

Town of Walnut Cove

BOARD OF COMMISSIONERS

MEETING MINUTES

May 10, 2016

Mayor Lynn Lewis presiding,

Commissioners Present:

Elwood Mabe, Sharon Conaway,
Danny Hairston, Charles E. Mitchell
Town Manager Bobby Miller
Town Clerk Leslie A. Falstreau
Town Attorney Ann Rowe

The meeting was called to order at 7:05 p.m. at the Walnut Cove Senior Center. Commissioner Elwood Mabe gave the invocation following which Mayor Lewis led in pledging allegiance to the American flag.

ANNOUNCEMENTS - Mayor Lewis went over the announcements in the agenda packet. Town Manager Bobby Miller asked that the Commissioners attending the Ethics training on May 18, 2016 arrive at the Library a few minutes early for the two (2) hour class. It was also added that Boy Scout Troop 444 will be having an Eagle Ceremony for Will Skinner, Sunday, May 15, 2016 at 2:00 p.m.

PUBLIC COMMENTS - David Hairston, 1125 Adams Ridge Road, Walnut Cove, NC presented the Board with a petition for annexation for the Walnut Tree development in accordance with NCGS 160A-31(J) and thanked the Board for their patience in this annexation request. He told the Board that the residents of Walnut Tree want to be a highlight for the community and informed the Board of the project that they have underway to build a recreation center in that community that will be available for use by the whole Town

Leslie Bray Brewer, 108 Meadow Road, Danbury, NC addressed the Board and audience saying that on behalf of the Small Town Main Street (STMS) Committee everybody is invited to the upcoming SpringFest Festival in Walnut Cove, and that the committee could really use volunteers to help with the event. She said there will be games for younger children, living history in Fowler Park, the Stan-Bobbitt band and things for teens to do with teen musical groups playing periodically throughout the day.

At this time someone from the audience added that the time for the festival in the agenda was incorrect; the correct time for the SpringFest event is 10:00 a.m. until 2:00 p.m.

Marsha Dunn, 124 Hepler Lane, Pinnacle, NC addressed the Board thanking them, the Town, South Eastern Middle School, the Town Fire Department and the Sheriff's Department for their support of the recent color run. She said it was a great success, and that there were already a plans starting for a bigger and better run next year.

E. A. Buddy Timm, 708 Summit Street, Walnut Cove, NC addressed the Board asking them to consider a resolution in support of House Bill 2. He cited some reasons for support being safety for women and young girls, upholding morality, following truthfulness, protecting women's rights and standing against the corruption of Natural Law. He urged all to send a letter of support to North Carolina's Governor.

ADJUSTMENTS TO THE AGENDA - there were no adjustments to the agenda.

A motion was made by Commissioner Conaway and seconded by Commissioner Mabe to approve the agenda. The motion passed unanimously.

CONSENT AGENDA - The consent agenda contained the minutes of the regular meeting of April 12, 2016.

A motion was made by Commissioner Mitchell and seconded by Commissioner Conaway to approve the minutes of April 12, 2016 at this time. The motion passed unanimously.

OLD BUSINESS

CONSIDERATION OF BID ON "DODSON HOTEL SITE" - Manager Miller reviewed with the Board the offer that was received from Mr. Keelan Jones for the purchase of the "Dodson Hotel Site" for the purpose of building a restaurant. Mr. Jones came to the podium. The question this evening was whether the Board would be willing to pay for the soil compaction test which is required by Stokes County before any building could begin. There were estimates for this test provided to the Board in their agenda package. Mr. Jones said that he would pay for this test, but he would want assurance that he would be reimbursed if the results prevented him for going forward with his project. Commissioner Conaway said that she will support paying for this test because the property belonged to the Town, and after the test the Town would know what can be done or can't be done with it. Commissioner Mitchell was concerned about parking, and Mr. Jones

explained his plans for that. Commissioner Mitchell said that he would like to see a drawing of building and parking.

A motion was made by Commissioner Conaway and seconded by Commissioner Mabe that the Town moves forward with the compaction test with the Geoscience & Technology, P.A. bid of \$1945.00. The motion passed unanimously.

NEW BUSINESS

CONSIDERATION OF SCHEDULES FOR BOARD OF COMMISSIONERS AND PLANNING BOARD FOR 2016-17 - Schedules for both the Board of Commissioners and the Planning Board were given to the Board in their agenda packets for their review.

A motion was made by Commissioner Conaway and seconded by Commissioner Hairston to approve the Town of Walnut Cove Board of Commissioners' meeting dates for Fiscal Year 2016-2017. The motion was unanimously passed.

A motion was made by Commissioner Conaway and seconded by Commissioner Mitchell to approve the Town of Walnut Cove Planning Board meeting dates for Fiscal Year 2016-2017. The motion was unanimously passed.

CONSIDERATION OF PROJECT FOR SAFETY UPGRADES AT THE PLANT STREET CROSSING - Richard Mullinax, Rail Signals Manager, Rail Division, NC Department of Transportation addressed the Board explaining that the plans for installing flashing lights with gates at the Plant Street railroad crossing is ready to go forward with the Town's commitment. The cost of this enhancement will be \$250,000.00 with the Town sharing the amount of \$25,000.00. Construction will occur in 2017 if funds are still available. The road would be closed only a couple of days for this work. The Town will also be responsible for a share of the upkeep of these gates which would be about \$3,600.00 annually, which is about one half of what the maintenance costs are and is in accordance with what the state law says that the railroad can charge. There was a question of whether the Town pays anything currently to the railroad for crossing maintenance; the Clerk said that the Town does not. Also, the Board would not be responsible until after the engineering study had been completed. At that time, information would be shared with the Town and the Town could decide whether to go forward with the improvement or not. There was discussion of whether fixing the grade of that crossing could be addressed at the same time as

improving the gates, but the answer was that it could not be included into this project. Mr. Mullinax did say that that he would check and see if there was anything available to help the Town with addressing the sloping issue at that crossing. He said that the Town would be responsible for road work at the crossing such as road line painting. He also said that if the shared cost of \$25,000 was an issue, it could be reduced by closing another crossing in Town.

At this point Town Attorney Ann Rowe arrived.

Mayor Lewis asked about the railroad crossing on the south end of Stokesburg that was undergoing some work but that hadn't been finished, and Manager Miller will give Mr. Mullinax that location so that he can check on the status of that work.

Mr. Mullinax had told the Board that this was an offer not a mandated improvement, and the question of liability to the Town if it chooses not to upgrade was discussed. Mr. Mullinax said that in a case of an accident, records that this offer was made could be made available, and Attorney Rowe explained that a request for these records would have to be honored according to Public Records law. Attorney Rowe said it is hard to comment on liability without knowing the particulars of a certain accident, but it could be a negative for the Town.

Commissioner Conaway suggested that the Town move forward in getting the engineering study and look at the grade issue at the same time. She was hoping it could all be done at the same time.

A motion was made by Commissioner Conaway and seconded by Commissioner Mitchell to approve the municipal agreement for crossing safety project at Plant Street, contingent on the Town Attorney's approval of the form of the agreement. The motion passed unanimously.

EXTENSION OF SEWER SERVICE - Manager Miller reviewed the request brought to the Board in April by Mr. John Parsons and said that since then it was found that the meters would be cost prohibitive. Mr. Parsons found two tap fees that he was awarded by courts involving an easement in 1996. He was also able to locate a cancelled check for \$500.00 that had been paid in 1997 for a tap that had never been installed. Manager Miller said that a former Town Clerk and former Board members had been consulted regarding these credits and nothing was discovered to say that they were not valid. In the agenda packet he listed two options for handling this request, and he read them aloud for the Board's consideration. Mr. John Parsons came up to the podium at this time. There was discussion about whether the \$500.00 check in question was transferrable and therefore valid to be used at this time. After speaking with Mr. Parsons and asking

that he get something in writing and notarized from his wife making certain that the owners of this check were relinquishing rights to the credit it represented, Attorney Rowe was satisfied that it could be used at this time. There was discussion about installing five (5) readable water meters at the mobile homes in questions and using the consumption readings for each to establish the sewer rates. Mr. Parsons would pay for the installation of five (5) tap fees (getting credit for two (2) and \$500.00 off the third) and the lift station. Mr. Parsons would also be responsible to maintain the lift station. The tap fee cost would be \$1,900.00, two full taps plus \$300.00 (the difference of an \$800.00 current tap fee and the \$500.00 credit produced by the check that had been written to the Town in 1997.) The Town would be responsible to bore under the road, run sewer lines and connect sewer lines to the lift station and furnish the water meters at the water connection for each individual mobile home.

A motion was made by Commissioner Conaway and seconded by Commissioner Mabe that the Town will furnish 5 readable water meters connecting at the water connection for each individual mobile home that will be utilized to bill each individual home for actual sewage usage. Mr. Parsons will be responsible for 5 tap fees, allowing credit for 2 taps awarded in the 1996 judgment and a \$500 transfer credit from the 1997 purchase, contingent on the confirmation of the transfer by the other owners of the tap purchased in 1997. The Town will be responsible for boring and extending the line to the lift station at a cost of \$4220 to extend the line to the lift station to be constructed and maintained by the property owner. The motion passed unanimously.

CONSIDERATION OF CONTRACT FOR LAW ENFORCEMENT SERVICES - ~~Manager Miller explained that he had only received the contract this~~ afternoon. Attorney Rowe reviewed and said that she had no concerns as to form.

A motion was made by Commissioner Hairston and seconded by Commissioner Mitchell to go ahead and accept the contract as is. The motion passed unanimously.

CITIZEN REQUEST FOR WATER EXTENSION - Devonne Duncanson addressed the Board requesting that the Board consider extending the water lines from the Town to an area about three (3) miles beyond where the lines run now. She lives in the area that has just received a "Do Not Drink" order, and in her well the particular problem is arsenic. Duke Power is giving temporary water to people in that area, but they have notified the residents that they will be ending that soon. She was petitioning the Board for help and/or give suggestions because she said that there is absolutely nothing that she can do to improve her situation. She asked

that they make it a priority. She said about 250 homes have been affected by this contamination, and everyone is having the same problems. Mayor Lewis asked where the other residents with this concern were this evening, and Mrs. Duncanson said that it appeared that they were allowing her to represent them on this issue. She said that no blame has yet been put on anyone but Duke Power is suspected by some. Discussion followed regarding where the contamination might have come from, the cost of running water lines to that area, test results from water in that area, using water from the Stokes Water authority and other possible ways to proceed toward a resolution. It was suggested that State governmental officials be contacted and that the Stokes County Water authority be contacted. It was also suggested that the residents get as much media coverage about the problem as they can. It was acknowledged that these suggestions were not quick fixes, and that the Board, indeed, has great empathy for the people in this situation but that the Town simply did not have the resources to extend the water lines that far. It was further suggested that a resolution be prepared addressing this situation and Manager Miller said that he would do that. Mayor Lewis said that the Board would review and see what other assistance they could offer, but with regret added that this situation is not going to be resolved very quickly.

At this time, 8:25 p.m., there was a short break requested.

The meeting came back into session at 8:37

CONSIDERATION OF CONTRACT FOR FIRE SERVICES - Chief David Willard approached the Board and passed out handouts. He thanked everyone for allowing him to be present this evening to talk about the 2016-2017 Fire Contract with the Town. He gave some information about what the Fire Department had achieved in the past year including the following: responded to 1210 calls last year, did CPR and other types of training, installed smoke detectors and changed batteries, gathered toys for children at Christmas and hosted a meal for them, supported numerous festivals, were available on medical standby, assisted with traffic control, road cleaning, hydrant flushing, assisted Sheriff's Department, pre-planned for Department of Insurance inspection, reviewed policies, redrew articles of incorporation, rewrote bylaws, and replaced two old engines with a new engine that should last for the next twenty-five (25) years. They provided medical physicals to all staff, conducted background checks on all members and began conducting random drug screening. Chief Willard said that continued training is one of their greatest needs, and he would like to increase more public relation programs and increase number of daytime staff. They want to continue to seek grant funding, recruit new talent and actively lay groundwork for another rate reduction in insurance rating. They want to be an economic tool for the Town. Chief Willard said that the Town's proposal was for \$61,500 and the Fire

Department was requesting 66,000. He explained that the Town pays about 18% of the Fire Department's budget and represents about one fourth of their value. He said that the desire is that eventually the Town matches what everybody else pays in fire tax. He said he was humbly asking for the Town's support. He also explained that the Fire Board meetings are open to the public; anybody can come at any time. Discussion followed about this because there was a question about the meetings being open to the public and previously there was discussion about that being a requirement that the Town would put in the fire contract. Chief Willard explained that everyone is welcome, and how it reads now is that attendance is "by invitation" but anyone asking to attend will be invited to attend. He added that as a non-profit they are not required to follow the Open Meeting Laws. Chief Willard also said that there has been a change that says Fire Board members have to live within the fire district.

Commissioner Conaway said that the Town appreciates and understands the good job the Fire Department does for the Town, however, she does not think it is equitable for the Town to pay the same as is paid outside the Town in the fire tax. She explained that the tax payers in the Town bear the cost of providing the services that the Fire Department takes advantage of such as water. She also mentioned that in the past eight years there has been 100% increase in funding from the Town, and she worries that continued increases from the Town is not sustainable. Discussion representing the views of both sides continued until Mayor Lewis stated that there is no denying that the service is good but the Town only has so much funds.

A motion was made by Commissioner Conaway and seconded by Commissioner Mitchell to approve the contract to provide Fire Protection with the Walnut Cove Volunteer Fire Department with the addition of them being in compliance with the Open Meeting Laws of North Carolina at the contract rate of \$61,500.00 for the contract year of 2016-2017. The motion passed unanimously.

Chief Willard asked what would happen if the Board does not accept this contract, and Mayor Lewis said that will be addressed if that happens. Chief Willard did say that he thought his Board would have an issue with the addition of the open meeting laws requirement. Attorney Rowe said that she had gotten some legal advice from the School of Government (SOG) regarding the Town's desire to have this be a prerequisite for the funding, and the SOG had suggested that if that is what the Town wanted that they put it in the contract. There was a brief discussion about the validity of that being enforceable, and Attorney Rowe said that if both parties agree to that in the contract then it would be enforceable.

SETTING OF PUBLIC HEARING FOR REFINANCING OF DEBT -
Manager Miller explained the need to set a Public Hearing for the Library refinancing. He asked that they set a Public Hearing at the June 14, 2016 meeting. He also asked that the Board adopt the Resolution Authorizing the Filing of an Application with the LGC.

A motion was made by Commissioner Conaway and seconded by Commissioner Mabe to adopt a Resolution Authorizing the Filing of an Application for the Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20 regarding refinancing of the Public Library debt. The motion passed unanimously.

A motion was made by Commissioner Conaway and seconded by Commissioner Hairston to set a Public Hearing for the Library refinancing for the next regular meeting date of June 14, 2016. The motion passed unanimously.

PROPOSED FY 2016-17 BUDGET AND SETTING OF PUBLIC HEARING
Manager Miller presented the proposed 2016/17 budget listing these high spots:

- Decrease from last year because the License Plate Agency (LPA) is up and running and no expense for that has to be included
- Increase because of an increase in worker's compensation insurance
- Good news regarding health insurance with less increase than expected
- Availability of about \$52,000 for capital improvements to ABC parking lot and Town Hall parking lot when the Police Separation Allowance money is released
- Unexpected expense of repairs to the bridge on Depot Street is a setback to presenting other paving priorities
- Increase of 1.5% in employee salaries to be implemented in January 2017
- Ad Valorem tax holds steady at \$0.40 per \$100.00 valuation
- No projected water and sewer rate increases in this upcoming fiscal year -- next year an increase will be addressed
- The present 2015-2016 budget is in good shape

Commissioner Conaway said that she would like to see implementation of long range plans and a spending schedule and road maps for water and sewer so the Town can plan ahead. She also commented that she think the revenues look good.

Commissioner Mitchell asked whether the Manager has identified any new source of revenue, and Manager Miller said that the sale of the hotel property could

provide a new source. Commissioner Mitchell again said that he would like to see plans on the proposed building and parking for that site.

A motion was made by Commissioner Conaway and seconded by Commissioner Hairston that a Public Hearing for the proposed budget for Fiscal Year 2016-2017 be scheduled for the next regularly scheduled meeting of June 14, 2016. The motion passed unanimously.

TOWN MANAGER'S REPORT


The following items were presented to the Board:

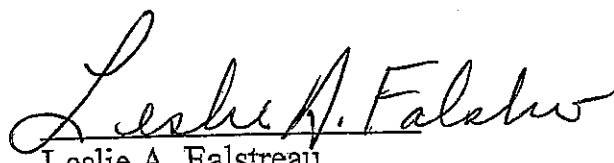
- Ethics Training - all elected officials required to do the Ethics Training need to be at the Library on Wednesday, May 18, 2016. The training will begin at 10:00 a.m. and last about two (2) hours. It was asked earlier in the meeting that the Commissioners arrive a little prior to 10:00 a.m. that morning.
- "Tour De Trees" - this bicycle tour will be in Walnut Cove on October 10th and is a major media event. They will plant a tree in Fowler Park when they are in Town on that day.
- Depot Street Bridge - At a recent inspection the bridge was placed out of service - only the residents' personal vehicles can pass over the bridge. Manager Miller will try to have options ready for review by the June meeting.
- SpringFest event - Saturday, May 21, 2016
- Budget Amendments - informational only
- Waste Water Treatment Plant Inspection Report - great report
- Public Works - two (2) major leaks on Cameron Street and a large leak at Wellhouse Drive, replaced motor on pump at Club Drive, mowing in Town and clearing sewer right of ways in preparation of collection system inspection in June
- Dump truck service - fixed and back in service

GENERAL CONCERN OF THE BOARD - none

A motion was made by Commissioner Mabe and seconded by Commissioner Hairston to adjourn the meeting. The motion passed unanimously.

The meeting adjourned at 9:50 p.m.


Lynn Lewis
Mayor


Leslie A. Falstreau
Town Clerk