

May 14, 2007

Mayor Lewis welcomed the guests, gave the invocation, and opened the floor at 7:30 p.m. for a public hearing to amend the Zoning Ordinance, Article VI, Mobile Homes on Individual Lots, Section 601 (2). The propose amendment reads:

Any mobile home brought into the town or into the extraterritorial jurisdictional (ETJ) area, for initial setup or to replace an existing setup unit, shall not be more than five (5) years old as indicated by the date of the manufacturer on the manufacturer's seal.

Units within the town or the town's ETJ, which are older than five years, as indicated by the date on the manufacturer's seal, may be relocated with the jurisdiction, provided all of the following criteria are met:

1. The proposed relocation shall be only for the replacement of an existing older set-up unit.
2. The older or replaced unit shall be removed from the jurisdiction and/or disposed of within ten (10) days of being replaced and in accordance with the existing ordinances.
3. Both units, the one to be relocated and the one to be replaced, shall be owned by and titled to a single owner.
4. The relocation and/or replacement of the units shall be consistent with the town's housing goals and objectives.

There were no comments or questions. Mayor Lewis closed the public hearing at 7:31 p.m.

Mayor Lewis opened the floor for a second public hearing to review a voluntary non-contiguous annexation request from Joyce Burrell for property on Hwy. 264A west of Eagle Ridge Subdivision. Being no comments or questions, Mayor Lewis closed the hearing at 7:32 p.m.

Mayor Lewis then opened the floor for the regular scheduled meeting. Commissioners Harold Meacombs, Fred Hough, Luke Robinson, Derek Bissette, and Basco Lewis were all present. The guest list is attached and made a part of these minutes.

Commissioner Robinson moved to approve the minutes of the April 2nd Budget Workshop and the April 9th regular meeting. His motioned was seconded by Commissioner Lewis and it carried unanimously.

During the public comment session, Ken Murchison with the Spring Hope Enterprise, introduced Rose Cushing to the Governing Body, stating that she would be covering our meetings for a couple of months while he fills in for Ken Ripley who is having surgery.

Administrator Joyner requested to add two items to the agenda under Old Business: 9 (f) approval of the solid waste brochure for distribution to all citizens, and 9 (g) authority to pay overtime as accrued to police officers. Timothy Glover was not present at the meeting, so Item 9 (a) was deleted. Commissioner Hough moved to approve the agenda with the requested changes. Commissioner Meacombs seconded the motion and it carried unanimously.

Commissioner Bisette requested Liz Fairman, town attorney, to speak to the Governing Body and answer their questions regarding annexation regulations for legislative, voluntary, voluntary satellite and involuntary annexations. Liz presented a handout summarizing the requirements for each type. She stated the main concern to the town would be what services the town must provide and when. Also, for a satellite annexation, the town must provide the same services as provided to the people in town. Garbage collection, fire and police protection, and zoning enforcement must be provided immediately in all cases. Water and sewer service is different because infrastructure takes time to put in place. In cases of annexation, sooner or later residents will request water and sewer services. The town must also take into consideration if they already have residents in the city limits that do not have water and sewer services available. Liz recommended that the town amend its Code of Ordinances within the Utilities section to state the town's policy on voluntary and involuntary annexations as to who provides water and sewer services and when. She recommended to spell out that the developer is responsible for all the infrastructure and then it would be turned over to the town's system. Commissioner Bisette then requested Liz to stay for a closed session discussion for further clarification at the end of the meeting.

Timothy Glover did not comply with the Board's request from the April 9th meeting to present a plan of action for compliance for the abandoned structure at 10465 S. Elm St. The enforcement proceedings date back to December 29, 2005 and Mr. Glover has not lived up to previous promises. The Board agreed to suspend the fines if Mr. Glover presented a satisfactory plan of action for compliance, which he did not submit. He has not contacted the town since the April 9th meeting. Commissioner Bisette moved to approve the resolution seeking injunctive relief and the fines in one lawsuit. Commissioner Meacombs seconded the motion and it carried unanimously.

Commissioner Meacombs moved to adopt a Resolution in support of the Clean Water Act of 2007 which appropriates funds for water and sewer projects. Commissioner Bisette seconded the motion and it carried unanimously.

Commissioner Robinson moved to set a public hearing to review the proposed 2007-2008 Budget on June 11th, 2007 at 7:30 pm. Commissioner Hough seconded the motion and it carried unanimously.

After a brief discussion, the Board agreed we should purchase a lawn mower not larger than 52" so it will fit into the trailer the town already owns and to table this subject until the June 11th meeting.

Joyner advised the Board that he is waiting for quotes on the dump truck to be included in the 2007-2008 budget. The Board advised Joyner the size should be equivalent to the F-550 size and have the low profile 12' bed. The quotes will be presented at the June 11th meeting.

The Board reviewed quotes for the paving projects for the upcoming budget and Joyner stated that due to a wrong address, one bidder's deadline was extended until May 15th.

Commissioner Meacombs moved that once the fourth and final bid is received, to proceed with the lowest bid. His motion was seconded by Commissioner Bisette and it carried unanimously.

Commissioner Robinson move to approve the solid waste brochure for distribution to the citizens. Commissioner Hough seconded the motion and it carried unanimously.

Commissioner Bisette moved to give Joyner authority to approve payment to police officers for overtime as accrued for a period of ninety (90) days and at that time review the staffing circumstances again. Commissioner Robinson seconded the motion and it carried unanimously.

Robert Stamper, Librarian, requested to Board to change the library hours of operation on Mondays from 11:00 am – 5:00 pm to 2:00 pm to 5:00pm to allow him to help care for his mother. Stamper's letter stated there were few patrons on Monday mornings and that he has the library open until 9:00 pm to teach GED classes on Mondays and allows patrons access during these hours, even though he is not being paid by the town. Commissioner Bisette moved to approve the new Monday hours (2:00 – 5:00 pm). His motion was seconded by Commissioner Meacombs and carried unanimously.

Commissioner Hough moved to amend the Zoning Ordinance, Article VI, Section 601 (2), Mobile Homes on Individual Lots as follows:

Any mobile home brought into the town or into the extraterritorial jurisdictional (ETJ) area, for initial setup or to replace an existing setup unit, shall not be more than five (5) years old as indicated by the date of the manufacturer on the manufacturer's seal.

Units within the town or the town's ETJ, which are older than five years, as indicated by the date on the manufacturer's seal, may be relocated with the jurisdiction, provided all of the following criteria are met:

1. The proposed relocation shall be only for the replacement of an existing older set-up unit.
2. The older or replaced unit shall be removed from the jurisdiction and/or disposed of within ten (10) days of being replaced and in accordance with the existing ordinances.
3. Both units, the one to be relocated and the one to be replaced, shall be owned by and titled to a single owner.
4. The relocation and/or replacement of the units shall be consistent with the town's housing goals and objectives.

Commissioner Meacombs seconded the motion and it carried unanimously.

The Board agreed to defer Joyce Burrell's annexation request until the end of the meeting after the Closed Session with the town attorney.

Joyner advised the Board that the City of Raleigh has increased the nutrient reduction fee by 4.10% from \$352 to \$366 for a 4" sewer connection and that the town must adopt the Nutrient Reduction Fee Ordinance as part of the Raleigh Wastewater Contract.

Mayor Lewis asked Joyner to present a resolution for adoption at the June 11th meeting stating the distribution formula for future town contributions to the Fire Department.

Joyner advised the Board that the compressor in the air conditioning unit in the Police Department quit working and after obtaining several quotes, it was more cost effective to replace with a new unit. Joyner talked with Police Commissioners Hough and Bissette and they approved to replace the unit at the lowest bid of \$1865 and the unit was replaced last week.

Commissioner Bissette moved to adopt the updated 2007 Municipal Election Agreement between the town and the Nash County Board of Elections. Commissioner Robinson seconded the motion and it carried unanimously.

Commissioner Robinson moved to go into Closed Session under G.S.143-318.11(a)(3) to consult with the town attorney to discuss possible liability issues with a possible annexation. His motion was seconded by Commissioner Lewis and carried unanimously.

Back in Open Session, Commissioner Robinson moved to postpone the decision on the Joyce Burrell annexation until the June 11th meeting to allow time for clarification of some issues, and to have the attorney submit a draft amendment to the Town Code of Ordinances as recommended stating the developer is responsible for all infrastructure to the property and then the lines would be turned over to the town's system. Commissioner Bissette seconded the motion and it carried unanimously.

Being no further business, Commissioner Robinson moved to adjourn.

Jennifer Lambert, Clerk

Mayor Luther H. Lewis, Jr.
Commissioners
Harold Meacombs
Fred Hough
Luke Robinson
Derek Bissette
Basco Lewis