board of Commissioners.

Section VII – Utilization of Budget and Budget Ordinance

This ordinance and the budget document shall be the basis of the financial plan for the North Wilkes Municipal Government during the 2019-2020 fiscal year. The Budget Officer shall administer the budget, and shall ensure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the Budget. The accounting section shall establish records which are in accordance with the budget and this ordinance and the appropriate statutes of the State of North Carolina.

All ordinances or parts of ordinances in conflict are hereby repealed.

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Robert L. Johnson, Mayor

ATTEST:

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Debra W. Pearson, Town Clerk

***ADDENDUM B***

**Chapter 2 - ADMINISTRATION**

Article II. - Board of Commissioners

□ 2-7. - Meetings.

There shall be a regular meeting of the board of commissioners on the first Tuesday after the first Monday of each month, in the town hall, at such hour as the commissioners may schedule by resolution; provided, that when the first Tuesday after the first Monday of any month falls upon a holiday, the board may, by resolution or motion, schedule another day for such meeting.

In addition to the regular monthly meeting, the Board of Commissioners shall also meet for the purpose of setting the upcoming Agenda on the fourth Thursday of each month; provided that when the fourth Thursday of any month falls upon a holiday, the board may, by resolution or motion, schedule another day for such meeting.

It is the intent to always be transparent in our notice of meetings and business. The Agenda meeting typically does not involve the call for a vote on an issue. However, it is sometimes beneficial and necessary to be able to vote on an issue that is time sensitive to keep from thwarting the purpose or timeline of the issue. An example might be the need to call for a vote on an issue to keep from missing a deadline that would pass or come so close to passing the deadline as to make preparing for the issue too late.

Therefore, in some cases, a call for a vote may be needed at the Agenda setting meeting. Public notices for said meetings will include the statement, "Action may be taken."

Special meetings may be called at any time by the mayor or by a majority of the commissioners; and the mayor and each commissioner, not joining in the call, shall be notified of the meeting and the purposes thereof, and no business shall be transacted at such meeting other than that stated in the call.

***ADDENDUM C***

**Chapter 8 - FIRE PROTECTION**

Sections:

Article I. - In General

8-1. - Sale of fireworks, etc., prohibited.

It shall be unlawful for any person to sell, or offer for sale, in the town any fire-crackers, whizz wheels, giant or cannon crackers, Chinese crackers, or any other fireworks or explosive crackers of any kind or nature whatever. (1926 Ords., ch. 2, § 9.)

8-2. - Required obedience to firemen and police at scene of fire—Arrests.

(a) Every person present at the scene of a fire shall obey all lawful orders of firemen and police officers in any matter relating to extinguishing the fire, removal and protection of persons and property endangered by fire, smoke or water, freedom of fire department personnel and apparatus to perform their duties or to function properly, or the maintenance of order at or near the scene of the fire, and it shall be unlawful for any person to disobey any such order of a fireman or police officer.

(b) Firemen and police officers at the scene of any fire shall have authority to arrest any person willfully disobeying any such lawful order and to hold the violator in custody until the fire has been extinguished, at which time he shall be dealt with according to law.

## Article II. - Fire Prevention Code

### 8-3. - Adopted—Purposes—Where filed—Short title.

There is hereby adopted, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Volume 5, North Carolina State Building Code, Fire Prevention, 1988 Standard Fire Prevention Code with North Carolina amendments, 1991 Edition, and the whole thereof, of which code not less than one copy is now and shall remain on file in the office of the town clerk, and such code is hereby adopted and incorporated in this article as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the town. The code adopted by this section shall be known and may be cited as the Fire Prevention Code. (3-7-61, § 1; 9-5-67, § 1; 11-3-70; 12-3-74, § 1; 5-7-91, § 1.)

### 8-4. - "Municipality" defined.

Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be construed to mean the Town of North Wilkesboro. (3-7-61, § 3.)

### 8-5. - Establishment of limits of districts

Establishment of limits of districts in which storage of explosives and blasting agents, storage of flammable liquids in outside above-ground tanks, and bulk storage of liquified petroleum gases to be restricted.

The limits referred to in the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited; the limits referred to in such code, in which storage of Class I liquids in outside above-ground tanks is prohibited; and the limits referred to in such code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established to coincide with the fire district established for the town, and should the fire district be changed, this section shall ipso facto be amended accordingly; provided, that the storage of any such materials, liquids or gasses as permitted in the Zoning Ordinance shall be permitted as therein authorized. (3-7-61, § 4; 9-5-67, § 2; 5-7-91, § 2.)

### 8-6. - Purpose and duration of permits—Permit and inspection fees.

(a) Permits covered by the Fire Prevention Code and required in various articles thereof are for the purpose of giving the town, through its codes enforcement officer, more effective control over hazardous conditions regulated by the code. Each such permit shall be for not more than one year, subject to renewal thereof; provided, that where a town license is required periodically, in addition to a permit, then such permit shall be for an indefinite period.

(b) The board of commissioners may, by resolution, adopt a schedule of fees for permits and inspections required by the Fire Prevention Code, and when such resolution has been placed on file in the office of the town clerk no such permit shall be issued and no such inspection shall be made until the fee therefor, as provided in such schedule, has been paid to the tax collector. (5-8-79; 5-7-91, § 3.)

### 8-7. - Administration and enforcement.

The Fire Prevention Code shall be administered and enforced by the code's enforcement officer of the town. (3-7-61, § 2; 5-8-79.)

### 8-8. - Modifications.

The codes enforcement officer shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee of the property affected thereby, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided, that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the code's enforcement officer thereon, shall be entered in the records maintained by the codes enforcement officer. (3-7-61, § 5; 5-8-79.)

### 8-9. - NC Fire Code Requires key boxes

The North Carolina Fire Code requires that key boxes, when required, be installed in an approved location. The North Wilkesboro Fire Department requires that any commercial building meeting the below criteria, requires the installation of a Knox Box for rapid entry by the North Wilkesboro Fire Department:

- High-rise buildings
- Gated communities (Knox Box or Knox Switch)
- Building that use, store manufacture or process hazardous material under Title III of the Federal Super Fund Amendments.
- Buildings equipped with a fire alarm or fire sprinkler system.
- Buildings with elevators.
- Other buildings that could create any unreasonable delays for North Wilkesboro Fire Department access, as determined by the Fire Chief or the Code Enforcement Officer.

### **Box Styles and Number of Keys:**

For most applications, the 3200 Series box style will suffice.

For entry gates securing gated communities and other properties, it is recommended to have installed a Knox Electronic Switch. For electric fences, a Knox switch is required to disconnect the electric charge to the fence.

**8-10. - Appeals from decisions of codes enforcement officer.**

Whenever the codes enforcement officer shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Prevention Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the codes enforcement officer to the board of adjustments and appeals within thirty days from the date of the decision appealed. The board of adjustments and appeals shall consist of at least five persons and the membership of this board shall be as follows: the fire committee of the board of commissioners of the town, the fire chief of the town and the Wilkes County fire marshal. (3-7-61, § 6; 5-8-79; 5-7-91, § 4.)

**8-11. - Updating procedure.**

Whenever a new or revised edition of the Fire Prevention Code, or whenever an amendment or revision to the Fire Prevention Code is adopted by the North Carolina State Building Code Council, the codes enforcement officer shall file at least one copy of the new or revised edition of the Fire Prevention Code or the amendment or revision to the Fire Prevention Code in the office of the town clerk and such new or revised edition of the Fire Prevention Code or amendment or revision to the Fire Prevention Code shall immediately become effective within the town. (1-7-75, § 1; 5-8-79; 5-7-91, § 5.)

**8-12. - Penalties.**

(a) Any person who shall violate any of the provisions of the Fire Prevention Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of adjustments and appeals or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by fine of not more than fifty dollars or by imprisonment for not more than sixty days, in the discretion of the court. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (3-7-61, § 7; 5-7-91, § 6.)

***ADDENDUM D***

**8-16. - General authority of members— Interference with fireman in performance of duty prohibited.**

Members of the fire department shall have authority to do all acts reasonably necessary to extinguish fires and protect life and property from fire; **and assist Emergency Medical Services using North Wilkesboro's departmental medical personnel**; and it shall be unlawful for any person, including the owner of the property (which is burning) **or department's personnel while assisting Emergency Medical Services**, to willfully interfere in any manner with any fireman in the performance of his duty.

***ADDENDUM E***

**Chapter 18 - WATER, SEWERS AND SEWAGE**

**Sections:**

**Article I. - In General**

**18-1. - Certain acts prohibited, to protect town water and system systems.**

(a) It shall be unlawful for any person without having proper authority to touch, tamper, or in any manner manipulate or turn the cut-offs on the water mains, water meters or fire hydrants forming a part of the water system of the town, nor shall any person without having proper authority tamper with or harm in any manner whatsoever any water line, water meter, fire hydrant or any appurtenances thereto.

(b) It shall be unlawful for any person without having property authority to, in any manner interfere with, or injure, any filter, coagulating tank, or clear water basin, or any standpipe, or any other materials, device or attachment used in connection therewith, or to climb upon the top of any standpipe, coagulating tank, clear water basin, or throw in, or against such standpipe, filter, coagulating tank or clear water basin, rocks, sticks or other material of any kind whatsoever. (1926 Ords., ch. 9, § 2; 7-10-78, § 12; 3-5-63, § 1; 7-1-78, §§ 1, 2.)

**18-2. - Property owners, if at fault, to bear expense of opening obstructed sewer line.**

Whenever it becomes necessary to open any sewer lines, which have become choked, or obstructed by material being placed in them that will not dissolve, and the fault of such is the property owner or the

party using the property, the property owner shall be liable to the town for such damage and shall bear the expense of opening the sewer. (7-10-28, § 51.)

18-3. - Properties which are required to be connected to town sewer and water mains.

- (a) Each owner of a house or other structure within the town which is used or intended for use as a place of human habitation, occupancy or activity and which is situated on a lot which abuts a street or right-of-way wherein there is a public sewer or water main within two hundred feet of the property line of such lot shall connect such house or other structure to such public sewer and to such public water main; provided, that no person shall be required to cross the private property of another person to make any such connection.
- (b) When a public sewer or water main has been laid to within two hundred feet of any property within the town upon which there is a house or other structure which is used or intended for use as a place of human habitation, occupancy or activity, it shall be the duty of the owner of such house or other structure to have it connected to such public sewer or water main; and any such owner, having been notified by the town clerk to make such connection, shall do so within sixty days from the service of such notice.
- (c) Each day of violation or failure to comply with the provisions of this section shall constitute a separate offense. (7-10-28, § 11.)
- (d) Some properties outside of the corporate boundaries of North Wilkesboro could have water and/or sewer lines within close proximity, thereby making connection to the Town's public water and sewer possible. Whenever this is possible and the property owner requests connection to such services, the following requirements shall be met for consideration and a decision to provide such service is totally within the discretion of the Town of North Wilkesboro.
  - i. If a property owner requesting town water or sewer is located within the ETJ of the Town of North Wilkesboro, connection to the Town water or sewer shall require that the property owner file a petition of voluntary annexation into the corporate limits of North Wilkesboro.
  - ii. If a property owner requesting town water or sewer is not located within the ETJ, but is contiguous to a town boundary, connection to the Town water or sewer shall require that the property owner file a petition of voluntary annexation into the corporate limits of North Wilkesboro.
  - iii. If a property owner has town water or sewer in close proximity to their property, but is neither in the ETJ nor contiguous with a town boundary, connection can be requested, and at the discretion of the Town of North Wilkesboro, water and/or sewer may be provided assuming that the property owner signs an agreement to file a petition of voluntary annexation as soon as either condition above (becomes part of the ETJ or becomes contiguous to the town boundary) occurs. The agreement shall be binding upon any future property owner and shall run with the land title.
  - iv. Any property owner outside of the corporate boundary of the Town of North Wilkesboro shall pay fees for water and sewer, and connection to same, in accordance with the adopted Fiscal Year's Budget, Departmental Fee Schedule.

18-4. - Privies, privy vaults, cesspools and septic tanks.

It shall be unlawful for any person to erect, install, maintain or use any privy, privy vault or cesspools; and septic tanks shall be lawful only on properties not required to be connected to the town sanitary sewer system, and then only when of a type approved by the state and county health authorities, and installed in such locations and in such manner as to meet the requirements and approval of the state and county health authorities.

The town shall establish, and maintain, a schedule of charges which shall be imposed for emptying the waste from a septic tank into the town sewer system. A schedule of these charges, as in effect from time to time, shall be prepared by the office of the town clerk, approved by the board of commissioners and maintained for public inspection in the office of the town clerk. No person shall empty the waste from a septic tank into the town sewer system without first paying into the office of the town clerk the appropriate charge in accordance with the schedule of charges established in accordance with this ordinance. Notwithstanding the foregoing, there shall be no charge for emptying the contents of a septic tank into the town sewer system if the septic tank is located in a portion of the town not served by the town sewer system. (1926 Ords., ch. 4, § 16; 7-10-28, § 10; 5-7-74.)

18-5. - Installation, maintenance and control of meters and measuring devices.

All meters or other measuring devices installed or required to be used under the provisions of this chapter shall be under the control of the director of public works. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the owner's cost. (6-2-59, § 5.)

Article II. - Tapping of Mains

18-6. - Applications for taps.

All applications for water and sewer taps shall be made at the office of the town clerk, who shall issue such permits upon payment of the full amount of fees as provided in this article. (9-4-51, § 3; 7-3-62, § 3.)

18-7. - Sewer tap fees.

The sewer tap fees for connecting consumers to the sewage disposal facilities of the town shall be as provided by resolution of the board of commissioners from time to time. A copy of each such resolution shall be placed on file in the office of the town clerk and shall be made available to any person request during normal business hours. (4-2-02, § 1.)

18-8. - Water tap fees.

The water tap fees for connecting consumers to the water distribution system of the town shall be as provided by resolution of the board of commissioners from time to time. A copy of each such resolution shall be placed on file in the office of the town clerk and shall be made available to any person upon request during normal business hours. (4-2-02, § 2.)

18-9. - When and by whom taps to be made.

After permits have been issued and the required amount of fees have been paid, the director of public works shall be notified that such permits have been issued, and it shall then be his duty to make such taps or cause such taps to be made as soon as practicable after he has received notice from the town clerk that such permits have been issued. (9-4-51, § 4; 7-3-62, § 4.)

**RESOLUTION TO SEEK OPPORTUNITIES FOR  
NORTH WILKESBORO SPEEDWAY  
RESOLUTION 2019-7**

In a regularly scheduled meeting of the Town of North Wilkesboro Commissioners held on June 4, 2019, a motion was made by Commissioner Bert Hall and seconded by Commissioner Debbie Ferguson. The following resolution was unanimously adopted:

**WHEREAS**, the Town of North Wilkesboro Commissioners desire to begin cooperation and work with North Wilkesboro Speedway owners, Speedway Motorsports Inc. of Charlotte, North Carolina, to seek out opportunities for the property; and

**WHEREAS**, the Town of North Wilkesboro Commissioners desire to help identify all possible state and regional funding streams for infrastructure and property improvements; and

**WHEREAS**, the Town of North Wilkesboro Commissioners desire to provide local support to Speedway Motorsports Inc. of Charlotte, North Carolina in seeking opportunities for property reuse.

**NOW, THEREFORE, BE IT RESOLVED THAT**, The Town of North Wilkesboro Commissioners resolve to meet with Speedway Motorsports Inc. to identify any possible ideas and opportunities.

ADOPTED on this 4<sup>th</sup> day of June, 2019

Undersigned:  
SIGNATURE: \_\_\_\_\_  
MAYOR ROBERT JOHNSON

SIGNATURE: \_\_\_\_\_  
MAYOR PRO-TEM ANGELA DAY

SIGNATURE: \_\_\_\_\_  
COMMISSIONER JOE JOHNSTON

SIGNATURE: \_\_\_\_\_  
COMMISSIONER DEBBIE FERGUSON

SIGNATURE: \_\_\_\_\_  
COMMISSIONER JUNIOR GOFORTH

SIGNATURE: \_\_\_\_\_  
COMMISSIONER BERT HALL

Attest: \_\_\_\_\_  
Town Clerk

**RESOLUTION #2019-8  
IN SUPPORT OF THE CURRENT ABC CONTROL SYSTEM  
FOR THE SALE OF LIQUOR**

WHEREAS, the citizens of the Town of North Wilkesboro voted to permit the sale of liquor through the establishment of an ABC Board, which is a part of the North Carolina's control system for the sale of spirituous liquors;

WHEREAS, House Bill 971 (Modern Licensure Model for Alcohol Control) was filed on April 25, 2019 and this bill privatizes the retail sale and wholesale distribution of liquor, allows a minimum of 1,500 permits to be issued to any business that sells food (grocery stores, convenience stores, pharmacies, variety stores, etc.) or to any "retail business", with additional numbers of permits available for issuance based on population growth, with retail liquor sales authorized between the hours of 7 a.m. and 2 a.m., and with those businesses allowed to ship liquor directly to individuals in or out of the State;

WHEREAS, North Carolina's local ABC boards operate about 423 retail stores, balancing access to liquor and generating local revenue while maintaining control;

WHEREAS, NC's Department of Health and Human Services' website notes that excessive alcohol use cost NC more than \$7 Billion in 2010, that excessive alcohol use is the third leading preventable cause of death in NC, and that according to Centers for Disease Control's Community Guide on Excessive Alcohol Use strategies to reduce excessive drinking include maintaining state control of alcohol sales and continuing to limit the number of outlets selling and distributing alcohol;

WHEREAS, the General Assembly's nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, are appropriate for North Carolina, specially to include the State of Washington, which recently changed its beverage control system from state government control of wholesale and retail control of spirituous liquor to a licensure model;

WHEREAS, The PED Report, "Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications", released on February 11, 2019: (1) did recommend privatization, (2) found that among the southeastern states, NC collects the most revenue per gallon, has the lowest outlet density and has the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% with privatization based on 1 ,000 expected outlets.

WHEREAS, for fiscal year ending 2018, local ABC boards distributed \$430,635,861:  
County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol Education/Treatment \$13 million; Local Law Enforcement \$8.8 million; and Rehabilitation Services \$5 million; and local ABC boards also paid \$17.7 million for the operation of the ABC Commission/Warehouse.

WHEREAS, North Carolina is unique as it allows communities to vote to establish local ABC boards for the sale of liquor in their communities, with liquor profits distributed back to those communities, thereby reducing the need to increase local property taxes.

WHEREAS, the citizens of the Town of North Wilkesboro, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold retail outlets where beer and wine are sold;

WHEREAS, No State funds are spent to distribute or sell liquor as the state and local operation of the ABC system is receipt supported;

WHEREAS, Of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and NC's ABC system accomplishes both revenue and public health, welfare and safety objectives;

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion, significantly more consumption, and increased societal costs;

WHEREAS, local revenue from ABC stores operations is important;



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, 2019:

SECTION 1. To amend the GENERAL FUND budget as follows:

<u>DEPARTMENT</u>	<u>AMENDMENT</u>	<u>FINAL BUDGET</u>
Revenue:		
Court Order for Disposition Drug Money Seized 10-3570-0200	\$1,080.25	\$19,052.15
Expenses:		
Court Ordered Disposition To Wilkes County Schools 10-5100-3315	\$1,080.25	\$19,052.15
<b>Total Expenses:</b>	<b><u>\$1,080.25</u></b>	<b><u>\$19,052.15</u></b>

Budget for Seized Drug Funds Ordered by the Court, \$1,080.25 to forward to Wilkes County Schools.

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 4th day of June, 2019.

\_\_\_\_\_  
Robert Johnson, MAYOR

ATTEST:

\_\_\_\_\_  
Debra W. Pearson, Town Clerk

**RESOLUTION 2019-9  
AUTHORIZING SALE OF REAL PROPERTY**

WHEREAS, the North Wilkesboro Board of Commissioners (hereinafter the “Board of Commissioners”) by motion duly adopted at its regular meeting of February 5th, 2019, authorized advertisement for sale of a tract of land owned by the Town of North Wilkesboro (hereinafter “the Town”) located in North Wilkesboro Township, Wilkes County, North Carolina, the same having been acquired by the Town by deed from 906 Main Street LLC, dated February 2, 2016, and recorded in Deed Book 1221, Page 334 and described in said deed as Parcel 2. The said property being the property as described on Exhibit A, attached hereto.

AND WHEREAS, said sale is by negotiated offer, advertisement, and upset bid pursuant to N.C.G.S. §160A-269;

AND WHEREAS, the Town received an offer on March 5, 2019 from Shepherd Real Estate LLC, in the amount of \$40,000.00;

AND WHEREAS, pursuant to the Board of Commissioners’ motion adopted at its March 5, 2019 meeting, said offer was advertised in the *Wilkes Journal-Patriot* on March 8, 2019, as required under N.C.G.S. §160A-269;

AND WHEREAS, the bid was upset and re-advertised as required by N.C.G.S. §160A-269;

AND WHEREAS, this procedure was repeated until Joshua Allen made a bid of \$65,784.72 on May 14, 2019. After due advertisement no further qualifying bids were received.

AND WHEREAS, the Board of Commissioners desires to accept Joshua Allen’s bid of \$65,784.72 and desires to authorize sale of the property pursuant to said bid;

NOW, THEREFORE, BE IT RESOLVED, pursuant to G.S. §160A-269, that the bid of \$65,784.72 received from Joshua Allen is hereby approved, and upon payment of said purchase price, a Special Warranty Deed shall be executed by the Town and conveyed to Joshua Allen for the above referenced property.

This the 4<sup>th</sup> day of June, 2019.

TOWN OF NORTH WILKESBORO

Attest:

\_\_\_\_\_  
Debra W. Pearson, Town Clerk

\_\_\_\_\_  
Robert L. Johnson, Mayor

**Official Reports and/or Comments**

**Addendum F**

**North Wilkesboro Housing Authority  
Deed of Trust**

Prepared by and return to:  
Stacey Groce Neece, McElwee Firm, PLLC  
906 Main St., North Wilkesboro, NC 28659

NORTH CAROLINA

**ASSIGNMENT**

WILKES COUNTY

THIS ASSIGNMENT is made and entered on this \_\_\_\_ day of June, 2019, by and between **THE TOWN OF NORTH WILKESBORO**, Assignors, and **THE NORTH WILKESBORO HOUSING AUTHORITY**, Assignee, whose address is P.O. Box 1373 North Wilkesboro, NC 28659.

**RECITALS**

**WHEREAS**, Mary L. Barnes, executed and delivered a Deed of Trust dated April 19, 2001, to John M. Logsdon as Trustee for the benefit of the Town of North Wilkesboro Department of Housing and Community Development, securing a promissory note described therein (hereinafter "Deed of Trust); and

**WHEREAS**, The Deed of Trust was recorded in Book 856, Page 341 of the Wilkes County Registry on April 19, 2001.

**NOW, THEREFORE**, for good and valuable consideration, the Assignor hereby grants, assigns and transfers to the Assignee all of the beneficial interest of the Assignor in the Deed of Trust dated April 19, 2001, and recorded on April 19, 2001, in **Book 856, Page 341**, of the Wilkes County Registry, together with the note or notes therein described or referred to, the money due or to become due thereon with interest, and all rights accrued or to accrue under such Deed of Trust.

**\*\*\* Signature Page to follow\*\*\***

**\*\*\* Signature page for Assignment to the North Wilkesboro Housing Authority \*\*\***

**IN WITNESS WHEREOF**, this Assignment is executed by the Assignor on the day and year first above written.

The Town of North Wilkesboro

By: \_\_\_\_\_ [SEAL]  
Robert L. Johnson, Mayor

Attest: \_\_\_\_\_ [SEAL]  
Debra Pearson, Town Clerk

NORTH CAROLINA  
WILKES COUNTY

I, \_\_\_\_\_ a Notary Public of the County and state aforesaid, do hereby certify that Debra Pearson personally came before me this day and acknowledged that she is the Town Clerk for the Town of North Wilkesboro, North Carolina, a municipal corporation, and that by authority duly given and as the act of the corporation the forgoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by herself as the Town Clerk.

Witness my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed name  
My Commission expires: \_\_\_\_\_

[Notarial Seal]

**Addendum G**

**Town of North Wilkesboro  
June 4, 2019, Commissioner's Meeting  
Manager's Report**

1. The Commissioners have a Special Meeting for the purpose of holding a Closed Session pursuant to NC GS § 143-318.11. a. (6), Personnel, to interview Town Manager applicants on June 5 at 9:00 a.m.
2. The Agenda setting work session for the July meeting will be on Thursday, June 20 at 5:30 p.m.
3. The Commissioner's meeting regularly scheduled for July will be held in June on the 27<sup>th</sup> instead.
4. Town Hall will be closed in observance of Independence Day on Thursday, July 4.
5. The Request for Qualifications (RFQ) required by the CBDG grant process for the Water Tank project at the Industrial Park garnered five submissions. After scoring the very qualified firms, Kimley Horn was

selected to move forward with that project. They are the same company that has been working on the water intake.

6. The Sixth and Main Streetscape project bid request only generated one bid at the May 21, 2019 bid opening meeting. Statutes require three bids on the first attempt and if we don't receive three, we must re-advertise to try to get three bids. If unsuccessful the second time, we can accept whatever bids we receive without further advertising. Since we only received one bid, the unopened bid was returned to the bidder and we re-advertised the project. We will have our bid opening on June 6 at 10 a.m. All three required easements have been obtained and are now recorded.
7. The Splash Pad construction continues with most of the pipes that were already installed having been removed and replaced. Nelson tells me that the contractor still does not have the final drawing to be approved by the County, but they are working to get them. The worker on site (not the contractor) said he believes his best guess is a plan to open in mid-July.
8. The search for a town manager continues to go well with a narrowing of the field of qualified candidates and interviews.
9. The search for a planner continues with one good candidate potential. I plan to interview this week.
10. The problem we had at the water plant with the stuck water gate stuck at the dam has been resolved. The obstruction was moved by town employees and the reservoir was back to full pond the same day. This remedy did not require any outside help or expense.
11. The Memorial Park improvements have been completed and the Park looks great! We need to check on having some lighting installed around the parking area. It is very dark.
12. The Greenway bridge construction is still in process and hopes are to have it by the end of July.