



TOWN OF
GRANITE FALLS
North Carolina

Dr. Caryl B. Burns Mayor • Tracy Townsend Mayor Pro Tem • Jerry T. Church Town Manager
Council Members Ritch Bolick • Larry Knight • Jim Mackie • Mike Mackie • Martin D. Townsend

AGENDA
SPECIAL TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2023
4 SOUTH MAIN STREET
5:30 PM

- I. WELCOME - CALL TO ORDER MAYOR DR. CARYL B. BURNS
- II. INVOCATION COUNCILMEMBER RITCH BOLICK
- III. PLEDGE OF ALLEGIANCE COUNCILMEMBER MIKE MACKIE
- IV. CONFLICT OF INTEREST STATEMENT COUNCILMEMBER MARTIN TOWNSEND

In accordance with the State Government Ethics Act, it is the duty of every Council member to avoid both conflicts of interest and the appearance of conflicts. Does any Council member have any known conflict of interest or appearance of conflicts with respect to any matters coming before the Council today? If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matters involved.
(N.C.G.S. 14-234, N.C.G.S. 160A-479.11, & N.C.G.S. 160D-109)

- V. RECOGNITION OF VISITORS
- VI. SPECIAL PRESENTATIONS/INTRODUCTIONS/RECOGNITIONS-NONE SCHEDULED
- VII. APPROVAL OF AGENDA
- VIII. CONSENT AGENDA

All items below are considered to be enacted by one motion. There will be no separate discussion or separate votes of the items listed under the Consent Agenda unless a Councilmember requests that an item or items be considered as a separate item of new business. When a Councilmember makes this request, the item(s) will be removed from the Consent Agenda and will be considered under agenda Section XII. New Business.

- 1) APPROVAL OF MINUTES FROM THE REGULAR TOWN COUNCIL MEETING HELD MONDAY, AUGUST 21, 2023
(See attachment #1.)
- 2) APPROVAL OF MINUTES FROM THE SPECIAL TOWN COUNCIL WORK SESSION HELD MONDAY, AUGUST 21, 2023
(See attachment #2.)

3) **MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDED AUGUST 21, 2023**

The Financial Dashboard for the period ended August 21, 2023, is enclosed for Council review and comments. This report represents 16% of the 2023–2024 fiscal year budget. Also enclosed for Council review is an analysis of 2023-2024 sales tax revenue versus the previous year and budgeted revenue. (See attachment #3.)

4) **POPULATION ESTIMATE**

The NC Department of State Budget and Management has estimated the Town of Granite Falls' population at 5,088 as of July 1, 2022, which is an increase of 88 from the July 1, 2021, estimate of 5,000. As a reminder, the population estimates are published one year in arrears. (See attachment #4.)

5) **ABC AUDIT**

The Granite Falls ABC Board has submitted the fiscal year ended June 30, 2023, audited financial statements for the Council's review. The Council is requested to accept the ABC audit as presented. (See attachment #5.)

6) **APPROVE PRINCIPAL'S DISTRIBUTION**

The local principals have submitted the ABC distribution percentages based on school enrollment on the 10th day of school year 2023-2024. The Council is requested to approve the distribution percentages for the 2023-2024 fiscal year as presented. (See attachment #6.)

IX. **TOWN ATTORNEY REPORT**

BRUCE CANNON

X. **PUBLIC COMMENT PERIOD**

XI. **PUBLIC HEARINGS**

1) **PUBLIC HEARING ON ANNEXATION – CORNER OF TURNER ROAD AND SUNSET STREET**

The Council shall hold a public hearing on the question of the annexation of property consisting of approximately .395 acres of contiguous property at the corner of Turner Road and Sunset Street. Mark Johnson, Johnson Investments, LLC submitted the voluntary annexation petition as the property owner. At the August 21, 2023, council meeting, Town Clerk Paula Kirby submitted the Certificate of Sufficiency for the annexation of the property under NC GS 160A-31.

At the public hearing, all property owners in the area of the proposed annexation, as well as other residents of the Town, must be allowed to speak. Following the public hearing, the Council must determine whether the petition meets the requirements of law. If the petition is valid in every respect, the Council must pass an ordinance annexing the area described in the petition. Ordinance #380 may become effective immediately or within six months of adoption. **Staff recommends that the ordinance become effective immediately.** (See attachment #7.)

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

2) **PUBLIC HEARING ON ANNEXATION – 4642 HICKORY BOULEVARD**

The Council shall hold a public hearing on the question of the annexation of property consisting of approximately 54.13 acres of non-contiguous property at 4642 Hickory Boulevard. John Corpening, W. Corpening Investments, LP submitted the voluntary annexation petition as the property owner. At the August 21, 2023, council meeting, Town Clerk Paula Kirby submitted the Certificate of Sufficiency for the annexation of the property under NC GS 160A-58.1.

At the public hearing, all property owners in the area of the proposed annexation, as well as other residents of the Town, must be allowed to speak. Following the public hearing, the Council must determine whether the petition meets the requirements of law. If the petition is valid in every respect, the Council must pass an ordinance annexing the area described in the petition. Ordinance #381 may become effective immediately or within six months of adoption. **Staff recommends that the ordinance become effective immediately.** (See attachment #8.)

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

3) PUBLIC (LEGISLATIVE) HEARING ON REZONING PETITION #5-2023 – CORNER OF TURNER ROAD AND SUNSET STREET

The Council shall hold a public (legislative) hearing on Rezoning Petition #5-2023. Mark Johnson submitted a Zoning Map Amendment for a .395-acre property owned by Johnson Investments, LLC located at the corner of Turner Road and Sunset Street. The request is to rezone the property from R-20A, Residential Medium Density District to R-8, Residential Medium-High Density District. The Council called for the public hearing at the August 21, 2023, Council meeting following the presentation by Town Planner Greg Wilson. At the public hearing, all residents of the Town and other interested parties must be allowed to speak. The rezoning would become effective immediately. (See attachment #9.)

The public hearing has been duly noticed by posting a sign on the subject property, publishing a notice in the *News Topic* and by direct mail to adjacent property owners per the requirements set forth in G.S. §160D-602.

4) PUBLIC (LEGISLATIVE) HEARING ON REZONING PETITION #6-2023 – 36 DUDLEY AVENUE

The Council shall hold a public (legislative) hearing on Rezoning Petition #6-2023. Samuel L. Erby, Jr. and Joseph S. Erby submitted a Zoning Map Amendment for a 1.212-acre property they own at 36 Dudley Avenue. The request is to rezone the property from M-1, General Manufacturing District to R-15, Single-Family Residential District. The property has a former manufacturing building on it that has been converted to a single-family residence. The Council called for the public hearing at the August 21, 2023, Council meeting following the presentation by Town Planner Greg Wilson. At the public hearing, all residents of the Town and other interested parties must be allowed to speak. The rezoning would become effective immediately. (See attachment #10.)

The public hearing has been duly noticed by posting a sign on the subject property, publishing a notice in the *News Topic* and by direct mail to adjacent property owners per the requirements set forth in G.S. §160D-602.

5) PUBLIC HEARING ON AMENDMENTS TO THE TOWN CODE OF ORDINANCES

The Council shall hold a public hearing on amendments to the Town of Granite Falls Code of Ordinances as follows:

- A) **§30.02 SPECIAL MEETINGS (E) (1)** – Added the Town’s website as an additional place to post meeting notices – we are already posting the notices on the website.
- B) **§30.05 APPOINTMENTS** – Replacing the current Code with our practice of making appointments to Town boards and committees.
- C) **§31.01 MANAGER** – Simplifying the Code by removing all language that is already defined in the Town of Granite Falls Personnel Policy and in the Employment Agreement with the Town Manager since both of these documents have already been approved by the Council.

- D) **§50.23 PREMISES NOT SERVED BY DUMPSTERS; STORAGE AND COLLECTION PRACTICES (G)** – Changing the “at the curb” leaf collection times to our actual collection times of November 1st through January 31st. This has been our practice for several years.
- E) **§71.01 PARKING PROHIBITED IN CERTAIN LOCATIONS (A) (7)** – Clarifies that the exception that allows parking in streets with a posted speed limit of 25 mph or less only applies to Town maintained streets and not to any streets maintained by the NC Department of Transportation. NC DOT solely determines if parking is allowed on NC DOT maintained streets regardless of the speed limit.

At the public hearing, all residents of the Town and other interested parties must be allowed to speak. The amended Town Ordinance would become effective immediately. (See attachment #11.)

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

XII. NEW BUSINESS/ACTION ITEMS

1) **APPROVE ORDINANCE #380– ANNEXATION OF PROPERTY AT THE CORNER OF TURNER ROAD AND SUNSET STREET**

The Council is requested to approve Ordinance #380 for the contiguous annexation of approximately .395-acres owned by Johnson Investments, LLC located at the corner of Turner Road and Sunset Street. (See ordinance #380 under attachment #7.)

2) **APPROVE ORDINANCE #381– ANNEXATION OF 4642 HICKORY BOULEVARD**

The Council is requested to approve Ordinance #381 for the non-contiguous annexation of approximately 54.13-acres owned by W. Corpening Investments, LP located at 4642 Hickory Boulevard. (See ordinance #381 under attachment #8.)

3) **REZONING PETITION #5-2023 – CORNER OF TURNER ROAD AND SUNSET STREET**

If the Council approves Ordinance #380, the Council shall consider Rezoning Petition #5-2023 for an approximately .395-acre property located at the corner of Turner Road and Sunset Street. The request is to rezone the property from R-20A, Residential Medium Density District to R-8, Residential Medium-High Density District. (See attachment #9 for Ordinance #382.)

A Council Member may consider the following sample motion script to simplify the State requirements: “I make a motion to (Approve or Deny) Rezoning Petition #5-2023, Rezoning Ordinance #382, and to approve the corresponding Statement of Consistency & Reasonableness contained in the agenda packet.”

Any additions or deletions to either of the sample motion scripts must be noted within the motion

4) **REZONING PETITION #6-2023 – 36 DUDLEY AVENUE**

The Council shall consider Rezoning Petition #64-2023 for approximately a 1.212-acre property located at 36 Dudley Avenue. The request is to rezone the property from M-1, General Manufacturing District to R-15, Single-Family Residential District. (See attachment #10 for Ordinance #383.)

A Council Member may consider the following sample motion script to simplify the State requirements: “I make a motion to (Approve or Deny) Rezoning Petition #6-2023, Rezoning Ordinance #383, and to approve the corresponding Statement of Consistency & Reasonableness contained in the agenda packet.”

Any additions or deletions to either of the sample motion scripts must be noted within the motion

5) APPROVE ORDINANCE #384 - AMENDMENT TO TOWN CODE OF ORDINANCES

The Council is requested to approve Ordinance #384 which will amend the following sections of the Town of Granite Falls Code of Ordinances - §30.02 SPECIAL MEETINGS (E) (1), §30.05 APPOINTMENTS, §31.01 MANAGER, §50.23 PREMISES NOT SERVED BY DUMPSTERS; STORAGE AND COLLECTION PRACTICES (G), §71.01 PARKING PROHIBITED IN CERTAIN LOCATIONS (A) (7). (See attachment #11.)

6) CHARGE TAX LEVY FOR 2022 – FINANCE OFFICER ASHLEY PRESNELL

Council is requested to charge Tax Collector Katilyn Parlier with collecting the 2023 ad valorem taxes in the amount of \$2,195,553.06 under NC General Statute §159-13. The 2023 levy represents an increase of \$60,112.70 or 2.82% from the 2022 tax levy. The breakdown of the tax assessments is shown below. (See attachment #12.)

Real Property	\$437,886,324
Personal Property	<u>\$51,645,991</u>
Total Assessed Valuation	<u>\$489,532,315</u>

7) CONSIDER APPLICATION FOR A NORTH CAROLINA FOREST SERVICE GRANT

The Town of Granite Falls Fire Chief Brian Bennett requests permission to apply for a \$5,000 grant from the North Carolina Forest Service. The grant requires a \$5,000 Town match and the funds would be used to replace the hose on the Fire Department brush truck. The grant application period ends October 1, 2023. If the Town is awarded the grant, the Council will be requested to approve a budget amendment at a future Council meeting. (See attachment #13.)

8) 2022 PUBLIC POWER AWARD OF EXCELLENCE

At the ElectriCities Annual Conference last month, the Town of Granite Falls received a 2022 Public Power Award of Excellence for Exceptional Achievements in the area of Strengthen Public Power. The Town received this award for its efforts in building public and political support for public power through communications with customers and state and federal elected officials. The Town utilizes newsletters, social media, press releases, Customer Appreciation Day during Public Power Week, and the Town website to keep Town electric customers informed about the importance of public power. The Town also utilizes emails, phone calls, and personal visits to emphasize the importance of public power to state and federal elected officials.

9) POLICE DEPARTMENT UPDATE

Town of Granite Falls Police Chief Chris Jenkins will present a Police Department update to the Town Council.

10) TOWN HOLIDAY SCHEDULE

The Town of Granite Falls Administrative Office, the Recreation Center, and the Public Works and Electric Departments will be closed in observance of the following holidays:

Veterans Day	Friday, November 10 th
Thanksgiving	Thursday, November 23 rd & Friday, November 24 th
Christmas	Monday, Tuesday, & Wednesday, December 25 th , 26 th , & 27 th
New Year's Day	Monday, January 1 st
Dr. Martin Luther King, Jr.	Monday, January 15 th

The Police and Fire Departments and the Water and Wastewater Facilities will be on duty as scheduled and those employees on shift scheduled to work the holiday receive pay for the holiday. The employees that are not on shift that have to work the holiday receive alternate time off with pay. Republic Services will pick up garbage and recycling on their regular schedule except for Christmas Day.

XIII. MANAGER UPDATE

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

Enclosed with your Agenda package is a calendar of events through the end of October 2024.

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.

XIV. COUNCIL COMMITTEE REPORTS

1. WPCOG Policy Board
2. Caldwell County Railroad Policy Board
3. Metropolitan Planning Organization (MPO) and Technical Coordinating Committee
4. Caldwell County Economic Development Advisory Commission (EDAC)
5. NC Municipal Power Agency # 1 Board of Commissioners
6. Caldwell County Managers’ bi-monthly meeting

XV. INFORMATION ITEMS/REPORTS

1. The Recreation Advisory Board will meet Tuesday, September 12th at 6:30 p.m. at the Recreation Center.
2. The Merchants’ Association will meet Monday, September 11th at Noon at the Town Office.
3. The History Committee will meet on Tuesday, September 19th at 2:00 p.m. at the History Museum.
4. The Planning Board will meet on Tuesday, September 26th at 5:00 p.m. in the Council Room.
5. The Board of Adjustment will not meet in September. The next Board of Adjustment meeting will be on Wednesday, October 11th at 5:00 p.m. in the Council Room.
6. The WPCOG MPO/RPO will meet on Wednesday, September 27th at 1:00 p.m. at the WPCOG.
7. The ABC Board will meet on Monday, September 11th at 5:30 p.m. at the ABC Store.

XVI. 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 in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

XVII. OTHER BUSINESS

XVIII. ADJOURN

Reminder: The next Town Council Meeting is a regular meeting on Monday, October 16, 2023, at 5:30 p.m. in the Council Chambers.

In accordance with Title II of the Americans with Disabilities Act, neither the Town of Granite Falls, nor the Granite Falls ABC Board, discriminates based on 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.