

October 10, 2022 (REGULAR MEETING)

Minutes of the regular meeting of the Mayor and Board of Commissioners of the Town of Elkin, October 10, 2022, 6:00 p.m. at Town Hall.

Present: Mayor Sam Bishop, Commissioners Cicely McCulloch, Robert Ball, Jeff Eidson (joined meeting by phone) and Will Gwyn.

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

Mayor Bishop welcomed everyone and called the meeting to order. He asked Corporal Jessika Cave and Patrolman Matthew Scanniello to lead our Pledge of Allegiance.

Mayor Bishop:

- Reminded everyone we lost Commissioner Tommy Wheeler recently.
- Had asked the Board to appoint someone to fill this seat.
 - o There are 26 months until this term expires.
 - o Do not want to wait that long to fill this seat.
- Mayor Bishop opened the floor for nominations to fill the vacancy on the Board of Commissioners. Commissioner Gwyn made a motion to nominate Alvin Hayes to fill the vacant seat. Mayor Bishop asked if there were other nominations; there were none. Mayor Bishop once again asked for other nominations. There were no other nominations. Upon a second by Commissioner McCulloch, the motion was unanimously approved.
- Commissioner McCulloch made a motion to appoint Alvin Hayes to fill the vacant seat by acclamation with a second by Commissioner Gwyn. Mayor Bishop stated that Mr. Hayes had been appointed by acclamation to fill the vacancy on the Board of Commissioners.
- Town Attorney Raymond Parker administered the oath for the office of town commissioner to Alvin Hayes.
- Mr. Hayes took his seat on the Board of Commissioners.

CONSENT AGENDA

The following items were presented for the consent agenda:

- Minutes of September 12, 2022 (Regular Meeting)
- Tax Releases and Discoveries (included as Exhibit A)
- Amended Contract for Audit Services for FY ending 2022 (included as Exhibit B)
- Budget Amendment #2023-5 to Appropriate Grant Monies for NCDEQ Community Water Reduction and Recycling Grant (included as Exhibit C)
- Budget Amendment #2023-6 to Appropriate MSD Fund Balance to MSD Project Expenditures (included as Exhibit D)

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

SPECIAL RECOGNITION

- Town Manager Cornelison had Certificates of Service for:
 - o Lieutenant Joey VanHoy – 15 years of service
 - o Aaron Dobbins – 40 years of service
 - These employees were unable to attend tonight’s meeting; therefore, their certificates will be presented at a later time.

PUBLIC COMMENTS

- Mayor Bishop opened the Public Comments period and asked for anyone wanting to speak to come forward.
 - o There being no comments, Mayor Bishop closed the Public Comments period.

MAYOR AND BOARD COMMENTS FOR STAFF

- Commissioner Ball:
 - o Toured the Water Plant recently.
 - Was an eye-opening experience seeing all the duties these employees carry out.
- Commissioner McCulloch:
 - o Welcomed Commissioner Hayes to the Board.
- Commissioner Gwyn:
 - o Very impressed with our Pumpkin Festival.
- Commissioner Hayes:
 - o It is an honor to be here.
 - o There was a very large crowd at the Pumpkin Festival, especially when you consider all the other county events that were going on at the same time.
- Commissioner Eidson:
 - o No comments.
- Mayor Bishop:
 - o Expressed appreciation to town staff for everything they have done this summer to make all the town events successful and will be doing with upcoming events.

PUBLIC HEARING

1. Conduct a Public Hearing and Review Rezoning Application for Parcel ID: 4952-14-33-0013 Located on Lake Street (Sarah Harris)

- This request is to rezone property located on Lake Street (parcel number 4952-14-33-0013) from LDR Low Density Residential District to MDR Medium Density Residential District.
- Mark Jarvis-Jarvis Kennedy Custom Homes submitted an application on August 22, 2022.
 - o Purchased property across the road last year.
 - o Plans to build the same type home on this property.

- Public Hearing was advertised in *The Tribune* September 29, 2022 and October 6, 2022.
 - Letters were mailed to adjacent property owners September 22, 2022.
 - Planning Board reviewed the request September 26, 2022.
 - o Application is consistent with all of the objectives and policies for growth and development contained in the Town of Elkin Land Use Plan.
 - o This will help address the town's housing needs.
 - Planning Board recommends approval of this request.
 - This is a legislative hearing, and anyone may speak.
 - o Anyone speaking needs to state their name and address for the record.
 - Mayor Bishop opened the Public Hearing for comments.
 - o He asked if anyone was in attendance to speak in favor of or against this request.
 - o There being no comments, Mayor Bishop closed the Public Hearing.
 - 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 fully 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 Gwyn, the motion was unanimously approved. Commissioner McCulloch 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 Ball, the motion was unanimously approved. Thus, the Town Council Action Required sheet was approved (copy included as Exhibit E).
 - Commissioner Ball made a motion to approve an Ordinance Amending the Zoning Ordinance of the Town of Elkin, North Carolina and the Official Zoning Map, Elkin, North Carolina. There were no questions. Upon a second by Commissioner Gwyn, the motion was unanimously approved. (Copy of Ordinance may be found in Ordinance Book 5, Pages 2022-10-0119 and 2022-10-0120.)
2. *Conduct a Public Hearing and Consider Approving Proposed Subdivision Text Amendments (Sarah Harris)*
- This request is to approve proposed Subdivision Text Amendments to Chapters 4 and 11 of our Unified Development Ordinance (UDO).
 - Staff proposed considering text amendments to our UDO to strike through private streets construction standards and add private drive definition to Chapter 4 Subdivision and Chapter 11 Definitions.
 - We have a citizen who wants to subdivide two acres to build a residential home.
 - o Per our UDO, private streets (driveways) must be constructed to "North Carolina Division of Highways Minimum Construction Standards for Subdivision Roads" including pavement installation, drainage and stormwater provisions.
 - o After reviewing our old ordinance, staff believes we should resort back to the old subdivision ordinance regarding driveways.

- The proposed amendment to Chapter 4 Subdivision and Chapter 11 Definitions:
 - o Would define a private drive.
 - o Would not require design standards for a private driveway.
 - Staff recommends this proposed text amendment.
 - Public Hearing was advertised in *The Tribune* September 22, 2022 and September 29, 2022.
 - Planning Board reviewed the request September 26, 2022.
 - o Proposed amendment is consistent with all of the objectives and policies for growth and development contained in the Town of Elkin Land Use Plan.
 - Planning Board recommends approval of this proposed text amendment.
 - This is a legislative hearing, and anyone may speak.
 - o Anyone speaking needs to state their name and address for the record.
 - Mayor Bishop opened the Public Hearing for comments.
 - o He asked if anyone was in attendance to speak in favor of or against this request.
 - o There being no comments, Mayor Bishop closed the Public Hearing.
 - 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 fully 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 Ball, the motion was unanimously approved. Commissioner McCulloch 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 Gwyn, the motion was unanimously approved. Thus, the Town Council Action Required sheet was approved (copy included as Exhibit F).
 - Commissioner Gwyn made a motion to approve an Ordinance Amending Chapters 4 and 11 Pertaining to Private Drives of the Unified Development Ordinance of the Town of Elkin, North Carolina. There were no questions. Upon a second by Commissioner Ball, the motion was unanimously approved. (Copy of Ordinance may be found in Ordinance Book 5, Pages 2022-10-0121 and 2022-10-0122.)
3. *Conduct a Public Hearing and Consider Approving Proposed Watershed Text Amendments (Sarah Harris)*
- This request is to approve proposed Watershed Text Amendments to Chapter 5 of our Unified Development Ordinance (UDO).
 - Staff proposed considering text amendments to our UDO regarding the dimensional requirements of WS-II BW(O) Watershed-Balance of Watershed (Overlay) in Chapter 5 Environmental Protection.
 - Staff was approached by Foothills Surveying about a proposed subdivision on Oak Grove Road.
 - o There is currently one large parcel with four homes.
 - o Mr. James Hayes wants to subdivide each house with its own lot.

- Each lot must meet a minimum of one acre lot because the property is located in the watershed.
 - This is impossible with this site.
 - This proposed text amendment follows the state model ordinance and will allow development of up to twelve percent (12%) instead of having to meet the minimum one-acre lot.
- Proposed amendment will give more flexibility, especially to preexisting homes so variances will not have to be issued.
- Staff recommends this proposed text amendment.
- Public Hearing was advertised in *The Tribune* September 22, 2022 and September 29, 2022.
- Planning Board reviewed the request September 26, 2022.
 - Proposed amendment is consistent with all of the objectives and policies for growth and development contained in the Town of Elkin Land Use Plan.
- Planning Board recommends approval of the proposed text amendment to the dimensional requirements of WS-II BW(O) Watershed-Balance of Watershed (Overlay) in Chapter 5 Environmental Protection.
- 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 for comments.
 - He asked if anyone was in attendance to speak in favor of or against this request.
 - There being no comments, Mayor Bishop closed the Public Hearing.
- 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 fully consistent with all of the objectives and policies for growth and development contained in the Town of Elkin Land Use Plan. Following additional discussion, there was a second by Commissioner Gwyn. The motion was unanimously approved. Commissioner McCulloch 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 Ball, the motion was unanimously approved. Thus, the Town Council Action Required sheet was approved (copy included as Exhibit G).
- Commissioner Ball made a motion to approve an Ordinance Amending the Dimensional Requirements of WS-IIB(O) in Chapter 5 of the Unified Development Ordinance of the Town of Elkin, North Carolina. There were no questions. Upon a second by Commissioner McCulloch, the motion was unanimously approved. (Copy of Ordinance may be found in Ordinance Book 5, Pages 2022-10-0123 and 2022-10-0124.)

This concluded the public hearings.

REGULAR MEETING

1. Receive an ABC Board Update (Chair Robin Turner)

- Mentioned the ABC Board members and introduced those in attendance.

- Named the employees of the ABC Store and explained the importance of their characteristics.
- New store opened November 2016.
 - o Did not provide money to towns for three years due to construction and debt.
 - Since 2019:
 - Town of Elkin has received \$275,000.
 - Town of Jonesville has received \$125,000.
 - o Does not include 7% of profits given to schools and police each year.
 - o Have added approximately five hundred (500) new bottles/liquors to the shelves.
- Customer count average for the past two years is 8,200 (compared to 5,200 in the last years of the old store).
 - o Average count for the first year of the new store was 6,500.
 - o Many new customers come from adjoining communities and I-77 due to the store's proximity to Wal-Mart.
- Mixed beverage sales for 2022 – \$19, 200.
 - o Average in 2016 – \$5,335.
- Gross sales for 2021-2022 was 3.3 million dollars.
 - o For last fiscal year of old store (2015-2016) was 1.4 million dollars.
- Presented list of benefits for not supporting privatization of North Carolina ABC Stores and encouraged both the Town of Elkin and the Town of Jonesville to act immediately against any proposed bills in Raleigh if privatization comes back up.

2. Consider Final Budget and Grant Application for Crater Park (Adam McComb)

- Reminded everyone the Recreation and Parks Department contracted with Wirth and Associates and Luttmann Architecture to prepare a grant application for the Accessibility for Parks (AFP) Grant through the NC Parks and Recreation Trust Fund.
- During the preparation process for the application, our Recreation and Parks Department has:
 - o Held three (3) public meetings.
 - o Presented the project to multiple civic groups and local boards.
 - o Received letters of support for the project.
- This grant is designed to make three new recreation facilities open and accessible to all populations.
- Our Recreation and Parks Department, Wirth and Associates and Luttmann Architecture are addressing three basic requirements by proposing:
 - o A spray ground of approximately 1,000 square feet (concrete and permanent to the space and an update to the playground area).
 - o An outdoor game space for "backyard games" (concrete and permanent to the space and an update to the playground area).
 - o An update to the playground area.
 - Each site will have accessible pathways (sidewalks), basic utilities and landscaping.

- A new restroom facility to serve the park is also included in this project.
- Our Recreation and Parks Advisory Board reviewed the project multiple times.
- The original conceptual plan has been structured into two phases; if the grant is approved, the Advisory Board recommends:
 - o Proceeding with Phase 1 of the master plan.
 - o Considering support of two hundred thousand dollars (\$200,000) in the fiscal year 2024 budget.
- Presented and discussed copies of the AFP Grant Program 2022 Basic Facts and Assurances, AFP Grant Site Plan, Project Costs and Sources of Applicant's Matching Funds.
- In order to move forward with the application, we are requesting the Board to consider:
 - o Approving the Crater Park Master Plan.
 - o Committing two hundred thousand dollars (\$200,000) in fiscal year 2024 toward the project should it be funded (or one hundred thousand dollars [\$100,000] in fiscal years 2024 and 2025).
- Following discussion, Commissioner McCulloch made a motion to approve the Crater Park Master Plan and to include two hundred thousand dollars (\$200,000) in our fiscal year 2024 budget as matching funds for the Accessibility for Parks (AFP) Grant through the NC Parks and Recreation Trust Fund. There were no questions. Upon a second by Commissioner Gwyn, the motion was unanimously approved. (Copies of the AFP Grant Program 2022 Basic Facts and Assurances sheet, AFP Grant Site Plan, Project Costs sheet and Sources of the Applicant's Matching Funds sheet are included with these minutes as Exhibit H).

3. Receive a Report on Additional Grant Funding for Planning, Placement and Pre-construction Needs for a Bridge Over the Big Elkin Creek to the Overmountain Victory National Historic Trail (Leslie Schlender)

- Updated the Board on leveraging projects funded for the Yadkin Valley Heritage Center to secure a grant of fifty-eight thousand dollars (\$58,000) from the National Park Service (copy included as Exhibit I).
- Most of the grant funds will be used for planning, placement and pre-construction needs for a bridge over Big Elkin Creek to the Overmountain Victory National Historic Trail.

4. Consider Approving a Resolution of Support to Apply for the Rural Transformation Grant through the NC Department of Commerce (Laura Gaylord/Leslie Schlender)

- Requesting approval by the Board of the pre-application for a Rural Transformation Grant through the NC Department of Commerce that will benefit the Yadkin Valley Heritage and Trails Center Community Expansion project.
- Grant will cover expenses for improvements to the Heritage Center grounds and a nearby parking lot.
 - o Improvements include:
 - Two amphitheaters.
 - Reconstruction of a shed into a concession stand and restrooms.

- Parking lot on Front Street for event parking.
- This will help with our goal of connecting the riverfront with downtown.
- Following presentation, Commissioner McCulloch made a motion to approve a Town of Elkin Resolution Application for North Carolina Department of Commerce Rural Transformation Grant Fund Rural Engagement and Investment Program Yadkin Valley Heritage and Trails Center Community Expansion Project. There were no questions. Upon a second by Commissioner Gwyn, the motion was unanimously approved. (Copy of Resolution may be found in Resolution Book 4, Page 2022-10-0279.)

COMMISSIONS AND BOARDS

- Minutes included in agenda packet:
 - Recreation and Parks Advisory Board – August 25, 2022

OTHER BUSINESS:

- There was some discussion regarding flood insurance.
 - Mayor Bishop requested an update on property owners involved in the National Insurance Flood Plan.
 - Town Manager Cornelison suggested this as one of the topics for our retreat.

MANAGER UPDATES

- Updates given on the following:
 - Water Committee:
 - Discussed ARPA Funds
 - Will prioritize a list of projects
 - List will come to Board of Commissioners for decision on how to spend these funds
 - Water Fund:
 - County received funds to help pay utility bills
 - Kelly (Hembree) is providing information to our water customers who are behind on their water bills
 - County has been paying the entire amount owed
 - Fire Station:
 - Contacted Ricky White with Garanco, Inc. for assistance with planning and cost estimate for a building behind the former Rite Aid building.
 - Town Clerk/Tax Collector's Position
 - Advertising to fill this position has begun
 - Hope to have replacement in November or December

Mayor Bishop said the Board needed to go into closed session pursuant to GS143-318.11(a)(5) and (6) instruct the public body's staff the position to be taken by or on behalf of the public body and to consider a personnel matter. Do not expect any action to be taken following the closed session. Upon a motion by Commissioner McCulloch to go into closed session and a second by

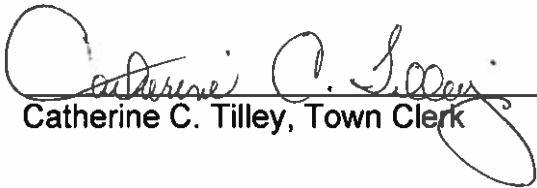
Commissioner Gwyn, the motion was approved. The Board left open session at 6:45 p.m.

The Board returned to open session at 7:05 p.m. There being no further business, Commissioner Hayes made a motion to adjourn. Upon a second by Commissioner Ball, the motion was unanimously approved. The meeting adjourned at 7:05 p.m.



Sam Bishop, Mayor

Attest:



Catherine C. Tilley, Town Clerk