

Barry Hayes
Mayor

Dr. Caryl B. Burns
Mayor Pro Tem

Jerry T. Church
Town Manager
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Council Members

Larry Knight
Jim Mackie
Mike Mackie
Martin D. Townsend
Tracy Townsend

TOWN OF GRANITE FALLS

AGENDA

REGULAR TOWN COUNCIL MEETING

MONDAY MARCH 4, 2019

4 SOUTH MAIN STREET

6:00 PM

- I. WELCOME - CALL TO ORDER MAYOR BARRY HAYES
- II. INVOCATION CHAD RABY
PARKS AND RECREATION DIRECTOR
- III. PLEDGE OF ALLEGIANCE MAYOR BARRY HAYES
- IV. RECOGNITION OF VISITORS
- V. SPECIAL PRESENTATIONS/INTRODUCTIONS/RECOGNITIONS
 - A) Town Manager Jerry Church will introduce Senior Customer Service Representative Misty Hight.
 - B) Granite Falls Police Chief Chris Jenkins will recognize Assistant Police Chief Brine Branham for receiving the Advanced Law Enforcement Certificate.
 - C) Granite Falls Police Chief Chris Jenkins will recognize Lieutenant Ricky Gilliland for receiving the Advanced Law Enforcement Certificate.
- VI. APPROVAL OF AGENDA
- VII. APPROVAL OF MINUTES FROM THE REGULAR TOWN COUNCIL MEETING HELD FEBRUARY 4, 2019.
- VIII. TOWN ATTORNEY REPORT BRUCE CANNON
- IX. PUBLIC COMMENT PERIOD
- X. PUBLIC HEARINGS
 - 1. **ZONING TEXT AMENDMENT #1-2019**
The Council shall hold a public hearing on Zoning Text Amendment #1-2019. The Council called for the public hearing at the February 4, 2019 Council meeting following the presentation of the text amendment by Town Planner Greg Wilson. At the public hearing, all Town residents and other interested parties must be allowed to speak.

Zoning Text Amendment #1-2019, submitted by Lorie Khatod, would remove the requirement that new residential units in the Central Business District only be occupied by the building owner or business owner. A new residential unit would still not be allowable on the main level (street level) and would still be processed as a Conditional Use. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #1-2019. (See attachment #1.)

Notice of the public hearing was duly provided in the *News Topic* as required by law.

2. ZONING TEXT AMENDMENT #2-2019

The Council shall hold a public hearing on Zoning Text Amendment #2-2019. The Council called for the public hearing at the February 4, 2019 Council meeting following the presentation of the text amendment by Town Planner Greg Wilson. At the public hearing, all Town residents and other interested parties must be allowed to speak.

Zoning Text Amendment #2-2019, submitted by Sue Bumgarner, would modify the standards for manufactured homes when they are set up in a manufactured home park in the Residential Mobile Home (RMH) District. The standards for manufactured homes being set up on an individual parcel of land would remain unchanged. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #2-2019. (See attachment #2.)

Notice of the public hearing was duly provided in the *News Topic* as required by law.

3. ZONING TEXT AMENDMENT #3-2019

The Council shall hold a public hearing on Zoning Text Amendment #3-2019. The Council called for the public hearing at the February 4, 2019 Council meeting following the presentation of the text amendment by Town Planner Greg Wilson. At the public hearing, all Town residents and other interested parties must be allowed to speak.

Zoning Text Amendment #3-2019, submitted by James McKee, would allow for larger accessory structures as a Conditional Use in the R-15, Single Family Residential District. Any structure exceeding the standard maximum size allowed would be subject to several stated conditions including a minimum lot size of one acre. The Board of Adjustment would be able to require additional measures, if needed, to ensure compatibility with adjacent land uses. All other standards for accessory structures would still apply. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #3-2019. (See attachment #3.)

Notice of the public hearing was duly provided in the *News Topic* as required by law.

XI. NEW BUSINESS/ACTION ITEMS

1. CONSIDER CHANGES TO THE COUNCIL MEETING SCHEDULE

Council is requested to cancel the regular Council meeting scheduled for Monday, March 18, 2019 and call for a special Council meeting on Monday, March 25, 2019 at 5:30 p.m. followed by a special budget work session starting at 6:15 p.m. in the Council Room. Council is also requested to cancel the regular Council meeting scheduled for Monday, May 20, 2019 (Art in the Park concert is scheduled for May 20th).

Action Requested: Approve the proposed changes to the Council meeting schedule.

2. ZONING TEXT AMENDMENT #1-2019

Council shall consider Zoning Text Amendment #1-2019. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #1-2019 as submitted. (See attachment #1.)

Motion to Approve (required per NC G.S. 160A-383)

Motion to approve Zoning Text Amendment #1-2019, which the Granite Falls Town Council does hereby find and determine that the adoption thereof is consistent with the adopted Granite Falls Horizons: Land Development Plan, which encourages infill development and a mix of housing options that reflect the needs of Town residents and preserves the reputation of Granite Falls as an attractive place to live and work.

Due to its consistency with the Land Development Plan, it is determined that Zoning Text Amendment #1-2019 is both reasonable and in the public interest.

Motion to Deny (required per NC G.S. 160A-383)

Motion to deny Zoning Text Amendment #1-2019, while acknowledging that the request is not inconsistent with the Granite Falls Horizons: Land Development Plan and further acknowledging that significant changes in the Town's corporate limits and growth patterns have affected the original scope of the Land Development Plan.

It is determined that this request is not reasonable and in the public interest and that the Land Development Plan is hereby deemed to be amended to reflect this denial.

3. ORDINANCE #346

Council shall consider Ordinance #346 amending the Town of Granite Falls Zoning Ordinance, contingent upon the approval of Zoning Text Amendment #1-2019 at tonight's Council meeting. Zoning Text Amendment #1-2019 would remove the requirement that new residential units in the Central Business District only be occupied by the building owner or business owner. A new residential unit would still not be allowable on the main level (street level) and would still be processed as a Conditional Use.

Ordinances for Zoning Text Amendments are not required under NC General Statutes; however, the passing of the formal ordinance gives the Town an additional mechanism to track zoning activity and serves as the formal document that repeals former zoning ordinances or resolves conflict when there are zoning disputes. (See attachment #4 for Ordinance #346.)

Action Requested: If Zoning Text Amendment #1-2019 is approved, approve Ordinance #346 as presented.

4. ZONING TEXT AMENDMENT #2-2019

Council shall consider Zoning Text Amendment #2-2019. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #2-2019 as submitted. (See attachment #2.)

Motion to Approve (required per NC G.S. 160A-383)

Motion to approve Zoning Text Amendment #2-2019, which the Granite Falls Town Council does hereby find and determine that the adoption thereof is consistent with the adopted Granite Falls Horizons: Land Development Plan, which encourages policies that support affordable housing options and the placement of manufactured homes in appropriate areas.

Due to its consistency with the Land Development Plan, it is determined that Zoning Text Amendment #2-2019 is both reasonable and in the public interest.

Motion to Deny (required per NC G.S. 160A-383)

Motion to deny Zoning Text Amendment #2-2019, while acknowledging that the request is not inconsistent with the Granite Falls Horizons: Land Development Plan and further acknowledging that significant changes in the Town's corporate limits and growth patterns have affected the original scope of the Land Development Plan.

It is determined that this request is not reasonable and in the public interest and that the Land Development Plan is hereby deemed to be amended to reflect this denial.

5. ORDINANCE #347

Council shall consider Ordinance #347 amending the Town of Granite Falls Zoning Ordinance, contingent upon the approval of Zoning Text Amendment #2-2019 at tonight's Council meeting. Zoning Text Amendment #2-2019 would modify the standards for manufactured homes when they are set up in a manufactured home park in the Residential Mobile Home (RMH) District. The standards for manufactured homes being set up on an individual parcel of land would remain unchanged.

Ordinances for Zoning Text Amendments are not required under NC General Statutes; however, the passing of the formal ordinance gives the Town an additional mechanism to track zoning activity and serves as the formal document that repeals former zoning ordinances or resolves conflict when there are zoning disputes. (See attachment #5 for Ordinance #347.)

Action Requested: If Zoning Text Amendment #2-2019 is approved, approve Ordinance #347 as presented.

6. ZONING TEXT AMENDMENT #3-2019

Council shall consider Zoning Text Amendment #3-2019. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #3-2019 as submitted. (See attachment #3.)

Motion to Approve (required per NC G.S. 160A-383)

Motion to approve Zoning Text Amendment #3-2019, which the Granite Falls Town Council does hereby find and determine that the adoption thereof is both reasonable and in the public interest, while acknowledging that the adopted Granite Falls Horizons: Land Development Plan does not specifically address the issue. Therefore, a determination cannot be made relative to its consistency therewith.

Motion to Deny (required per NC G.S. 160A-383)

Motion to deny Zoning Text Amendment #3-2019, while acknowledging that the adopted Granite Falls Horizons: Land Development Plan does not specifically address the issue, therefore, a determination cannot be made relative to its consistency therewith. It is hereby determined that this request is not reasonable and in the public interest.

7. ORDINANCE #348

Council shall consider Ordinance #348 amending the Town of Granite Falls Zoning Ordinance, contingent upon the approval of Zoning Text Amendment #3-2019 at tonight's Council meeting. Zoning Text Amendment #3-2019 would allow for larger accessory structures as a Conditional

Use in the R-15, Single Family Residential District. Any structure exceeding the standard maximum size allowed would be subject to several stated conditions including a minimum lot size of one acre. The Board of Adjustment would be able to require additional measures, if needed, to ensure compatibility with adjacent land uses.

Ordinances for Zoning Text Amendments are not required under NC General Statutes; however, the passing of the formal ordinance gives the Town an additional mechanism to track zoning activity and serves as the formal document that repeals former zoning ordinances or resolves conflict when there are zoning disputes. (See attachment #6 for Ordinance #348.)

Action Requested: If Zoning Text Amendment #3-2019 is approved, approve Ordinance #348 as presented.

8. APPROVE RESOLUTION AFFIRMING THE TOWN OF GRANITE FALLS’ SUPPORT REGARDING IMPLEMENTATION OF A COMPLIANT NDPES MS4 STORMWATER PROGRAM

On January 24 2019, the Town of Granite Falls was issued a Notice of Violation (NOV) for violations of the Town’s Municipal Separate Storm Sewer System (MS4) permit. There were no fines or penalties associated with the NOV. As part of the corrective action the Town must take to get back in compliance with the MS4 permit, the Council must pass a resolution demonstrating support for a compliant stormwater management program. (See attachment #7.)

Action Requested: Approve the resolution of support for a compliant stormwater program as presented.

9. 2018 PLANNING DEPARTMENT ANNUAL REPORT

Granite Falls Town Planner Greg Wilson will present the 2018 Planning Department Annual Report. (See attachment #8.)

10. 2018 POLICE DEPARTMENT ANNUAL REPORT

Granite Falls Police Chief Chris Jenkins will present the 2018 Police Department Annual Report. (See attachment #9.)

11. APPROVE BUDGET AMENDMENT #6 FY 2018-2019

Finance Officer Marsha Harbison requests the Council approve budget amendment #6 for fiscal year 2019. (See attachment #10.)

Increase General Fund Balance Appropriation Unauthorized Substance Tax	\$2,100.00
Increase General Fund Budgeted Expense – Police State Drug Tax	\$2,100.00

12. APPROVE CAPITAL PROJECT BUDGET ORDINANCE FOR STATE BUDGET SPECIAL APPROPRIATION FOR PROJECTS AT THE SHUFORD RECREATION CENTER

At the July 16, 2018 Council meeting, NC Senator Warren Daniel and NC Representative Destin Hall informed the Council that the Town of Granite Falls would receive a one-time \$50,000 allocation from the 2018-2019 state budget for ADA projects at the Recreation Center. On August 13, 2018 the Council approved using the money for two projects: 1) remove the existing sidewalk at Field #1 and the Tennis Courts, which is not ADA compliant, and replace the sidewalk with an ADA compliant sidewalk with two access ramps which will provide better access to the new ADA compliant restrooms, and 2) purchase additional ADA compliant playground equipment for

toddlers 2 to 5 years old. Due to the sidewalk portion of the project coming in under budget, the Council needs to spend the remaining \$5,000 on additional ADA compliant sidewalk at the Recreation Center. There is also another section of ADA sidewalk that can be completed at the Recreation Center for a cost of \$50,000 and this section of sidewalk will connect the lower parking lot with the walking path and to the ADA sidewalk that runs to the new ADA playground, and would provide ADA accessible sidewalk from the walking path to Field #1. There is currently no ADA accessible sidewalk from the lower parking lot to the ADA playground or to Field #1. This sidewalk is in the CIP as project R-39. The total cost of the project would be \$100,000. (See attachment #11.)

Action Requested: Approve Capital Project Budget Ordinance for the State Budget Appropriation Project as submitted and authorize Town Manager Jerry Church to obtain and award informal bids for the project.

13. BUDGET AMENDMENT #7 – 2018-2019

The Council previously approved Budget Amendment #1 2018-2019 to approve the revenue and expense for the one-time \$50,000 allocation from the 2018-2019 state budget. If the Council approves the Capital Project Budget Ordinance for the Recreation Center projects, the Council would need to approve Budget Amendment #7 to reverse Budget Amendment #1 and reduce the Recreation Department Budget by an additional \$50,000. (See attachment #12.)

Decrease General Fund Miscellaneous Grant Revenue	\$50,000.00
Decrease Recreation Department Capital Outlay	\$50,000.00
Decrease Recreation Department M&R Building and Grounds	\$50,000.00
Decrease General Fund Appropriated Fund Balance	\$50,000.00

14. REVISE APPROVAL OF APPLICATION FOR N.C. PARKS AND RECREATION TRUST FUND (PART-F GRANT) FOR THE TOWN OF GRANITE FALLS RECREATION CENTER ACTIVITIES EXPANSION PROJECT

At the October 15, 2018 Council meeting, the Council approved the Town applying for a PART-F Grant to add a new picnic shelter between the playgrounds (CIP-R36 \$27,500.00), add new adult outdoor exercise equipment (CIP-R37 \$82,500.00), add a new splash pad (CIP-R38 \$276,000.00), a new pool slide (CIP-R45 \$30,000.00) and two additional outdoor ADA restrooms (CIP-R28 \$84,000.00). Parks and Recreation Director Chad Raby will request that the Council amend the PART-F Grant application to include an additional batting cage (CIP-R48 \$15,000.00), ADA playground equipment for 6 to 12-year-olds (NCR18 \$12,000.00) and ADA playground equipment for 2 to 5-year-olds (NCR19 \$9,000.00). The Part-F Grant requires the Town matching funds on at least a dollar for dollar basis, and the revised estimated cost of these projects is \$536,000.00 (\$250,000.00 PART-F Grant, \$286,000.00 - Town Match). Due to the timing of the grant cycle and the estimated completion date for these projects, matching funds could be required as early as fiscal 2020 with most of the funds needed in fiscal 2021. (See attachment #13.)

15. CONSIDER EXTENSION OF AUDIT AGREEMENT

Council shall consider an extension of the audit agreement with Martin Starnes & Associates, CPAs, P.A. (MSA) to complete the audit(s) of the Town's financial statements for the next three years. For a three-year extension, the proposed fees would be \$25,000 for 2019, \$25,000 for 2020 and \$26,000 for 2021. These proposed fees include the cost of a single audit which is required if the Town receives federal or state grant money. In years when the Town does not receive federal or state grant money, the cost of the audit would decrease by \$1,500 per year. (See attachment #14.)

As points of reference, the Town contract was for \$23,425 for 2016, \$24,075 for 2017 and \$24,875 for 2018 excluding the cost of the single audit. The average cost per year for 2019 -2021 would be \$25,333 which is an average increase of 1.67% per year over the average cost per year of \$24,125 for 2016 – 2018.

Action Requested: Town staff recommends approving the extension of the audit agreement as presented. Council is also requested to authorize the Town Manager to sign the extension agreement.

16. APPROVAL OF AUDIT CONTRACT

If the Council extends the Audit Agreement with Martin Starnes & Associates, CPAs, P.A, Council is requested to approve the audit contract with Martin Starnes & Associates, CPAs, P.A. to complete the audit of the Town’s financial statements for the fiscal year beginning July 1, 2018 and ending June 30, 2019. The amount of the contract is \$25,000 for the basic audit, including \$1,500 for single audit procedures, plus financial statement preparation and printing costs. The Local Government Commission (LGC) requires that every municipality sign an annual audit contract with their audit firm. The amount in the annual audit contract agrees with the amount specified in the three-year contract presented earlier tonight. (See attachment #15.)

17. FINANCIAL REPORT

The financial dashboard for the seven months ended January 31, 2019 is enclosed for the Council’s review. This report represents 58% of the current 2018-2019 fiscal year budget. Also enclosed for Council review is an analysis of current year sales tax and property tax revenue versus prior year and budgeted revenues. (See attachment #16.)

18. ADVERTISE TAX LIENS ON 2018 TAXES

Granite Falls Tax Collector Kim Anderson has submitted a certified list of property owners who have unpaid taxes that represent an unpaid tax lien. It is requested that Council set the date of Thursday, April 4, 2019 to advertise the 2018 unpaid taxes on real property as required by NCGS 105-369(c). (See attachment #17.)

19. AUTHORIZATION TO APPROVE DISCOVERIES AND RELEASE TAXES

Council is asked to authorize Granite Falls Tax Collector Kim Anderson to approve \$129.72 in property tax discoveries and to release taxes in the amount of \$1,030.92. Ms. Anderson submitted a certified request and the Caldwell County Tax Office verified the discoveries and releases.

At a regular Council meeting held on Monday, February 20, 2012, the Town Council approved a resolution allowing the Tax Collector not to bill a taxpayer, or otherwise attempt to collect property taxes when the principal amount of the property taxes due does not exceed \$3.00. The resolution requires the Tax Collector to keep a record of the amount of minimal taxes and report this to the governing body. Tax Collector Kim Anderson has reported that the \$111.27 in tax releases were for principal amounts of taxes due that were less than \$3. (See attachment #18.)

20. APPROVE PROCLAMATION DESIGNATING MARCH 2019 AS AMERICAN RED CROSS MONTH

Council is requested to approve a proclamation approving March 2019 as American Red Cross month. (See attachment #19.)

21. APPROVE PROCLAMATION DESIGNATING APRIL 18, 2019 AS ELECTRIC LINEMAN APPRECIATION DAY

Council is requested to approve a proclamation approving April 18, 2019 as Electric Lineman Appreciation Day. (See attachment #20.)

22. APPROVE RESOLUTION - MUNICIPAL CLERKS WEEK

Council is requested to approve a resolution proclaiming May 5 through May 11, 2019 as Municipal Clerks Week to recognize the accomplishments of all Municipal Clerks and to extend appreciation to the Town of Granite Falls Town Clerk Paula M. Kirby. (See attachment #21.)

23. APPROVE RESOLUTION IN SUPPORT OF THE CURRENT ABC CONTROL SYSTEM FOR THE SALE OF LIQUOR

Each year, members of the North Carolina Legislature discuss reform of the current system of Alcohol Beverage Control for the sale of liquor. These discussions include scenarios such as system privatization or merging all the stores in each county. The Town Council is requested to adopt a resolution in support of keeping the current ABC control system in place. (See attachment #22.)

Action Requested: Approve the resolution in support of the current ABC system as presented.

24. ABC DISTRIBUTION DATA VERIFICATION

For many years, the NC Department of Revenue (NC DOR) would mail letters annually to all finance officers in each NC county and municipality for verification of participation in the distribution of alcohol taxes collected by the state. The chief elected official and the clerk to each governing board in each applicable jurisdiction were required to sign the annual verification form in order to receive their annual distribution. Starting in 2013, the NC DOR no longer sends letters to verify this participation but instead sends an email reminder to check the ABC Commission website to verify the accuracy of the information for the applicable jurisdiction. Attached for information purposes is the communication from the NC DOR and the documentation that the Town information is correct on the ABC Commission website. (See attachment #23.)

XII. OTHER BUSINESS NOT LISTED

XIII. MANAGER UPDATE

Town Manager Jerry Church shall update the Council on the following:

1. Enclosed with your Agenda package is a calendar of events through the end of April 2020. Revisions since the last calendar are highlighted in yellow. Upcoming events include the Recreation Department public meeting on PART-F projects Thursday, March 28th at 5:30 p.m. immediately followed by a meeting on the Recreation Comprehensive System Wide Master Plan at 6:00 p.m. Both meetings will be in the Civic Building. Also, the Western Piedmont Council of Governments will hold its Annual Meeting/50th Anniversary Celebration on Thursday, April 25th at 6:00 p.m. at the Hickory Metro Center (reservations required).

Note: Members of the Town Council may attend events that are, or are not, sponsored by the Town but there will be no Council business conducted at any of these events in instances where a quorum of the Council may be present.

2. Town Manager Jerry Church attended the North Carolina League of Municipalities Town & State Dinner in Raleigh on February 20, 2019 and the ElectriCities Connections Summit in Raleigh February 20-22, 2019. Town Manager Church gave a presentation to the Appalachian State University Master of Public Administration class on Monday, February 25, 2019. Last week, Town Manager Church, Police Chief Chris Jenkins, and Fire Captain Brandon Edwards read to second grade students at Dudley Shoals Elementary School as part of the “Read Across America” week.

XIV. CLOSED SESSION

Under N.C. General Statute 143-318.11 (3) the Council shall hold a closed session to consult with an attorney employed or retained by the public body to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

XV. COUNCIL COMMITTEE REPORTS

1. WPCOG Policy Board
2. Caldwell County Railroad Policy Board
3. Sales Tax Reinvestment Committee
4. Catawba River Study Committee
5. Metropolitan Planning Organization (MPO) and Technical Coordinating
6. Caldwell County Economic Development Commission (EDC)
7. Corporate Circle – sponsored by Caldwell Chamber of Commerce
8. NC Municipal Power Agency # 1 Board of Commissioners
9. Caldwell County Manager’s bi-monthly meeting
10. ElectriCities Grassroots Committee
11. Caldwell County’s Green Commission

INFORMATION ITEMS:

1. The Granite Falls Board of Adjustment will meet Wednesday, March 13th at 5:00 p.m.
2. The Granite Falls Planning Board will meet Tuesday, March 26th at 5:00 p.m.
3. The Granite Falls Recreation Department will have a public meeting on PART-F projects Thursday, March 28th at 5:30 p.m. immediately followed by a meeting on the Recreation Comprehensive System Wide Master Plan at 6:00 p.m. Both meetings will be in the Civic Building.
4. The Granite Falls History Committee will meet Tuesday, March 19th at 1:00 p.m. at the Baird House.
5. The Granite Falls Merchant’s Association (GFMA) will meet Monday, March 18th at 12:30 p.m. in the Council Room.
6. The WPCOG MPO/RPO will meet Wednesday, March 27th at 2:00 p.m. at the WPCOG.
7. The Granite Falls ABC Board will meet Monday, March 18th at 5:30 p.m. at the ABC store.

In accordance with Title II of the Americans with Disabilities Act, neither the Town of Granite Falls, nor the Granite Falls ABC Board, discriminates on the basis of disability in conducting its meetings. Individuals with disabilities who require auxiliary aids or services or other accommodations for effective communication and participating in a meeting may contact the Town Clerk at (828) 396-3131. Requests should be made at least 72 hours prior to the meeting.

Reminder: The next Town Council Meeting is a Special Town Council Meeting on Monday, March 25, 2019 at 5:30 p.m. followed by a Special Budget Work Session at 6:15 p.m. in the Council Chambers.