

The regular meeting of the Board of Commissioners was held Monday, February 1, 2021 at 6:00pm via Zoom.

The following members were in attendance: 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: Police Chief Mark Hicks, Fire Chief Travis Morris, Public Works Director Michael High, Water Plant ORC Heather Hicks, Waste Water Treatment Plant ORC Troy Branch.

1. Call to Order & Roll Call - Mayor Ward called the meeting to order at 6:00pm.
2. Pledge of Allegiance - Mayor Ward led the Board in the Pledge of Allegiance.
3. Approval of January 4, 2020 Minutes - Commissioner Hogan made a motion to approve the January 4, 2020 minutes. Commissioner Askew seconded. Motion passed unanimously. (5-0)
4. Public Comment - No one signed up or sent an email to be read to the Board during Public Comment.
5. Adoption of Agenda - Commissioner Morris made a motion to approve the agenda. Commissioner Grubb seconded. Motion passed unanimously. (5-0)
6. Public Hearing – Application by Buddy Ball for Water & Sewer Tap Grant Under Denton Jobs & Business Creation Program  
Commissioner Hogan made a motion to open the Public Hearing.  
Commissioner Grubb seconded. Motion passed unanimously. (5-0)  
Public hearing opened at 6:03pm.  
Mr. Gamble stated that Mr. Ball has paid the water and sewer tap fees in advance at 25 Bryon Street. Mr. Ball has received the Certificate of Occupancy from the County and has meet all requires to receive the grant.  
Commissioner Hogan made a motion to close the Public Hearing.  
Commissioner Loflin seconded. Motion passed unanimously. (5-0)  
Public Hearing closed at 6:04pm  
Commissioner Hogan made a motion to approve the water and sewer tap grant for Buddy Ball at 25 Bryon Street. Commissioner Askew seconded. Motion passed unanimously. (5-0)
7. Old Camp Road Property Sale – Ken Gamble - Mr. Gamble stated that there have not been any bids on the property after advertising the property twice. Commissioner Morris has offered to auction the property at no cost to the Town. The property could be listed on Govdeals, or The Board could use a sealed bid process. The property has been advertised since December 2020.  
Commissioner Morris recommended lowering the qualifying bid to \$8000.  
Commissioner Hogan agreed to lower the bid to see if that would generate any interest.  
Attorney Mitchell stated that Commissioner Morris told him that Audie Morris used to sell

it when the Dogwoods bloom. If the price is lowered and given some more time, it will sell.

Commissioner Morris made a motion to lower the qualifying bid to \$8000. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

8. VOIP Phone System Update – Angel Jenkins - Mrs. Jenkins stated that after reviewing information from Windstream, Spectrum, and Carolina Digital Phone Systems, the admin staff is going to go with Carolina Digital Phone Systems for a centralized phone system for the Town Departments. The internet will need to be updated prior to the phone system being installed.

Commissioner Hogan asked who our current provider was for phone and internet.

Mrs. Jenkins stated that the Town facilities use Spectrum for internet and Windstream for phone service. The Water Plant has Windstream internet, service not being very reliable, and that will be discussed at the Budget Retreat.

Commissioner Morris asked if we would be purchasing the phone systems.

Mrs. Jenkins stated that the phones can be leased or purchased. If the phones are purchased, they belong to the Town and if we decide to go with a different provider, we would not have to purchase new phones.

9. Job Title Reclassification – Ken Gamble - Mr. Gamble stated that he is recommending to the Board to change the job title for the Town Clerk / Deputy Finance Director to Assistant Town Manager / Town Clerk. In working with Mrs. Jenkins over the last two years, seeing the job that she already does, this would be a better fit for the position and the Town. This is something that John Gray had mentioned to some Commissioners when he was with the Town. The performance of this position is more on the level of Town Manager. This is a title change and not a pay level change. Having the position for the Town, will give a clearer chain of command should the Manager be unavailable. Commissioner Morris asked if any other Towns, the size of Denton, have an Assistant Manager.

Mr. Gamble stated that Towns as small as our unusually do not have Assistant Town Managers. What you do have is a Town Clerk that performs a variety of management rolls. This would be recognizing the duties that they are performing.

-Commissioner Hogan stated that former Town Clerk, Genie Russell served as Interim Town Manager when the Town did not have a Town Manager.

-Commissioner Morris stated he would like to discuss this during the Budget Retreat.

-Attorney Mitchell stated that he works with Mrs. Jenkins and he feels very fortunate to have a Clerk like Mrs. Jenkins for the Town of Denton. He doesn't feel that he loses a step when Mr. Gamble is absent and he works with Mrs. Jenkins,

-Commissioner Morris stated his concern was having this position for a Town our size.

-Commissioner Loflin stated that the job description seems to be the job that Mrs. Jenkins is already performing.

-Mayor Ward stated that looking at the job description, there isn't anything listed that the former clerk or Mrs. Jenkins doesn't perform already.

Commissioner Askew made a motion to approve changing the Job Title from Town Clerk / Deputy Finance Director to Assistant Town Manager / Town Clerk.

Commissioner Loflin seconded. Motion passed, (4-1), Yay: Askew, Loflin, Grubb,

Hogan. Nay:Morris

18. Budget Amendment 3 – General Fund – Ken Gamble - Mr. Gamble stated that the Parks and Recreation Board has not been able to host any events to generate revenues this year. Therefore, this Budget Amendment is to reduce the revenues and expenditures by \$3,500.

Commissioner Morris made a motion to approve Budget Amendment 3.

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

10. Budget Amendment 3A – Enterprise Fund – Ken Gamble stated that the Board directed him to gather cost estimates for replacing at least four valves along the water main from the WTP and repairing a main line leak close to the WTP. Mr. High contacted four contractors and two submitted bids. However, the bids are not comparable and this needs to be considered.

The State Utility Contractors Quote was the low quote at \$213,700. However, they did not include flowable fill and stone for the road cuts. They also included the less reliable butterfly valve instead of the gate valve we currently have. The Dellinger quote came in at \$228,900, but includes gate valves and flowable fill & stone for the road cuts. Mr. High and Mr. Gamble concur that this is the best quote for the Town. Mr. Gamble asked Dellinger to also quote the cost of replacing six valves and repairing the main line. That quote came in at \$299,800.

Mr. Gamble is asking the Board to approve an amendment for either \$228,900 or \$299,800 to complete this project. Public Works intends to replace inoperable hydrants along the main line during the valve work. The quotes and budget amendments for both amounts are included in the same file.

-Commissioner Hogan stated that it would be in the best interest of the Town to do the six valves. Commissioner Morris asked what kind of control does the six valves give the Town.

-Mr. High stated that there are currently nine valves and only three valves work. Installing the six would put the Town in a good position.

-Mr. Gamble stated that the cost would be more if they decided to do the other valves later due to another mobilization charge.

-Commissioner Morris asked what was the mobilization charge.

-Mr. Gamble stated that they did not provide the actual mobilization charge, but based on the quote it would be several thousands of dollars.

The funds are available in the Enterprise Fund. This project has been funded for several years but was delayed due to DOT bridge repairs in our area.

-Mr. High stated that the project has to be completed during cold weather due to the traffic on this road in Spring and Summer.

-Commissioner Grubb stated that the money is available and should be done. Mayor Ward asked if this would replace the valve close to the water tank in Town. Mr. High stated they replaced the valve at the water tank already.

Commissioner Morris made a motion to install six water valves at a cost of \$299,800. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

11. Surplus Property Resolution – R-2021-01 – Ken Gamble – Mr. Gamble stated this resolution is to surplus outdated body armor from the Police. They legally cannot do anything with the outdated equipment, except destroy it. The other item is the cardboard truck for Public Works since this service has now ended.
- Mr. High also requested that they surplus (12-15) fire hydrants.
  - Attorney Mitchell stated they can add this item to the motion.
  - Commissioner Morris asked if there has been any push back in regards to stopping the cardboard service.
  - Mr. Gamble stated that there have been a couple of comments but not push back. There were 15 businesses. Thermo being the largest company. Thermo is using a compactor.
  - Commissioner Grubb stated she has received a couple of complaints.
  - Commissioner Grubb and Commissioner Hogan stated they hated to have to end the service for the businesses but understands it is costing the Town.
  - Commissioner Morris asked if the State still requires the Town to recycle 10%.
  - Mr. Gamble stated he is not aware of any requirements on recycling for the Town, but the Town would meet that with the residential recycling program.
  - Commissioner Hogan asked about the recycling program being canceled through our current provider. Mr. Gamble stated that when we negotiate the contracts at the end of the year, the recycling program may cost more money.
  - Commissioner Grubb stated she thought the recycling was being treated as trash and not recycle.
  - Mrs. Jenkins stated that we have had to reach out to Wastepro when residents have questioned the recycling being dumped into the trash truck. Wastepro has expressed that the Town's recycle from residents is considered "dirty recycle", because it is not recycled properly. Some residents put trash in the recycle, which contaminates all the recycle collected.

Commissioner Hogan made a motion to approve the Surplus Property Resolution - R-2021-01 with the addition of 12-15 fire hydrants for Public Works. Commissioner Askew seconded. Motion passed unanimously. (5-0)

12. Corrective Action & Separation Policy Discussion – Ken Gamble - Mayor Ward asked that this item be moved to the Closed Session.
- After viewing the information during Closed Session, Mr. Gamble stated in Open Session that the current policy, as written serves the Town well and no changes are needed.
  - Commissioner Morris stated that after reviewing the Policy and looking at it deeply, he feels there are now changes needed.

13. COVID-19 Emergency Paid Sick Leave Policy – Ken Gamble -

Mr. Gamble stated that the Board approved to pay the Emergency Paid Sick Leave (EPSL) benefit of 80 hours for full time staff and a portion of time for part time staff in April 2020. This EPSL expired on December 31, 2020 with the federal statute. Mr. Gamble stated that many staff members who had not used any EPSL time were out in January due to an internal COVID-19 outbreak. Mr. Gamble has drafted a temporary policy that would allow the Town to continue EPSL benefits for our full and part time staff through the end of April 2021. At this point, the COVID-19 vaccine should be widely available to any employee who want to receive it and the EPSL benefit can

expire. Employees who have already used their EPSL hours will not receive any additional benefit. However, if an employee had used less than the allotted EPSL hours by 12-31-20 they will be allowed to use any remaining time. The policy will be retroactive to 01-01-21. I am asking that \$15,170 of the remaining \$37,866 in CRF money will be set aside for this expense and that any unused funds be applied to replacing the HVAC unit at Town Hall.

Commissioner Askew made a motion to approve the COVID-19 Emergency Paid Sick Leave Policy. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

14. Town Attorney Update – Paul Mitchell - Attorney Mitchell stated that he has been working with applicants that are applying for the position of Town Attorney. He also stated that there been a claim filed against the Town. This is being handled by the Insurance Attorneys and he is assisting when needed.

15. Town Manager's Report – Ken Gamble

Mr. Gamble stated that he and Mayor Ward met with Mr. Sink to see if there were opportunities for us to take advantage of Davidson Water's supply chains to reduce costs. Unfortunately, they use different chemicals and processes to treat water and the only common chemical between systems is caustic. Mr. Gamble provided Mr. Sink with our annual needs for caustic and Mr. Sink advised he would look over the numbers and see if there was anything they could do to assist.

-Mr. Gamble met with Davidson County Parks staff, RSS and state personnel to discuss how to improve our application for 2021. After conferring with them and Thomas, Mr. Gamble believes we should proceed with an application.

-HSD is considering installing new metering at four sites due to concerns they have about higher readings caused by the current by-pass set ups. This is allowed under the contract and any costs will be paid exclusively by HSD. Since HSD pays based on our cost to produce water the only loss we would see would be between the time of installation and June 30<sup>th</sup>. The HSD Board has not approved the project yet and it may be late spring before it would be completed.

-The number of accounts turned off for non-pay this month was 13. This is a normal rate. The delayed revenues is \$5,561 in delay balances. This is due to the EO earlier in the year and a total of \$21,600 in system loss.

-The new Harrison Park sign has been installed and looks great. This concludes two years of park improvements that included removing trees, expanding the playground, replacing the pavilion railing and touching up the paint, installation of the Ward plaque and installation of river rock.

-Sales Tax Revenues continue to be better than expected. The hope is that this trend will continue.

Mr. Gamble has met with Michael and Troy to determine what PW can reasonably address by the end of the budget year. There was consensus on three priorities based on the severity of the issue and location accessibility. Work will begin in April – May depending on rainfall.

- a. Replace Sewer Line – Council Access Road
  - i. 13' Deep – Next to NCDOT Road
- b. Replace Sewer Line – Knollwood Street Area

- i. 400' – Blocked by root balls. Camera could not access either end.
- c. Replace 5 Service Connections Next to Road on Snider Street

Mr. Gamble stated that we will contact the property owners to let them know about the project.

-Commissioner Hogan asked how they are able to go across private property to do this work.

- Mr. Gamble stated that the Town has Prescriptive Easement, this is because the lines have been in the ground for several years. This allows the Town to maintain the lines as it is needed. We will make the property owners away of the need of the maintenance that will be done. There will be a lot of decisions that will need to be made when it comes to items located on the property that may be in the easement.

-Commissioner Hogan asked why this area is different than the property on South Snider Street.

-Attorney Mitchell stated the Town has a stronger easement than a Prescriptive Easement in Clark Acres. Prescriptive Easement is when a property is developed the property owners, they allowed the Town to put the service in.

The Town has a Universal Easement in Clark Acres which says we can put a line anywhere we want to in Clark Acres. This is not the case all over Town, only in this subdivision.

-Mr. Gamble stated we have a utility, not a storm water utility. The sewer lines in Clark Acres are part of our utility, not the flooding on Snider Street.

-Mr. Gamble asked if there were any questions for the Department Heads prior to Closed Session.

-Commissioner Morris asked when Town Hall would be opened back up to the public.

-Mr. Gamble stated that the numbers are still at a level of concern, and Town Hall will remain closed until they are showing a lot of improvement.

-Commissioner Morris asked if Department Heads receive time and half, straight time or comp time for hours worked.

-Mr. Gamble stated that all Department Heads are on Salary. They do not gain comp time or receive overtime.

Department Heads were dismissed prior to Closed Session

#### 18. Closed Session – NC G.S.143-318.1(a)(5,6)

Commissioner Hogan made a motion to go into Closed Session.

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

Mayor Ward called the Board into Closed Session at 7:54pm.

Commissioner Morris made a motion to go into Open Session.

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

Mayor Ward called the Board into Open Session at 8:10pm.

Attorney Mitchell stated the Board met in Closed Session and discussed a personnel matter and an Attorney/Client matter. No action was taken.


#### 19. Commissioner Comments / Concerns - There were no comments or concerns.

20. New Business/Other Updates - There was no new business or other updates.

21. Announcements

- a. Budget Retreat – Saturday February 20<sup>th</sup> 9:00 a.m. Larry Furr Event Center
- b. Bulky Item Pick-Up Week – March 1<sup>st</sup>– 5<sup>th</sup>
- c. Town of Denton Urban Archery Season – January 11<sup>th</sup>– February 16<sup>th</sup>

22. Board of Commissioners Adjournment - Commissioner Hogan made a motion to adjourn. Commissioner Grubb seconded. Motion passed unanimously. (5-0)  
Meeting adjourned at 8:15pm

  
Larry Ward Mayor

  
Angel Jenkins, Town Clerk