

The Board of Commissioners of the Town of Denton held a regular meeting on Monday, December 4, 2023 at 6:00pm at Town Hall.

The following members were in attendance: Mayor Larry Ward, Mayor ProTem Deanna Grubb  
Commissioners: Julie Lofflin, David Askew, Scott Morris, Anne Carter Bean, Hayden Hicks, Barbara Hoggan

Town Attorney, Misti Whitman, Town Manager, Angel Jenkins; Town Clerk, Paula Hedrick

**1. Call to Order**

Mayor Ward called the meeting to order at 6:05pm

**2. Pledge of Allegiance**

Mayor Ward led the Pledge of Allegiance

**3. Adoption of Agenda**

Commissioner Morris made a request to add 12a to the agenda to discuss the format of the Board meetings.

Commissioner Bean made a motion to adopt the agenda with the addition of 12a Discussion on the format of the Board meetings.

Commissioner Morris seconded the motion. Motion passed unanimously (5/0)

**4. Approval of November 6, 2023 Minutes**

Commissioner Bean made a motion to approve the November 6, 2023 minutes

Commissioner Morris seconded the motion. Motion passed unanimously (5/0)

**5. Public Comment**

*Citizens may speak on items not listed on the printed agenda. Please state your name and address and observe the three-minute time limit.*

Ms. Imogene Morris, 225 Bombay Road, recognized the Parks and Recreation Board for the work put into the Love Lights ceremony. The decorations and ceremony were beautiful.

**6. Recognition of Outgoing Commissioners - Julie Lofflin & David Askew – Mayor Ward**

Mayor Ward recognized and thanked Julie Lofflin for 20 years of service to the Town of Denton and David Askew for 8 years of service to the Town of Denton. An appreciation plaque was given to each thanking them for their dedication.

**7. Administer Oath of Office to Scott Morris, Hayden Hicks & Barbara Hogan – Misti Whitman**

Ms. Whitman administered the Oath of Office for reelected Commissioner Scott Morris, and newly elected Commissioners Hayden Hicks and Barbara Hogan.

**8. Public Hearing for Consideration of Variance – Teramore Development, LLC  
(PIN ID 6678-01-05-6493)**

Mayor Ward Opened the Public Hearing and presented the Quasi-Judicial procedure for Board of Commissioners case number: 23.24-01

-Ms. Whitman sworn in the following witness: Angel Jenkins, Town Manager (Denton), Daniel Almazan, Representative for Teramore Development LLC, and Justin Church, Blue Ridge Environmental - Public Hearing for the consideration of variance from Teramore Development LLC.

-Ms. Jenkins stated this is a Quasi-Judicial hearing for variance request for a reduction in required parking spaces according to ordinance. Ordinance states that the requirements of one (1) parking space per every 200 square feet of building space. Based on the size of the building, requirements would be 66 parking spaces. Teramore Development LLC request that they would like to only put in 40 parking spaces.

-Mr. Almazan, representative from Teramore Development LLC stated that he works with multiple national tenants, one being Dollar General Fresh Market. The building design will be 12,480 sq feet, the public accessibility space will be just under 10,000 square feet.

-Mr. Church, Engineer from Blue Ridge Environmental indicated that based on studies from other locations, it has been shown that 40 parking spaces are adequate for the building size. He shared that there will be a fenced in retention pond for storm water placed on the south side of the building. On the Northwest corner of the property a retaining wall will be installed, which will be eight feet in height tapering down to zero at the North side of the parking lot. NC Department of Transportation has required a dedicated turn lane on Highway 109 when entering in the North bound lane.

-Mayor Ward asked for a motion.

\*Commissioner Bean made a motion to approve based on the stated Findings of Facts, I move to approve Variance to reduce required parking spaces at S. NC Highway 109 based on the following:

*(1) Due to the NC DOT requirements for Storm Water and limitation of the shape and topography of the site, the property could not be developed to meet the parking space requirements.*

*(2) The topography and shape of the site prevents the space for the required 63 parking spaces as well as the location and size of the storm pond that could retain the required runoff for a 100-year storm.*

*(3) The property size is sufficient to allow for the property development. However, due to NC-DOT's driveway permit requirements to tie-in to the storm drain with a storm pond large*

*enough and in a location that can attenuate for a 100-year storm.*

*(4) Granting the variance is site specific. The reduction in parking space requirements would not create any issues for safety and the general welfare of the public.*

\*Commissioner Morris seconded the motion. Motion passed unanimously (5/0)

**9. Fiscal Year 2022-2023 Audit Report – Eddie Carrick**

Mr. Carrick provided the Board a printed copy of the Audit for the fiscal year 2022-2023. Mr. Carrick stated that the audit provided a clean report. He pointed out areas of the report that shown increases and/or decreases for the year. (report attached)

**10. Approve Fiscal Year Bulk Water Rates for Handy Sanitary District**

Mr. Carrick provided a Town of Denton cost of water report to the Board for review. This year's rate shows an increase over last year. Most in part due to approximately thirty percent increase in supplies, i.e. chemicals. (report attached)

Commissioner Morris made a motion to approve fiscal year bulk water rates for Handy Sanitary District.

Commissioner Bean seconded the motion. Motion passed unanimously (5/0)

**11. Award 2023-2024 Paving Bid Contract – Chris Corriher, TranSystems**

Mr. Corriher provided a copy of the Street Improvement Project #2324PAVE for the paving bid contract to the Board for review. He stated that four (4) bids were submitted for paving. Due to the expense of AST (Asphalt Surface Treatment) the bids were higher than expected. Mr. Corriher recommended awarding the paving contract without the AST and working with NCDOT on submitting our project with their AST contracts. This would allow the town to get a better price for AST and possibility have more work completed.

Commissioner Morris made a motion to award the 2023/2024 Paving Bid Contract to Hanes Construction Company.

Commissioner Bean seconded the motion. Motion passed unanimously (5/0)

**12. Review Updates to Town Ordinance- Chapter X: General Administration, Article A: Disorderly Conduct, Public Nuisance**

-Ms. Whitman provided a copy of the amendment to the Town Ordinance, Chapter X, General Administration, Article A, Disorderly Conduct, Public Nuisance & Article C Animal Ordinance.

-Ms. Jenkins stated that she and Police Chief Mike James have reviewed the amendment to the ordinance on Camping on Public Property and Panhandling. Recommendations were provided to Ms. Whitman.

The following amendments were made to the ordinance:

**Article A. Disorderly Conduct, Public Nuisance**

Section 7. Camping on Public Property Prohibited

Section 8. Begging, Panhandling, or Soliciting Contributions

**Article C. Animals**

Section 7. (a) limiting households to 3 dogs and 3 cats.

Section 16. Hog Pens and Pig Pens are not allowed in the corporate limits of the Town.

Section 17. Horses, Cows and Goats – Must have a minimum of two (2) acres of land.

Copy of ordinance amendment is attached to the minutes.

-Motion 1: Commissioner Bean made a motion to approve the amendments to Chapter X, Article A, Disorderly Conduct, Public Nuisance as stated above.

-Commissioner Hogan seconded the motion. Motion passed unanimously (5/0)

Motion 2: Commissioner Morris made a motion to approve the amendments to Town Ordinance Chapter X, Article C. Animals as stated above.

-Commissioner Bean seconded the motion. Motion passed unanimously (5/0)

**12a. Discussion on format of Board Meetings.**

Commissioner Morris request that Department Heads give an oral report at the monthly Board meetings.

-Commissioner Morris made a motion to approve having the Department Heads present oral monthly reports.

-Commissioner Bean seconded the motion. Motion passed unanimously (5/0)

**13. Town Attorney Update**

Ms. Whitman advised that the easements have been drafted for the Hwy 109 project.

**14. Town Manager's Report**

-Ms. Jenkins stated that per the Board's request, she has reached out to the Handy Sanitary District Manager regarding a joint meeting.

They are available to meet January 18, 2024.

Attorney Whitman stated she would not be available to meet on this date due to prior engagement. Requested to check with Handy Sanitary District to see if their attorney would be present.

If they are not needed, she was okay with the Board meeting on January 18, 2024 without her present.

Summey Engineering has requested reports from Handy Sanitary District's engineer, Charlie McGougan. Mr. Summey stated that they have not been provided.

-Other reports that were provided: Speedy Study from West Salisbury, Alliance Code Enforcement, the 2024 Board of Commissioners Meeting Schedule and Town Holiday Schedule.

#### **15. Commissioner Comments / Concerns**

Commissioner Bean asked why the Denton Street Festival was not advertised in the Denton Orator or the Lexington Dispatch.

Ms. Jenkins stated that the information was provided, and most advertising is pushed out through social media, the Town website and through a site that shares as a banner on the area news channel.

-Commissioner Bean asked if applications had been received to fill the open positions on the advisory boards.

Ms. Jenkins stated that she had not received all applications in order to present them to the Board at this meeting. Information would be shared at the January meeting.

#### **16. Closed Session in Accordance with NC G.S. 143-318.11(a)(5) Contract Negotiation**

Mayor Ward asked for a motion and second to go into Closed Session. 8:10pm

Mayor ProTem Grubb made a motion to go into Closed Session.

Commissioner Bean seconded the motion. Motion passed unanimously (5/0)

Mayor ProTem Grubb made a motion to come out of Closed Session.

Commissioner Bean seconded the motion. Motion passed unanimously (5/0)

Commissioners asked for a monthly update from LaBella.

#### **17. Announcements**

Ms. Jenkins advised that the Elected Officials Social will be held December 14<sup>th</sup>, 2023 and Admin. Staff will provide our annual Christmas breakfast December 22<sup>nd</sup>, 2023 at 9:00am.

#### **18. Board of Commissioners Adjournment**

Mayor ProTem Grubb made a motion to adjourn

Commissioner Bean seconded the motion. Motion passed unanimously (5/0) 8:55pm

*Larry Ward*

Larry Ward, Mayor

*Paula Hedrick*

Paula Hedrick, Clerk