



**TOWN OF GRANITE QUARRY
BOARD OF ALDERMEN
REGULAR MEETING MINUTES
Monday, July 11, 2022
6:00 p.m.**

Present: Mayor Brittany Barnhardt, Mayor Pro Tem John Linker, Alderman Jim Costantino, Alderman Kim Cress, Alderman Doug Shelton

Staff: Town Manager Larry Smith, Town Clerk Aubrey Smith, Town Attorney Chip Short, Finance Officer Shelly Shockley, Fire Chief / Public Works Director Jason Hord, Firefighter Tyler Bennett, Firefighter Allen Bennett

Call to Order: Mayor Barnhardt called the meeting to order at 6:00 p.m.

Moment of Silence: Mayor Barnhardt led a moment of silence.

Pledge of Allegiance: The Pledge of Allegiance was led by Mayor Barnhardt.

1. Approval of the Agenda

ACTION: Mayor Pro Tem Linker made a motion to approve the agenda. Alderman Cress seconded the motion. The motion passed 4-0.

2. Approval of the Consent Agenda

A. Approval of the Minutes

- 1) Regular Meeting June 13, 2022
- 2) Recessed Meeting June 16, 2022
- 3) Strategic Planning Meeting June 27, 2022

B. Departmental Reports (*Reports in Board packet*)

C. Financial Reports (*Reports in Board packet*)

D. Committee Reappointments (*as recommended by each committee*)

E. Centralina Charter Ratification

ACTION: Alderman Costantino made a motion to approve the consent agenda. Mayor Pro Tem Linker seconded the motion. The motion passed 4-0.

3. Citizen Comments

- Marilyn Michael of 1309 Wrenwood Court asked how much notice Nest had to give before pulling their rezoning from August's agenda. Mayor Barnhardt responded that the applicant could pull the

application at any time but advised that Mrs. Michael could reach out to town staff for the most up-to-date information. Mrs. Michael also stated that the Fire Department responded to a call last week at her house and the firefighters did an excellent job.

4. Town Manager's Update

Manager Smith called upon Chief Hord to recognize Firefighter Tyler Bennett who recently graduated with his FF 1 & 2 certifications through RCCC. Tyler was also awarded the Justin Monroe Service Above Self award. Tyler has lived in Granite Quarry his whole life. His father, Firefighter Allen Bennett, has been a firefighter with Granite Quarry for 17 years.

Manager Smith gave kudos to Finance Officer Shockley for her work on the pre-audit and financial statement preparation. Manager Smith ran through the strategic plan's goal statements and strategies. He asked the Board to review the draft and think about what success would look like for each of the objectives and to then relay that information to him.

Manager Smith shared the project goal sheets for administrative tasks and the Board's goals and priority projects. He asked that Board members look at the worksheet and decide what the Board would like to prioritize, ideally 3-5 goals. Mayor Barnhardt asked if the project work plan decisions could be added to the August agenda.

Old Business

5. Discussion

CLUP / UDO Proposal Options

Mayor Barnhardt stated that the information and summary were included in the packet. She stated that she believed all Board members felt the CLUP and UDO rewrite was important, but would have to wait on the funding.

New Business

6. Presentation

Bicycle and Pedestrian Plan Draft

The draft version of the Bicycle and Pedestrian Plan was included in the agenda packet. Nat Heyward of Kimley-Horn presented an overview and background information for the plan and asked that the Board review and send in questions and comments. All comments will be sent back to Kimley-Horn who will then pass the draft plan and comments on to the DOT for their review. The plan will be presented to the Board for adoption at the August meeting.

7. Public Hearing

Ord 2022-06 UDO Text Amendment/Correction

A. Staff Presentation

Clerk Smith

Clerk Smith shared this was a technical change to remove Electronic Gaming from all zoning classifications but HI, which was the intent of previous ordinances.

B. Public Hearing

1) Opened: Mayor Barnhardt opened the public hearing at 6:45 p.m.

- There were no public comments.

2) Closed: Mayor Barnhardt closed the public hearing at 6:45 p.m.

C. Board Discussion and Decision

ACTION: Mayor Pro Tem Linker made a motion to adopt Ordinance 2022-06 to correct the UDO's Permitted Table of Uses and adopt the Statement of Consistency and Reasonableness as presented. Alderman Costantino seconded the motion. The motion passed 4-0.

8. Discussion

Site Plan Approval Process

Manager Smith stated that at its March 25, 2021 meeting the Board of Aldermen discussed whether it should be reviewing the site plans for major subdivisions and making final determinations. The former planner created a memo stating his recommendation, and after the Board met with N Focus on 4/18/2022 and enquired further about best practices regarding these kinds of growth reviews, Planner Bailey wrote a memo summarizing the current process and his recommendation that the reviews indeed come back to the Board of Aldermen instead of the Planning Board as well. Manager Smith asked that, if the Board would like to go with the recommendation, that they give that direction. The change would then be taken before the Planning Board at their August meeting before coming back to the Board of Aldermen. There was Board consensus to give that direction.

9. Ordinance Amendment

Peddlers

Alderman Costantino questioned whether there had been issues with peddlers. Mayor Barnhardt shared that there had been an issue in her neighborhood with multiple people going door-to-door several times a night even with no solicitation signs posted. She stated there had been complaints and concerns voiced by multiple citizens. Alderman Cress stated that the police had increased their presence in the town and were doing an outstanding job with patrol. He felt the increased police presence may be a deterrent to solicitors.

ACTION: Mayor Pro Tem Linker made a motion to adopt Ordinance 2022-07 to amend the Town's peddler regulations. Alderman Cress seconded the motion. The motion passed 4-0.

10. Board Comments

- Mayor Pro Tem Linker stated he and the mayor agreed social media was an important part of the strategic goal for communication and thought it should be included in the goal. Mayor Barnhardt stated newsletters would be useful as well. Manager Smith pointed out where both those areas were covered in the Community Engagement / Communications slide within the strategic plan.
- Alderman Shelton stated community engagement was important for items like committees and the implementation of plans.
- Mayor Pro Tem Linker asked that a date be set for ARPA funds discussion. By Board consensus, the meeting was set for August 18, 2022 at 9:30 a.m.
- Alderman Costantino stated that the seal in the Board Room looked fantastic.

11. Announcements and Date Reminders

A. Thursday	July 14	6:00 p.m.	Community Appearance Commission
B. Monday	July 18	5:00 p.m.	Parks, Events and Recreation Committee
C. Monday	July 18	5:30 p.m.	Zoning Board of Adjustment
D. Tuesday	July 19	3:30 p.m.	Revitalization Team
E. Thursday	July 28	6:00 p.m.	Rowan Municipal Association – Trinity Oaks
F. Monday	August 1	6:00 p.m.	Planning Board

Adjournment

ACTION: Alderman Costantino made a motion to adjourn. Mayor Pro Tem Linker seconded the motion. The motion passed 4-0.

The meeting ended at 6:59 p.m.

Respectfully Submitted,

Aubrey Smith

Town Clerk

ORDINANCE NO. 2022-06

**AN ORDINANCE AMENDING THE TOWN OF GRANITE QUARRY'S
UNIFIED DEVELOPMENT ORDINANCE**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF GRANITE
QUARRY:**


Section 1. That 3.3.3 Permitted Uses Table is hereby amended to read as follows:

USES	ZONING DISTRICTS											
	RR	RL	RM	RH	OI	NB	CB	HB	LI	HI	DT/LI	SR
<i>Recreation and Entertainment Uses</i>												
Electronic gaming operations							€	€		C		4.6.


Section 2. All ordinances in conflict herewith are repealed to the extent of any such conflict.

Section 3. This ordinance is effective on the 11th day of July 2022.

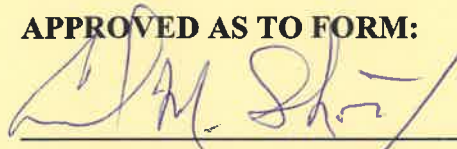



Brittany H. Barnhardt, Mayor

ATTEST:


Aubrey Smith, Town Clerk

APPROVED AS TO FORM:


Carl M. Short, Town Attorney

STATEMENT of CONSISTENCY and REASONABLENESS
for the
ADOPTION of the TOWN of GRANITE QUARRY DEVELOPMENT ORDINANCE
AMENDMENT

WHEREAS, the Granite Quarry Town Board of Aldermen adopted the 2000 Comprehensive Land Use Plan Update on January 6, 2020 hereafter referred to as the "Plan"; and


WHEREAS, the Town Board of Aldermen finds it necessary to modify the Unified Development Ordinance to maintain consistency with the Plan; and

WHEREAS, prior to adopting or rejecting any zoning ordinance or amendment thereto, the Town Board of Aldermen must, in accordance with G.S. 160D-605, adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explain why the Town Board of Aldermen considers the action taken to be reasonable and in the public interest.

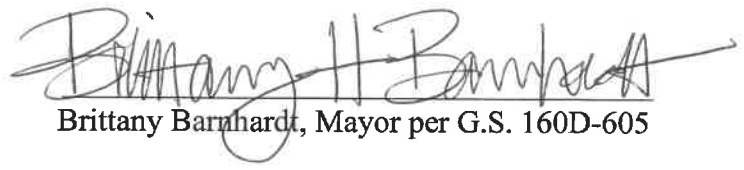
THEREFORE, the Town Board of Aldermen hereby finds the adoption of the text amendment to the Unified Development Ordinance is consistent with the Plan in that standards, specifications and policies set forth in the new Granite Quarry Unified Development Ordinance (UDO) will support the expansion of the Town of Granite Quarry economy, preserve the character of the Town through practical standards for land use and development, and support the protection of natural resources as required by both Federal and State of North Carolina statutes. The text amendment is deemed reasonable in the way it will facilitate carrying out the goals of the Plan through each of the following:

1. Establish environmentally responsible yet business oriented common-sense principles aimed to protect both the local environment and property rights,
2. Minimize negative impacts on the natural and fiscal resources of Granite Quarry,
3. Minimize negative impacts on local property tax and utility rate payers,
4. Welcome those future residents and businesses seeking to contribute to the success of the Town's efforts to establish a resilient sustainable and stable local economy,
5. Reinforce the tax base,
6. Expand opportunities for local business success, and
7. Promote the health, safety and welfare of the citizens, businesses, and property owners of Granite Quarry.

Recommended this the 5th day of July 2022


Richard Luhrs, Chair per G.S 160D-604(d)

Adopted this the 11th day of July 2022


Brittany Barnhardt, Mayor per G.S. 160D-605

Attest: 
Aubrey Smith, Town Clerk

ORDINANCE NO. 2022-07

**AN ORDINANCE AMENDING TEXT OF THE TOWN OF GRANITE QUARRY'S
CODE OF ORDINANCES**

**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF GRANITE
QUARRY:**

Section 1. That Chapter 8, Article II. Peddlers, Secs 8.19–8.45 is hereby amended to read as follows:

ARTICLE II. – PEDDLERS

~~**Sec. 8-19.—Exhibition of license.**~~

~~It shall be unlawful for any person engaged in the business of peddling to fail, neglect or refuse to exhibit a peddler's license on demand of any officer of the town.
(Code 2003, § 12-16)~~

~~**Sec. 8-20.—Peddlers and solicitors going on private premises.**~~

~~The practice of going in and upon businesses and private residences in the town by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited to do so by the owner or occupant of the business or private residence for the purpose of aggressively soliciting orders for the sale of goods, wares and merchandise or disposing of and peddling or hawking goods, wares and merchandise is declared to be a nuisance and punishable as such nuisance as a misdemeanor.
(Code 2003, § 12-17)~~

~~**Sec. 8-21.—No peddlers on streets.**~~

~~It is the purpose of this article to protect persons engaged in the business of peddling as well as operators of motor vehicles who may be distracted or alarmed at peddlers operating within the streets of the town and for these reasons of safety, it shall be a misdemeanor for any peddler, solicitor, hawker, itinerant merchant or transient vendor to carry on such business on the streets of the town.
(Code 2003, § 12-18)~~

~~**Secs. 8-22 – 8-45.—Reserved.**~~

Sec. 8-19. - General provisions.

- (a) Any person who carries from place to place any goods, wares or merchandise, subscriptions, services and/or discount coupons (hereinafter referred to as "wares") and offers to sell or barter the same or actually sells or barter the same, shall be deemed a peddler, except such person who is a wholesale dealer selling only to merchants for resale. A person deemed a peddler shall apply and procure from the town manager or his designee a town permit for the privilege of transacting such business and shall pay the required permit fee as hereinafter set forth. For purposes

of this section, a person who is licensed to operate a push cart for the sell and purchase of food or drink at an event shall not be deemed a peddler.

- (b) Any person who sells or offers to sell from his person, a cart, truck, automobile, or other vehicle operated over and upon the streets and highways within the town any wares shall be deemed a peddler within the meaning of this article. Nothing in this section shall apply to the sale of farm products raised on the premises owned or occupied by the person or his bona fide agent or employee selling the same (See UDO 4.9.2).
- (c) This article shall not apply to solicitation for charitable, civic, religious, or patriotic purposes by persons who serve without compensation or remuneration, nor shall it apply to persons engaging in door-to-door advocacy of a religious, political, or other cause where money or other valuable consideration is not being solicited, nor shall it apply to the distribution of religious or political handbills or pamphlets. Further, this article shall not apply to any person under the age of eighteen (18) years old who desires to offer a service only and who does so solely as a means of earning money for his or her own personal or family use on a short-term, temporary, basis such as and by example only, mowing lawns and raking leaves.
- (d) It shall be unlawful for any person to sell or offer for sale or peddle wares upon the public streets or public parking lots of the town or to engage in business as a peddler anywhere in the town without first having applied for and obtained a permit so to do from the town manager or his designee. For the purposes of this article "any person" or "each person" means an individual and shall be considered in the singular; each person working for or acting as an agent or in any capacity for an individual, a partnership, a corporation, a company, or a business of whatever nature or kind, must apply for and obtain a permit as set out herein.
- (e) This article shall not apply where town merchants and/or proprietors of stores display goods adjacent to their businesses for sale in front of their stores nor shall this article apply to any individual, business, or organization displaying goods for sale as part of a duly town-authorized festival or public event for which such goods are authorized to be sold.

Sec. 8-20. - Permit.

- (a) *Application.* Each person desiring a permit to engage in business as a peddler within the town shall make written application to the town at least five (5) working days before such person seeks to sell such person's wares, which application shall contain the following:
 - (1) The name, address, date of birth, Social Security number, vehicle description and tag number as applicable of the applicant;
 - (2) The name and address of the person, if any, that the applicant represents;

- (3) An accurate and detailed description of the kind of wares offered for sale (no wares which are reasonably deemed dangerous or likely to cause damage by releasing projectiles or substances shall be permitted);
- (4) Whether the applicant, upon any sale or order, shall demand, accept, or receive payment or deposit of money in advance of final delivery;
- (5) The period of time such applicant wishes to engage in such business within the town;
- (6) A certified copy of the applicant's criminal record from the applicant's state of residence dated within one month prior to the date of application for a permit or acceptable evidence that the applicant has no criminal record;
- (7) The names of the last five (5) cities or towns wherein the applicant has worked before coming to the town and the dates of such work in said cities or towns and the addresses and dates of residence where the applicant has resided for the past five (5) years, such addresses to include physical addresses and not post office or mail drop boxes;
- (8) Information concerning whether the applicant is on, or has been on, parole or probation in North Carolina, any other state, or the federal government.
- (9) A list of any criminal offenses, other than minor traffic offenses, for which the applicant has been charged within the past ten (10) years. For purposes of this subsection, a "minor traffic offense" is an offense that is a violation of G.S. Ch. 20, that is punishable as, or would be punishable as, an infraction in the State of North Carolina.
 - (a1) A fee in the amount set by the Town Board must be paid before an application can be processed provided that payment of such fee is not a guarantee or promise that such application will be approved.
 - (a2) Each person desiring to engage in an activity defined as a peddler herein must obtain a permit. A permit is not transferable and cannot be used for the activities of another person working or acting on behalf of an applicant for a permit.
 - (a3) Falsification of any matter on or provided as part of the application for a permit shall be grounds for immediate denial of the permit.
- (b) *Issuance.* No permit shall be issued under the provisions of this article until the applicant shall have complied with all the provisions and requirements of this article.
- (c) *Denial.* A permit can be denied for the same reasons that such permit can be revoked as set out in this article.

- (d) *Permitted hours.* A person issued a permit pursuant to this section shall not engage in the activity of peddling between the hours of 8:00 p.m. through 9:00 a.m.
- (e) *Duration.* A permit issued under the provisions of this article shall be valid for a period of one (1) year from the date of issuance.
- (f) *Contents.* Each permit issued under the provisions of this article shall be signed by the town manager or his designee, shall be dated as of the date of its issuance, and shall state the duration or term of such permit on the face thereof. Any permit not dated and signed as required in this section, or which was issued in violation of this section, shall be void.
- (g) *Display.* Every peddler issued a permit under the provisions of this article and doing business within the town shall wear and display a town-approved permit in a manner clearly visible to anyone such person is approaching for the purpose of selling or attempting to sell such peddler's wares. Failure to display such permit as provided herein shall be deemed a misdemeanor as set out in section 8-21.
- (h) *Possession and display of identification.* Any person while engaged in the activity of a peddler as set out in this article shall, in addition to displaying a valid permit, possess a current, verifiable form of photographic identification, and must present such identification upon either the request of a law enforcement officer or upon the request of any person approached by such peddler who is attempting to sell, or sells, his or her wares to such person requesting such identification. For purposes of this subsection, a "verifiable form of photographic identification" shall include, but not be limited to, a valid driver's license, passport, state issued identification card, or student identification card containing a recent photograph of such person.
- (i) *Revocation.* Any permit issued under the provisions of this article may be revoked by the town manager or his designee for the violation by the peddler permittee of any applicable provision of this article, state law or town ordinance, rule or regulation applicable to peddlers, or for the violation of any state or federal law involving fraud, theft, sexual assault, taking indecent liberties with children, sexual crimes involving children, sexual exploitation of children, or controlled substances.

Sec. (8-21). - Misdemeanor.

- (a) The practice of going in and upon the streets, sidewalks, roads, parking lots, public vehicular areas as that term is defined in G.S. 20-4.01, businesses, or private residences in the town by peddlers not having been properly permitted as set out in this article is declared to be a nuisance and is punishable as a class 3 misdemeanor.
- (b) Any person violating any part of this article shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the courts by a fine in an amount greater than one hundred dollars (\$100.00) but not more than five hundred dollars (\$500.00) or imprisonment, or by both as provided in G.S. 14-4.

Sec. 8-22. - Other licenses or permits.

The provisions of this article shall not exempt the applicant from obtaining any other license or permit as may be required by law.

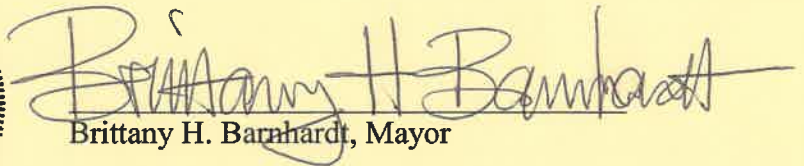
Secs. 8-23—8-45. - Reserved.

Section 2. That the fee schedule for FY22-23 is hereby amended to include a \$100 per person Peddler Permit fee.

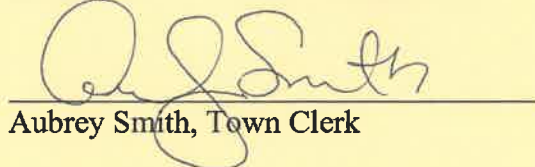
Section 3. All ordinances in conflict herewith are repealed to the extent of any such conflict.

Section 4. This ordinance is effective on the 1st day of July 2022.

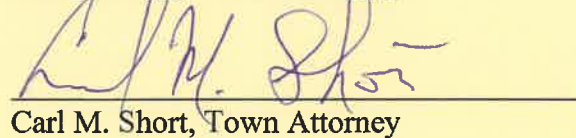



Brittany H. Barnhardt, Mayor

ATTEST:


Aubrey Smith, Town Clerk

APPROVED AS TO FORM:


Carl M. Short, Town Attorney