

The regular meeting of the Board of Commissioners was held via zoom on Monday, July 13, 2020 at 6:00pm.

The following members were present: Mayor Pro Tem Deanna Grubb

Commissioners: Barbara Hogan, Julie Loflin, David Askew 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 Plant ORC: Troy Branch

Absent: Mayor Larry Ward

1. Call to Order- Mayor Pro Tem Grubb called the meeting to order at 6:00pm
2. Pledge of Allegiance – Mayor Pro Tem Grubb recited the Pledge of Allegiance.
3. Approval of June 1, 2020 Minutes – Commissioner Hogan made a motion to approve the June 1, 2020 minutes. Commissioner Askew 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.

Martin and Sharon Coble, 129 W. Finch Ave, submitted a public comment by email. They are requesting the Board to review the policy that allows them to drive their tutter “semi” trucks to their home. A copy of the public comment is attached to the minutes.

Mr. Gamble stated that the property owner is asking the Board to consider amending the ordinance to allow the resident to park their trucks on their property. Commissioner Morris asked if the ordinance stated tractor-trailer or just tractor. Mr. Gamble stated the ordinance refers to the truck as commercial trucks which includes tractor-trailers and bigger delivery trucks. The truck has to be making a delivery in the neighborhood to be allowed in the neighborhood. This area has had around 10 utility cuts. Michael High stated that the Board implemented this ordinance because the water lines are shallow in the resident areas. If one resident gains permission, there will be more that will request permission. There was a lot of water line repairs due to trucks driving over them.

The Board stated they would like to add this item to the August agenda for further discussion.

5. Adoption of Agenda – Mayor Pro Tem Grubb stated that we needed to add item 6 to the agenda: Appointment to the Parks & Recreation Board. Commissioner Hogan made a motion to adopt the agenda. Commissioner Morris seconded. Motion passed unanimously. (5-0)
6. Appointment to the Denton Parks & Recreation Board- Mr. Gamble stated that there is a vacant seat on the Board due to Laura Barker’s resignation; her term was to end December 2022. Susan Craven has submitted an application to fill the vacant seat. Commissioner Hogan made a motion to appoint Susan Craven to the Parks & Recreation Board. Commissioner Morris seconded. Motion passed unanimously. (5-0)

7. The Public Comment Period for the Public Hearing - FY 20/21 Budget Ordinance: Mayor Pro Tem stated that a requirement for the COVID Recovery Act was passed in May 2020, and requires a 24-hour public comment period following the remote Public Hearing on the Budget Ordinance. There were no comments submitted prior to the Public Hearing or during the 24-hour period to follow. Therefore, the Budget Ordinance passed unanimously on June 1, 2020.
8. Resolution to Contract with D&S Fire Extinguisher Sales & Service in FY20-21 – Ken Gamble – Mayor Pro Tem Grubb stated she is recusing herself from the discussion and the vote for personal interest. Mr. Gamble stated that state statute allows municipalities to contract with elected Board members or Board members families under certain circumstances. The population of the municipality has to be under 15,000 and the contract less than \$40,000. The contract with D&S Fire Extinguisher is around \$1,000 per year. The Board has to pass a resolution yearly that states we are doing business with a company that falls under this statute.
Commissioner Morris asked if a vote was needed to recuse Mayor Pro Tem Grubb from the discussion and vote.
Town Clerk, Angel Jenkins stated no vote was need to recuse Mayor Pro Tem from the vote.
Commissioner Loflin made a motion to approve the contract with D&S Fire Extinguisher Sales & Services in FY20-21. Commissioner Hogan seconded. Motion passed unanimously. (4-0, Mayor Pro Tem: Recused)
9. Davidson County COVID 19 Relief Funds MOU – Ken Gamble – Mr. Gamble stated that Federal Government gave funds to each State through the Cares Act. Part of the Cares Act funds were distributed to the Counties. An agreement has to be reached by the County and the Municipalities for disbursement of the funds. All funds have to be related to COVID-19 expenses. All funds have to be in a separate fund and reviewed by an auditor at the end of the year. The first distribution to the Town is around \$8,000.
There will be a second dispersal from the State to the County.
Commissioner Morris asked if the funds could be used for lost revenue or only PPE.
Mr. Gamble stated that it did not cover lost revenue.
Mayor Pro Tem Grubb asked if this covered the plex glass that was purchased for Town Hall.
Mr. Gamble stated it would cover the plex glass and any expenses related to the COVID-19 process for meetings, sanitation and PPE.

Commissioner Morris made a motion to approve the Davidson County COVID-19 Relief Funds MOU. Commissioner Askew seconded. Motion passed unanimously. (5-0)
10. June 30, 2020 Audit Contract – Ken Gamble – Mr. Gamble stated this is the contract for Allen Pickett to conduct the June 30 Audit. The contract is the same as last year.
Commissioner Loflin made a motion to approve the June 30, 2020 Audit Contract with Allen Pickett. Commissioner Morris seconded. Motion passed unanimously. (5-0)
11. Amendment to Chapter III, Subchapter A – Fire Hazards – Ken Gamble- Mr. Gamble stated that the Town Attorney, Paul Mitchell and Fire Chief Travis Morris has reviewed the ordinance for content and State law. This will adopt the Statewide fire code and keep it on the most current code. The State Statute states that when the Municipality provides brush pickup service, a resident cannot burn brush or leaves. There are a couple of exceptions. one being, clearing of land for development. A permit is not required for a campfire, or outdoor burn pits. The only items allowed to be burned is raw, natural, untreated wood. The

fire has to be located 25 feet away from any structure and the fire has to be confined to containers approved by the Denton Fire Department. Burning of trash is not allowed. Mr. Gamble stated that in Section 5, our fire district exceeds our territorial district for the Town, it is outlined that those located outside of the Town and do not have pickup services, can burn leaves and tree trimming. As long as the items originate from the property. There is also a section on a permit for a bonfire. Also, the Fire Department can go out and abate any situation that is in violation or a threat to life.

Commissioner Morris asked about how the \$10 permit would be handled.

Mr. Gamble stated the permit would be issued by the Fire Department and the fee paid at Town Hall.

Commissioner Morris asked who would enforce the ordinance, the Police Department or the Fire Marshall.

Mr. Gamble stated the Fire Department would be in charge of the situation and have the Police Department issue any citations that are warranted.

Commissioner Hogan made a motion to approved the Amendment to Chapter III, Subchapter A- Fire Hazards. Commissioner Grubb seconded. Motion passed unanimously. (5-0)

12. Ordinance Closing Undedicated Portion of Finch Avenue – Ken Gamble – Mayor Pro Tem Grubb stated that the Public Hearing to close this portion of Finch Avenue was held at a prior Board meeting. Mr. Gamble stated that the Public Hearing was held prior, however, the County requires an Ordinance in order to update the GIS system.

Commissioner Morris made a motion to approve the Ordinance Closing Undedicated Portion of Finch Avenue. Commissioner Loflin seconded. Motion passed unanimously. (5-0)

13. FY20-21 Budget Amendment 1 – Angel Jenkins – Mrs. Jenkins stated that this Budget Amendment is to increase the appropriated fund balance by \$62,058. The funding is from funds that were not used in the prior FY19-20 for sidewalks and paving, \$47,952, due to the crack fill not being done with the paving project. The amount for professional services and debt services is for the Fire Department. This is the amount that was received from Govdeals from the surplus the Fire Department sold in FY 19-20. The professional service is for an engineer to look at raising the bays at the Fire Department for future trucks. The debt service is for the Fire truck payment. The loan closed late in the year and the payment was not require in the FY19-20.

Commissioner Morris made a motion to approve the FY 20-21 Budget Amendment 1. Commissioner Loflin seconded. Motion passed unanimously. (5-0)

14. City of Lexington Leaf Request – Ken Gamble – Mr. Gamble stated the Town has received a letter from the Waste Water Superintendent, requesting to collect the leaves that the Town has on hand this year. This would be used for their land application and would be a multiyear process. There is no monetary value to the Town and the City of Lexington would be sending their staff to get the leaves. Commissioner Hogan contacted Mr. Gamble prior to the meeting to see if this is a process our Waste Water Treatment Plant could use as well.

Mr. Gamble asked Troy Branch, Waste Water Plant Operator to speak on this process.

Mr. Branch stated that this process takes leaves, saw dust, any kind of binding agent and add it to the sludge. This causes it to thicken up. It is dewatered as much as possible and then spread out in wind rows. It is heated to 131 degrees to kill the bacteria. This produces a Class A sludge. This is reserved for large Waste Water Plants and would not be feasible for the size of our plant. The cost to install this process could be in excess of \$500,000. We are currently paying \$25,000 per year for land applying our sludge. This is with two farmers, over 133 acres which puts us in a good position with our sludge removal.

Commissioner Hogan thanked Mr. Branch for the explanation.

Mr. Gamble stated that this does not require a vote of the Board, it is to make them aware of the agreement with the City of Lexington for the next few years.

15. Amendment to Chapter XIV – Cemeteries – Angel Jenkins – Mrs. Jenkins stated there has been an increase in requests for cremation urns to be buried in the Town Cemetery. Some are requesting to place an urn in the same plot where a casket has been buried. In looking at the current ordinance, we do not address cremation. It does state that there is to only be one body, or the remains of one body per plot. In the past, we had a request come to the Board to have two urns placed in one plot as well as one urn and one casket. With updating the ordinance, this would allow administration staff to approve this process without coming back to the Board. Commissioner Morris asked if we are proposing more one than one body per plot. Mrs. Jenkins stated they are proposing more to allow more than one per plot. In reaching out to a Cremation Company in Charlotte and our local Funeral Home, a lot of cemeteries are allowing more than one burial per plot. The proposal is to allow one casket and two urns or four urns per plot. Commissioner Grubb stated that we recently received a request to bury an urn with a casket in one plot. Mrs. Jenkins stated that we have received a request to bury an urn on top of a casket already interned. There was a request a few years ago to burn two urns in one plot. The Board approved the request and required a marker for each remain that was buried. Commissioner Morris asked what the additional fees would be used for. Mrs. Jenkins stated that currently the cost is \$1000 per plot. If we allow multiple burials in the same plot, it would help cover the upkeep of the cemetery. Commissioner Morris asked if someone owns the plot and decides to bury an urn in the same plot, it would cost an additional \$250. Mrs. Jenkins stated that was correct. Attorney Mitchell stated that Thomasville passed a similar ordinance several years ago. State statute does not give a clear guidance and it is left to the cemetery. There is an additional fee in Thomasville as well. Commissioner Loflin asked Mrs. Jenkins how many urns were being allowed per plot. Mrs. Jenkins stated the most she heard of was four urns or one casket with two urns.

Mayor Pro Tem Grubb asked for a recommendation from the Board. She stated that the additional fee could be questioned but she can see the reason for having the fee.

Commissioner Morris asked if we would sell plots for just cremation.

Mrs. Jenkins stated that the Town has a small number of the plots left to sell. Most that are for sale are by individuals. There were new plots added on the Farmer Road side of the cemetery.

Commissioner Morris asked about the eight plots that are reserved for paupers, those that have no means to pay for a plot.

Mrs. Jenkins stated that she is aware there are plots indicated for paupers, but it is not marked on the cemetery map.

Commissioner Morris stated he can help locate the plots.

Commissioner Hogan made a motion to approve the Amendment to Chapter XIV – Cemeteries with a maximum of four urns, and one casket and two urns with each burial being marked, and an additional fee of \$250 per cremation. Commissioner Grubb seconded. Motion passed unanimously.

16. Revised FY20-21 Schedule of Fees – Ken Gamble – Mr. Gamble stated that the contracted sewer dump fee was left off of the FY 20-21 Schedule of Fees. The fee is \$65, which is the same as last year.

Commissioner Askew made a motion to approve the Revised FY20-21 Schedule of Fees. Commissioner Loflin seconded. Motion passed unanimously. (5-0)

17. Town Attorney Update – Paul Mitchell – Attorney Mitchell stated he has been working on a couple of cases with the Insurance attorney. Attorney Mitchell stated that last month they worked on the USDA loans, the contract with the Railroad and reviewed the Fire Ordinance and Cemetery Ordinance.

18. Town Manager's Report – Ken Gamble – Mr. Gamble stated that it looks as if Governor Cooper will allow the EO 124 to expire at the end of the month. This would allow the late fees and cut offs for non-payment to resume. We have been in contact with the residents that are behind on their payments. We do understand that COVID-19 has had an impact on our community through loss of income.

The loss of revenue is around \$11,000. The delayed revenue is around \$14,000. This month we started the contract mowing and the contract utility patching. Both contractors are doing a good job.

Harrison Park railing project is complete. Emblers Contractor did a good job on the railing.

The Department Heads meet monthly and Mr. Gamble will start including information from them in his Manager report.

Commissioner Morris asked where we are in getting the long-arm and mowing the sides of the road.

Michael High, Public Works Director stated that the long-arm has been ordered and should be in within the month.

Mr. Gamble asked that the remaining items be covered prior to Closed Session in order to dismiss the Department Heads.

19. Closed Session – In Accordance with NC G.S. 143-318.11(a)(3) & 143-318.11(a)(6) Mayor Pro Tem stated the Board would go into Closed Session.

Commissioner Hogan made a motion to go into Closed Session.

Commissioner Morris seconded. The motion passed unanimously. (5-0)

The Board went into Closed Session at 7:15pm.

Commissioner Morris made a motion to go into Open Session.
Commissioner Hogan seconded. Motion passed unanimously. (5-0)
The Board went into Open Session at 7:30pm.

Attorney Mitchell stated that the Board met in Closed Session and no action was taken.

20. Commissioner Comments / Concerns – There was no Commissioner comments or concerns.

21. New Business/Other Updates – Commissioner Morris asked if we have received any information on the impact on Sales Tax Revenue.
Mr. Gamble stated that we have not received any information on how much of a hit the Town will receive due to the current situation. The Budget was calculated based on a 30% cut in Sales Tax Revenue.

Mr. Gamble thanked all the Town staff for the hard work that everyone has done through COVID-19 and throughout the Budget process.

Mayor Pro Tem stated she would like to echo a thank you to the staff for their hard work.

Commissioner Hogan agreed with Mayor Pro Tem.

22. Announcements – Next Board meeting is August 3, 2020.

23. Board of Commissioners Adjournment- Commissioner Hogan made a motion to adjourn. Commissioner Morris seconded. Motion passed unanimously. (5-0)

Meeting adjourned at 7:35pm.

Deanna Grubb, Mayor Pro Tem

Angel Jenkins, Town Clerk