

Town of Walnut Cove

BOARD OF COMMISSIONERS

MEETING MINUTES

November 10, 2015

Mayor Lynn Lewis presiding,

Commissioners Present:

Elwood Mabe,
Kim Lewis, Sharon Conaway
Town Manager Bobby Miller
Town Clerk Leslie A. Falstreau
Town Attorney Ann Rowe

The meeting was called to order at 7:00 a.m. at the Walnut Cove Senior Center. Reverend Gregory Hairston 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. No Planning Board meeting will be held in December. It was mentioned that the Small Town Main Street Meeting (STMS) would be at the Milk Bar this month.

PUBLIC COMMENTS - E. A. "Buddy" Timm, 708 Summit St., Walnut Cove, NC addressed the Board about opening prayer in meetings in public places and public policy that limits freedom of speech. He urged the Board not to be swayed by those who would like to do away with officials praying by saying that the First Amendment is not in conflict with politicians praying prayers. He ended with a quote from Thomas Jefferson - ".....these liberties are a gift of God."

Leslie Bray Brewer, 108 Meadow Road, Danbury, NC wanted to talk to the Board about the youth of the area saying that she feels it was time for a facility in Walnut Cove. Ms. Bray operates a ministry in Walnut Cove and said that although she loves the present plans being presented by Destination by Design, she wants to call attention to the fact that there is no place for the youth in Town to go. She said she feels that there is a need for a community center and said that she is advocating for and starting on that idea. She ended by saying that she agrees the Town needs more business, but bless the children and "we will be blessed in turn".

ADJUSTMENTS TO THE AGENDA - Commissioner Conaway asked that the Adoption of an Ordinance Establishing a Moratorium on Oil and Gas Development be changed to be Public Hearing #1 and that the Zoning Request RZ#08-31-15 R-20 to NB-2 be changed to Public Hearing #2, and that under Old Business there be a letter B. Consideration of Zoning Request RZ#08-31-15 for Action and letter C. Consideration of Oil and Gas Moratorium Within Walnut Cove for Action.

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

CONSENT AGENDA - The consent agenda contained the minutes of the Regular Meeting of October 13, 2015. There was a request to make a change on page four (4), paragraph six (6), sentence five (5) changing the word "moratoriums" to "oil and gas development".

A motion was made by Commissioner Conaway and seconded by Commissioner Lewis to approve the minutes of the Regular Meeting of October 13, 2015 with correction of the change of "moratoriums" to "oil and gas development" under the section of Consideration of Ordinance Creating Temporary Moratorium on Oil and Gas Development. The motion passed unanimously.

PUBLIC HEARING #1 - Adoption of Ordinance Establishing a Moratorium on Oil and Gas Development within Walnut Cove

A motion was made by Commissioner Conaway and seconded by Commissioner Mabe to open a Public Hearing for Adoption of Ordinance Establishing a Moratorium on Oil and Gas Development within Walnut Cove

Tracy Edwards, 2271 Martin Luther King Jr. Rd., Walnut Cove, NC addressed the Board thanking them for allowing input on the issue about fracking in Walnut Cove. She said that people here do not want fracking because of love of this county and the desire to live in peace with a clean environment. She said she hopes and prays that the Board will approve a moratorium to protect this area and hopes that the state doesn't define what will happen here in regards to fracking. She said that all eyes are on this county now, and there are lots of "foot soldiers" here and they will continue on with the cause.

Linda Hicks, 130 Rock Road, Madison, NC also thanked the Board for allowing comments and encouraged the Board to pass the moratorium. She continued saying that state officials need to listen to the people not big business; they need to forget politics and be accountable for themselves. She asked how professing Christians can treat the earth in this way all for the love of money and power. In ending she asked "What would Jesus do?"

Ira Tilley, 606 Irvin Farm Rd, Reidsville, NC, Rockingham County addressed the Board saying that he was standing with his brothers and sisters here to preserve the land and the air. He said that state officials have made this a political matter targeting certain counties, and he asked that the Board pass a moratorium and send a strong message to state officials.

Gregory Hairston, 1070 Brookridge Dr., Walnut Cove, NC commended the Board for the draft moratorium and said that this Town does not have to let the state dictate this Town's government. He said the people at this meeting support the Board's efforts. He commended and thanked the Board for rectifying something that happened in the very beginning of this issue. He said that there will be requests taken to King and Danbury to approve a moratorium also.

Commissioner Conaway addressed the question of what is being done in Stokes County about fracking by saying that as of March 17, 2015 the moratorium on fracking was ended and the door was opened to developers to submit permits for drilling in North Carolina. She continued by saying that the plan of this Board was to gain valuable information to react to fracking. She admitted that in April 2015 when the Town was approached by DENR the Board made a decision that was not favorable, but did gain the information that could allow the Town to form a

plan of action against fracking. Information that the shale gas is located in the middle of this area's water supply was obtained and will be valuable in the defense against fracking in this area in the future. Commissioner Conaway stated that the decisions made were the right decisions, and she said that it might be the core sample information that saves this area from fracking. She thanked her fellow Commissioners for standing strong behind the decisions.

A motion was made by Commissioner Conaway and seconded by Commissioner Lewis to close the Public Hearing. The motion passed unanimously.

PUBLIC HEARING #2 - Zoning Request RZ#08-31-15, R-20 to NB-2

A motion was made by Commissioner Conaway and seconded by Commissioner Mabe to open a Public Hearing on Zoning Request RZ#08-31-15, R-20 to NB-2

Bernie Sands, 113 Kingswood Place Dr., Walnut Cove, NC addressed the Board asking that the Board deny the petition to rezone this property from residential to business and presented a petition opposing this rezoning to the Board.

Jesse Day, Town's contract Zoning Officer from the Piedmont Triad Regional Council of Governments, addressed the Board saying that NB-2 is a commercial district and R-20 is residential. Mr. Day said that this property does not pass the legislative test in regards to the 2035 Land Use Plan and in order to re-zone that parcel the Land Use Plan would have to be amended. The Planning Board recently voted 3-1 against this zoning request with one member absent. The Land Use Plan along with traffic issues and property values were the main concerns.

A motion was made by Commissioner Conway and seconded by Commissioner Lewis to close the Public Hearing. The motion passed unanimously.

OLD BUSINESS

US MOTTO ACTION COMMITTEE - There was no representative present this evening to talk with the Board about this issue. Town Manager Miller said that he was told that either Pastor Mark Smith or Mr. Lanier would be at this meeting tonight. It was decided to table this item until they could be present at a meeting.

CONSIDERATION FOR ACTION OF ZONING REQUEST RZ#08-31-15, R-20 TO NB-2

Brief discussion followed during which there was agreement to accept the recommendation of the Planning Board.

A motion was made by Commissioner Lewis and seconded by Commissioner Conaway to accept the recommendation of the Planning Board therefore denying the zoning request. The motion passed unanimously.

CONSIDERATION FOR ACTION OF OIL AND GAS MORATORIUM WITHIN WALNUT COVE

Commissioner Conaway talked about Senate Bill 119 which gives authority in oil and gas development to the state and limits local government authority. She said, however, adopting the moratorium will at least slow things down; it will stand until challenged which will be a process in which ultimately it will have to be proved that fracking here in Walnut Cove will pose no unreasonable risk to the community. Since the shale gas in this area lies between our

aquifers, it should prove difficult to say that there will be no risk involved in fracking here. Commissioner Conaway said that now is the time to gather information to protect this area against future actions regarding this issue. Commissioner Lewis said that she is infuriated about this issue; she said that she has always been against fracking.

A motion was made by Commissioner Conaway and seconded by Commissioner Mabe to adopt the Ordinance Establishing a Moratorium on Oil and Gas Development within Walnut Cove. The motion passed unanimously.

At this time, 7:55 p.m., the meeting recessed for a brief break. At 8:10 p.m. the meeting came back in session.

NEW BUSINESS

APPOINTMENT OF COMMISSIONER TO VACANT SEAT - Manager Miller reviewed with the Board the acceptance of Commissioner Natalie Smiley's resignation which took place at the last meeting. He referred to a packet by Bob Joyce, Institute of Government, setting forth two acceptable ways of filling this vacancy and said the Board needs to decide which option to use and fill the vacancy. It was mentioned that there had been discussion about appointing the candidate that came in third in the recent elections to fill that vacancy and Elwood Mabe was that candidate.

A motion was made by Commissioner Conaway and seconded by Commissioner Lewis to appoint Elwood Mabe to fill the vacant seat vacated by Natalie Smiley effective as of the organizational meeting in December. The motion passed unanimously.

Elwood Mabe will be filling the unexpired term that would be up for election in November 2017.

BUDGET AMENDMENT #10, #11 and #12 - Manager Miller explained that Budget Amendment #10 was for money that will be covered by a grant, Budget Amendment #11 is a revenue reallocation and Budget Amendment #12 is for the remodel of the License Plate Agency that is necessary to accommodate the new bill pay station and new computer.

A motion was made by Commissioner Conaway and seconded by Commissioner Lewis to approve Budget Amendments #10, #11 and #12. The motion passed unanimously.

TOWN EMPLOYEES HOLIDAY SALARY BONUS - Manager Miller proposed that in the December 3, 2015 pay period all full-time employees who were employed on July 1, 2015 receive a one-time holiday bonus of \$300.00 in addition to their regular salary taxable as regular salary. He also proposed that all employees who were employed after July 1, 2015 and two (2) part time employees receive a one-time holiday bonus of \$150.00 in addition to their regular salary taxable as regular salary. It was mentioned that there was money available in the proper department salary line items for these bonuses.

A motion was made by Commissioner Lewis and seconded by Commissioner Conaway to accept the 2015 Town Employee Holiday Salary Bonus Proposal as presented. The motion passed unanimously.

EXECUTIVE SESSION - Approval for Closed Session Minutes NCGS 143-318.11 (a)(5)

A motion was made by Commissioner Conaway and seconded by Commissioner Mabe to go into Executive Session in accordance with NCGS 143-318.11(a)(5). The motion passed unanimously.

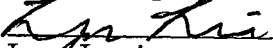
The Board adjourned into Executive Session at 8:20 p.m. The Board reconvened in Open Session at 8:52 p.m. when it was announced that no action was taken in the Closed Session.

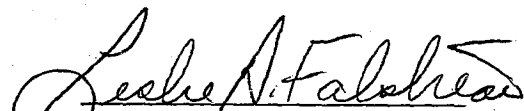
TOWN MANAGER'S REPORT - Manager Miller presented his Manager's Report giving information which included the following items:

- License Plate Agency (LPA) Update - the LPA office is currently selling novelty items and has recently signed a contract with Global Express to start taking certain payments. There will have to be some work done on the LPA side prior to starting to take these payments.
- Land Gift Update - the parcel has been signed over to the Town, and the Town Attorney is reviewing. There is one form that Mr. Hardie needs the Town to sign and the Town's Attorney has approved that. There was discussion regarding the need of a total title search but Attorney Rowe is comfortable with the research her office has done and the Board was comfortable with her decision.
- Well Updates - Fowler Park well is pumping water and some sampling has been done. Wellhouse Drive well has had some problems with slight shifting of rock layers making it so that the pump that was purchased could not be placed down in the well. A new, smaller pump is being ordered and the pump that would not fit will be sold by the company, if a buyer can be found. If not, the Town will keep it and use it in the future.
- The festival sponsored by "Just Plain Country" scheduled for 11/7/2015 is postponed until 11/14/2015 because of rain. The street closure will be that day.
- Destination by Design at the Library - there will be a public meeting at the library on December 3, 2015 starting at 6:00 p.m.
- 2014-15 Audit - the audit has been completed and a copy has been sent to the Local Government Commission who at first glance reported that they saw no issues. The auditors were very complimentary about the Town's financial situation. The Board will do a formal accepting of the audit after the LGC gives approval.
- Town Website - a new website is under construction. Former Town Manager Monty Stevens is redesigning a new page and LPA Manager Kim Greenwood will be the daily administrator.
- Buzzard update - in October merchants expressed problems with buzzards tearing up roofs. The US Department of Agriculture came and addressed the issue. Letters were sent to merchants educating about buzzard food sources and proper waste management, and dead birds were hung in various areas in hopes of driving the buzzards away. The problem still exists with complaints coming every day. The Town is complying with federal law and will continue to be in contact with the USDA.

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

The meeting adjourned at 9:20 p.m.


Lynn Lewis
Mayor


Leslie A. Falstreau
Town Clerk