

Town of Walnut Cove

BOARD OF COMMISSIONERS

MEETING MINUTES

September 11, 2018

Mayor Charles Mitchell

Commissioners Present:

Elwood Mabe

Danny Hairston

Thomas Mitchell

Charles Byron

Staff present:

Town Manager Kim Greenwood

Town Clerk Amanda Bryant

Town Attorney Ann Rowe

The meeting was called to order at 7:03 PM at the Walnut Cove Senior Center by Mayor Charles Mitchell. Commissioner Mabe gave the invocation following which Rev. Wesley Durrell led in pledging allegiance to the American flag.

ANNOUNCEMENTS-

- a. The Cove Group; Regular Meeting. September 20, 2018 @ 6:30pm. Walnut Cove Public Library.
- b. Walnut Cove Planning/Zoning Board; Regular Meeting. September 20, 2018 @ 6:30pm. Walnut Cove Public Library
- c. Walnut Cove Volunteer Fire Dept.; Regular Meeting. October 4, 2018 @ 7pm. Walnut Cove Fire Department.
- d. Walnut Cove Board of Commissioners; Regular Meeting. October 9, 2018@ 7pm. Walnut Cove Senior Center.
- e. Town Recycling Schedule; September 21st, October 5th & October 19th.

PUBLIC COMMENTS – 0

No Public Comments

ADJUSTMENTS/CORRECTIONS TO THE AGENDA-

1. VFW Request for Flag Funding
2. Declaration of Emergency (Attachment F)

A motion was made by Commissioner Byron to accept the adjustments/corrections to the agenda. The motion was seconded by Commissioner Hairston. Motion carried unanimously.

Consent Agenda

- a. Rev. Wesley Durrell stated the Cove Group and Planning/Zoning will no longer meet at the same time. Kim Ferrell stated there will be no September meeting for the Cove Group. The Cove Group will be meeting the 1st Tuesday of each month at Oma's Coffee Shop at 6:30pm. The first meeting is scheduled for October 2, 2018.

Review & Approve Regular Meeting Minutes-August 14, 2018 (attachment A)

A motion was made by Commissioner Hairston to accept and approve the minutes from the August 14, 2018 meeting. The motion was seconded by Commissioner Mitchell. The motion carried unanimously.

OLD BUSINESS

1. Extending Moratorium on Oil and Gas (attachment B)

- a. Town Manager Greenwood addressed Town Attorney Rowe to give the Board and update on the Moratorium on Oil and Gas Development.

Town Attorney Rowe presented each Board member a handout of the ordinance to consider for approval. She explained the ordinance extends previously what is in place and mirrors the past

ordinance and is very similar. She suggested extending the ordinance instead of adopting a new one. She further explained at the time it was passed other counties adopted their moratoriums such as Chatham and Lee counties these were adopted in November 2015. She explained Lee County and Chatham counties appear to be in the process of extending their moratorium again. We would be keeping in line with other counties as well, clarifying she wasn't sure about Stokes County.

- b. Commissioner Byron asked: Initial legislation suggested strong language for municipalities are not allowed to pass ordinances or extensions and sends a message they are not welcomed legally, will the moratorium hold up in court?
- c. Town Attorney Rowe stated a bill was passed for local government stating a municipality could not adopt an ordinance prohibiting the development. As for will a moratorium hold up she wasn't sure. There is a company now challenging one now. A company has challenged Chatham and Lee counties. The company sent a letter to schedule a hearing.
- d. Commissioner Byron asked will Chatham and Lee counties pay the cost. Can we be fined if it isn't legal? Also why 36 months in Section II, is there an expiration date?
- e. Town Attorney Rowe we still do not know the outcome of Chatham and Lee counties. We can pass the ordinance to extend the moratorium but there is the question if it is legal. As for the 36 months it is an extension from the original moratorium, this could extend it until 2021. If the ordinance is adopted I will correct this and make it to reflect the correction.
- f. Town Attorney Rowe also explained the Reasonable Activities in Section 9 for Action and Schedule. She explains this is what we did and this is what we will do in an information gathering as set out in the extension. Town Manager Greenwood and I have an informal informational meeting to discuss this. Chatham county did a study and Lee county may also, she suggests getting a copy of the study. It may contain useful information with an 18 month timeframe to review the studies.
- g. Commissioner Byron the studies make sense because of the Coal Ash Development of conditional use is it necessary to include it?

- h. Town Attorney; we do not have to include it. The new moratorium mirrors the original we can change the language to indicate, it is a possibility. We can rewrite it to make it less restrictive.
- i. Commissioner Byron; what if we do not want an extensive commitment?
- j. Town Attorney Rowe we can potentially talk to a consultant and rewrite the section for the conditional use so it will be less constrictive.
- k. Commissioner Byron; what is the cost of a consultant?
- l. Town Attorney Rowe: the cost could be in the thousands of dollars. Chatham County had to have a consultant, so it may be worth looking into. I can rewrite the moratorium and present it in October.
- m. Commissioner Hairston can you rewrite it and present it in October?
- n. Town Attorney Rowe: we can table this until the October meeting.

Commissioner Hairston made a motion to table Extending the Moratorium of Oil and Gas until the October meeting. The motion was seconded by Commissioner Byron. Motion carried unanimously.

NEW BUSINESS-

a. Duke Power Street Closure (attachment C)

- i. Duke Power is replacing their equipment on Summit Street and has asked to have Summit Street temporarily closed for approximately 2 months to complete the update.
- ii. The section on Summit Street from 1st to 2nd Street there are no residences that live on that section of Summit Street.
- iii. Commissioner Byron stated it is more dangerous if we do not close it.

Commissioner Hairston made a motion to close the section from 1st to 2nd Street for the Duke Power replacing their equipment. The motion was seconded by Commissioner Mitchell. Motion carried unanimously.

b. ABC Seat Appointment (attachment D)

- i. Town Manager Greenwood presented a letter from Ms. Mariam Tilley with her request to reappoint Keith Morgan to the ABC Board for a 1 year renewal.
- ii. The purpose of a 1 year renewal is to stagger the rotation of ABC seat members.

Commissioner Mabe made a motion to approve the appointment of Keith Morgan to the ABC Board. The motion was seconded by Commissioner Byron. Motion carried unanimously.

Executive Session

A motion was made by Commissioner Mabe and seconded by Commissioner Mitchell to adjourn into Closed Session for the purpose of Personnel (NCGS 143.318.11(a)(6). The motion carried unanimously. Time 8:39pm.

The meeting reconvened in Open Session at 9:05pm at which time it was announced that no action was taken during the closed session.

c. Code Enforcement

- i. Commissioner Byron asked Town Attorney Rowe is this something we can discuss in Executive Session?
- ii. Town Attorney Rowe stated if it is specific questions regarding personnel it will need to be in executive closed session, if it is general questions it will need to be open.
- iii. Commissioner Byron: to discuss to option of contracting through the county and other options. Is that general or specific?
- iv. Town Attorney Rowe: if someone would make the motion to enter executive closed session and if anything discussed is something that needs to be stated in open session I will let you know. For general thoughts and/or information Code Procedures and Ordinances need to be discussed in open session.

- v. Upon reviewing the Town's zoning and Coding Enforcement we need to change the process in terms of letters we send out. For instance if the Town Manager gets a complaint that needs to be investigated for the problem
 - i. A notice is sent out who gets the notice, the owner or the occupant?
 - ii. Commissioner Byron would both get it?
 - iii. Attorney Rowe yes you can send it to both but then we have to research who the owner is.
 - iv. She has reviewed the civil citations and feels we need to work on them.
 - v. The current civil citation letter reads the same as a warning letter. We need to work on it so that it becomes the next step in the process.
 - vi. The ordinance is well drafted but the civil penalty is not.
 1. Commissioner Hairston asked if we can charge civil penalties per week?
 2. Town Attorney stated the ordinance says we can but doesn't say we have to have a court order. It is murky. A court order is what is needed in order to place a lien on a property.
 3. Commissioner Mabe- Do cities such as Winston Salem, Greensboro and High Point obtain court orders?
 4. Town Attorney Rowe - We also have to remember Public health issues which nuisances can cause. We need to be more active in this area, starting in October there will be statute of limitations.
 5. Commissioner Byron can you find out what Winston Salem and other cities are using to justify their actions. Also can you give us the 15 second version of a timeline for the court process?
 6. Town Attorney Rowe- The court proceedings will go into Civil Superior or District court a judge will issue a minimum 30 day court day order.

7. Questions from the Board

- a. Commissioner Byron- For the buildings downtown nothing hasn't been done for 7 years. If individuals have been notified many times and haven't been held accountable. Also someone has to pay the taxes for the property. Consistency will be key. We need to start doing our part to get people to comply and we have to start somewhere.
- b. Commissioner Mabe: We need to do something and put a stop to it. The property has no lien or Foreclosure but bank owns the property. Our problem is we have had 7-8 officers and no one has followed through on getting this fixed.
- c. Wesley Durrell: stated there are gas pipes, overgrowth, concrete pieces the size of boulders all over the property.
- d. Town Manager Greenwood- We must proceed with caution and not be selective of who gets enforced, it must be everyone who is in violation. The fair way to do this would be to compile a list of violators.

8. Answers from Town Attorney Rowe

- a. Dangerous situations not applicable, statutes apply to the zoning side of things.
- b. We still have to go through the process w have been properly notified, court order etc. Situations where properties are a danger to the citizens there is more room to act still has to give the proper notices. We must be consistent. We cannot be selective about who is issued a citation.
- c. Pretty easily to fall under General Statutes if the property is a danger to Public health and safety. We still have to give the proper

notices. The process doesn't have to be difficult; it is a much more streamlined process. Abatement addition to these things. Has the board declared the property a public health issue?

- d. Also we need to have a good relationship with the tax office. My recommendation is to improve the warning letter, which I can have at the October meeting. It is important to have the input of the code officer.
- e. Key to this is consistency, write a policy and enforce it. For the next meeting I will contact Winston Salem and begin to redraft the letters as a working document.

d. VFW Request for Flag Funding

- i. The Town is in need of new flags, the current ones are have several that are worn down.
- ii. They are asking for 50 flags, the VFW are requesting \$600.00 to cover the cost.
- iii. Currently there are 32 flags in town.

Commissioner Mabe made a motion to approve the VFW request for purchase of new flags. The motion was seconded by Commissioner Mitchell. Motion carried unanimously.

e. Declaration of Emergency

- i. With the impending Hurricane Florence, the declaration of emergency will put us eligible for federal funding when the Hurricane hits.
- ii. Stokes County will issue their State of Emergency on Thursday at 12pm.
- iii. London Elementary School will be the designated Emergency Shelter if the need arises. The school is equipped with a generator.
- iv. This will be for those ordered to evacuate.
- v. The Public works has made preparations for the Hurricane with having the town trucks equipped with saws and other

tools needed. Everything is running and ready for use if needed.

- vi. I have spoken with the Fire Department and they are ready for the storm as well.

Commissioner Bryon made a motion to Declare a State of Emergency on Thursday September 13 at 12pm. Commissioner Mitchell seconded the motion. Motion carried unanimously.

Town Managers Report-Attachment E

- i. I have had conversations with Craig Sizemore with the DOT regarding the re-routing of traffic when the intersection work begins. As Mr. Ivey referenced in our last meeting, the intersection plan has been fast tracked. The State is now looking at Plant Street as the detour.
- ii. Duke Energy has advised of various areas in town that are due for vegetation management. Our areas in town include Summit St., Pipe Plant Road, Ninths Street, Highway 311, and Highway 89.
- iii. The LPA did very well for the month of August. The net transaction fee profit sheet is attached.
- iv. We anticipate the Administration audit to being either the week of September 17 or September 24, 2018.
- v. This month's water bill does reflect the rate change. We have had a few comments at town hall regarding the change.
- vi. We have finished last year's Powell Bill paving money and awaiting this year's allotment for additional paving work.
- vii. NC State students are still visiting our Waste water treatment plant. We anticipate having them through the fall. Fred Summers with Rural Water will be hosting an 8 hour class in Walnut Cove on October 18. Other municipalities will be in the class. This will give our employees an opportunity to receive their in-service hours for the year.

Town Attorney Rowe stated she wanted to give an updated report on the AT&T Water tower lease agreement.

- a. The plant street location lease agreement for 2023. They would like a rent reduction. They implied if we do not grant the rate reduction they may look at other options.
- b. Ms. Hicks stated this is a trend across the state, it has no benefit for the Town to decline it.
- c. She will have another discussion with Ms. Hicks and make recommendations in November.

General Concerns of the Board

1. Commissioner Bryon stated the Cove Group had a few updates
 - a. A scheduled cleanup was planned for October 14 from 4-6pm. The rain date would be one week following.
 - b. They would like to use a town truck for the bags of garbage.
2. Mayor Mitchell wanted to tell everyone he appreciates all everyone is doing for the town.

Commissioner Mabe made a motion to adjourn the meeting. The motion was seconded by Commissioner Mitchell. The motion carried unanimously. Meeting adjourned at 9:42pm.

Charles Mitchell
Mayor

Amanda Bryant
Town Clerk

Date

Date