

The regular meeting of the Town of Denton Board of Commissioners was held in Town Hall on Tuesday, September 8, 2020 at 6:00pm. This meeting was a joint meeting with the Planning & Zoning Board.

The following members were present: Mayor Larry Ward, Mayor Pro Tem Deanna Grubb, Commissioners: David Askew, Julie Loflin, and Scott Morris.

Absent: Commissioner Barbara Hogan

Town Attorney, Paul Mitchell; Town Manager, Ken Gamble; Town Clerk, Angel Jenkins
Department Heads were excused from this meeting; however, Chief Hicks was present.
All Members of the Planning Board were present. A copy of the Planning Board minutes is attached to these minutes.

1. Call to Order - Mayor Ward called the meeting to order.
2. Pledge of Allegiance - Mayor Ward led the meeting in the Pledge of Allegiance.
3. Approval of August 3 Minutes - Mayor Ward asked if there were any additions or deletions to the August 3, 2020 Minutes. There were no additions or deletions. Commissioner Morris made a motion to approve the August 3, 2020 minutes. Commissioner Grubb seconded. Motion passed unanimously. (4-0)
4. Public Comment - No one signed up to speak during 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.
5. Adoption of Agenda - Commissioner Grubb made a motion to approve the meeting agenda. Commissioner Askew seconded. Motion passed unanimously. (4-0)
6. Public Hearing – Request to Rezone 18870 S. Hwy 109 from B2 -Highway Business to LI – Light Industrial – PB Case 2020-001
Mayor Ward opened the Public Hearing at 6:08pm.
Mayor Ward recognized Chris Biesecker with OPE of America, Inc- Denton. Mr. Biesecker stated that he is requesting the Board to rezone their property located at 18870 S. Highway 109 from B-2 (Highway Business) to LI (Light Industrial). They are planning to expand their business to build small utility trailers and farm equipment at this facility. They are planning to hire 10 - 20 employees.
Mayor Ward asked what type of trailers would be built.
Mr. Biesecker stated the trailers would be non-enclosed 24 foot and smaller, which is what is sold through their dealerships in North Carolina. They have been purchasing these trailers from dealers and they are not able to keep with the demand this year. Mr. Biesecker stated that they are hoping to sell around 300 trailers per year. They hope to be in operation within 30 days.
Mr. Gamble stated that the Commercial District (Highway Business B-2), is for the sale of goods and services and the Light Industrial is manufacturing that doesn't have any heavy components such as industrial waste, and loud noises.
Mr. Gamble stated that the property requesting to be rezoned is bordered by an RA property, B-2, and LI. Mr. Gamble presented a power point presentation to explain the surrounding area of the requested rezoning area. A copy of the presentation is attached to the minutes.
Mr. Gamble stated that the Comprehensive Land Development Plan this area is in

the G1 NC 109 Overlay District. Both Boards have to consider Plan consistency. You don't always have control over where your growth will be however, the CLDP will give you a vision of how your land will develop going forward.

Mayor Ward asked if there was anyone present that would like to speak either for or against the rezoning. No one requested to speak.

Mayor Ward closed the Public Hearing at 6:18pm.

7. Planning Board Rezoning Recommendation PB Case 2020-001 - The Planning and Zoning Board approved the rezoning request and presented it to the Board of Commissioner for approval.
8. Board of Commissioners Rezoning Decision PB Case 2020-001 – Commissioner Morris made a motion to approve the Rezoning PB Case 2020-001. Commissioner Loflin seconded. Motion passed unanimously. (4-0)

Mayor Ward stated that he appreciated OPE of America expanding in Denton. This expansion could have been located anywhere, and it means a lot to the Town.

9. Subdivision Plat Approval – Erwin Hunt
Town Attorney Paul Mitchell called Point of Order: Attorney Mitchell informed the Board that he represents Max Hunt on his Mother's estate but has not had any involvement in this matter. Mr. Mitchell has no position one way or another. Kevin Wall stated that Mr. Hunt is requesting to separate three acres out of the twenty-seven-acre track that is located in the Town's ETJ. Mr. Wall stated the remaining property may be purchased by Ultra-Mek.

Mr. Gamble stated that he has spoken with Mr. Hunt. A letter from Mr. Hunt was provided to the Board, and is attached to the minutes. Mr. Hunt stated he is not planning to develop the twenty-four-acre plot of land. In order for Mr. Hunt to divide the property, it would take a Board decision.

Shane Hoffman with Ultra-Mek stated they are in discussion with Mr. Hunt in purchasing the twenty-four acres. There are seven acres on the back side of the property that is in the flood zone. Mr. Hoffman stated they have the drawings for another 30,000 square foot addition. Mr. Hoffman stated that he would come back to the Board to discuss a tax break for the area that is undeveloped.

Anne Carter Bean asked if the property that is being separated is surrounded by industrial property would it be hard for the property to be sold in the future.

Mr. Gamble stated as long as there is a right of way to the property, there should not be any issues.

Mr. Gamble stated that staff does recommend the plat to be approved.

The Planning Board made a recommendation to approve the Subdivision Plat for Erwin Hunt.

Commissioner Grubb made a motion to approve the Subdivision Plat Approval – Erwin

Hunt. Commissioner Loflin seconded. Motion passed unanimously. (4-0)

10. Planning Board Adjournment – The Planning Board adjourned at 6:28pm.

11. USDA Loan – Grant – Ken Gamble. Mr. Gamble stated that he received a letter from the USDA in regards to the loan grant. The loan grant is not going to work for the Town needs on the Town Hall project. The offer was for \$100,000 at the most expensive. Mr. Gamble stated that he understands the Board did not want to be obligated to the high cost point of the project. The PART-F Grant information will not be available until the first week in November and the USDA fiscal year ends September 30th.

Mr. Gamble recommends that the Town withdraw the application for the USDA Loan-Grant. If the project is budgeted under one million dollars, which is the threshold for not having a Phase One Environmental Study they can reapply for the USDA Loan-Grant.

The facility has already been tested for asbestos.

Commissioner Grubb made a motion to withdraw the application for the USDA Loan-Grant. Commissioner Askew seconded. (4-0)

12. Amended COVID-19 Relief Funds MOU- Ken Gamble- Mr. Gamble stated that this is the updated agreement from Davidson County for the Covid-19 relief funds through the Cares Act Fund. There is an increase to the Town's share of funds. Total available to the Town is a little over \$42,000 and the Town has spent a little over \$7,000 to date. This money has to be spent before December 31, 2020 and has to be spent by the guidelines.

Commissioner Morris made a motion to approve the amended COVID-19 Relief Funds. Commissioner Grubb seconded. Motion passed unanimously. (4-0)

13. Fire Department Surplus Property – Ken Gamble- Mr. Gamble stated that the current list of surplus items for the fire department has been provided to the Board for approval.

Commissioner Loflin made a motion to approve the Fire Department Surplus Property. Commissioner Morris seconded. Motion passed unanimously. (4-0)

14. Denton Outdoor Market & Event Space Rules – Ken Gamble – Mr. Gamble stated that the rules are based on the direction of the Board at the last meeting about how the Board wants to see the property used. The name has been changed from the Farmer's Market to the Denton Outdoor Market & Events. This is to reflect that other events can take place at this location other than the current use.

Commissioner Grubb made a motion to approve the Denton Outdoor Market & Event Space Rules. Commissioner Askew seconded. Motion passed unanimously. (4-0)

15. Commercial Trucks in Residential Zones Ordinance Amendment – O-2020-04 – Ken Gamble – Mr. Gamble stated this is also a result of discussion at the last Board meeting. There was interest in seeing the Commercial Trucks in Residential Zones Ordinance reviewed and updated. This may allow trucks in residential areas. Mr. High, Public Works Director does not recommend this amendment due to the

construction of older manholes in the residential areas.

There was a lot of discussion in regards to this matter.

The Amendment to the Commercial Trucks in Residential Zones dies for lack of a motion.

16. Credit Card Fees – Ken Gamble – Mr. Gamble stated that during the Executive Order 124, that ran from March 21st to the end of July 2020. We suspended customers paying the credit card fees for online payments. This worked out well, and encouraged them to pay online instead of coming into Town Hall. There are more people now paying online. It is the recommendation of the staff to continue paying these fees as a cost of doing business. This would be approximately \$5,000 for the year. Commissioner Morris asked what the percentage is being charged for each payment. Town Clerk, Angel Jenkins stated it was 2.65%. Commissioner Loflin asked if most places do not charge the customer this fee? Mr. Gamble stated that most businesses do not charge this fee to the customer. There are places that require it. This is small thing to do for the customers and increase the good will. Commissioner Grubb asked if the online payments have increased. Mrs. Jenkins stated that during the time that Town Hall was closed, the online payments increased by 60%. It is more convenient for the customers. Commissioner Askew made a motion to approve the Credit Card Fees to be paid by the Town. Commissioner Loflin seconded. Motion passed unanimously. (4-0)
17. Town Attorney Update – Paul Mitchell – Mr. Mitchell stated that he has been busy this past month. A couple of appearances in Court for a couple of incidences on behalf of the Town. Mr. Mitchell has also worked on following:
- Follow-up on the USDA Grants for the Police/Public Works and the Fire Truck Grant.
 - Filed two new Cemetery deeds.
 - Public records request, that are still being reviewed.
 - Reviewing some Nuisances issues with the Manager.
 - Looking at Flooding issues in Town.
- Mr. Mitchell stated it had been a busy month, his Mother passed away and his best employee turned in her notice. Thankful it is September.
18. Town Manager's Report – Ken Gamble – Mr. Gamble stated he wanted to update the Board on 156 S. Snider Street. He is working with the property owner. There is a dumpster on the property that is about one-third full. However, the owner has gone off the radar. He is not returning calls, and not receiving the letters that are being mailed to him certified. There is a deadline of September 7th to have the items removed from the property. This has not happened. Mr. Gamble has been in discussion with Mr. Mitchell in regards to how the Town moves forward with this issue.

Commissioner Morris asked if the long arm is operational.

Mr. Gamble stated that hydraulics on the tractor is not working and the parts have been ordered. Mr. Gamble has also spoken with Glenn Hayes, and he has given permission for the Town to cut the area on Jones Street to Peacock Avenue.

19. Closed Session – In Accordance with NC G.S. 143-318.11(a)(3).

Mayor Ward asked for a motion to go into Closed Session.

Commissioner Morris made a motion to go into Closed Session.

Commissioner Grubb seconded. Motion passed unanimously. (4-0)

The Board entered Closed Session at 6:55pm.

Mayor Ward asked for a motion to return to Open Session.

Commissioner Grubb made a motion to go back into Open Session.

Commissioner Morris seconded. Motion passed unanimously. (4-0)

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

The Board entered into Open Session at 7:05pm.

20. Commissioner Comments / Concerns -

Commissioner Morris asked if the 9-11 service would take place this year.

Chief Hicks stated that they are going to place a Patrol Car and a Fire Truck at Harrison Park with a small service to ring the bell and place the wreath in memory.

Mayor Ward and Assistant Fire Chief Brandon Dorsett will participate in this small service.

Commissioner Morris asked about the Street Treat for Halloween.

Mr. Gamble stated that the decision has not been made, he would like to wait to see what the Governor's Order are closer to the event. This decision is made by the Parks and Recreation Board, consistent with the Governor's Orders.

Mayor Ward recognized Shane Hoffman, Ultra-Mek. Mr. Hoffman asked how the business can receive additional trash/recycle carts at their business. He stated that he has been told that he cannot receive additional trash/recycling carts. He is requesting 2-3 additional trash and recycling carts.

-Mayor Ward asked if Waste Pro is still doing recycling due to the decline of selling the product to China and other Countries.

-Mr. Gamble stated this is a contract issue with our current provider. The contract is specific in the residential and nonresidential use. If a business is producing enough to require a dumpster, this would be a cost to the business. Mr. Gamble stated that if we could help more, it would be up the Town to pay for the additional carts for the business. This would not be feasible for everyone.

-Mrs. Jenkins stated that the current contract states that there is one set of carts for residential and businesses and Ultra-Mek already has more than the allowed number of carts.

-Mr. Hoffman stated that when they started in business in the 1980's, the town provide trash service due to the taxes paid by the businesses. He asked what changed in the amount of time.

-Mr. Gamble stated that the Town charges 50% of the cost of trash pickup 50% to

the customer.

-Commissioner Grubb asked where we are in the current contract.

-Mrs. Jenkins stated this is year eight of a second 5-year contract.

-Mrs. Jenkins stated that Keith White, Supervisor with Waste Pro stated that our Recycle is "Dirty Recycle". Meaning that the residents are not recycling properly. This results in the recycling cart being dumped in the trash truck. He also stated that a lot of Towns are doing away with recycling because they are being charged a surcharge due to the additional trash. Waste Pro stated that they are looking at whether or not to continue the recycling program going forward.

-Commissioner Morris asked if we pay Waste Pro per household.


-Mrs. Jenkins stated that the Town pays approximately \$12 per household and the customer pay \$6 of that cost. The Town is paying half of the cost for the trash/recycle service.

21. New Business/Other Updates – There was no new business or updates.

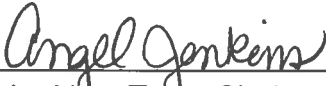
22. Announcements- There were no announcements.

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

The Board adjourned at 7:15pm.



Larry Ward, Mayor



Angel Jenkins, Town Clerk