

TOWN OF GRANITE QUARRY BOARD OF ALDERMEN MEETING MINUTES Monday, June 4, 2018

Present: Mayor Bill Feather, Mayor Pro Tem Jim LaFevers, Alderman John Linker, and Alderman Kim Cress

Not Present: Alderman Jim Costantino

Staff: Mr. Phil Conrad – Town Manager, Ms. Tanya Word – Town Clerk/HR Officer, Mr. Scott Stewart – Deputy Clerk/Finance/HR Analyst, Mr. Jason Hord – Maintenance Supervisor, Ms. Shelly Shockley – Finance Analyst/Event Coordinator, Mr. Steve Blount – Town Planner, Mr. Dale Brown – Fire Chief, Mr. Mark Cook – Police Chief, Mr. Graham Corriher – Town Attorney, Mr. Richard Tester – Police Officer

Guests: There were twelve guests present.

Call to Order: Mayor Feather called the meeting to order at 7:00 p.m.

Moment of Silence: Mayor Feather opened the meeting with a moment of silence.

Pledge of Allegiance: Mayor Feather led the Pledge of Allegiance.

Approval of the Agenda:

ACTION: Alderman Linker made a motion to approve the agenda as presented with the addition of a Board Discussion section being added to future agendas. Mayor Pro Tem LaFevers seconded the motion. The motion passed with all in favor.

Approval of the Consent Agenda:

ACTION: Alderman Linker made a motion to approve the consent agenda. Alderman Cress seconded the motion. The motion passed with all in favor.

Citizen Comments:

Mr. Mike Brinkley read the following statement regarding the 2018-2019 budget:

"In this budget it has been proposed to increase the Fire Department part time salaries from \$98,900 to \$212,000, an increase of \$113,100. This roughly equals a 6-cent tax increase. Please remember, a 2-cent tax increase was added for the new fire truck. The reasons for this move are troubling enough but, in the process, to hide the true scope of the increase, one-line item of \$56,300 has been deleted. This money was earmarked to replace supply hose and SCBA. In addition, \$10,000 for future Engine replacement has also been slashed. This is not a budget any Fire Department could live with. It appears to be a ploy to hold the Board hostage to any possible future equipment needs of the Fire Department.

The worst part of this whole business is the fact that it is not part of any long-range plan for fire department improvements. I was told that it came up in February at the Board Retreat. So basically, four months to completely restructure the fire department. At the very minimum it should be part of a 5-year capital needs plan that addresses where the department should be at that time. While the excuse has been given that it is hard to find volunteers, it has always been hard to find volunteers. The Department has to be creative and has to work to find new ways to recruit and retain members.

In that regard, the Department needs to be careful not to burn out its members. Excessive false alarms suck the life out of any fire department. The department runs to many calls in far flung districts and most of these are cancelled enroute. The departments dispatch cards with the 911center need to be reviewed and modified to prevent this. I know that mutual aid is a necessary evil in the fire service, but it appears it has gone too far in Rowan County. The latest department report shows a total of 84 calls last month but only 37 were in Granite Quarry.

In my opinion, these events represent a systemic failure of leadership in the Fire Department and throwing more money at a perceived problem is not the answer."

Guests and Presentations

There were no guest presentations.

Fire Department Report

Chief Dale Brown asked if the Board had any questions about the department report. Alderman Linker asked if any of the recent applicants to the fire department had worked out. Chief Brown replied that they had not been brought on board for several reasons. Due to remaining funds remaining in the part-time staffing budget, Chief Brown has been able to staff evenings better with part-time employees.

Chief Brown made the following statement:

"Citizens are able to make comments, and those comments reflect their opinions. Sometimes they are not factual. I don't appreciate being called out unnecessarily. My ploy to you, and to Mr. Brinkley, if you can do a better job, then you come up and take over. I'm done. I don't need it. They don't understand what goes into this. He can say he understands 20 years ago, but this is a different time. If there are better answers: better ways to get it done, I welcome it.

I talked with the Manager today, and we have some ideas. Mr. Brinkley is welcome to come up and take it over today. My interest is in the Department, the members, and the citizens. I've tried everything I can do to get these calls answered. He is correct that there are a lot of false alarms, but in order to receive mutual aid, you have to give it. Granite Quarry does not have a big call load. Other departments do. If you want to be on their run card, you have to give aid to get it in return.

I am willing to walk out tonight and do whatever it takes. It's not about me; it is about the Town, the Department, and the citizens. People dog and pony show this thing and turn it into a political affair, and I'm not about that. I came in to try to do a good job and have done my best for almost 5 years now. I don't need the criticism. I don't have to have it. I offer my resignation to you tonight if you want it. I would be happy to walk away; or I will stay and try to transition you to the next Fire Chief if I can help do that. It is not right to come up here and be berated unnecessarily.

Alderman Linker replied that there is a budget meeting scheduled for Wednesday and requested that Chief Brown come to that meeting with hope that the situation can be resolved then. Alderman Linker stated that he thought there was nothing to gain by accepting Chief Brown's resignation at this time. Mayor Pro Tem LaFevers stated that the issues mentioned about the budget could be discussed at that meeting. Mayor Feather stated that he thought it would be inappropriate for the Board to accept Chief Brown's resignation, that should be handled through the Town Manager. Alderman Cress also asked Chief Brown to stay until Wednesday and see what could be done to work things out.

Mayor Feather asked if there was anything else to add to the Fire Department report. Chief Brown replied that an equipment addition today was the air conditioning unit in the bedroom side of the Fire Department. The HVAC unit on the training room side of the Fire Department was replaced in the previous budget year. Mayor Feather mentioned that replacement of this unit had been considered in the remodeling project.

Public Hearings

a. State Grant Application on behalf of Cold Storage

Mayor Feather stated that the Board had considered this previously, however the Town Attorney stated that there should be a public hearing to give citizens an opportunity to speak.

Scott Shelton addressed the Board, stating that several people involved with the Cold Storage project were in attendance if there were questions. Mr. Shelton explained that Cold Storage was working toward adding a facility at Chamandy Drive on land that the Town of Granite Quarry currently owns. The facility would be expected to expand in the next three years, hiring about 40 employees. There is a proposed infrastructure grant that would be based on the number of employees hired. The cost to the Town would be a 5% local match of approximately \$25,000. There may be grant money available through NCDOT to assist with the necessary road extension.

Mayor Feather opened the Public Hearing at 7:14 PM. There were no citizens in attendance that wished to speak for or against the infrastructure grant for Cold Storage. Mayor Feather closed the Public Hearing at 7:15 PM.

ACTION: Alderman Linker made a motion to adopt **Resolution NO. 2018-03** to approve and authorize execution of the State Grant Application on behalf of Cold Storage. Mayor Pro Tem LaFevers seconded the motion. The motion passed with all in favor.

b. Amendments of the Town's Uniform Development Ordinance adding Appendix A- Downtown Design Guidelines and Requirements.

Mr. Steve Blount addressed the Board speaking about the Downtown Design Guidelines, which were reviewed by the Planning Board. Mr. Blount then reviewed several slides showing the guidelines stating that this plan will require updating over time as the Town grows.

Mayor Feather opened the Public Hearing at 7:23 PM. There were no citizens present who wished to speak for or against the Amendment. Mayor Feather closed the Public Hearing at 7:24 PM.

The Town Attorney mentioned that there is currently an appeal process in section 15 of the UDO that allows a 30-day window to request an appeal. The new section introduces an appeal process to the Planning Board that could confuse readers with two separate listed processes. Mr. Blount agreed to modify the additional Planning Board appeal to also reference the other stated appeal process as well and hopefully avoid confusion.

ACTION: Mayor Pro Tem LaFevers made a motion to approve the Amendment to Uniform Development Ordinance; Adoption of Appendix A – Building Design Guidelines and Requirements related to Downtown Development with the change to the appeals process wording. Alderman Linker seconded the motion. The motion passed with all in favor.

Mr. Blount read the Statement of Consistency, confirming that the Building Design Guidelines were consistent with Town's Downtown Master Plan adopted in January of 2016 and consistent with the Town's Comprehensive Plan adopted in January of 2000.

ACTION: Mayor Pro Tem LaFevers made a motion to accept the Statement of Consistency as read by the Town Planner. Alderman Linker seconded the motion. The motion passed with all in favor.

c. Mr. Blount stated that the issue of cul-de-sacs in Industrial Parks was raised by Mayor Feather. After research, Mr. Blount noted that typically cul-de-sacs are discouraged in business parks due to large trucks doing damage to the asphalt. The recommendation is to amend Section 10.1.7 adding Item D, concerning cul-de-sacs in industrial parks.

Alderman Linker asked if this was something that could be enforced. Mr. Blount explained that the wording stated that they could not have a cul-de-sac in an industrial park unless permission is granted by the Zoning Board of Adjustment. This might be done if there is a case where this is the only possible way to make it work.

Mayor Feather opened the Public Hearing at 7:35 PM. There were no citizens present who wished to speak for or against the Amendment. Mayor Feather closed the Public Hearing at 7:36 PM.

Mr. Blount read the statement of consistency for the cul-de-sac related revisions explaining that the changes were consistent with the Town's Comprehensive Plan.

ACTION: Alderman Linker made a motion to approve amendment of the Uniform Development Ordinance; Section 10.1.7 adding Item D, concerning cul-de-sacs in industrial parks and the Statement of Consistency as read by the Town Planner. Alderman Cress seconded the motion. The motion passed with all in favor.

d. Mr. Blount was previously asked by Mayor Feather how we address the issue of mud in the streets that came from construction sites. There was no mention of mud or construction debris in the Town Ordinances. NCDOT does have a program of addressing this, however it is not always enough to maintain driver safety. By adding item 12, declaring construction mud and debris tracked into public streets to be a nuisance, the Code of Ordinances will provide a means to enforce getting such things cleaned up.

Mayor Feather opened the Public Hearing at 7:44 PM. There were no citizens present who wished to speak for or against the Amendment. Mayor Feather closed the Public Hearing at 7:45 PM.

Mr. Blount read the statement of consistency for the UDO revision explaining that the changes were consistent with the Town's Comprehensive Plan.

ACTION: Mayor Pro Tem LaFevers made a motion to approve the amendment to Code of Ordinances; Chapter 9, Section 9-33, adding item 12, declaring construction mud and debris tracked into public streets to be a nuisance and accept the Statement of Consistency as read by the Town Planner. Alderman Cress seconded the motion. The motion passed with all in favor.

e. Mr. Blount stated that when the Uniform Development Ordinance was adopted, a line item for Electronic Gaming was included in table 3.3. At that time no particular area was identified for this type of business due to the fact that they became illegal for a period of time. An allowable zoning area needs to be identified for this type of business now that it has been declared legal. Mr. Blount reports being approached by three people interested in opening electronic gaming businesses in the Town.

The Planning Board has recommended at this time is that Electronic Gaming operations be listed as a Conditional Use with special restrictions in the Highway Business and Central Business districts. The special restrictions are separation agreements that Electronic Gaming operations must be:

- 500' from each other
- 250' from any school, kindergarten, religious place of worship, Town park, childcare establishment, bar, nightclub, or historic district, and
- 100' from any residential structure

Additionally, the Planning Board recommendations included that no alcoholic beverages be sold or consumed on the property and owners or operators of Electronic Gaming businesses must not be convicted felons. Suggested hours of operation for Electronic Gaming will be limited from 9:00 AM to 2:00 AM seven days per week.

Mayor Feather opened the Public Hearing at 7:52 PM to receive public comments regarding amendment to Section 4.6.4 and Table 3.3 concerning Electronic Gaming Operations.

Mr. Jamie Deal spoke in favor of the Electronic Gaming Amendment. Mr. Deal went on to explain that he planned to open a gaming business in town and had been in communication about leasing a space in Granite Quarry for that purpose. Alderman Linker asked if Mr. Deal had looked at the distance restrictions and if what was proposed would allow his planned business.

Ms. Mary Ponds spoke presenting an observation related to the restrictions suggested for Electronic Gaming, stating that she was not necessarily for or against allowing this

type of business. Ms. Pond's expressed concern about the distance being closer in proximity to churches, schools, or daycare facilities than they could be to each other.

Mayor Feather asked if there was anyone else present who would like to speak either for or against the amendment. Hearing no other requests to speak, Mayor Feather closed the Public Hearing at 7:54 PM.

Steve Blount spoke addressing the concerns expressed by Ms. Ponds; stating that with several churches, residential areas, and a school in a central area, tightening restrictions could result in having no acceptable locations for Electronic Gaming. There is existing case law that supports restricting the distance between Electronic Gaming establishments, so if that were challenged in court the Town would be unlikely to cause a problem.

Mayor Feather inquired whether the restriction not to sell alcoholic beverages was something that they could legally include. The Town Attorney stated that the sale of alcoholic beverages could not be restricted by the Town if the establishment had an ABC permit, therefore it should not be stated in the restrictions. Mr. Deal mentioned a NC law restricting sale of alcoholic beverages in Electronic Gaming establishments.

Mr. Blount read a Statement of Consistency establishing that the proposed amendment was consistent with the guidelines established in the Town Comprehensive Plan. Alderman Cress inquired about a fee being charged on a per machine basis for Electronic Gaming. Mr. Blount stated that the NC legislature had ruled that practice unacceptable, however there was building license fee annually of approximately \$50. Alderman Linker asked about the 2:00 AM cutoff time. Mr. Blount replied that further restrictions to hours of operation typically are challenged in court, which would require the Town to prove why the business should be closed at a certain time.

ACTION: Alderman Linker made a motion to amend the Uniform Development Ordinance; Amending Section 3.3 Table of Uses and Section 4.6.4 Special Restrictions to allow Electronic Gaming in the Town of Granite Quarry as a Conditional Use and accept the Statement of Consistency as provided by the Town Planner. Alderman LaFevers seconded the motion. The motion passed with all in favor.

Mayor Feather stated that in reviewing the agenda, he noticed some changes that were made since the time the agenda was provided by email to the Board Members. The previous request was made by both Board and Staff that the agenda stand as written and any changes be announced during the meeting as part of the motion to accept the agenda, rather than making changes before the meeting. The Mayor requested that this procedure be followed for future meetings.

Town Manager's Update

Faith Road Athletic Field Update: Mr. Conrad asked Jason Hord to come forward and showed a picture to the Board of the Rowan Mountaineers football team that is currently using the Faith Road Athletic Field for practice on Saturdays. There is a growing number of youth on the field practicing. Alderman Linker expressed concern about parking and a muddy section of the field. Mr. Hord explained that the left side of the field was drier. Coach Randolph had been instructed to park on that side away from the mud. The team's games will be played on a middle school field, but this location has provided a good open space for them to practice.

The Board discussed any potential liability from the group using the field. Mr. Hord stated that the team had their own liability insurance. Mayor Feather asked the Town Attorney if there is anything that should be posted expressing that people using the field are playing at their own risk. The Attorney replied that there was some government immunity because they are not participating in a proprietary Town function. The Town Attorney did recommend explaining the use of the field to the Town Liability carrier to ensure that they had no issues with this use. Alderman Cress asked about how long the team had been using the field and what they were doing about bathroom facilities. The use of the field is seasonal and in the fourth week. There is not a restroom, but talked about the potential to put a porta john out there.

Mr. Conrad stated that he thought more people would come forward and request to use the field. It would be good to consider how they would request use of the field and the status of the Granite Quarry Athletic Club. Mayor Pro Tem LaFevers suggested continuing to allow use of the field and periodically monitoring that use.

Maintenance – **Purchasing Handheld Radios:** Mr. Hord talked about the current communication between Maintenance team members using cellular phones and the safety hazards involved while operating equipment. The Maintenance department has been testing use of radios to compare the difference. The radios have improved communication significantly and also allowed for monitoring of emergency channels. There are funds from surplus items sold by the department that Mr. Hord requested to be used for the purchase of radios. There is a monthly fee of \$10 per radio, which should not present a budget problem for the Maintenance Department.

Alderman Cress suggested having a fourth radio in Town Hall that could be used to communicate with Maintenance. This additional radio could also be used to monitor what goes on with the department and could also serve as a backup in case a unit fails. The radios would cost \$2142 each including a 3-year service warranty at a cost of \$90 per unit. Alderman Linker asked if there was sufficient funding in the capital outlay line item to cover the purchase. Mr. Hord confirmed that funds were available in capital outlay for the current fiscal year.

The total cost for four radios would be approximately \$8600. Ms. Shockley confirmed that there would be \$36,571 remaining in the Maintenance capital outlay budget. Mayor Feather asked Ms. Shockley where she expected the year end budget to be. Ms. Shockley replied that she was estimating that in total the fiscal year would end \$74,000 under budget.

ACTION: Mayor Pro Tem LaFevers made a motion to approve \$8600 from capital outlay to be used for purchase of radios for the Maintenance Department. Alderman Cress seconded the motion. The motion passed with all in favor.

Ms. Shockley also added that the recent movie in the park event had better turnout than previously with over 50 people in attendance. Equipment was rented by the Town and four local businesses covered the copywrite fee. Town events appear to be getting more attention than last year.

Old Business

Marsy's Law:

Alderman Cress stated that he did some research on Marsy's Law and would like to support it.

ACTION: Alderman Cress made a motion to support Marsy's Law. Alderman Linker seconded the motion. The motion passed with all in favor.

Mayor Feather requested a Resolution in support of Marsy's Law from the Town Clerk.

New Business & Action Items

a. RESOLUTION NO. 2018-04 – Audit Contract – Eddie Carrick, CPA

ACTION: Mayor Pro Tem LaFevers made a motion authorizing the Town Manager to enter into an Audit Contract with Eddie Carrick, CPA for the fiscal year ending June 30, 2018. Alderman Cress seconded the motion. The motion passed with all in favor.

b. RESOLUTION NO. 2018-05 – American Red Cross Facility Use Agreement

Alderman Cress stated that the Town previously been certified as a Red Cross emergency facility. Mr. Conrad shared that the previous agreement had expired in 2013. It is a five-year agreement. This has been reviewed by attorneys and there are a few parts of the agreement to consider. Mayor Feather stated that the Town Hall was not a primary Red Cross site, but served as a backup site if needed.

ACTION: Alderman Linker made a motion authorizing the Town Manager to enter into a five-year Facility Use Agreement with the American Red Cross to permit the American Red Cross to use and occupy the Town Hall on a temporary basis to conduct emergency, disaster-related activities. Mayor Pro Tem LaFevers seconded the motion. The motion passed with all in favor.

c. RESOLUTION NO. 2018-06 – Benchmark CMR, Inc. Code Enforcement Agreement

Mr. Conrad explained that this is the same company that previously handled planning services. When their assigned Planner was no longer available, Steve Blount was hired as Town Planner, and Benchmark services were carried forward only on more complex Code Enforcement matters on a complaint driven basis. Town staff will work to handle simple issues with Benchmark continuing to handle the more complex issues that may result in site visits or legal actions.

ACTION: Mayor Pro Tem LaFevers made a motion to authorize the Town Manager to enter in agreement with Benchmark CMR, Inc for Code Enforcement Services for the fiscal year 2018-2019. Alderman Cress seconded the motion. The motion passed with all in favor.

Mayor Feather asked how much handling Code Enforcement issues in-house would alleviate the costs of outsourcing. Mr. Conrad replied that there was nobody in-house that would have the expertise of Steve May to handle the type of issues that Benchmark is currently involved with for the Town. Mr. Blount clarified that what has been requested is keeping Steve May involved with what is currently two projects and complete a survey of Code Enforcement issues. There may be an increase in Code Enforcement issues before it is caught up. The goal is to handle more of the issues inhouse at a future time once the survey has been completed and addressed.

d. **RESOLUTION NO. 2018-07** – Chamberlain Exterminators, LLC Agreement

Alderman Linker asked if there were any competitive bids collected. Alderman Cress added that Chamberlain had been doing this for a long time and it was a very competitive business and he recommended getting other quotes. This contract expires at the end of June.

ACTION: Mayor Pro Tem LaFevers made a motion authorizing \$350 for this service; asking staff to proceed with Chamberlain or another exterminator after shopping for the best service available for the cost. Alderman Cress seconded the motion. The motion passed with all in favor.

e. Budget Amendment Request #18

To transfer funds from Fund Balance Appropriated (01-3991-99) to Administration Contracted Services (01-4120-60) and Police Department Contracted Services (01-4310-60) for the Server Upgrade to support FMS (Financial Management Software) and the installation of the phone system. Funds were approved in the last Fiscal Year, however, funds were not allocated.

ACTION: Mayor Pro Tem LaFevers made a motion to approve Budget Amendment #18. Alderman Cress seconded the motion. The motion passed with all in favor.

f. Budget Amendment Request #19

To recognize the receipt of \$800 donated to the Police Department by the Granite Quarry Civitans Club. The Police Department is requesting the transfer of funds from Police Miscellaneous Revenue (01-3431-89) to C.O. Equipment (01-4310-55) for the purchase of bulletproof vests.

ACTION: Mayor Pro Tem LaFevers made a motion to approve Budget Amendment #19. Alderman Linker seconded the motion. The motion passed with all in favor.

g. Budget Amendment Request #20

To recognize the receipt of \$200 from Teen Court for retributions to damage done at the Granite Civic Park. The Maintenance and Police Department request these funds be transferred from Miscellaneous Revenue (01-3413-89) to Community Projects (01-4120-50) for the proposed Veterans Memorial.

ACTION: Alderman Linker made a motion to approve Budget Amendment #20. Mayor Pro Tem LaFevers seconded the motion. The motion passed with all in favor.

h. Budget Amendment Request #21

To transfer funds from Park Shelter Rentals-Maint (01-3834-41) to Parks Utilities (01-6130-33) to cover account overspent due to previous coding errors.

ACTION: Alderman Linker made a motion to approve Budget Amendment #21. Mayor Pro Tem LaFevers seconded the motion. The motion passed with all in favor.

i. Budget Amendment Request #22

To transfer funds from Board Contingency (01-4110-97) to Administration Contracted Services (01-4120-60) for the remaining balance of the survey to Town Property by Shulenburger and Office Expense (01-4120-26) for the scholarship to Western Carolina University on behalf of Zach Huddleston and Sponsorship to the Rowan County Opioid Forum.

ACTION: Alderman Linker made a motion to approve Budget Amendment #22. Mayor Pro Tem LaFevers seconded the motion. The motion passed with all in favor.

j. PROCLAMATION – Graham Corriher

Mayor Feather read a Proclamation expressing gratitude and honoring Graham Corriber for his service to the Town of Granite Quarry serving as the Town Attorney.

Board Comments

Alderman Linker asked if the survey had been completed for S. Main Street and Rowan Street properties. Mr. Conrad replied that he had spoken with a Norman Ribelin today, who will be providing a cost estimate this week to survey the property. Alderman Linker expressed that he would like to get that complete and sell the property. The Board discussed how they might wish to split that property when surveyed.

Alderman Linker asked about progress on the State Employees' Credit Union. Mr. Conrad replied that they are expecting more information to arrive soon. There was a discrepancy affecting access to an adjoining property that needed to be resolved.

The Village at Granite is in progress and has added a retention pond and is working on grading. They had to remove some bad soil moved. They are in the process of getting final approval on their phase one drawings.

Alderman Linker asked to know the unencumbered fund balance before the final meeting to approve the budget for the 2018 - 2019 fiscal year.

Mayor Pro Tem LaFevers mentioned that lake at Granite Lake Park is expanding, expressing concern that this is an issue that should be included in the budget.

Mayor's Notes

• Mayor Feather reviewed the upcoming schedule of events.

Mayor's Action

• Public Hearing

Mayor Pro Tem LaFevers made a motion to set a Public Hearing for Monday, June 25, 2018 at 5:00 P.M. to hear citizen comments on the proposed Budget Ordinance for FY 2018-2019. Alderman Cress seconded the motion. The motion passed with all in favor.

Closed Session

Alderman Linker made a motion at 9:12 PM to go into closed session pursuant to N.C. General Statute Section 143-318.11(a)(3) for property. Alderman Cress seconded the motion. The motion passed with all in favor.

Alderman Linker made a motion to come out of closed session at 9:30 PM pursuant to N.C. General Statute 143-319.11(a)(3) for property. Alderman Cress seconded the motion. The motion passed with all in favor. The Board took no action in closed session.

Recess Meeting

Alderman Linker made a motion at 9:30 PM to recess the meeting and reconvene at 4:00 PM on June 6, 2018 pursuant to N.C. General Statute Section 160A-71 for review of the 2018-2019 Budget. Alderman Cress seconded the motion. The motion passed with all in favor.

Respectfully Submitted,

<u>Scott Stewart</u>

Deputy Clerk