

The regular meeting of the Board of Commissioners was held in Town Hall on Monday, December 7, 2020 at 6:00pm.

The following members were present: Mayor Larry Ward, Mayor Pro Tem Deanna Grubb, Commissioners: David Askew, Barbara Hogan, Julie Loflin, and Scott Morris.

Town Attorney, Paul Mitchell; Town Manager, Ken Gamble; Town Clerk, Angel Jenkins  
Department Heads were excused from this meeting but available by phone if needed.

1. Call to Order- Mayor Ward called the meeting to order at 6:00pm
2. Pledge of Allegiance- Mayor Ward led the Pledge of Allegiance.
3. Approval of November 2, 2020 Minutes – Commissioner Morris made a motion to approve the November 2, 2020 minutes. Commissioner Loflin seconded. Motion passed unanimously. (5-0)
4. 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.)  
There was no one present for Public Comment.
5. Adoption of Agenda – Commissioner Grubb made a motion to approve the agenda. Commissioner Loflin seconded. Motion passed unanimously. (5-0)
6. Resolution Adopting Davidson-Randolph Regional Hazard Mitigation Plan – R-2020-16 – Alton Hanes – Mr. Hanes stated this is a 5-year Regional Plan with Davidson and Randolph County. This plan allows the Town to file for FEMA Reimbursement. It's a study with a lot of data on storms, damages, and action plans. This plan is paid for by the State, therefore Davidson and Randolph Counties were combined.  
Commissioner Morris made a motion to adopt the Davidson-Randolph Regional Hazard Mitigation Plan -R-2020-16. Commissioner Hogan seconded. Motion passed unanimously. (5-0)
7. Resolution Authorizing Upset Bid Process for Disposal of Real Property on Old Camp Road – (Parcel Number - 07038D0000008) – R-2020-17 – Ken Gamble – Mr. Gamble stated he has reviewed the information with Attorney Mitchell. The process will start with a solicitation of bids with a minimum bid of \$10,000. One that bid has been received, the upset bid process would be followed.  
Commissioner Morris asked how the property would be advertised.  
Mr. Gamble stated it would be advertised in the Orator, Social Media and the Town Website.  
Commissioner Hogan made a motion to approve the Resolution Authorizing Upset Bid Process for Disposal of Real Property on Old Camp Road – (Parcel Number - 07038D0000008) – R-2020-17. Commissioner Askew seconded. Motion passed unanimously. (5-0)
8. Public Hearing – Application by Buddy Ball for Water & Sewer Tap Grant Under Denton Jobs & Business Creation Program – Mayor Ward asked for a motion to open the Public Hearing at 6:06pm.  
Commissioner Grubb made a motion to open the Public Hearing. Commissioner Loflin seconded. Motion passed unanimously. (5-0)

Mr. Gamble stated that this request from Mr. Ball for a new construction at 118 Floyd Street. The Water and Sewer Taps were paid in advance, house is complete and has received a certificate of occupancy from the county.

There were not questions or comments.

Commissioner Grubb made a motion to close the public hearing. Commissioner Loflin seconded. Motion passed unanimously. Motion passed unanimously. (5-0)

Public Hearing closed at 6:07pm.

Commissioner Morris made a motion to approve the Water & Sewer Grant Tap for Buddy Ball at 118 Floyd Street. Commissioner Grubb seconded. Motion passed unanimously. (5-0)

9. Public Hearing – Request to Rezone 65 Farmer Road from B2 to R8A – PB Case 2020-002 – The request for rezoning has been canceled.

10. Board of Commissioners Rezoning Decision – PB Case 2020-002 – No action taken due to the request to cancel.

11. Public Hearing – Request to Rezone 18712 & 18728 S. NC HWY 109 from RA to B2 – PB Case 2020-03.

Commissioner Grubb made a motion to open the Public Hearing. Commissioner Askew seconded. Motion passed unanimously. (5-0)

Public Hearing opened at 6:08pm.

Mr. Tony Ramsey stated that his company is R&R Car Care Center. This location would be a car dealership and a repair facility. Mr. Ramsey stated that this will be a new car dealership for Land Rover by summer. They must make changes to the property and the building to follow Land Rover's requirements. They are also looking to have an electric car dealership. Mr. Ramsey stated that he could not give any other details on both dealerships until it is approved with the dealerships.

Mr. Ramsey stated they would employ 13-15 people. It has been challenging to find local/semi-local help. Those that have been hired are being trained in Greensboro.

Their repair facility will service all brands of vehicles, a full line of Kabota and tractor repairs. Will also provide state inspections.

Mr. Gamble stated that the property is the old NAPA property on Highway 109. In looking at the 1000-foot radius of the property, there is 48 properties. 38% is B2, 27% LI, 19% RA, 12% & 4% respectfully for R-15 and R-8A.

This property is in consistent with the Comprehensive Land Development Plan, G1 NC 109 Commercial Highway overlay district.

Staff recommendation is that B2 is the predominate zoning for this area and a 1000 foot radius of the parcels. There is a clear intent to site this area as B2.

The parcels have direct access to a State maintained highway, which will mediate traffic to the site.

Requested zoning is to facilitate a new business use to the property. It will add to the tax base and jobs to the community. The Planning Board heard this request on November 9, 2020. They approved the zoning and issued a statement to the Board.

Commissioner Askew asked if they would have a lot of wrecked cars on the property.

Mr. Ramsey stated they would install darkening fence for cars that are being serviced and at this time do not plan to provide body/paint work to vehicles.

Mr. Ramsey stated they are working with the neighbor to see how they can improve the look of the area for both properties.

Commissioner Hogan made a motion to close the public hearing. Commissioner Grubb seconded. Motion passed unanimously. (5-0)

Public Hearing closed at 6:18pm.

Commissioner Loflin made a motion to approve 18712 & 18728 S. NC HWY 109 from RA to B2 – PB Case 2020-03. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

12. Acceleration of Valve Replacement on 16" Main Line – Ken Gamble – Mr. Gamble stated that Michael High is in the process of receiving quotes on the replacement of valves on the 16" main line. It was asked if this project could be accelerated. There has been money in the budget for this project for several years and it has not been accomplished. There is money in the Enterprise Fund that can be put towards this project. Mr. High stated they should replace 4 valves and repair the leak that is near the water plant. They also plan to replace the 4 inoperable hydrants on the main line.

Mr. Gamble stated he is asking for approval to quote out the 4 valve replacements and line repair at the Water Plant and bring the proposal back to the January Board meeting.

Commissioner Morris stated this project really needs to take place, if there is a break on this main line it will not be good.

Mr. Gamble stated that according to Mr. High, out of the 11 valves that we have, a couple work on an infrequency basis, 2 can not be located and the others do not work.

Commissioner Loflin asked if the prior quotes were around \$68,000.

Commissioner Morris stated that may have been if the line had to be frozen. These are all welded together and covered with tar, it will intensive.

Commissioner Loflin asked if this process would be completed by an outside company.

Mr. Gamble stated that Public Works could replace the hydrants but the other work is being quoted out.

Commissioner Morris made a motion to accelerate the valve replacement on 16" main line and provide quotes at the January Board meeting.

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

13. Public Hearing – Denton Zoning Ordinance – Ken Gamble – Mayor Ward stated this Public Hearing was recessed at the meeting on November 2, 2020.

Mr. Gamble stated that there was a lot of questions regarding the Table of Permitted Uses at the last meeting. The Board was asked to provide a marked up copy of the Table of Permitted Uses for any changes that were recommended by the Board.

There was one Commissioner that provided this information. Mr. Gamble contacted the other Commissioners and the consensus was that they agreed with the information provided by the Planning Board.

The Ordinance is structured to allow for change. This would happen if a developer came in and asked for a rezoning. This is a legislative decision and it gives the Board more lead way to make their decision.

If you allow things under a Special Use Permit, this leads to a Quasi-Judicial procedure, which requires a super majority to approve and to go by evidentiary standards for evidence. Witnesses are sworn in and they must present information as an expert in the field. It adds an extra layer of cost for the developer and the general property owner.

This decision would be made by the Planning Board not the Board of Commissioners.

This can create situations that the Board does not want for development.

Attorney Mitchell stated that the request that was approved earlier tonight is a good example of how a rezoning would be processed. The Board could have denied the rezoning based on the current structure of the Permitted Use Table. The Courts would not set this aside in straight rezoning. Attorney Mitchell agrees based on working with this in the City of Thomasville.

Commissioner Morris asked if the Quasi-Judicial was just on Special Use Permits. He has experienced this with the County Board of Adjustments.

Mr. Gamble stated it was.

Commissioner Grubb stated that it was straight forward and it seems to be better to handle the rezoning as we did the one prior tonight.

Commissioner Loflin stated it would be better handled case by case.

Commissioner Morris asked if the changes made at the joint meeting with the Planning Board were included in the proposed ordinance.

Mr. Gamble stated they were made and approved by the Planning Board in October.

Commissioner Loflin made a motion to close the Public Hearing.

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

Public Hearing closed at 6:30pm.

14. Denton Zoning Ordinance – O-2020-05 – Commissioner Loflin made a motion to approve the Denton Zoning Ordinance- O-2020-05. Commissioner Askew seconded.  
Motion passed 4-1. Yay: Askew, Grubb, Hogan, Loflin. Nay: Morris.
15. FY21-22 Budget Calendar – Ken Gamble – Mr. Gamble presented the Budget Calendar for the Board of Commissioners.  
Commissioner Morris made a motion to approve the FY21-22 Budget Calendar. Commissioner Grubb seconded. Motion passed unanimously. (5-0)
16. Board of Commissioners 2021 Meeting Schedule – Angel Jenkins – Mrs. Jenkins stated that the meeting schedule reflects the regular Board meetings on the first Monday night of the month except when it is a holiday.  
Commissioner Hogan made a motion to approve the Board of Commissioner 2021 Meeting Schedule. Commissioner Loflin seconded. Motion passed unanimously. (5-0)
17. Denton Banner Program – Ken Gamble – Mr. Gamble stated that the Board was interested in developing a plan to increase the banners in the downtown area. Mr. Gamble stated that the banner program would cost \$150 per banner and could be sponsored by businesses or individuals. Business would have first option on the purchase of the banners. The banner would be installed for 5 years. This would give the Town the opportunity to replace banners every 5

years. If something happens to the banner in the 5 years, the Town will replace the banner. The business would have the option to purchase the new banner after 5 years. Commissioner Morris asked if the banners would look like the current banners. Mr. Gamble stated he was looking at using a different color and a generic Welcome banner with space at the bottom for the sponsors information. If the Board would like to see something different, that can be explored. Mayor Ward stated that Mt. Gilead has about 150 coordinating colored banners. Commissioner Loflin made a motion to approve the Denton Banner Program. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

18. Amendment to FY20-21 Schedule of Fees – Ken Gamble – Mr. Gamble stated there are two changes to the Schedule of Fees, the Banner Sponsorship \$150 and to update the Recreation Water Rate for the Water at Bombay Park, which is the audited cost of water per 1000 gallons. Commissioner Morris asked if there was a rate for Bulk Sewer Dumps. Mrs. Jenkins stated that there is a Bulk Sewer Dump rate of \$65. It was left off the original Schedule of Fees and was brought to the Board in August for approval. Commissioner Loflin made a motion to approve the Amendment to the FY 20-21 Schedule of Fees, including the Bulk Sewer Dump for \$65. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

19. VOIP Phone System Update – Angel Jenkins – Mrs. Jenkins state they are waiting on information to come in from Windstream and requested to table this item to the next Board meeting. Commissioner Loflin made a motion to table this item until the next meeting. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

20. Appointments to Planning Board / Board of Adjustment – Mayor Larry Ward – Mayor Ward stated that the Planning Board has two positions for appointment. Dick Johnson and Kenny Small would like to be reappointed to their positions. Commissioner Morris made a motion to appoint Dick Johnson and Kenny Small to the Planning Board. Commissioner Grubb seconded. Motion passed unanimously. (5-0)

21. Appointments to Regional Boards – Mayor Larry Ward – Mayor Ward stated that Commissioner Morris has agreed to serve on the TRIP Board for the Town. Commissioner Hogan made a motion to appoint Commissioner Morris to the TRIP Board. Commissioner Grubb seconded. Motion passed unanimously. (5-0)

Mayor Ward stated that he would be willing to serve on the EDC, PTRC and HPMPO for the Town.

Commissioner Morris made a motion to appoint Mayor Ward to be reappointed to the Regional Boards. Commissioner Askew seconded. Motion passed unanimously. (5-0)

Commissioner Morris stated that he also serves on the EDC Board through the County, so the Town is double represented.

22. Appointments to Parks & Recreation Board – Mayor Larry Ward – Mayor Ward asked Mr. Gamble to speak about the Parks & Recreation (P&R) Board Meeting. Mr. Gamble stated that the P&R Board met in November. During this meeting, the Board discussed recommendations for the two positions that are open. Kathy Easter was nominated and unanimously recommended to fill her position for another term. Mr. Nealey did not receive the second that he needed to be reappointed to his position. Mr. Gamble has spoken with Mr. Nealey and explained that it was not anything personal. Mr. Gamble has worked with Mr. Nealey on some issues he has had while serving on the P&R Board. With Mr. Gamble’s interaction with Mr. Nealey and other P&R Board member, Mr. Gamble does not support the reappointment for Mr. Nealey to the P&R Board.
- Mayor Ward addressed a concern he has with Mr. Nealey. Mr. Nealey has mentioned a couple of times that he would resign from the position. Mayor Ward stated that this should not be an option. Serving on the P&R Board is a privilege and should be treated as such. Mayor Ward stated that if Mr. Nealey made this statement again, he would take it as his resignation. Mayor Ward stated that he had originally recommended Mr. Nealey for this Board and he asked Mr. Nealey if that was a fair request if he is reappointed.
- Mr. Nealey stated it was.
- Commissioner Morris made a motion to reappoint Kathy Easter and Nathan Nealey to the Parks and Recreation Board. Commissioner Askew seconded. Motion passed unanimously. (5-0)
23. Town Attorney Update – Paul Mitchell – Attorney Mitchell stated that he was in Superior Court regarding the request for the camera footage involving Officer Inman and Michael Jenkins several years ago. There is a lawsuit for wrongful death. The Judge granted the motion to provide the footage.
- The latest Governor’s EO allows municipalities to levy civil penalties for not wearing mask.
  - Veteran’s Day ceremony at Harrison Park was nice.
  - Hiram Wards plaque has been installed and is very attractive. Mrs. Ward was very pleased.
  - Working with Mr. Gamble on the sale of property on Old Camp Road through Upset Bid Process.
24. Town Manager’s Report – Ken Gamble – Mr. Gamble stated that when Governor Cooper updated the mandate for requiring mask, he and Chief Hicks reviewed the information. Chief Hicks has taken a copy of the EO to the Restaurants to educate the owners on the requirements. Mr. Gamble stated they would educate the businesses, when a compliant is received they will visit the businesses and re-educated them. There would be 3 education visits to the businesses, and it is only complaint driven. After this, a business could face a citation for not following the EO. Since June there has only been three complaints. Mr. Gamble doesn’t feel there will be any issues with this.
- Commissioner Askew asked who would be charged.
- Mr. Gamble stated that a business owner or an individual could be charged.
- Commissioner Grubb asked what they would do on the fifth visit.
- Mr. Gamble stated that they would be issued a citation.
- Attorney Mitchell stated it would be like a parking ticket.
- Mr. Gamble stated it would be more like a traffic ticket. This would be handled through the Court system. This would be a misdemeanor. Mr. Gamble is looking at the possibilities of having

this as a civil penalty but that would require the Board to pass something that would mirror State Statute but isn't anything the Board normally does.

Commissioner Morris asked who set the number of communications at four, he doesn't approve. He does not feel that anyone should be charged. You can strongly encourage people to follow the EO.

Mr. Gamble stated it is the Town policy. We are a part of the Government and our statutory authority comes from the State. What we do as a local Government sets the example.

Commissioner Loflin stated she can see whereas a Government they need to set precedent.

Commissioner Morris asked how it will be decided who is charged.

Mr. Gamble does not feel that we will reach a point that someone is charged for not following the EO on wearing mask.

Commissioner Morris asked for this to be added to the next agenda.

-There will be one more load of stone delivered for Harrison Park. The sign has been ordered and will be delivered in January.

-NCDOT did a speed study on Flat Swamp Road. 65mph is the 85% of speed in the area. They are leaving the speed limit as is. The Police Department will increase speed enforcement after the holidays.

-Public Works picked up 17 tons of discarded items during Bulky Item Pickup week.

-Mr. Branch is in the process of getting the information from the I/I study.

Commissioner Morris stated that they just need to hire someone for Public Works.

Mr. Gamble stated that Hayden Hicks would continue to work until his college classes start back. At that time, we will use the staffing company until someone is found to fill the position.

Commissioner Morris asked if Handy Sanitary District's water cost was included in the Schedule of fees and did the rates increase for the Town residents.

Mr. Gamble stated it was, at an increase of 2.4%. The Town resident's cost did not increase for the FY20-21 Budget year.

25. Commissioner Comments / Concerns – Mayor Ward stated that he has been on the Board for seven years. In that time, they have done very little to look at reducing the cost of water to the residents. Mayor Ward stated he has spoken to Mr. Gamble about this and would like to see what the thoughts of the Board are. Marty Wilson with the NC Rural Water Association stated to the Board that unless we had 2500 customers, we had no business being in water business. In looking at what could happen in the future, Mr. Wilson stated about a year ago that it would not be long until the Water & Sewer bills would be as much as a power bill. Mayor Ward would like to talk to Davidson Water to see if there is any interest, and if we could do a study of our operations to see how we can reduce the cost of the water. Mr. Gamble stated that the Board did not do a rate increase this budget year but based on the CIP there is a rate increase of 2.5% each year moving forward. If the Board decides not to do the CIP, it would prolong projects and increases, which could result in a larger increase in the future. Mr. Gamble stated that it is good to make sound decisions to avoid the larger increases. However, what isn't done this year and put off until another year causes high rates at one time. Commissioner Hogan stated that other small municipalities are going through the same issues. Commissioner Loflin stated that the double digit increases to the residents has been done and it is hard.

Mr. Gamble stated that Handy purchases bulk water at cost and also covers half the debt setoff. Commissioner Morris stated he agrees to having a conversation with Davidson Water on how they could work with them on chemical purchases or fixing leaks. Commissioner Morris stated that he feels there is more time spent at the water plant and producing less water. Commissioner Grubb stated that you have to remember the Sewer Plant has to be considered as well.

There was a lot of discussion with the Board.

26. New Business/Other Updates –Mr. Gamble stated that with the latest restrictions on indoor gathers to 10 people, and the increase in cases, he recommends that the next Board meeting would be via Zoom. This would allow for more public involvement. Attorney Mitchell stated that the City of Thomasville has a bigger room and has removed chairs to seat people to every 8 feet. There is also the bull-pin approach that could be used. The Board is okay with the current set up of the meeting room.
27. Announcements
  - a. Staff Christmas Breakfast – December 23, 2020
  - b. Leaf Collection – November 9th – January 15th
28. Board of Commissioners Adjournment – Commissioner Hogan made a motion to adjourn. Commissioner Grubb seconded. Motion passed unanimously. (5-0)  
Meeting adjourned at 7:25pm

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Larry Ward, Mayor

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Angel Jenkins, Town Clerk