

The Board of Commissioners of the Town of Denton held their regular scheduled meeting on Monday, August 2, 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

Absent: Commissioner 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. **Pledge of Allegiance** – Mayor Ward led those in attendance in the Pledge of Allegiance.
3. **Adoption of Agenda** – Commissioner Grubb made a motion to adopt the agenda. Commissioner Hogan seconded. Motion passed unanimously. (4-0)
4. **Approval of July 12, 2021 Minutes** -Commissioner Hogan made a motion to approve the July 12, 2021 minutes. Commissioner Loflin seconded. Motion passed unanimously. (4-0)
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.*
Phillip Sexton, 203 Broad Street- Stated to the Board that he would not be interested in the development of the Town owned property on Broad Street for a park. He did not feel this was the best use of tax payer dollars and it would also increase the traffic on Broad Street.
Alexis Smith, 53 Hulin Street, would like to host a 5K fundraiser on October 29th at 6:30pm with registration starting at 5:00pm. A rain date would be the following Friday at the same time. The route is the same that is used with the Harrison Park 5K, starting at Harrison Park taking North Main Street to Highway 109 and back to Harrison Park. This will benefit the Non-Profit, Disabling Disabilities. They would also host a costume contest prior to the 5K.
-Police Chief Mark Hicks stated that they do not close the roads for this type of run, but do provide an escort for those participating.
-Town Attorney Misti Witman stated she would review the application for the 5K.
6. **Proclamation to Honoring the 50th Anniversary of Sergeant Hugh Ames Sexton, Jr's. sacrifice in Vietnam** – Mayor Ward read the Proclamation honoring the life and service of Sergeant Hugh Ames Sexton. The family and friends that were present received the Proclamation on behalf of Sergeant Sexton.
7. **Public Hearing – Proposed Amendment to the Zoning Ordinance** – Interim Town Manager, Kelly Craver stated that the Board will have a Public Hearing tonight to review a text amendment to the Permitted Use Table from the Planning Board. This is the recommended text amendments to Section 4-12 to the Permitted Use Table:
-Manufactured Home, Residential Principal Use, Class A Only, Allowed Only by Special Use Permit in R-8 Zoning District.

Manufactured Home, Residential Principal Use, Class A Only, Allowed by Special Use Permit in HB Zoning District.

Manufactured Home, Residential Principal Use, Class A Only, Allowed Only by Special Use Permit in L-I and H-I Zoning Districts.

Mayor Ward called the Public Hearing open at 6:25pm
Commissioner Hogan made the motion to open the Public Hearing. Commissioner Grubb seconded. Motion passed unanimously. (4-0)

The Public was offered a chance to speak for or against the proposed changes.

Anne Carter Bean, 160 Bombay Road and a member of the Planning & Zoning Board stated that she has reservations on the vote by the Planning Board. She does not feel that changes to the Permitted Use Table in Section 4- should be extended to a Special Use Permit. She is okay with allowing Manufactured Homes where there are already existing Manufactured Homes, just not in areas that they do not already exist.

Andy Morris, 371 Byron Street, stated he was Realtor and is concerned that the requirement for a Special Use Permit is close to falling into Fair Housing discrimination based on economic circumstance. He cautions the Board on this change.

Commissioner Hogan stated she has reviewed the information and she is concerned that if someone has property in Town, they may not be able to use it for the intended purpose that that purchased it for.

Point of Order- Attorney Witman- There are a couple of options the Board has:
1). Not to accept the recommendations of the Planning Board, 2). Modify the recommendations or 3). decline the recommendations.

There has been discussion about the broad sweeping changes that were made in the zoning changes, and this could be sent back to the Planning Board for review.

Mr. Craver has reviewed the Permitted Use Table and created a red-line report of the changes that took place with the update.

As far as the Fair Housing Act, there are many cities that limit the mobile home locations within the city, by either Special Use Permit or categories available to you that can overcome the Fair Housing on economic standards. As long as the Special Use Permit is applied for and approved in a way that it is handled fairly.

If this is of concern (of the Board), the vote can be delayed and Mrs. Witman stated she can provide case laws on this process.

-Commissioner Loflin asked if these recommendations can be applied fairly.

-Mrs. Witman stated that anyone can apply for the Special Use Permits and they are handled properly. They can appeal a denial to the Board of Commissioners.

Commissioner Hogan made the motion to close the Public Hearing. Commissioner Askew seconded. Motion passed unanimously. (4-0)
Public Hearing closed at 6:31pm.

Commissioner Loflin made the motion to approve the text amendment to the Zoning Ordinance per the Planning Board recommendations. Commissioner Hogan seconded. Motion passed unanimously. (4-0)

8. **Approve the Bid for the Property on Old Camp Road** – Mr. Craver stated that in the July meeting the Board approved acceptance of the bid for \$2,000. The 10-day upset bid process has been held, with no other bids received. Staff is recommending the acceptance of this bid and the transfer of this property for \$2,000.
Commissioner Grubb made a motion to approve the bid on the Property on Old Camp Road. Commissioner Askew seconded. Motion passed unanimously. (4-0)
9. **Resolution to Approve Surplus for the Wastewater Treatment Plant** – Mr. Craver stated that these lab items are not used by the Sewer Plant. All lab work is handled through Meritech, therefore the items are of no use to the Sewer Plant. Staff recommendation is to declare the listed items as surplus.
Commissioner Loflin made a motion to approve the Surplus for the Wastewater Treatment Plant. Commissioner Hogan seconded. Motion approved unanimously. (4-0)
10. **Consideration of Pavement Assessment and CIP Contract-** Mr. Craver stated that in previous years there has been paving assessments provided to the Town. Mr. Craver has many contacts in street paving, and this proposal is coming from a company he has worked with. SEPI, Inc. has provided a proposal for services. This company is made up of all retired NC DOT engineers. If the Board approves, they will come in a do a current street assessment, meet staff, make a priority list and report this information back to the Board. The cost for this assessment is \$13,300 and can be funded through the Powell Bill. The paving could piggyback on the NC DOT paving, which would mean a better price on the paving and possibly more paving.
Commissioner Hogan stated she thought the information was interesting.
Commissioner Loflin stated that the Town has worked with Rick Austin for the past several years on the street project and which is a 20-year project.
Commissioner Grubb asked if anyone has heard from Rick Austin.
Town Clerk, Angel Jenkins stated they have not heard anything from Mr. Austin since first of the year
Commissioner Hogan stated that we still have a lot of work to do on the streets and we are in the fifth year of working to with Rick Austin.
Mayor Ward stated he would like to have Rick Austin come speak to the Board as well.
Mr. Craver stated that he would reach out to Rick Austin and that he just wanted to make the Board aware that there are other agencies that can assist in the paving needs of the Town.
Commissioner Hogan made a motion to table this item to the September 7, 2021 meeting. Commissioner Askew seconded. Motioned passed unanimously. (4-0)
11. **Call for Public Hearing for Special Use Permit Request for Planning & Zoning Board** – Commissioner Hogan made a motion to call for a Public Hearing for August 23, 2021. Commissioner Loflin seconded. Motion passed unanimously. (4-0)
12. **Commissioner Comments / Concerns** - There was no comments or concerns from the Board.

13. **Town Attorney Update –Misti Whitman** – Mrs. Witman stated that it has been a month filled with more 160D questions and research. There has been a request for Mrs. Witman to open an office in Denton. Her Aunt, Betty Ann Pierce would staff the office three (3) days a week. They are looking for office space now.

14. **Town Manager’s Report** – Kelly Craver- Mr. Craver stated that banner project information has been submitted to Duke Energy. We are waiting on them to process everything.
He has also been working on zoning issues, reviewing the old Permitted Use Table versus the new table.

15. **Closed Session for Personnel Matters in Accordance of NC G.S. 143-318.11(a) (6)**
Mayor Ward asked for a motion to go into Closed Session.
Commissioner Grubb made a motion to go into Closed Session. Commissioner Askew seconded. Motion passed unanimously. (4-0)
The Board went into Closed Session at 6:47pm.
Commissioner Hogan made a motion to go into Open Session. Commissioner Grubb seconded. Motion passed unanimously. (4-0)

Mayor Ward called the Board into Open Session at 7:17pm.

16. **Updates / New Business-**


16a. **Extend Interim Town Manager, Kelly Craver’s time for six (6) months.**
Commissioner Grubb made a motion to approve the extension of the Interim Town Manager, Kelly Craver’s time for six (6) more months. Commissioner Hogan Seconded. Motion passed unanimously. (4-0)

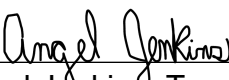
17. **Announcements**

August 7th - Watermelon Festival– Venders Downtown, Pageant at Denton Wesleyan Church - Crowning at 2pm at Harrison Park – Concert 7pm

18. **Board of Commissioners Adjournment** – Commissioner Hogan made a motion to adjourn. Commissioner Askew seconded. Motion passed unanimously. (4-0)

The Board meeting adjourned at 7:23pm


Larry D. Ward, Mayor


Angel Jenkins, Town Clerk