

The Board of Commissioners of the Town of Denton held their regular scheduled meeting on Monday, June 7, 2021 at 6:00pm at Town Hall.

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 Misti Witman, Interim Town Manager, Kelly Craver; Town Clerk, Angel Jenkins

1. Call to Order- Mayor Ward called the meeting to order at 6:00pm.
2. Adoption of Agenda – Commissioner Grubb made a motion to adopt the agenda with the addition of 11A. Consideration of Award of Sale on Finch Ave to Carolina Services and Acquisitions. Commissioner Askew seconded. Motion Passed unanimously. (5-0)
3. Approval of May 3 & May 27, 2021 Minutes- Commissioner Hogan made a motion to adopt the May 3 & May 27, 2021 minutes. Commissioner Grubb seconded.
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.*

Imogene Morris, 225 Bombay Road – Mrs. Morris stated that she attended the Memorial Day Service at Harrison Park. She shared that it was a humbling & honorable experience and she wanted to express her gratitude for all who took part in the service. The Park was beautiful, the music and the playing of Taps was most fitting.

Mrs. Morris also wanted to thank the Police Department for being attentive to the community. She received a call from Chief Hicks one evening because he noticed something different at her house. She expresses that she appreciated his kindness.

Mrs. Morris also attended the Parks & Recreation's movie in the park. She enjoyed the event.

Scottie Garner, 9902 NC Highway 47- Mr. Garner stated that he had presented his subdivision plans to the Planning and Zoning (P&R) Board. The P&R Board approve his plans and sent them to the Board of Commissioners for approval. He wanted to know if the Board had any questions.

Town Clerk, Angel Jenkins stated that this item is on the agenda for possible action in the meeting.

5. Public Hearing – Annual Budget for the Fiscal Year 2021–2022 - Mayor Ward asked for a motion to open the public hearing. Commissioner Hogan made a motion to open the public hearing. Commissioner Askew seconded. Motion passed unanimously. (5-0)

Public Hearing opened at 6:09pm

There was no one present to speak in regards to the Annual Budget for the Fiscal Year 2021-

2022. Commissioner Hogan made a motion to close the public hearing. Commissioner Askew seconded. Motion passed unanimously. (5-0)

Public Hearing closed at 6:10pm

Kelly Craver stated that budget meetings were held, the budget presented to the Board at the May Board meeting. There has been ample time to review the proposed budget. The Tax Rates remain the same, the fee schedule does not show any increases to services including the water and sewer rates.

6. Approval of Fiscal Year 2021-2022 Budget Ordinance -Angel Jenkins – Mrs. Jenkins stated that if there are no questions or requested changes to the Fiscal Year 2021-2022 Budget, the Board would need to make a motion to approve proposed budget.
Commissioner Loflin made a motion to approve the Fiscal Year 2021-2022 Budget Ordinance. Commissioner Grubb seconded. Motion passed unanimously. (5-0)
7. Approval of Schedule of Fees for Fiscal Year 2021-2022 -Angel Jenkins – Mrs. Jenkins stated that there are no increases to the schedule of fees for Fiscal Year 2021-2022. Commissioner Morris asked with the Banner Project being listed on the Schedule of Fees, is it ready to move forward. Mrs. Jenkins stated that Public Works has provided the available poles to Mr. Craver today and this information has to be sent to Duke Energy for contract approval. Mr. Craver stated that he will present the contract to the Board at the July 2021 meeting. Mayor Ward asked when we can start advertising the Banner Project. Mr. Craver stated if the Board approves the contract in July, it will have to be sent back to Duke Energy for their approval. Advertising would start after the sign contract is received from Duke Energy.
Commissioner Morris asked if the Harrison Park rental was only for the Pavilion.
Mrs. Jenkins stated that it is only to reserve the Pavilion, not the park. She stated that this is explained when people make reservations.
Commissioner Loflin made a motion to approve the Schedule of Fees for Fiscal Year 2021-2022. Commissioner Grubb seconded. Motion passed unanimously. (5-0)
8. Approve Engagement Letter with Tony Brewer for Fiscal Year 20-21 Budget Audit – Mrs. Jenkins stated that Allen Pickett has assisted Eddie Carrick with the Town Audit for several years. Mr. Pickett has decided to not assist in this year's audit, in part due to COVID. Tony Brewer works with Mr. Carrick and has sent an engagement letter for the FY' 20-20 Audit.
Commissioner Loflin made a motion to approve the Engagement Letter with Tony Brewer for Fiscal Year 20-21 Budget Audit. Commissioner Grubb seconded. Motion passed unanimously.

(5-0)

9. Approve FY 21-22 Contract with Davidson County Senior Services Civic Center- Angel Jenkins- Mrs. Jenkins stated the contract with Davidson County Senior Services for use of the Civic Center during the FY' 21-22 is the same as previous years. They pay 75% of the utilities and the Water/Sewer minimum. Senior Services is scheduled to resume July 1, 2021. Commissioner Morris asked if someone renting the Civic Center has use of the kitchen, someone stated the cabinets are locked.
- Mrs. Jenkins stated they can use the kitchen; however, the AA meeting has a cabinet they keep locked with supplies for their meetings. The other cabinets and drawers are empty. Commissioner Hogan asked if the basement at the Civic Center is still flooding. Michael High, Public Works Director stated the issue has been resolved and the basement is not flooding.
- Commissioner Morris made a motion to approve the FY 21-22 Contract with Davidson County Senior Services Civic Center. Commissioner Hogan seconded. Motion passed unanimously.

(5-0)

10. Surplus Property Resolution R-2021-05 – Kelly Craver – Mr. Craver stated that the surplus items are to help offset the purchase of a Mini Excavator for Public Works. These items are requested to be declared surplus and to be sold through GovDeals.
- Commissioner Morris made a motion to approve the Surplus Property Resolution R-2021-05. Commissioner Grubb seconded. Motion passed unanimously. (5-0)
11. Consideration of Upset Bid Process for Sale of Parcel on North Snider Street – Kelly Craver- Mr. Craver stated that the parcel in question is less than 8,000 feet, it is the location of an old pump station. There is no utility on the property, so there is no easement to be procured. We have received an offer of \$4,500.
- Town Attorney asked for Point of Order, the information provided states there is a need for an easement.
- Mr. Craver stated there is an easement on the property and there are markers for these lines. The survey would provide the location of the actual easement.
- Commissioner Morris asked if there were any utilities on the property.
- Mr. High stated there is a 2-inch water line, that they will need to close.
- Commissioner Morris made a motion to start the upset bid process for Sale of Parcel on North Snider Street. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

11A. Consideration of Award of Sale on Finch Ave to Carolina Services and Acquisitions – Mr. Craver stated that the property's upset bid process ended on June 1, 2021. We received one (1) bid on the property for \$2,000 from Wesley Black with Carolina Services and Acquisitions. Commissioner Morris made a motion to accept the bid for \$2,000 for Wesley Black, Carolina Services and Acquisitions. Commissioner Hogan seconded. Motion passed unanimously. (5-0)

12. Consideration of Kinney Avenue Subdivision: Scotty Garner – Planning Board – Mr. Craver stated that on May 17, 2021, the Planning Board met to discuss the consideration of the Kinney Avenue Subdivision. Mr. Garner requested that the Town install the water lines and tap, and waive the requirement for curb and guttering. Mr. Garner would be responsible for construction of the street to NC DOT standards and the Town would take over for continued maintenance. The Subdivision Ordinance does require a surety bond for one (1) year after the road has been completed. The Planning Board voted 5-0 to approve the Subdivision, waiving the curb and guttering requirements and leaving the construction of the water line and taps to the Board of Commissioners and staff. Mr. Craver stated that he spoke with Mr. Garner that if the Town constructs the water line, it would be on the Town's schedule and availability of budget. If this needed to be constructed sooner, he may want to consider installing the line. The cost estimate at the first of May was \$14,000. This would need to be recalculated due to the recent increase in cost of materials.

Commissioner Morris stated he was the real estate agent when this property was sold, asked Town Attorney Misti Whitman if this would be a conflict of interest for him to participate in discussion and vote.

Mrs. Whitman stated there was not conflict.

Mayor Ward asked why the water lines were not run in this subdivision when the sewer lines were installed.

Mr. High stated this was a decision of the contractor at the time that the sewer lines were installed. There is a 6-inch water line on Snider Street that would support running a water line to the subdivision.

Mayor Ward asked if they will install a fire hydrant as well.

Mr. High stated they would, and this would be driven by availability.

Commissioner Askew stated he did not think the tax payers of the Town of Denton should have to pay for the water line to be installed.

Mr. Craver stated that from his experience in another Town, they required all contractors to

install the water and sewer lines to a subdivision.

Commissioner Morris asked if Mr. Garner was going to construct the road to NC DOT standards.

Mr. Garner stated he was going to construct the road; he is waiting on approval of the Board. Commissioner Hogan asked Mr. Craver to explain the reason the curb and guttering is being waived.

Mr. Craver looked at the property and the lay of the land. He stated that all the water collected on Kinney Avenue would run off to Snider Street and there is already a water issue on Snider Street. Without the curb and guttering, water would not be directed to Snider Street, it would take a natural path.

Commissioner Loflin stated that other subdivisions do not have curb and guttering.

Commissioner Morris stated that Nicoma Park was outside the Town limits when it was built. Mr. Garner requested to have the water and sewer tap grants approved for the six (6) properties that would be built on Kinney Avenue.

Commissioner Askew stated he did not think the Board should guarantee free water and sewer taps over a period of time. He stated it should be looked at based on each property and the availability of funds in the grant.

Mr. Garner stated that the Board has approved water and sewer tap grants for all the new builds in Town.

Commissioner Askew stated that the grant for water and sewer taps are approve once the property is occupied and the monies would be going into the water and sewer fund.

Mr. Garner stated that there will be six (6) house in this development. Each one would need water and sewer taps and stand to bring one (1) million dollars of revenue to the Town.

Commissioner Loflin asked if the grant was established to be paid in advance and then reimbursed based on certificate of occupancy from the county and availability of funds.

Mrs. Jenkins stated that was correct.

Commissioner Grubb asked if we would continue to fund this grant.

Mrs. Jenkins stated that it was included in the new budget.

Commissioner Morris stated the premise behind the grant was to encourage more development in Town, to help add to the water and sewer customer base and help offset the cost of our water and sewer services.

Mayor Ward stated he was excited about the new housing being built in Town.

Commissioner Morris made a motion to approve the Planning Board's recommendation of no

curb and guttering on Kinney Avenue, the Town installing the water line to the Subdivision on Kinney Avenue, and if funds are available, as the grant process goes, provide the grant taps then. If funds are not available, the grant could not be extended indefinitely.

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

13. Text Amendment- 2021 Planning and Zoning Ordinance – Discussion and Call for Public Hearing- Mr. Craver stated he provided a memo to the Board explaining the reason for the text amendment discussion. Mr. Craver stated that since his first day as Interim Manager, he has had inquiries about placing modular and manufactured homes in Town. There were several changes in many areas of the special use permit table, and there are a few inconsistencies. Mr. Craver has reviewed the minutes from the Planning Board, and the joint meeting of the Planning Board and Board of Commissioners. There doesn't appear to be a lot of discussion around the modular/manufactured homes. The Board has three options: 1) Do nothing. If this is what the Board intended in working with the Planning Board, everything is all well in good. 2) If the Board would like to make things more identical to the previous zoning ordinance, there would need to be three (3) amendments to the zoning ordinance. First, those three (3) amendments would call for a public hearing, which could be held in a special meeting later this month or held during the July meeting. Secondly, call for the public hearing to see if more information needs to be amendment after further review. Thirdly, call the public hearing to make changes to the modular/manufactured homes portion of the ordinance and leave the other adjustments as is. 3) Not take any action to make the modular/manufactured homes in congruent with the prior zoning ordinance.

Commissioner Loflin stated that she thought this was going to go back to the Planning and Zoning (P&Z) Board to review this information. Commissioner Loflin stated she was at the last P&Z Board meeting and Mr. Craver was going to gather more information and report back to the P&Z Board for further review.

Mr. Craver stated that if he stated that he would report back to the P&Z Board, it was not his intent to over step them in this decision.

Commissioner Morris stated that Mr. Craver has had several requests for this information in the few weeks that he has been with the Town, with his request being one of them. He has a property that use to allow double wide trailers and now it doesn't.

Commissioner Hogan stated this issue needs to be corrected.

Commissioner Loflin stated it does need to be corrected but through the Planning Board.

The Town paid a lot of money to PTRC to bring the zoning ordinances update.

Commissioner Morris stated he did not think the change was legal because the property owners were not notified of the change.

Mrs. Witman stated it is legal, because it was not a zoning map, it was a change to the ordinance which affected what could be done in the individual zoning districts. This only requires the public hearing notice, not individual notification to the property owners. A military base can change the individual zoning without notifying the property owners.

Commissioner Morris restated that Mrs. Witman stated that the zoning for a property could be changed without notifying the owner.

Mrs. Witman stated that if the property owner believes that it is a takeover of the property, rendering the property unusable or substantially unusable, then you have a court action. It is legal. Was it intended? Based on conversations, it appears to be an oversight. The quickest way to fix the issue is to call for a public hearing, and if the Board wants it to go back to the Planning Board, that is an option as well.

Commissioner Morris asked Mr. Craver if the other people that requested the information are on hold, as he is.

Mr. Craver stated he does have one other person that has called back several times. The other person is looking at land in the R20 zoning.

Commissioner Morris asked about the hardship case. The county gives 6-months in a hardship.

Mr. Craver stated the hardship case on Klopman Mill Road has been granted a 6-month hardship. Which the table and zoning ordinance states in different areas 6-months and 12-months.

Mayor Ward asked if they could call a special meeting for the P&Z Board.

Mr. Craver stated the P&Z Board are scheduled to meet in two (2) weeks.

Commissioner Hogan made a motion to call for a public hearing to correct the zoning for the hardship.

Commissioner Morris stated there are several items that need to be addressed at the Public Hearing.

Commissioner Loflin stated that the information should be sent back to the P&Z Board for review.

Mrs. Witman stated Point of Order. She had Mr. Craver reach out to Jesse Day with PTRC who assisted with the Zoning Ordinance to be in compliance. Mr. Day is working with

Thomasville to bring their Zoning Ordinance to compliance. Mrs. Witman asked for a redline copy to show the changes for the existing Ordinance, this would make it easier to follow the changes. However, this was not the case in working with our Zoning Ordinance. Mr. Craver stated that he has provided the first draft and some notes in regards to manufactured home conversations with the P&Z Board.

Commissioner Grubb stated that at the joint meeting, the special use permit table was reviewed line for line.

Commissioner Morris stated he did not catch the mobile home changes.

Commissioner Loflin stated that it was not their intent to eliminate all manufactured homes. Anne Carter Bean, with the P&Z Board, stated it was not the intent of the P&Z Board to exclude modular homes. It was their intention to limit, to have no single wide homes and approve double wide homes in certain areas. The P&Z Board did not want Denton to become a trailer park.

Commissioner Morris stated that the Ordinance did not allow modular homes either.

Ms. Bean stated that was an oversight. In the section about manufactured homes, it should have stated, i.e., modular homes.

Mr. Craver stated in the current special use permit table, there is only one allowed zoning for class A, which is RA.

Ms. Bean stated that the language should be updated and it was an oversight.

Mrs. Witman stated that this happens at the State level all the time. It is usually discovered when someone comes in to apply and it can't be approved. From a legal stand point, if you feel this was an oversight, fix these issues and then go through it again to make sure there are no other areas that need to be corrected.

Commissioner Hogan amended her motion to read, a motion call for a public hearing to fix the current zoning ordinance, class A, manufactured homes, double wide, correct where it was only allowed in RA zoning districts from the previous zoning ordinance which was allowed both RA & R8A districts, and in the hardship case or special use.

Commissioner Morris asked Commissioner Hogan to amend the motion to include the High Business use to allow Manufactured homes by special use.

Commissioner Hogan amended the motion to include the High Business Use zoning.

Commissioner Grubb asked for clarification on the motion.

Commissioner Loflin and Commissioner Askew stated they thought it should go back to the P&Z Board.

Mrs. Witman stated that this is to just move forward to the Public Hearing. There are inconsistencies in the Zoning Ordinances, something has to be done to make the corrections.

Mrs. Witman stated a proposed clarification on the motion that should accomplish to get to the public hearing:

To modify section 4:12 of the permitted use table to add the following: Manufacturing home, residential principal use class A only, permitted use R8 zoning district. To add manufacturing home, residential principal use class A only, permitted use R8A. Add manufactured homes are allowed by special use permit in Highway Business zoning district.

Commissioner Morris asked about Class B manufactured homes.

Mrs. Witman stated that class B was not included in this motion. There is information in the ordinance that allows for hardship.

Commissioner Hogan made the motion stated by Mrs. Witman to call for a Public Hearing on June 30th, 2021. Commissioner Morris seconded. Motion passed unanimously. (5-0)

14. Town Attorney Update –Misti Whitman – Mrs. Witman stated it has been fun trying to digest the zoning ordinance to figure out what was intended and unintended. This has been her primary focus. She has worked with Chief Hicks. She also repeats everything that Ms. Morris stated, Chief Hicks has been great to work with.

15. Town Manager's Report – Kelly Craver- The Water Plant has hired a 3rd shift operator to start at the end of June. He has an A-Certification and is coming to us from Montgomery County Water Plant. He has experience and currently works 3rd shift. The Mini Excavator should be delivered this week to Public Works. The New Police car should be ready by first of next week. Mr. Craver stated he has worked on the current issues with the Zoning Ordinance, He would also like to thank the staff for being so welcoming. He is very happy to be here to help. Mr. Craver stated he would be performing at the library on June 23rd during lunch.

16. Commissioner Comments / Concerns – There were no Commissioner comments or concerns.

17. Closed Session for Personnel Matters in Accordance of NC G.S. 143-318.11(a) (6)

Commissioner Grubb made a motion to go into closed session. Commissioner Askew seconded. Motion passed unanimously. (5-0)

Board went into closed session at 7:22pm

Commissioner Grubb made a motion to go into open to go into open session.

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

Board went into closed session at 7:55pm

Mayor Ward called the meeting to order.

18. Updates / New Business- There was no new business or updates.

19. Announcements

July 1st -5th 7:30am – 6:00pm - Downtown Antiques Festival

August 7th - Watermelon Festival– Venders Downtown 9am-3pm


Pageant at Denton Wesleyan Church 9am - Crowning at 2pm at Harrison Park

Watermelon Wind Down- Food Trucks 5:30pm & Concert -7pm featuring Whiskey Dan

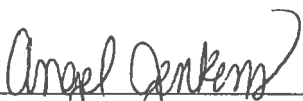
20. Board of Commissioners Adjournment- Commissioner made of motion to adjourn.

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

Meeting adjourned at 8:00pm



Larry Ward, Mayor



Angel Jenkins, Town Clerk