

The regular meeting of the Board of Commissioners was held in Town Hall on Monday, January 6, 2020 at 6:00pm.

The following members were present: Mayor Larry Ward

Commissioners: Mayor Pro Tem Deanna Grubb, Julie Loflin, David Askew, Scott Morris and Barbara Hogan.

Attorney Paul Mitchell and Town Manager Ken Gamble

Joint meeting with the Planning & Zoning Board. All members present.

1. Call to Order
2. Pledge of Allegiance
3. 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.*

Richard Wilson, 132 S. Snider Street addressed the Board with concerns about the neighboring property at 156 S. Snider Street. Mr. Wilson stated the property was in bad condition and would like the Board to look into resolving the issue.

Mayor Ward thanked Mr. Wilson for his comments and the Board would give his request consideration.

4. Adoption of Agenda- Mayor Ward asked if there were any additions or deletions to the agenda. Commissioner Hogan made a motion to adopt the agenda. Commissioner Loflin seconded. Motion passed unanimously. (5-0)
5. Public Hearing – Text Amendment for Article VII, Section 7 of the Denton Zoning Ordinance

Mayor Ward opened the public hearing at 6:07pm.

Mr. Gamble stated there has been new interest in opening adult game rooms in the Town limits. There have been two permits issued under the existing game room rules. The Planning and Zoning Board has been working on a rewrite of the Zoning Ordinance with Piedmont Triad Regional Council. In the Zoning Ordinance, Article VII, Section 7: references Gaming Establishments, there is a new set of rules on these types of establishments. Mr. Gamble reviewed the changes for the new ordinance.

Police Chief Mark Hicks stated that his concern with these types of businesses is the negative impact these businesses can have on the community. Other locations in the county have had robberies and shootings, counterfeiting, drug overdoses and a kidnapping.

Planning and Zoning Board member Carter Burns asked Chief Hicks if these types of businesses would add to the Police Departments Work load.

Chief Hicks stated they will enforce the Ordinance.

There was discussion in regards to the two businesses that have already been issued business permits.

Town Attorney, Paul Mitchell stated that the businesses would have to comply with the new Ordinance.

Mayor Ward closed the Public Hearing at 6:35pm.

The Town Board went into recession while the Planning and Zoning Board met to discuss the recommendation to the text amendment to Article VII: Section 7, Game Rooms, Adult. Planning and Zoning Board Adjourned.

Mayor Ward called the Board of Commissioner's meeting back to Order at 6:55pm.

6. Planning Board Recommendation for Article VII, Section 7 of the Denton Zoning Ordinance

The Planning and Zoning Board presented the recommendation to the text amendment to Article VII: Section 7, Game Rooms, Adult. They recommend that the hours of operations be changed:

(A) Adult gaming establishments may operate from 10:00 am until 5:00 pm Mondays through Saturdays.

7. Planning Board Adjournment – Planning Board Adjourned at 7:15pm

8. Commissioner Approval of Article VII, Section 7 of the Denton Zoning Ordinance – ZT-2020-01

Commissioner Morris asked how this applies to businesses that have games located inside the business.

There was a lot of discussion in regards to what a game room consist of.

Per current Ordinance, an adult game room is considered a business with four or more games and where the games are the primary source of income. Also, under current ordinance, it does not specify a difference between Sweepstakes and children gaming.

The Board made the following changes to the recommended text to the amendment:

(A) Adult gaming establishments may operate from 10:00 a.m. until 7:00 p.m. Mondays through Saturdays.

and add section (H) per Attorney Mitchell's advisement.

(H) This ordinance does not apply to gaming establishments not herein regulated as "adult gaming establishments", which remain regulated under former Section 7 or Article VII, which is otherwise repealed and replaced by this ordinance.

Commissioner Morris made a motion to change the hours of operation under Article VII: Section 7, Game Rooms to 10:00am until 7:00pm.

Commissioner Loflin seconded.

Motion passed unanimously. (3 Yay: Morris, Askew & Loflin-2 Nay, Grubb & Hogan)

Commissioner Hogan made a motion to approve adding section (H) to Article VII: Section 7, Game Rooms.

Commissioner Askew seconded.

Motion passed unanimously. (4 Yay: Hogan, Askew, Loflin, Morris, 1 Nay: Grubb)

9. Approval of December 2, 2019 Minutes- Commissioner Morris made a motion to approve the December 2, 2019 minutes. Commissioner Hogan seconded. Motion passed unanimously. (5-0)
10. 2019-2020 Street Repair & Improvement Plan – Rick Austin - Mr. Austin stated the upcoming paving season will be the fifth round of repairs that I have looked after for Denton. The prior focus had to be on repairing spots that allowed water into the base and caused damage with the potential of producing potholes. This is still an important need for Denton and the current plan includes 825 square yards of patching. In theory, crack pouring will slow or stop the pavement cracking process and reduce the need for future expensive patching. The combined use of patching and crack pouring can stabilize the street system. I would like to include an amount of 10,000 pounds of crack pouring material to be used on this project if the bid price does not exceed the budgeted amount. I will need to contract directly with the local contractor, without a prime contractor's markup, to get the \$2.50 price.  
As we successfully stabilize the streets, these repair costs will decrease and more resurfacing can be done. The ultimate goal is to move good streets to the excellent column. Excellent streets are the cheapest to own and maintain long-term. Resurfacing a stable street does just that. (see attachment to minutes for the street detail)  
After meeting with Michael High, Public Works Director this afternoon, some of the streets will need to be placed on hold.

There was a lot of discussion from the Commissioners in regards to the fog seal being applied to streets in Town as far as cost and the longevity of this process.

Commissioner Grubb asked about the condition of Bryon Street. Mr. Austin stated that the road had not made much change in the time he has been working with the Town. There was a lot of discussion about looking into fixing the issues on Bryon Street before it was a complete loss.

After much discussion: Commissioner Morris made a motion to approve the Crack Pouring material of 10,000 pounds at \$25,000 and to table the resurfacing until the next Board meeting. Commissioner Grubb seconded. Motion passed unanimously. (5-0)

11. Nuisance Properties Update – John Ganus. Mr. Ganus reviewed the list of nuisance properties with the Board.  
Mr. Ganus stated that there is a lot of mixed issues with the property at 156 S. Snider Street. The resident has a lot of stuff on the property but it isn't necessarily a violation. Mayor Ward asked Mr. Ganus to work on getting this property taken care of.  
Mr. Ganus also updated the Board that the Special Use Permit that was issued to Randy Queen is now complete.

Commissioner Morris asked Mr. Gamble if we could send out the first round of letters to property owners instead of having Mr. Ganus send the letters. Mr. Gamble stated that when it involves high grass or bulky items, Mr. Gamble will go by the property and speak to the resident before getting Mr. Ganus involved. The housing cases are directed to Mr. Ganus first.

12. Resolution Adopting Records Retention & Disposition Schedule – R-2020-01 – Angel Jenkins. Mrs. Jenkins stated that the State adopted a new Records Retention & Disposition Schedule and Town has to approve the new Resolution. Commissioner Grubb made a motion to adopt the Records Retention & Disposition Schedule – R-2020-01. Commissioner Loflin seconded. Motion passed unanimously. (5-0)
13. Surplus Property Resolution – R-2020-02 – Ken Gamble- Mr. Gamble stated that the memo has been provided to the Commissioners. The items need to be deemed surplus and will be placed on Govdeals. Commissioner Morris asked if this brought everything up to date. Mr. Gamble stated it was not. There are still items at Public Works that Elizabeth Elswick will be working with Michael High to get them ready for listing. Commissioner Morris made a motion to approve the Surplus Property Resolution – R-2020-02. Commissioner Loflin seconded. Motion passed unanimously. (5-0)
14. Customer Service Policy – Angel Jenkins- Mrs. Jenkins stated that she and Mr. Gamble started looking at a Customer Service Policy in order to establish a standard on how items are handled when it comes to the Water and Sewer customers. There are a couple of changes that Mrs. Jenkins noted to the Board:
- A customer in good standing in the last twelve months, they can have a late fee waived.
  - A medical alert program to allow the staff to contact those that have provided a statement from their physician, to avoid cut off.
  - To require a deposit at a business or a home owner where service has been disconnected due to non-pay and/or tampering with a water meter.
  - Businesses would be required to pay a late fee if bills are not paid by the 20<sup>th</sup> of each month. Business would also be subject to disconnection and delinquency fees.
  - We are changing the wording from cut-off fee to delinquency fee.
  - The Board approved in 2018/2019 Budget year to change the delinquency fee to \$50. After reviewing this process for one year, we are recommending to change this fee to \$25.
- The patterns have not been changed, only adding more burden to those that are affected.

Commissioner Morris asked if this was a revenue stream. Mrs. Jenkins stated that it is a revenue stream but it is making it harder on those that are already having problems paying their bills. The average number of cuts off are 8-10 per month. All recommendations are up for discussion.

Commissioner Morris asked if we still give an adjustment for Pool fill-ups. Mrs. Jenkins stated that we do offer a pool adjustment once a year. Mr. Gamble stated we can add this to section (I) on the adjustment chart.

Commissioner Grubb asked if payments still had to be made by a certain time of day to avoid being late and cut-off/ Mrs. Jenkins referenced page seven, section (G) under payments. It states that payments are due on the 20<sup>th</sup> of each month and by the last day of the month to avoid disconnection. Payment received prior to 8:00am will be counted as being made on time.

Commissioner Morris asked if we can look at providing after hours reconnection Mrs. Jenkins stated we can look at providing this service. Mr. Gamble stated that if the

Board would like to add this to the Policy we could, but they would need to consider the staffing cost involved.

Mrs. Jenkins stated it would need to apply to payments made between hours of 3:00pm and 5:00pm, if the customer wants to pay the additional cost to have service established before the next business day.

The Board asked the Manager to look into the cost and structure of the policy.

Commissioner Grubb made a motion to pass the Customer Service Policy adding the Pool Adjustment to section (I). Commissioner Askew seconded. Motion passed unanimously. (5-0)

15. Contract for McGill Associates for Master Planning Services – Ken Gamble – Mr. Gamble stated that the Quote for \$7,900 for the Master Planning Service for the PART-F Grant. The PART-F Grant is based on Points and this would make the Town complete for the Grant. Thomas Marshburn has built a process for doing a lot of work internal to help cut the cost of the Master Planning Service. Mr. Gamble recommends accepting the proposal.

Commissioner Morris asked about the cost of the new Town Hall versus the Grants.

Mr. Gamble stated that this is \$7,900 is extra funding that was not part of the original plan and there is no guarantee that the Town will receive any of the Grants. However, Mr. Marshburn has a great track record in getting grant funding.

Commissioner Loflin stated that if we do not do the Master Planning, we will never know if we can do any of the project.

Mayor Ward asked what the point value was non the Master Plan.

Mr. Gamble stated it was 10 or 15 points.

Commissioner Loflin made a motion to approve the contract for McGill Associates for the Master Planning Service. Commissioner Hogan seconded. Motion passed unanimously. (4-1)

16. Modification to 2019-2024 Capital Improvement Plan – Ken Gamble – Mr. Gamble stated this is tied to the PART-F Grant process. The CIP does not tie us to spending the money, it just shows that the Town is looking at the cost of the project when planning the Budget. Commissioner Hogan made a motion to approve the Modification to the 2019-2014 Capital Improvement Plan. Commissioner Grubb seconded. Motion passed unanimously. (5-0)

17. Harrison Park Railing Project Update – Ken Gamble. Mr. Gamble stated that the Board approved a contract with Mr. Smith to replace the railing at Harrison Park as stated in the memo dated May 17, 2019. Mr. Smith did a materials quote at \$21,000 in October. This quote includes the handicap railing and the decorative element. The second bid was for \$19,436.

Mr. Gamble stated that he told Mr. Smith he would have to bring this information back to the Board.

Mr. Gamble stated that the Board could up the cost of the project, accept the second bid or rebid the project.

Commissioner Loflin asked if Barrett's Welding would need to rebid due to the length of time.

Commissioner Morris asked to receive a bid on the railing using vinyl.

Mr. Gamble will rebid and get a cost on vinyl.

18. Budget Amendment 3 – Ken Gamble- The budget amendment is for the payroll at the

Police department that was discussed prior with the Board.

Commissioner Morris made a motion to approve the Budget Amendment 3.  
Commissioner Grubb seconded. Motion passed unanimously. (5-0)

19. Town Attorney Update – Paul Mitchell- Mr. Mitchell stated that he has been working with the Town Manager on the Zoning Ordinance in regards to Article VII, Section 7 that was discussed earlier in the meeting.
20. Town Manager’s Report – Ken Gamble- Mr. Gamble stated that item six on the Manager’s report, all items have been addressed, except for Varner Street. Mr. High will be clearing the culvert at the drive way and suggested installing a tile at Cox street to pull the water to Salisbury street. Mr. High stated that he has all tile in house to do the job. There are still street marking concerns at W. Salisbury and Jones Street. The DOT has not addressed this, but they have been contacted.

Attorney Mitchell asked for Point of Order, to be excused from Closed Session and the remaining items on the agenda.  
Attorney Mitchell was excused.

21. Closed Session – In Accordance with NC G.S. 143-318.11(a)(6)
  - Mayor Ward stated the Board would now go into Closed Session.
  - Commissioner Grubb made a motion to go into Closed Session.
  - Commissioner Hogan seconded. Motion passed unanimously. (5-0)

- Mayor Ward called to Board back into Open Session.
- Commissioner Grubb made a motion to go back into Open Session.

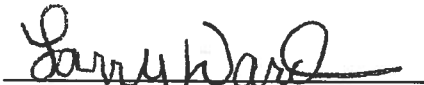
- Mayor Ward stated that the Board met in Closed Session and no action was taken.


22. Commissioner Comments / Concerns- Mayor Ward invited the Commissioners to attend the EDC planning session on Thursday, January 9, 2020 from 8am-12pm at DCCC.
23. New Business/Other Updates- No new Business or other updates.
24. Announcements

January 25<sup>th</sup> 8:00 a.m. FY20-21 Budget Retreat – Larry Furr Event Center

25. Board of Commissioners Adjournment. Commissioner Askew made a motion to adjourn. Commissioner Grubb seconded. Motion passed unanimously. (5-0)

Motion adjourned at 8:50pm

  
Larry Ward, Mayor

  
Angel Jenkins, Town Clerk