

MINUTES OF REGULAR MEETING HELD FEBRUARY 19, 2018

REGULAR MEETING The Granite Falls Town Council held a Regular Meeting on Monday, February 19, 2018 at 6:00 p.m. in the Council Chambers of the Administrative Building.

PRESENT The following members of the governing body were present: Mayor Barry Hayes, Council Members Dr. Caryl B. Burns, Larry Knight, Jim Mackie, Mike Mackie, Martin Townsend, and Tracy Townsend.

ABSENT The following member of the governing body was absent: None.

STAFF PRESENT The following staff members attended the meeting: Town Manager Jerry Church, Town Clerk Paula Kirby, Town Planner Greg Wilson, Administrative Assistant Kara Calloway, Police Chief Chris Jenkins, Public Works Director Randy Smith, and Police Chief Chris Jenkins.

VISITORS J. P. Miller, Shelly Miller, Attorney Dale Hamby, Larry and JoAnn Huffman, Alan Huffman, Alec Huffman, Melanie Proctor, Colleen Tuohey, Chris Atkinson, Todd and Jamie Justice, Joanna Graham, Robert Fisher, Charlie Kiziah, Theresa Kiziah, Patricia Hendrix, Lisa Morgan, Mike Morgan, and Philip Hart.

NEWS MEDIA Jordan Davis, representing the *News-Topic*, attended the meeting.

MEETING CALLED TO ORDER Mayor Barry Hayes called the meeting to order and welcomed everyone present.

INVOCATION Mayor Pro Tem Dr. Caryl B. Burns led in prayer.

PLEDGE OF ALLEGIANCE Mayor Barry Hayes led the Pledge of Allegiance.

APPROVAL OF AGENDA Jim Mackie made a motion the Council approve the agenda as presented. Mike Mackie seconded the motion, with a unanimous affirmative vote.

MINUTES FROM THE REGULAR TOWN COUNCIL MEETING HELD FEBRUARY 5, 2018 APPROVED Mike Mackie made a motion the Council approve the minutes from the Regular Meeting held February 5, 2018 as presented. Martin Townsend seconded the motion, with a unanimous affirmative vote.

TOWN ATTORNEY REPORT Town Attorney Bruce Cannon did not have a report.

PUBLIC COMMENT PERIOD No one registered to speak during the Public Comment Period.

PUBLIC HEARINGS

PUBLIC HEARING CALLED TO ORDER ON ZONING TEXT AMENDMENT #1-2018 Mayor Barry Hayes called to order a public hearing on Zoning Text Amendment #1-2018. The Council called for the public hearing at the February 5, 2018 Council meeting following the presentation of the text amendment by Town Planner Greg Wilson.

Zoning Text Amendment #1-2018 would clarify parking requirements for elementary, middle and high schools for new construction and for substantial renovations on an existing site. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #1-2018 as submitted.

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

No one registered to speak during the public hearing.

PUBLIC HEARING ON ZONING TEXT AMENDMENT #1-2018 CLOSED Mayor Barry Hayes closed the public hearing on Zoning Text Amendment #1-2018.

PUBLIC HEARING CALLED TO ORDER ON ZONING TEXT AMENDMENT #2-2018 Mayor Barry Hayes called to order a public hearing on Zoning Text Amendment #2-2018. The Council called for the public hearing at the February 5, 2018 Council meeting following the presentation of the text amendment by Town Planner Greg Wilson.

Zoning Text Amendment #2-2018, submitted by J. P. Miller, would expand the hours of operation for Wine Shop/Wine Bar and Craft Beer Bottle Shop/Taproom businesses that are allowed in the Central Business District under Conditional Use Permits. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #2-2018 as submitted.

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

Attorney Dale Hamby speaks to the Council Attorney Dale Hamby spoke to the Council on behalf of Larry and Alan Huffman. Attorney Hamby stated his clients had no problem with the extended hours but their main concern was Section 607.2-Conditional Uses, item #3 which states:

On premise consumption prohibited outside the building, with the exception of outdoor seating areas located on the same property as the business. Outdoor seating areas shall be

clearly defined and physically separated from adjacent properties, public spaces and parking areas.

Attorney Hamby informed the Council that his clients have a private easement behind Fyreside Bottles and Brews and across property owned by Adrian Brown. They are concerned an outdoor seating area would cross this easement.

Town Planner Greg Wilson stated the separation of the outdoor seating area from adjacent properties is required by the ABC Commission guidelines and the method of the separation would be enforced by an ALE Officer.

J.P. Miller speaks to the Council J.P. Miller, business owner of Fyreside Bottles and Brews, stated that two ALE Officers have evaluated the property and the proposed outdoor seating area could be accomplished without affecting the alleyway. Mr. Miller also informed the Council that extended hours would be beneficial for holding fund raising events for non-profit organizations, wedding receptions, and special holiday events. He has also been asked for extended hours by his patrons.

Jamie Justice speaks to the Council Ms. Justice stated that extended hours would help keep customers from going to Hickory. She would like to spend her money at a local venue.

PUBLIC HEARING ON ZONING TEXT AMENDMENT #2-2018 CLOSED Mayor Barry Hayes closed the public hearing on Zoning Text Amendment #2-2018.

PUBLIC HEARING CALLED TO ORDER ON ZONING TEXT AMENDMENT #3-2018 Mayor Hayes called to order a public hearing on Zoning Text Amendment #3-2018. The Council called for the public hearing at the February 5, 2018 Council meeting following the presentation of the text amendment by Town Planner Greg Wilson.

Zoning Text Amendment #3-2018, submitted by J. P. Miller, would allow food trucks to operate in commercial districts and would also establish standards for required permits, location, hours of operation, signage and public safety. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #3-2018 as submitted.

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

Attorney Dale Hamby speaks to the Council Attorney Hamby, representing Larry and Alan Huffman, stated the concern of this amendment is that it does not mention or protect private easements. Attorney Hamby gave a brief history of the alleyway behind Fyreside Bottles and Brews. He stated the alleyway was initially for fire and emergency vehicle access to the warehouse which was later sold to Larry Huffman. He presented a map and two deeds for the Council's review. Attorney Hamby requested the Zoning Text Amendment be amended to protect people like his clients. He also stated there was no legal reason to block

the alleyway. Copies of the map and deeds are attached and are hereby made a part of these minutes.

Jamie Justice speaks to the Council Ms. Justice stated that it was important to keep local businesses and the Town needs to do all it can to bring in new businesses to the Downtown area.

Shelley Miller speaks to the Council Shelley Miller stated the food trucks are a great idea to provide food to the Downtown area. She also informed the Council that Adrian Brown, the legal property owner of Fyreside Bottles and Brews, is having a survey of the property conducted to make sure they do not cross the private easement in question. They are fine with new verbiage to the amendment.

Attorney Bruce Cannon speaks to the Council Town Attorney Bruce Cannon stated that private property and easements were covered in the Zoning Text Amendment. He advised the Town not to try to determine where private easements may or may not be. There is no legal reason to add new verbiage to the ZTA.

Attorney Dale Hamby speaks to the Council Attorney Hamby asked the Council once again to protect the easement holder.

Mayor Barry Hayes speaks Mayor Barry Hayes stated that issues like this should be resolved between property owners or taken to court. Mayor Hayes agreed with Town Attorney Cannon's advisement.

PUBLIC HEARING ON ZONING TEXT AMENDMENT #3-2018 CLOSED Mayor Barry Hayes closed the public hearing on Zoning Text Amendment #3-2018.

NEW BUSINESS/ACTION ITEMS

ZONING TEXT AMENDMENT #1-2018 APPROVED The Council considered Zoning Text Amendment #1-2018. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #1-2018 as submitted.

Tracy Townsend made a motion the Council approve Zoning Text Amendment #1-2018, 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 because it encourages and incentivizes expansion on an existing school site while also providing appropriate standards for newly developed sites. The resultant infill development takes advantage of existing infrastructure to minimize costs while also adhering to development patterns identified in the Future Land Use Map.

It is determined that Zoning Text Amendment #1-2018 is both reasonable and in the public interest due to its consistency with the adopted Granite Falls Horizons: Land Development Plan, which encourages fair, effective and efficient development.

Dr. Caryl B. Burns seconded the motion, with a unanimous affirmative vote. A copy of Zoning Text Amendment #3-2018 is attached and is hereby made a part of these minutes.

ORDINANCE #335 APPROVED The Council considered Ordinance #335 amending the Town of Granite Falls Zoning Ordinance, contingent upon the approval of Zoning Text Amendment #1-2018 at tonight's Council meeting. Zoning Text Amendment #1-2018 clarifies parking requirements for elementary, middle and high schools for new construction and for substantial renovations on an existing site.

Martin Townsend made a motion the Council approve Ordinance #335 as presented. Dr. Caryl B. Burns seconded the motion, with a unanimous vote. A copy of Ordinance #335 is attached and is hereby made a part of these minutes.

ZONING TEXT AMENDMENT #2-2018 DISCUSSED The Council considered Zoning Text Amendment #2-2018. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #2-2018 as amended. The Council discussed Section 607.2-Conditional Uses, item #2-d: Extended Hours for Special Events: Standard ALE hours for a maximum of twenty-four (24) special events per calendar year.

Martin Townsend made a motion the Council strike item #2-d, Extended Hours for Special Events, from the Zoning Text Amendment. Dr. Caryl B. Burns seconded the motion, with a unanimous vote.

Mike Mackie made a motion the Council send Zoning Text Amendment #2-2018 back to the Planning Board for revisions to item #2-d, Extended Hours for Special Events. Jim Mackie seconded the motion, with a unanimous affirmative vote.

ZONING TEXT AMENDMENT #2-2018 DENIED Martin Townsend made a motion the Council deny Zoning Text Amendment #2-2018, 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 as presented and that the Land Development Plan should be amended to reflect this denial, and that the request be sent back to the Planning Board for further review. Jim Mackie seconded the motion, with a unanimous affirmative vote. A copy of Zoning Text Amendment #2-2018 is attached and is hereby made a part of these minutes.

ZONING TEXT AMENDMENT #3-2018 APPROVED The Council considered Zoning Text Amendment #3-2018. The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #3-2018 as submitted.

Mike Mackie made a motion the Council approve Zoning Text Amendment #3-2018, 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 because it

expands the variety of commercial offerings available to residents while also adhering to development patterns identified in the Future Land Use Map.

It is determined that Zoning Text Amendment #3-2018 is both reasonable and in the public interest due to its consistency with the adopted Granite Falls Horizons: Land Development Plan, which encourages fair, effective and efficient development.

Larry Knight seconded the motion, with a unanimous affirmative vote. A copy of Zoning Text Amendment #3-2018 is attached and is hereby made a part of these minutes.

ORDINANCE #337 APPROVED The Council considered Ordinance #337 amending the Town of Granite Falls Zoning Ordinance, contingent upon the approval of Zoning Text Amendment #3-2018 at tonight's Council meeting. Zoning Text Amendment #3-2018 allows food trucks to operate in commercial districts and would also establish standards for required permits, location, hours of operation, signage and public safety.

Tracy Townsend made a motion the Council approve Ordinance #337 as presented. Dr. Caryl B. Burns seconded the motion, with a unanimous affirmative vote. A copy of Ordinance #337 is attached and is hereby made a part of these minutes.

2017 PLANNING DEPARTMENT ANNUAL REPORT Granite Falls Town Planner Greg Wilson presented the 2017 Planning Department Annual Report. A copy of the report is attached and is hereby made a part of these minutes.

2017 PUBLIC WORKS DEPARTMENT ANNUAL REPORT Granite Falls Public Works Director Randy Smith presented the 2017 Public Works Department Annual Report. A copy of the report is attached and is hereby made a part of these minutes.

ASPLUNDH TREE EXPERT COMPANY AGREEMENT APPROVED The Council was requested to approve the General Agreement with Asplundh Tree Expert Co. for calendar 2018 and to authorize the Town Manager to execute the agreement on behalf of the Town. The agreement establishes compensation, obligations and insurance requirements, etc. There are no changes to the terms and conditions and the agreement includes rate increases of approximately \$12,000 to \$15,000 per year. Town staff obtained bids from two other tree trimming companies and the Asplundh contract was the lowest bid received.

Tracy Townsend made a motion the Council approve the General Agreement and authorize the Town Manager to execute the agreement on behalf of the Town as requested. Dr. Caryl B. Burns seconded the motion, with a unanimous affirmative vote. A copy of the agreement is attached and is hereby made a part of these minutes.

ASPLUNDH STORM EMERGENCY PROCEDURE - TREE CREWS APPROVED
The Council was requested to approve the Storm Emergency Procedure – Tree Crews Terms and Conditions with Asplundh Tree Expert Co. for calendar 2018 and to authorize the Town

Manager to execute the contract on behalf of the Town. The terms, rates and conditions are the same as the 2013, 2014, 2015, 2016 & 2017 contracts.

Tracy Townsend made a motion the Council approve the Storm Emergency Procedure and authorize the Town Manager to execute the contract on behalf of the Town as requested. Jim Mackie seconded the motion, with a unanimous affirmative vote. A copy of the Storm Emergency Procedure is attached and is hereby made a part of these minutes.

PROCLAMATION DESIGNATING MARCH 2018 AS AMERICAN RED CROSS MONTH APPROVED Larry Knight made a motion the Council approve a proclamation approving March 2018 as American Red Cross month. Martin Townsend seconded the motion, with a unanimous affirmative vote. A copy of the proclamation is attached and is hereby made a part of these minutes.

AUDIT CONTRACT APPROVED The Council was 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, 2017 and ending June 30, 2018. The amount of the contract is \$19,175 for the basic audit, an additional \$1,500 for Single Audit Procedures plus financial statement preparation and printing costs. In 2016, the Council approved a three year contract with Martin Starnes & Associates, CPAs, P.A. to provide audit services to the Town. This agreement allowed the Town to lock in rates for these services. 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 signed in 2016.

Dr. Caryl B. Burns made a motion the Council approve the audit contract as requested. Tracy Townsend seconded the motion, with a unanimous affirmative vote. A copy of the audit contract is attached and is hereby made a part of these minutes.

FINANCIAL REPORT The financial dashboard for the seven months ended January 31, 2018 was presented for the Council's review. This report represents 58% of the current 2017-2018 fiscal year budget. Also presented for the Council's review was an analysis of current year sales tax and property tax revenue versus prior year and budgeted revenues. Copies of these reports are attached and are hereby made a part of these minutes.

BUDGET AMENDMENT #8 FY 2017-2018 APPROVED Finance Officer Marsha Harbison requested that the Council approve Budget Amendment #2018-8 for the NC Forest Service 50/50 grant which covers half the cost of four new radios for the Town of Granite Falls Fire Department. The 50% Town required match for this grant has been budgeted in Fire Department Capital Outlay. (See attachment #14.)

Increase General Fund Miscellaneous Grants	\$4,286.00
Increase Fire Department Capital Outlay	\$4,286.00

Martin Townsend made a motion the Council approve Budget Amendment #8 FY 2017-2018 as requested. Larry Knight seconded the motion, with a unanimous affirmative vote.

BUDGET AMENDMENT #9 FY 2017-2018 APPROVED Finance Officer Marsha Harbison requested that the Council approve Budget Amendment #2018-9 to authorize additional expenditures for an Electric Lineman Trainee. These amounts are for the costs of adding the lineman trainee for the time period from March 1, 2018 through June 30, 2018. Adding this position would return the Electric Department headcount to the same level it was before the recent recession. Town Manager Jerry Church plans to recommend that the 2018-2019 fiscal year budget include a full-time lineman trainee.

Increase Electric Department Salaries and Wages	\$12,000.00
Increase Electric Department Overtime Salaries and Wages	\$ 600.00
Increase Electric Department 401-K	\$ 250.00
Increase Electric Department Retirement	\$ 950.00
Increase Electric Department Group Insurance	\$ 2,400.00
Increase Electric Department Worker's Compensation	\$ 800.00
Increase Electric Department Fund Balance Appropriation	\$17,000.00

Tracy Townsend made a motion the Council approve Budget Amendment #9 FY 2017-2018 as requested. Martin Townsend seconded the motion, with a unanimous affirmative vote.

CAROLINA TELECOMMUNICATIONS SERVICES, LLC (CTS) CONSULTING AGREEMENT APPROVED The Council was requested to approve a consulting agreement with Carolina Telecommunications Services, LLC (CTS) for negotiating the lease renewal for an existing cell phone tower, and leases for new cell phone towers, on Town water tanks. The Council was also requested to approve Town Manager Jerry Church to sign the consulting agreement on behalf of the Town. The agreement is for one year and the Town would pay CTS \$2,500 up front for each lease and an additional \$2,500 upon the completion of each lease agreement for cell phone towers plus reasonable and customary expenses. CTS is under contract with many other municipalities and counties in North Carolina. Town Attorney Bruce Cannon has reviewed the agreement on behalf of the Town.

Larry Knight made a motion the Council approve the agreement and approve Town Manager Jerry Church to sign the agreement on behalf of the Town as requested. Martin Townsend seconded the motion, with a unanimous affirmative vote. A copy of the agreement is attached and is hereby made a part of these minutes.

MANAGER UPDATE Town Manager Jerry Church updated the council on the following:

1. Enclosed with the Council's agenda package was a calendar of events through the end of March 2019. Revisions since the last calendar were highlighted in gray. The Council is also invited to attend the 2018 Caldwell County Special Olympics Polar Plunge at the Shuford Recreation Center on Saturday, February 24, 2018 at 10:00 a.m. Members of the Town Council may attend events that 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. A picture of Lakeside Park is featured on the North Carolina League of Municipalities' new website.

MEETING ADJOURNED Mike Mackie made a motion the Council adjourn the meeting. Martin Townsend seconded the motion, with a unanimous affirmative vote.