

**Town of North Wilkesboro
Commissioners Monthly Meeting
September 3, 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 September 3, 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: Wilson B. Hooper 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.

IV. Additions/Deletions to agenda:

There were no additions to the Agenda. There was one item tabled from the Consent Agenda until more information could be received. That is Item 2.) Wake Forest Baptist Health/Wilkes County Sublease Agreement. This item was tabled until a signed Sublease Agreement document could be obtained.

V. Approval of the Agenda:

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

VI. Public comments:

Two citizens signed in to speak at the Public Comment segment of the meeting. The first speaker was Ms. Mary Smith, a board member of the Catherine Barber Homeless Shelter committee. She asked the board for consideration of any properties the Town could possibly offer as temporary housing for the homeless shelter's currently homeless population. This request comes on the heels of the homeless shelter's board being informed August 27, 2019 that they and their clients, which average of seven per night, were to vacate the premises by October 1, 2019. Ms. Barber mentioned the possibility of using the vacant women's detention center on Boston Avenue. The second citizen to speak was Mr. Carmen Decker, also a board member to the shelter. He stated the homeless shelter is in an emergency situation. He said the homeless shelter had been at this location for over twenty years. Mr. Decker said the landlord asked the eleven committee members to sign a contract before he would inform them of the conditions of their possibility of being able to stay at the current location. The committee members chose not to sign the contract. Mr. Decker went on to ask the Board if there was anything they could do to aid in this situation if only temporarily. He said anything would be greatly appreciated. Commissioner Ferguson asked if they had inquired about extending the deadline to vacate. The Board did not offer any suggestions, but asked the two committee members if they had reached out to other entities regarding help in the matter.

VII. Consent Items:

Mayor Johnson called for a motion to approve remaining items 1), 3), and 4). Item 2), Wake Forest Baptist Health/Wilkes County sublease was tabled until more information could be obtained. **Commissioner Hall made a motion to table item 2 and approve the items 1.), 3.), and 4.) with Commissioner Ferguson seconding the motion. Motion unanimously carries.**

- 1.) Approval of August 6, 2019 Regular Board and August 22, 2019 Work Session Minutes

- 2.) Wake Forest Baptist Health/Wilkes County sublease – Gary Vannoy
- 3.) Resolution to temporarily close 10th St. between C and D St. on September 27 – Crystal Keener
- 4.) Appointment to Business Revolving Loan Program Review Committee – Crystal Keener

VIII. Town Manager's/Attorney's Report

- Town Website and Mass Notification System Update-Tourism Director Crystal Keener gave a power point presentation showing the numerous facets the new town website offers. The town website created by CIVIC-Plus is impressive in the fact that it offers so many pages and possibilities to advertise and inform the public on government, business, a mass notification system, tourism and many other avenues of information. It also offers 24/7 technical help. It is an interactive site and with a little practice, very easy to navigate.
- Brushy Mountain Apple Festival Update- Tourism Director Keener gave an update on the upcoming Apple Festival Event to be held October 5, 2019. 250-300 vendors are expected. The annual "Apple Jam" music event happens Friday night before the festival. This is the largest draw to the town with the annual "Light Up Downtown" Christmas Celebration being the second biggest draw to the town.
- Town Manager's 30-Day Update- Town Manager Wilson Hooper gave an extensive update detailing a list of 30-day accomplishments by Manager Hooper. To list just a few of these items, they include meeting town employees and Department Heads, touring Parks and Recreation and Public Service facilities, meeting all staff at these facilities, coordinating the Town's participation in the Hometown Strong Event and implementing a new weekly newsletter.

IX. Business

5.) Wilkes EDC Quarterly Payment of \$12,500.00-

North Wilkesboro Town Administration has the authority to make allocations as they see fit, and the consensus of the Board was to approve Town Manager Hooper to sign off on the allocation requests without the EDC having to come before the board or the board having to approve the quarterly allocation at its meetings. It was the board's opinion to let Town Manager Hooper approve the allocations without Board approval each quarter. **Mayor Johnson called for a motion to approve with Commissioner Hall making the motion to approve, with Commissioner Ferguson seconding that motion. The budget ordinance will be changed to reflect this.**



August 26, 2019

Mr. Wilson Hooper
Town Manager
Town of North Wilkesboro
P.O. Box 218
North Wilkesboro, NC 28659

Dear Mr. Hooper,

On behalf of the Wilkes EDC, I hereby respectfully request the Town of North Wilkesboro send their approved appropriation to our organization for the 1st quarter of our 2019-2020 fiscal year budget. The annual amount approved was \$50,000. This would make the quarterly appropriation payment **\$12,500**.

If you have any questions, please let me know. Thank you for your continued support of the Wilkes EDC.

Sincerely,
Robin D. Hamby
Vice President
Wilkes EDC

X. Policy

6.) Zoning Ordinance- At 6:40 p.m. Mayor Johnston called a public hearing to discuss a Zoning Ordinance Text Amendment *Article III Administration 3.2 The Boards (B) The Board of Adjustment (2) and (3)*- changing the statute for terms from 5 years to 3 years, with no term limits. With no concerns or comments from the board or public on the matter, Mayor Johnson made the motion to come out of Public Hearing at 6:45 p.m. **Mayor Johnson asked for a motion to approve the Zoning Ordinance Text Amendment to change Board of Adjustment members' terms from 5 years to 3 years. Commissioner Ferguson made the motion to approve with Mayor Pro-tem Day seconding the motion unanimously carries.**

Town Zoning Ordinance:

Article III Administration 3.2 The Boards (B) The Board of Adjustment (2) and (3)

(1) *Powers and duties.* The Board of Adjustment shall have the following powers and duties:

- a) To hear and decide appeals according to the procedures of this article, where it is alleged there is an error in any order, decision, determination, or interpretation made by the Planning Director, Building Inspector, or Zoning Administrator in the administration and enforcement of this article.
- b) To grant variances from the terms of this article according to the standards and procedures prescribed herein.
- c) To grant conditional use permits.

(2) *Members from within the town limits.* The Town Board shall appoint each member and alternate for a term of ~~five~~ **three** years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the Town Board may appoint certain members for less than ~~five~~ **three** years to the end that thereafter the terms of all members shall not expire at the same time. The expiration date for each term shall be June 30th of the year in which said term is to expire and the term of office of the succeeding member shall begin on July 1st. If the original members are appointed such that their terms of office begin prior to July 1st, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment, it being the intent that original members shall serve terms of one to ~~five~~ **three** years plus a period of time between their initial appointments and June 30th of the year of their initial appointment. A member shall be eligible for reappointment at the end of his expired term for any position on the board for which he is qualified. For purposes of this article, original appointments refer to members and alternates appointed upon first establishment of the Board of Adjustment, and also to members and alternates appointed to newly created seats upon any expansion of the Board of Adjustment.

(3) *Extraterritorial members.* Extraterritorial members shall have all of the obligations and duties of the other members of the Board of Adjustment, including rights to vote on all matters coming before the board. Each extraterritorial member shall be appointed for a period of ~~five~~ **three** years. Expiration dates for each term, initially and thereafter, shall be the June 30th of the year in which said term is to expire and the term of office of the succeeding member shall begin on July 1st; provided further that if the original members are appointed such that their terms of office begin prior to July 1st, such terms of original members shall be extended by the period of time between their appointment and June 30th of the year of their appointment. Eligibility for reappointment shall be determined by the procedures and policies established by the Board of Commissioners of Wilkes County.

(4) *Meetings.* All meetings of the Board of Adjustment shall be held at a regular place and time and shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact. The board may adopt rules of procedure. Final disposition of permits, appeals or variances shall be recorded in the minutes, indicating the reasons of the board, all of which shall become a part of the public record. In addition, all records of...

North Carolina General Statute

§ 160A-388. Board of adjustment.

(a) Composition and Duties. - The zoning or unified development ordinance may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the city council may appoint certain members for less than three years so that the terms of all members shall not expire at the same time. The council may appoint and provide compensation for alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals.

(a1) Provisions of Ordinance. - The zoning or unified development ordinance may provide that the board of adjustment hear and decide special and conditional use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional use permits. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

(a2) Notice of Hearing. - Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way...

7.) Water /Sewer Capital Improvement Plan and Grant Application- This item was tabled until a later date.

Town Manager Wilson Hooper presented a draft Capital Improvement Plan and resolution authorizing him to apply for State assistance for the Euclid Avenue Outfall sewer project. These two actions were necessary to make the Town eligible to apply for State assistance by September 30. But Manager Hooper, at the request of the Board, also presented an analysis on whether or not the Town could afford to pay for an additional large project at this time. Using projections of revenue and expenses, Manager Hooper informed the Council that adding this project, and keeping water/sewer rates the same, would put the town in the red in FY23. A 10% rate increase, which is considered a large increase, would barely get the budget back in the black. Manager Hooper asked the Board to table consideration of this project until the Spring where it could be considered alongside the town's other capital needs. The data available at that time would be more reliable as well. The Board agreed with his analysis and no action was taken.

XI. Mayor and Commissioner Topics

Commissioner Johnston requested we ask Wilkes County School Superintendent Mark Byrd to attend our September 26, 2019 Work Session Meeting to update the board on the recent school study reports. The North Wilkesboro and CC Wright Elementary Schools are two schools the board would like to hear a report on. Administration will reach out to Mr. Byrd to see if he can attend our next board meeting.

XII. With no other items to discuss Mayor Johnson called for a motion to adjourn. Commissioner Hall made the motion to adjourn with Commissioner Goforth seconding the Motion. Motion unanimously carries. Meeting adjourned at 7:50 p.m.

Debra W. Pearson, Town Clerk

Robert L. Johnson, Mayor

Approved _____