

September 14, 2020 (REGULAR MEETING)

Minutes of the regular meeting of the Mayor and Board of Commissioners of the Town of Elkin, September 14, 2020, 6:00 p.m. at the Heritage Center conference room.

Present: Mayor Sam Bishop, Commissioners Cecily McCulloch, Robert Ball, Jeff Eidson, Will Gwyn and Tommy Wheeler.

Also present: Town Manager Brent Cornelison, Town Attorney Raymond A. Parker and Town Clerk Cathie Tilley.

Mayor Bishop welcomed everyone and noted the following:

- Board members were acknowledged by roll call:
  - o Commissioner McCulloch
  - o Commissioner Ball
  - o Commissioner Eidson
  - o Commissioner Gwyn
  - o Commissioner Wheeler
- Tonight's meeting is being held at the Heritage Center conference room in order to follow Governor Cooper's guidelines regarding social distancing.
  - o Attendees are limited to Mayor Bishop, Commissioners McCulloch, Ball, Gwyn, Wheeler, Eidson, Town Manager Brent Cornelison, Town Attorney Raymond A. Parker, Interim Finance Director Lisa Salmon, Town Clerk Cathie Tilley and *Tribune* Editor Bill Colvard.
  - o Department Heads in attendance in the Heritage Center lobby are Interim Public Works Director Travis Butcher, Police Chief Monroe Wagoner, Fire Chief Kevin Wilson, Economic Development/Planning Director Leslie Schlender and Planner Sarah Harris. Recreation and Parks Director Adam McComb is managing the Zoom meeting.
  - o The public may attend by connecting through Zoom
- Public Comments:
  - o Only a total of twenty-five people at a time will be allowed in the conference room; therefore, the number of persons allowed to speak to the Board will be determined accordingly.
    - Police Chief Monroe Wagoner will manage the number of persons allowed to enter the meeting room to address the Board.
      - This will ensure we adhere to Governor Cooper's requirement prohibiting mass gatherings of more than twenty-five persons.
- When commissioners speak during the meeting, they are to identify themselves.

Before moving on to the Consent Agenda, Mayor Bishop requested a moment of silence in memory of Fred Norman.

#### **CONSENT AGENDA (Tab A)**

- Minutes of August 10, 2020 (Regular Meeting)
- Approve Budget Amendments 2021-10 and 2021-11 (included as Exhibits A and B respectively)

Mayor Bishop asked for consideration of the Consent Agenda. A motion by Commissioner Wheeler to approve the Consent Agenda was seconded by Commissioner Ball and was unanimously approved with Commissioners Wheeler, Ball, McCulloch, Gwyn and Eidson voting in favor of this motion.

#### **SPECIAL RECOGNITIONS**

- Misty Matthews – Mayor Bishop
  - o Read and presented a letter to Ms. Matthews expressing appreciation for all she does for our community.
- Proclamation of Constitution Week September 17<sup>th</sup> through the 23<sup>rd</sup> – Mayor Bishop
  - o Read the proclamation and presented it to Ms. Becky Dursee.
- Resolution of Support for the Bean Shoals Access of Pilot Mountain State Park – Mayor Bishop
  - o Read the resolution and asked it be sent to Surry County (copy may be found in Resolution Book 4, Pages 2020-09-0247 and 2020-09-0248).
- Resolution of Support for Mask the Valley – Mayor Bishop
  - o Read the resolution and asked it be sent to Hugh Chatham Memorial Hospital (copy may be found in Resolution Book 4, Page 2020-09-0249).

#### **PUBLIC COMMENTS**

- Mayor Bishop opened the public comments period.
  - o Speaking were:
    - Joe Thrift, 125 Vine Street
    - Dan Whelan, 315 West Main Street
- There being no other comments, Mayor Bishop closed the Public Comments period.

#### **MAYOR AND BOARD COMMENTS FOR STAFF**

- Mayor Bishop and Commissioners:
  - o Expressed appreciation to Lisa Salmon for filling in as Interim Finance Director.

#### **PUBLIC HEARING**

1. *Conduct a Public Hearing and Consider Adopting the Text Amendment for Multi-Family Housing (Sarah Harris)*
  - This request is a proposed text amendment to Article VIII Table 8.1 Table of Intensity and Dimensional Standards – Residential and Section 80. R-12 Residential District for Multi-Family (up to four [4] units).

- The proposed text amendment will add multi-family residential (up to four units) in the R-12 District.
- During our last ordinance revision concerning multi-family, we took out high density multi-family to create its own zoning district.
- We had medium density multi-family in the R-8 Residential District.
- We did not take into consideration existing multi-family in the R-12 District (West Main Street and Church Street).
  - o This leaves these properties as nonconforming.
- Planning Board proposes and recommends adding back in multi-family but to have it at a low density (up to four units).
- Presented the following timeline:
  - o Petition for text amendment received August 17, 2020.
  - o Planning Board reviewed the request and proposed ordinance at their meeting on August 31, 2020.
    - Found that the proposed text amendment 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 advertised in the *Elkin Tribune* August 26 and September 2, 2020.
- Opened the Public Hearing and explained this is a legislative hearing, anyone may speak and asked that anyone speaking state their name and address for the record. The following includes but is not limited to comments made:
  - o Dan Whelan, 315 West Main Street:
    - Asked if the Town was going to change a whole district for four or five properties.
      - Why change to accommodate two or three people?
    - Used Disney's Tomorrowland to relate to this matter:
      - Elkin is becoming a tourist destination.
      - When tourists drive up West Main Street and Gwyn Avenue, they know they are in an old district.
      - Everyone wants Elkin to prosper.
      - Disney brings in the money, and they (tourists) go back home; we want that for Elkin.
      - That money improves everyone's life; we all share in this.
      - Mentioned the economic theory of the Law of Supply and Demand (Scarcity Principle).
    - Wants to keep their neighborhood the same as it has been and still is.
  - o Roy Thomasson, 112 Terrace Avenue:
    - Does not think the overall process is working.
      - Could inform more people by putting matters such as this on the weekly phone call (Blackboard Connect).
    - This is our backyard (referring to a property on Vine Street).

- This property went from a funeral home to a party palace.
- What is the urgency for this type of housing?
- Do what is respectful for the community.
- Mayor Bishop said this is not affecting only West Main Street.
- Ms. Harris said this is all through town and referenced a map showing the R-12 District.
- Gay Prater, 309 West Main Street:
  - This property is also in my backyard.
  - Talked about the driveway.
    - Does not think this meets setback requirements.
    - Water runs off the roof of the building at 111 Vine Street onto the asphalt driveway and then onto her property.
  - Thinks there are three or four other properties that are also out of compliance.
    - If there is a change made, would like you to look at them.
  - Wants this property to be in compliance with our landscaping requirements.
- West Caudle, 136 Harris Avenue:
  - Making a recommendation that this matter be tabled until Scooter can recommend if they comply with the town's Land Use Plan that is scheduled to be updated.
  - There is obvious need for housing in this town.
- Rosa Beverley, 122 Terrace Avenue:
  - What are other reasons for this new ordinance?
    - Future development.
  - Ms. Harris:
    - Will print a map showing R-12 District throughout town (for Ms. Beverley).
    - Gave examples of how many units could be on a specific amount of land.
    - Hopes to break up some of this in the new Land Use Plan.
    - There are other apartments in town that are not on our list.
    - Need other housing options.
    - Described the type firm that will be doing our Land Use Plan.
  - Commissioner Eidson:
    - Prior to the change in zoning, you could have multi-family housing.
    - We are proposing to put this back in but with less units.
    - This is not a new thing.
  - Commissioner McCulloch:
    - Current apartments are considered nonconforming.

- Town Attorney Parker:
      - Explained that if a building is destroyed, they cannot build back (there are limitations regarding these properties).
      - When talking about updating the ordinance, the North Carolina legislature has changed zoning regulations, and everyone in North Carolina has to recreate their ordinances to comply with new zoning laws.
    - Town Manager Cornelison:
      - RFP for new Land Use Plan (and Unified Development Ordinance) went out this month, and October 2<sup>nd</sup> is deadline for proposals.
        - These will be brought before this Board.
    - Commissioner Wheeler:
      - Suggested we wait before making a decision on this matter.
    - Commissioner Ball:
      - It the ordinance is approved today it would be a conditional use.
      - Thinks we are hurting people who followed the previous ordinance.
  - Victoria Casey, 125 Vine Street:
    - Concerned that the old funeral home could be a vacation rental.
      - Just off the cuff, it's there now.
    - Wants historical aspect of our community and its current environment to remain.
    - Wants better way of notification for things like this.
  - Dan Whelan, 315 West Main Street:
    - Wants this to be tabled.
    - There is no need to start it and have to back it out.
- There being no further comments, Mayor Bishop closed the Public Hearing.
- Commissioner McCulloch made a motion to table this matter indefinitely. There were no questions. Commissioner Wheeler seconded the motion.
  - Commissioner Eidson said he wanted this Board to give Sarah (Harris) more direction.
  - Commissioner Ball asked if current properties could be grandfathered.
    - Ms. Harris told the Board that the correct terminology for these properties is, "the properties are non-conforming."
    - Town Attorney Parker explained the properties cannot be changed from non-conforming.
      - If they are destroyed, there is a limit to what they can build back.
  - Commissioner Gwyn asked if the property could be a funeral home again.

- Ms. Harris read through the entire list of allowed uses. There being no additional comments, Mayor Bishop reminded the Board that there had been a motion and a second made. The motion was unanimously approved with Commissioners McCulloch, Wheeler, Ball, Gwyn and Eidson voting in favor of this motion.

## REGULAR MEETING

1. *Consider approving a name for the Yadkin Valley Heritage Center in order to proceed with installing an exterior monument-type sign (Leslie Schlender)*
  - Presented several examples of different styles of signs, and asked the Board members to name the building.
    - This will allow an exterior sign to be installed.
    - Several names were mentioned.
    - If needed, the building name can be changed in the future.
  - Following discussion, Commissioner Eidson made a motion to name the building the Yadkin Valley Heritage, Trails and Visitors Center. There were no questions. Commissioner Ball seconded the motion.
    - Commissioner Eidson also proposed a smaller second sign with the Yadkin Valley Chamber of Commerce on it.
      - Town Manager Cornelison told the Board that staff will bring the design back for them to see.

The motion was unanimously approved with Commissioners Eidson, Ball, Gwyn, McCulloch and Wheeler voting in favor of this motion.

2. *Consider an addendum to the agreement for use of recreational facilities with the Elkin City Schools for maintenance of Crater Park softball field (Adam McComb)*
  - The Town of Elkin and the Board of Education entered into an Agreement for the Use of Recreational Facilities in 1993.
    - The Board of Education proposes adding an addendum to the Agreement whereby establishing certain conditions for the maintenance, improvement and utilization of Crater Park Softball Field owned by the Town of Elkin.
      - Elkin City Schools (ECS), as directed by Elkin High School Athletics, is requesting that only softball or baseball activities be programmed and played at the Crater Park Softball Field.
      - In return, ECS will mow and manage the turf grass in the outfield as well as maintain and manage the infield surface at their cost.
      - ECS agree to make various improvements to the facility at their cost through 2025 and will include the following:
        - A metal container that complies with the Town's Floodplain Ordinance
        - Fence screening
        - Signage
        - Batting cage maintenance
        - Bullpen netting
      - The Recreation and Parks Department will:

- Continue to maintain the remainder of Crater Park
  - Provide youth softball and baseball outside of normal school practice, games or other events managed by ECS
- This proposal is presented as an Addendum to the Agreement for Use of Recreation Facilities.
  - The Elkin City School Board of Education has approved the proposed Addendum.
  - The Elkin Recreation and Parks Advisory Board recommends approval of this request.
- Following a brief discussion, Commissioner Eidson made a motion to approve an Addendum to the Agreement for Use of Recreational Facilities. There were no questions. Upon a second by Commissioner Gwyn, the motion was unanimously approved with Commissioners Eidson, Gwyn, Ball, McCulloch and Wheeler voting in favor of this motion. (Copy of Addendum included as Exhibit C).
- 3. *Consider a request from VFW Captain Mark Garner Post 7794 to provide in-kind services in the amount of approximately \$5,000 to prepare the site for the Gold Star Families Memorial (Town Manager Cornelison)*
  - The Gold Star Families Memorial Committee has notified us that the monument has been ordered and paid for.
  - Site preparation for installation will include:
    - Demolition of existing brickwork and sidewalks
    - Removal and storage of existing flagpole and monuments
    - Grading the site for concrete poured base
      - Estimated in kind cost is five thousand dollars (\$5,000.00)
  - Requesting the town prepare the site for installation of the memorial.
  - Commissioner Eidson made a motion to provide in kind services in the amount of approximately five thousand dollars to prepare the site for the Gold Star Families memorial. There were no questions. Upon a second by Commissioner Wheeler, the motion was unanimously approved with Commissioners Eidson, Wheeler, Ball, Gwyn and McCulloch voting in favor of this motion.
- 4. *Consider approving a Second Interlocal Agreement with Surry County to receive Coronavirus Relief Funds and BA 2021-09 (Town Manager Cornelison)*
  - This is for a second round of Coronavirus Relief Funds the county is receiving from the CARES Act.
  - Town of Elkin will receive \$93,260.
  - Commissioner Wheeler made a motion to approve an Interlocal Agreement Between the County of Surry and the Town of Elkin for Funding from the Coronavirus Relief Fund (CRF) Established Under the CARES Act. There were no questions. Upon a second by Commissioner Ball, the motion was unanimously approved with Commissioners Wheeler, Ball, Eidson, Gwyn and McCulloch voting in favor of this motion. (Copy of Interlocal Agreement included as Exhibit D).
  - Commissioner Wheeler made a motion to approve Budget Amendment 2021-09 to appropriate Phase II of Coronavirus Relief Funds from the

CARES Act grant through Surry County. There were no questions. Upon a second by Commissioner Ball, the motion was unanimously approved with Commissioners Wheeler, Ball, Eidson, Gwyn and McCulloch voting in favor of this motion. (Copy of BA# 2021-09 included was Exhibit E.)

5. *Consider a Loan Assumption Agreement with Chatham Woods Apartments, LLC (Town Manager Cornelison)*
- Chatham Woods has been sold to Chatham Woods Apartments, LLC.
  - Town assisted with a CDBG loan to help with the redevelopment of the site seventeen years ago.
  - This agreement will transfer the loan agreement to the new owner.
  - Commissioner Eidson made a motion to approve this request. There were no questions. Upon a second by Commissioner Gwyn, the motion was unanimously approved with Commissioners Eidson, Gwyn, Ball, McCulloch and Wheeler voting in favor of this motion. (Copy of Loan Assumption Agreement included as Exhibit F.)

#### **MANAGER UPDATES (Brent Cornelison)**

- *Hippo Lot:*
  - o There has been discussion about placing a fountain on this property.
  - o Have talked with an architect, Troy Luttmann, who will design/draw a plan at a cost of one thousand, two hundred, fifty dollars (\$1,250.00).
    - Explore Elkin will pay for this.
  - o There was consensus among the board to proceed with this project.
- *Law Enforcement Rally:*
  - o Tim Dehaan and George Sanborn are working to have this event here at the Yadkin Valley Heritage, Trails and Visitors Center on October 9<sup>th</sup> from 6:00-7:00 p.m.
  - o For safety purposes and with permission from the Board, we plan to block off a portion of Standard Street and have police officers directing traffic.
  - o Commissioner Eidson made a motion to approve blocking off a portion of Standard Street and providing police officers to direct traffic for this rally. There were no questions. Upon a second by Commissioner Ball, the motion was unanimously approved with Commissioners Eidson, Ball, Gwyn, McCulloch and Wheeler voting in favor of this motion.
- *Halloween:*
  - o We have had questions about the Town's plans for Halloween.
  - o We will not be blocking off streets because we do not want to encourage large groups of people.
  - o Downtown merchants do not plan any Halloween festivities this year.
  - o This could change before October 31<sup>st</sup>.
  - o The State could decide to address this.
- *Utility Franchise Tax:*




- This is down \$20,000.
- We are \$91,385 to the good with sales tax.
- *Next Meeting:*
  - Will be at town hall.
  - We can do a Zoom meeting from town hall.

Mayor Bishop stated the Board would be going into closed session in accordance with G.S. 143-318.11(a)(6) to discuss a personnel matter. He stated the board does not expect any decisions to be made tonight when they return to open session.

Commissioner Wheeler made a motion to go into closed session in accordance with G.S. 143-318.11(a)(6) to discuss a personnel matter. Upon a second by Commissioner McCulloch, the Board went into closed session at 7:40 p.m.

The Board returned to open meeting at 7:45 p.m. Mayor Bishop reconvened the regular meeting.

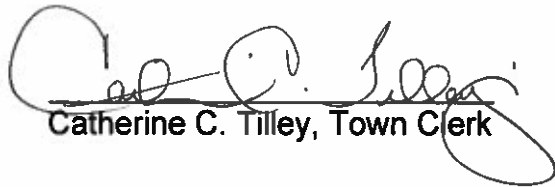
There being no further business, Commissioner Eidson made a motion to adjourn. Upon a second by Commissioner McCulloch, the motion was unanimously approved with Commissioners Eidson, McCulloch, Ball, Gwyn and Wheeler voting in favor this motion. The Board adjourned at 7:45 p.m.



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Sam Bishop, Mayor

Attest:



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Catherine C. Tilley, Town Clerk