

July 11, 2022 (REGULAR MEETING)

Minutes of the regular meeting of the Mayor and Board of Commissioners of the Town of Elkin, July 11, 2022, 6:00 p.m. at Town Hall.

Present: Mayor Sam Bishop, Commissioners Cicely McCulloch, Jeff Eidson, Will Gwyn and Tommy Wheeler. (Excused: Commissioner Robert Ball.)

Also present: Town Manager Brent Cornelison, Town Attorney Raymond Parker and Town Clerk Cathie Tilley. (Absent: Assistant Town Manager/Recreation Director Adam McComb.)

Mayor Bishop welcomed everyone and called the meeting to order. He asked Police Corporal James D. Brooks to lead our Pledge of Allegiance.

Mayor Bishop asked for a motion to excuse Commissioner Ball. Upon a motion by Commissioner Eidson to excuse Commissioner Robert Ball from tonight's meeting, seconded by Commissioner McCulloch, the motion was unanimously approved.

CONSENT AGENDA

The following items were presented for the consent agenda:

- Minutes of June 13, 2022 (Regular Meeting)
- Minutes of June 30, 2022 (Recessed Meeting)
- Approve a Contract with NC Commerce for the Building Reuse Rural Health Care Grant Award (copy included as Exhibit A)

There were no questions regarding the Consent Agenda. A motion by Commissioner McCulloch to approve the Consent Agenda was seconded by Commissioner Eidson, and was unanimously approved.

SPECIAL PRESENTATIONS

- Jeff Whitaker and Mike Bovender from the Elkin Rescue Squad presented a check for one thousand dollars (\$1,000.00) to the Elkin Fire Department.
 - o Mr. Whitaker said it was rare for the Rescue Squad to receive refunds, but they received a refund from Workers Comp.
 - The squad considered how to use the refund, and decided to donate one thousand dollars to our fire department to use to purchase child safety seats.

PUBLIC COMMENTS

- Mayor Bishop opened the public comments period.
- There being no public comments, Mayor Bishop closed the Public Comments period.

MAYOR AND BOARD COMMENTS FOR STAFF

- Commissioner Eidson:

- Made a motion to name the new fire station after Commissioner Tommy Wheeler. Upon a unanimous second by the other commissioners, the motion was approved.
- Town Manager Cornelison said we would have a reception at 5:30 prior to our meeting on August 8th.
 - Will invite members of the fire department and public safety.
 - Fire Chief Wilson will have a plaque made for the new fire department.
- Commissioner Gwyn:
 - Proud of town staff for working very hard and the efforts put into the work downtown and along the riverfront.
 - People appreciate the improvements in that area.
 - There has been discussion regarding a sidewalk from Elkin to Jonesville.
 - Town Manager Cornelison told the Board we are working on funds for sidewalks with curb and gutter along Crater Park.
 - Also mentioned that DOT has future plans to put a sidewalk along the Gwyn McNeil bridge.
 - Following discussion, Commissioner Eidson made a motion to proceed with sidewalks with curb and gutter along Crater Park. There were no questions. Upon a second by Commissioner McCulloch the motion was unanimously approved.
- Mayor Bishop:
 - Expressed appreciation to those who helped with Juneteenth and with FreedomFest.

PUBLIC HEARINGS

1. Conduct a Public Hearing and Review Rezoning Application for Parcel ID Number 4951-09-05-1954 (Sarah Harris)

- This Public Hearing was to review a rezoning application for property on NC Hwy 268 West.
- Developer notified the town Friday afternoon of issues regarding setbacks.
- Proposed to the developer that this project be rezoned to MDR-CD (Medium Density Residential—Conditional District). This would allow us:
 - Flexibility regarding the front yard setbacks.
 - To add site specific conditions tied to the rezoning (landscaping, parking, etc.)
- Following discussion, Commissioners instructed staff to send this matter back to the Planning Board for further review.
- Ms. Harris stated that this is a legislative hearing, and anyone may speak.
 - Anyone speaking needs to state their name and address for the record.
- Mayor Bishop opened the Public Hearing.
- There being no speakers, Mayor Bishop closed the Public Hearing.

- Town Attorney Parker stated that the record should show that no action was taken at the request of the developer.
 - o The developer will need to submit a new application.
 - o Can set additional conditions as desired.
- 2. *Conduct a Public Hearing and Review Special Use Permit Application for 327 Standard Street (Sarah Harris)*
 - Ms. Harris included the following in her presentation:
 - o Copy of a special use permit application that was submitted June 9, 2022, by Nicholas Gordon requesting a special use permit at 327 Standard Street for production, processing, wholesale and distribution of indoor grown mushrooms, hemp and CBD products.
 - o Planning Board reviewed this request June 27, 2022.
 - Recommends approval of this application as it is consistent with all of the objectives and policies for growth and development contained in the Town of Elkin Land Use Plan.
 - o Public Hearing was published in *The Tribune* June 23rd and June 30th.
 - o Copy of staff report.
 - o Copy of tax map showing property at 327 Standard Street.
 - o Section 2.6, Figure 2.2 Table of Uses
 - o Section 2.7 Supplemental Standards by Use
 - o Section 9.7-C Special Use Permits
 - o Copies of letters mailed June 20th to adjoining property owners
 - Explained this would be a quasi-judicial hearing.
 - o Anyone who wishes to speak must be sworn in.
 - o Facts must be presented; opinions and hearsay are not allowed.
 - o Evidence presented is considered to be sworn testimony.
 - o Anyone speaking needs to state their name and address.
 - Mayor Bishop opened the Public Hearing.
 - o He invited anyone in favor of this request to come forward and be sworn in.
 - o Addressing the Board in favor of this request were the following business owners and/or town residents: Nick Gordon, Walter Triplette, John Myers, Chris Ford and Jason Keck.
 - Prior to speaking, each person was administered an oath of affirmation by Town Attorney Parker.
 - No evidence was presented.
 - o Mayor Bishop invited anyone opposed to this request to come forward and be sworn in.
 - No one came forward to speak.
 - o Mayor Bishop asked again if anyone else wished to speak in favor of or in opposition to this request.
 - No one came forward to speak.
 - o Mayor Bishop closed the Public Hearing.
 - Ms. Harris:
 - o Pointed out the property on the tax map

- Noted that food and drink production, processing, wholesale and distribution are included in 2.6 Table of Uses Figure 2.2 and said there will not be any outdoor storage at this facility.
 - Clarified that if in the future the owner decides to have outdoor storage, the storage area(s) shall be screened from view of adjacent streets and from all other zoning districts by fencing and a double row of evergreen shrubs or trees planted to form a continuous hedge of at least six (6) feet in height within two (2) years of installation.
- Directed everyone's attention to Item C. Special Use Permits.
- Reiterated that the Planning Board recommended approval of this project at their meeting on June 27th.
- Mayor Bishop asked for consideration of the Town Council Action Required sheet. Commissioner McCulloch made a motion to approve the statement that this application is consistent with all of the objectives and policies for growth and development contained in the Town of Elkin Land Use Plan. There were no questions. Upon a second by Commissioner Eidson, the motion was unanimously approved. Commissioner Wheeler made a motion to approve the statement that the application is both reasonable and in the public interest. There were no questions. Upon a second by Commissioner Eidson, the motion was unanimously approved. Thus, the Town Council Action Required sheet was approved (copy included as Exhibit B).
- Commissioner Gwyn made a motion to approve an Ordinance Amending the Zoning Ordinance of the Town of Elkin, North Carolina Allowing for a Special Use Permit at 327 Standard Street for Production, Processing, Wholesale and Distribution of Indoor Grown Mushrooms, Hemp and CBD Products. There were no questions. Upon a second by Commissioner Eidson, the motion was unanimously approved. (Copy of Ordinance may be found in Ordinance Book 5, Pages 2022-07-0112 and 2022-07-0113.)

This concluded the public hearings.

REGULAR MEETING

1. *Consider approving a contract with Veolia Water Contract Operations USA, Inc. for the management of the Water Plant (Town Manager Cornelison)*
 - This is a five-year contract that has a thirty-days termination clause.
 - Veolia Water Contract Operations USA, Inc. was formerly Suez Water Environmental Services, Inc.
 - Included in this contract are changes that protect Veolia from expenditures:
 - Related to the cost of chemicals
 - In the event we are producing over 1 MGD
 - Town Attorney Parker has reviewed this contract.
 - Reminded board members that we have had discussions about bringing the water plant operations back into the town.
 - Will be bringing more information back to the Board.
 - Following brief discussion, Commissioner Eidson made a motion to approve the Second Amendment to the Agreement for Contract

Operations and Maintenance as presented. There were no questions. Upon a second by Commissioner Gwyn, the motion was unanimously approved (copy included as Exhibit C).

MANAGER UPDATES

- WithersRavenel should hear Wednesday or Thursday if we will receive Asset Inventory and Assessment Grant (resolution for this project was approved February 14, 2022).
- Have not heard anything from the State budget; there is money in there to do work along the creek between Harry's and the bridge at the library.
- Talked to Hal (Transou) on Friday about touring the Water Plant.
 - o Tentatively scheduled this for August 12th at 9:30 a.m.
- Regarding the march that was discussed at our June 30th meeting, we did receive a request Friday afternoon around 4:30 p.m.
 - o With such a short timeframe, had them discuss with the Police Department.
 - o They had their march (stayed on the sidewalk), and there were no issues.
 - o If something unusual comes up, we will bring to this Board.

COMMISSIONS AND BOARDS


- Minutes included:
 - o Recreation and Parks – February 17, 2022
 - o Main Street Advisory Board – April 19, 2022

There being no further business, Commissioner McCulloch made a motion to adjourn. Upon a second by Commissioner Wheeler, the motion was unanimously approved. The meeting adjourned at 6:30 p.m.



Sam Bishop, Mayor

Attest:



Catherine C. Tilley, Town Clerk