

The Board of Commissioners of the Town of Denton held Regular meeting on Monday, February 6, 2023 at 6:30pm at Town Hall.

The following members were in attendance: Mayor Larry Ward, Mayor ProTem Deanna Grubb

Commissioners: Scott Morris, Anne Carter Bean, Julie Loflin, David Askew  
Town Attorney, Misti Whitman; Town Manager, Angel Jenkins, Town Clerk, Paula Hedrick

**1. Call to Order**

Mayor Ward called the meeting to order 6:00pm

**2. Pledge of Allegiance**

Mayor Ward led the group in the Pledge of Allegiance

**3. Adoption of Agenda**

Mayor Ward asked for a motion and second to accept the agenda.

\*Mayor ProTem Grubb stated that we need to table Item # 10 for Public Hearing for Consideration of Special Use Permit for Country Farm and Garden on the agenda.

\*Ms. Jenkins asked Ms. Whitman about adjourning the Public Hearing and not the meeting.

\*Ms. Whitman stated that you have to have a meeting to have a public hearing so we would not adjourn the meeting.

\*Ms. Jenkins stated that we do need a motion to table item #10 and a motion to accept the agenda.

\*Mayor ProTem Grubb made a motion to table Item #10 on the agenda.

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

Mayor Ward asked for a motion and second to accept the agenda.

\*Mayor ProTem Grubb made a motion to adopt the agenda.

\*Second made by Commissioner Bean. Motion passed unanimously. (5/0)

**4. Approval of January 3, 2023 Minutes**

Commissioner Bean stated that there is a correction needed to the January 3<sup>rd</sup> minutes. The spelling in the first paragraph of 9a from except to accept. Ms. Jenkins asked if we could approve the minutes based that the correction will be made to the final copy of minutes for record.

\*Commissioner Bean made a motion to approve correction made to final minute copy on 9a from except to accept and approve the January 3, 2023 minutes.

\*Mayor ProTem Grubb 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.***

No one in attendance for Public Comment.

- 6. Swearing in of Mike James as Auxiliary Police Officer – Mayor Ward**

Mayor Ward sworn in Mike James as Auxiliary Police Officer.

\*Chief Hicks stated that he has known Mr. James for a very long time and look forward to working with him.

- 7. Public Hearing for Consideration of Rezoning Property – Lee Fox Jollie (PIN ID 6678-02-85-8622) R15 to R8**

Ms. Jenkins stated that the property located at the corner of Anderson Street and Finch Avenue is currently zoned as R15 (Residential-Medium/High Density) and the request has been made to rezone to R8 (Residential-High Density). Ms. Jenkins stated this is conforming to the neighborhood, the property is proposed to have 2 family homes and/or 2 duplexes. Zone R8 does allow for this in that district.

\*Commissioner Morris stated that set backs are different if they build duplexes rather than homes.

\* Ms. Jenkins advised that the potential buyer has been made aware of the requirements of set backs if they plan to build duplexes.

\*Mayor Ward asked for a Motion and Second to Open Public Hearing.

\* Commissioner Morris made a motion to open Public Hearing.

\* Mayor ProTem Grubb seconded the motion. Motion passed unanimously. (5/0)

No one present to speak

\*Mayor Ward asked for a Motion and Second to Close Public Hearing.

\*Commissioner Bean made a motion to close Public Hearing.

\*Mayor ProTem Grubb seconded the motion. Motion passed unanimously. (5/0)

\*Ms. Jenkins asked for point of clarification from Ms. Whitman with this new motion standard for rezoning that we need to go through tonight, can you explain that to the Board?

\*Ms. Whitman stated that the new Rezoning is legislative and not Quas-Judicial decision and you still need to state forth the facts of why you're approving the

rezoning, you are stating why you are approving and that it is comprehensive and consistent with your overall plan.

\*Ms. Jenkins stated that we are not in a Quasi-Judicial hearing for this item.

G.S. 160D-406 (a)(i)

Motion for Special Use Permit – Must be read aloud.

\*Commission Morris made a motion to approve Special Use permit because (#1) meets criteria *"The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved."*

\*Second made by Mayor ProTem Grubb Motion passed unanimously. (5/0)

\* Commission Morris made a motion to approve Special Use permit because (#2) meets criteria *"The use meets all required conditions and specifications of the permit."*

\* Second made by Commissioner Bean. Motion passed unanimously. (5/0)

\*Ms. Whitman stated that you can read all aloud and vote on all 4 at one time.

\*Commission Morris made a motion to approve Special Use permit because (#3) & (#4) meets criteria *"The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity."* *"The location and character of the use, if developed according to the plan as submitted an approved will be in harmony with the area in, in which is to be located and in general conformity with the plan of development of the town and its environs."*

\*Second made by Mayor ProTem Grubb Motion passed unanimously. (5/0)

#### **8. Public Hearing for Consideration of Rezoning Property – Jason and Stephanie Bessette (PIN ID 6678-02-55-4850) LI to R8**

\*Ms. Jenkins stated that the property located at 480 Denton Road is currently zoned as LI (Light Industrial District) and the request has been made to rezone to R8 (Residential-High Density). Ms. Jenkins stated that is consistent with the neighborhood. The Planning and Zoning Board approved the rezoning request from LI to R8 on January 16, 2023. Their site plan does meet requirements for R8 that have been provided to the property owner. All adjoining property owners have been notified. They do meet all the set-backs. They are working with Clayton

Homes, Lexington NC to place a Class A home on the property. They have provided site plans and it has been approved by the Planning Board. The home will have permanent underpinning.

Staff recommendation is to approve the rezoning of 480 Denton Road from L1 to R8 zoning.

\*Mayor Ward asked for a Motion and Second to Open Public Hearing.

\*Commissioner Bean made a motion to Open Public Hearing for the purpose to classify this property at 480 Denton Road from L1 to R8 zoning.

\*Second made by Mayor ProTem Grubb. Motion passed unanimously. (5/0)

No one present to speak.

\*Mayor Ward asked for a Motion and Second to Close Public Hearing.

\*Motion made by Commissioner Morris to Close Public Hearing for rezoning for 480 Denton Road from L1 to R8 zoning.

\*Second made by Mayor ProTem Grubb. Motion passed unanimously. (5/0)

\*Ms. Jenkins stated that we will need to have a motion in the format as before.

\*Ms. Whitman stated that motion process will remain as usual for rezoning, but we would need to do the finding of facts when there is a Special Use Permit required.

\* Commissioner Morris made a motion to rezone 480 Denton Road from LI to R8.

\*Second made by Commissioner Bean. Motion passed unanimously. (5/0)

\* Mayor Pro Tem Grubb to Close Public Hearing for rezoning for 480 Denton Road from LI to R8.

\*Second made by Commissioner Bean. Motion passed unanimously. (5/0)

**9. Public Hearing for Consideration of Special Use Permit – Jason and Stephanie Besette (PIN ID 6678-02-55-4850)**

Mayor Ward asked for a Motion and Second to Open Public Hearing.

\*Commissioner Bean made a motion to Open Public Hearing for Special Use Permit for Jason and Stephanie Besette.

\*Second made by Mayor ProTem Grubb. Motion passed unanimously. (5/0)

\*Ms. Whitman advised Mayor Ward that we would need to call anyone that wishes to speak during the Quasi-judicial Public Hearing either for or against, or are staff will need to be sworn in. Please come forward.

Ms. Whitman swore in the following speakers, Jason and Stephanie Bessette and Ms. Jenkins

\*Ms. Jenkins stated that this is a Special Use Permit request was approved by the Planning and Zoning Board at their January 16, 2023 meeting. This Special Use request is in compliance of all requirements. This will be a Doublewide Class A Home, built by Clayton Mobile Home in Lexington, NC. The requirements for setbacks, and underpinning have been provided. It is compliant with the neighborhood and they have been given a list of all requirements.

\*Ms. Whitman what is staff recommendation.

\*Ms. Jenkins stated that staff recommends approval for the Special Use Permit for a Class A Mobile home at 480 Denton Road.

\*Ms. Bessette spoke on behalf of the property owner, detailing the reason for this request. The initial house on the property was not livable and her stepfather bought the property with the intention of living there. He has since fell ill from dementia, and they have moved to the area to take care of him.

\*Commissioner Morris confirmed that the property is aware of setbacks and underpinning.

\*Ms. Jenkins confirmed that they are aware.

\*Mayor asked if there was anyone present that would like to speak against the request of Special Use Permit for 480 Denton Road.

No one present to speak.

\*Mayor Ward asked for a Motion and Second to Close Public Hearing.

\*Mayor ProTem Grubb made a motion to Close Public Hearing for Special Use Permit.

\*Second made by Commissioner Morris. Motion passed unanimously. (5/0)

\*Ms. Whitman stated that all questions could be read aloud and approved at the end for the Quasi-judicial hearing.

\*Commissioner Bean made a motion to approve based on the stated Findings of Facts, I move to allow a Special Use Permit for a Class a Manufactured Home at 480 Denton Road based on the following:

- (1) *The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;*
- (2) *The use meeting the required conditions and specifications of the permit;*
- (3) *The use will not substantially injure the value of adjoining or abutting property,*

*or the use is a public necessity;*

*(4) The location and character of the use, if developed according to the plan as submitted an approved will be in harmony with the area in, in which it is to be located and in general conformity with the plan of development of the town and its environs.*

\*Second made by Commissioner Morris. Motion passed unanimously. (5/0)

**10. Public Hearing for Consideration of Special Use Permit – Country Farm and Garden (PIN ID 6678-02-86-9404)**

\*On behalf of the client, Realtor Todd Smith stated that due to an unforeseen family emergency his client, Mr. McCraven would not be in attendance of this meeting.

\*The Board of Commissioners requested that we table this meeting until Mr. McCraven could be present to answer questions presented by the adjoining property owners and the Board.

\*Mayor ProTem Grubb made a motion to Table the request for Special Use Permit for 68 W. Peacock.

\*Second made by Commissioner Loflin. Motion passed unanimously. (5/0)

**11. Accept and Appropriate Funds from Ultra-Mek for the Police Department for Tasers and Equipment. – Angel Jenkins.**

\*Ms. Jenkins stated that Mr. Shane Hoffman from UltraMek had made a donation in the amount of \$10,000.00 to the Denton Police Department for equipment, which we greatly appreciate. A list of items for the employees of the Denton Police Department are attached for reference. Ms. Jenkins made a request for the Board to accept and approve a budget amendment to appropriate the funds.

\*Mayor ProTem Grubb made a motion to approve the budget amendment.

\*Second made by Commissioner Askew. Motion passed unanimously. (5/0)

**12. Accept donation from Davidson Land Development LLC for water pipe for Spring Street**

\*Ms. Jenkins provided written documentation from Mr. Chris Reid with Davidson Land Development LLC stating that the pipe donation would replace our 2" service line on Spring Street to his property line. Davidson Land Development would donation the exact footage of ductile water pipe for installation on Spring

Street. Noting, that they will not be responsible for repairing the asphalt where the town installs the new line. Ms. Jenkins stated that Summey Engineering will start the engineering process for this line extension. Summey Engineering cost is estimated to be \$2,500.00 to \$3,000.00.

\*Commissioner Loflin asked if we were hiring this out or are we doing this ourselves?

\* Public Works Director, Michael High stated that there would be no issued with staff installing this service line.

\* Ms. Jenkins stated that Phase 3 of the Tower Mountain Project has not been proposed as of to date.

\*Commissioner Bean made a motion to accept the donation of pipe from Davidson Land Development LLC.

\*Second made by Commissioner Morris. Motion passed unanimously. (5/0)

### **13. Town Attorney Update**

\*Ms. Whitman stated that there will be easier information on the Quasi-judicial meeting for future meetings. In regards to anything that she has open for the town, all is well and good.

### **14. Town Manager's Report**

\*Ms. Jenkins was at Manager's conference last week; she made some really good connections and it seems to be that other municipalities are also experiencing staffing issues.

\* Ms. Jenkins stated that we have included the Police Department call report, and the Fire Department report will be available soon.

\*Ms. Jenkins stated that the Alliance Code Report is attached, and we have had several cases open and several hearings in the works.

\*Ms. Jenkins mentioned that there has been a request for chickens inside the city limits. Ms. Jenkins proposed that we review our ordinances.

\*Ms. Jenkins brought to the attention of the Board that we had a request for use of the town's dump truck for a property in our ETJ, we have explained that we do not rent the town's dump truck outside the town limits. The gentleman proceeded to share his concerns with the Mayor. Ms. Jenkins felt the need to share this information with the Board in case they too were confronted.

\*Ms. Jenkins stated that she would send out the certified letter to Backyard Builders today regarding the Highway Overlay District requirements and cc: the County

Commissioners.

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

\*Mayor ProTem Grubb mentioned that she had a few questions regarding the paperless option noted on the water bills and that she had reiterated to the citizens that they could still get a printed copy of their monthly bill.

\*Ms. Jenkins stated this was optional.

\*Commissioner Morris asked if we had received a Request for Proposal for paving.

\*Ms. Jenkins stated that we will be sending out Bid Packets for Paving.

\* Mayor Ward asked about Rural Water and has a rate study been done.

\*Ms. Jenkins stated that she has contacted Rural Water to do a new rate study for this year.

\* Mayor Ward mentioned that he was informed that the tile for South Jones Street culvert project was not made correctly.

\*Ms. Jenkins indicated that the contractors were waiting on a rebuild of the tile due to the lay of the road and the angle of the ditch beneath it.

\*Mayor Ward asked about the cameras being live in the board room.

\*Ms. Jenkins confirmed that wires have been ran, mounts have been placed and cameras have been tested. It does appear that there may not be a need for microphones as the cameras pick up sound really well. We are still reviewing the platforms in which to push the videos out to the public.

\*Ms. Jenkins stated that the Infrastructure Project are waiting for the final approval from the state. It has been confirmed that the state has received the documents.

\* Commissioner Morris asked about the review of the subdivision ordinance, noting that we should not allow a big building to be placed in a residential area, as in the case on Bryon Street being 8,000 square foot.

\* Ms. Jenkins explained that she has pulled copies of ordinances from county and towns of our size for the Planning and Zoning Board to review.

\* Commissioner Loflin stated there should be a list with buildable lot sizes.

\* Ms. Jenkins stated that we also have to be in compliance with the NC G. S. 160D

\* Commissioner Morris we need to review the ordinance on animals, since we have had several request regarding a large number of cats in town.

\* Ms. Whitman stated that we can have an animal ordinance.

\* Chief Hick's stated that there is no room for animals now at the shelter and the



shelter instructs them to turn them loose.

\*Commissioner Morris stated that Handy is proposing putting a fence around the water tank on Bryon Street.

\*Ms. Jenkins stated that the State is requiring Handy to install the fence at the Bryon Street tank.

\* Commissioner Bean asked if we had heard back from Mr. Fuller with Fuller Architecture.

\* Ms. Jenkins stated that she had not, but she would reach back out to him on Monday. It was discovered that McGill did a site plan for the PARTF Grant and this has been provided to Mr. Fuller.

\* The Commissioners stated that they would like to give input on the design process.

\* Commissioner Bean mentioned that at the Parks and Recreation meeting, they voted to ask the Board if alcohol could be considered on special events.

\* Ms. Jenkins stated that alcohol is not allowed on Town Property. If allowed, it should be per event and handled through a nonprofit organization.

\* Commissioner Morris stated that the Trip Board is interested in partnering on events for alcohol.

\* Ms. Jenkins stated that the best location would be the front parking area of Harrison Park.

\*Commissioner Bean stated that the vote was brought back to the Parks and Recreation Board due to one person abstaining the vote.

\* Ms. Jenkins stated that the motion was not recorded in the minutes correctly. This was brought back to the Parks and Recreation Board for clarification and to be recorded in the minutes.

\*Commissioner Morris asked if the new Parks and Recreation Board would be meeting on the following Monday.

\* Ms. Jenkins stated that she is going to propose that the meeting dates for the Parks and Recreation Board and the Planning and Zoning Board be switched. This would allow the Planning and Zoning Board additional time to process the Public Hearings before the next Board of Commissioners meeting.

\*Commissioner Loflin asked if they were missing someone of the Planning Board.

\*Ms. Jenkins stated that it was Tonya Holt. Her schedule is not going to allow her to be on the Board.

\*Commissioner Morris asked if Ms. Graham had been reached regarding the Parks and Recreation Board.

\*Ms. Jenkins stated that she had reached out to Ms. Graham multiple times and had not received a reply. No replies from her via phone, email and even social media.

\*Commissioner Morris stated then she will not be on the Board.

\*Ms. Jenkins stated that is correct.

**16. Closed Session for Attorney - Client Privilege in Accordance with NC G.S.**

**143-318.11(a)(3)**

\*Mayor Ward as for a motion and second to go into close session.

\* Motion made by Commissioner Morris to go into close session.

\* Second was made by Mayor ProTem Grubb. Motion passed unanimously (5)

**17. Updates / New Business**

**18. Announcements**

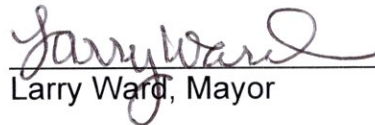
**February 13-17, 23 – Town Clerk - Paula Hedrick will be at Clerk School in Raleigh**

**19. Board of Commissioners Adjournment**

\*Due to a table item, the Board of Commissioners did not adjourn the meeting.



Paula Hedrick, Town Clerk



Larry Ward, Mayor