

Walter M. Gardner, Jr.
Mayor

John Freeman
Administrator

TOWN OF WARRENTON
"Historically Great - Progressively Strong"
P. O. Box 281
Warrenton, NC 27589-0281
PHONE (252) 257-3315 FAX (252) 257-9219

September 13, 2010 Board of Commissioners Minutes

The September 13, 2010 meeting of the Town of Warrenton Board of Commissioners was held at the Warrenton Rural Fire Department.

Those present were:

Mayor Walter M. Gardner, Jr.	John Freeman, Town Administrator
Commissioner and Mayor Pro Tem Woody King	
Commissioner Jules Banzet	Public Works Director Bill Perkinson
Commissioner John Mooring	Police Chief John Younts
Commissioner Robert Davie	Jennifer Harris, Warren Record
Commissioner Mary Hunter	Town Attorney Mitch Styers
Commissioner Audrey Tippet	

Absent: Commissioner John Blalock

Mayor Gardner called the meeting to order at 7:00pm. He then presented the proposed agenda for approval. Commissioner Mooring moved to approve the proposed agenda; Commissioner Tippet seconded the motion which passed unanimously.

Mayor Gardner then presented three sets of minutes for approval:

August 9, 2010 regular meeting
August 9, 2010 Public Hearing
August 19, 2010 Special Meeting

Commissioner Mooring moved that the minutes from the three meetings be approved; Commissioner Banzet seconded the motion which passed unanimously.

Public Comments

No members of the public were present.

Committee Reports

Finance and Administration

Commissioner Hunter began her report with a review of the six checks exceeding \$10,000 which she said appeared appropriate:

BB&T Bank	\$11,211.11	Final payment jetter
MIT	\$12,327.07	Monthly employee health insurance
Warren county	\$15,531.50	Water purchase
Winston, Williams	\$12,750.00	Annual audit

Mr. Freeman then presented the August Year-to-date report, which he said was on target. Large differences between this year and last are accounted for by a \$50,885 loan in 2009 that counted as revenue and the receipt of \$14,420 of 2008 taxes received in 2009, a total of \$65,805 more revenue in 2009. Taking that into consideration the two years are nearly the same. He explained higher expenditures in Administration as an early audit, signing up for the new town website and cemetery maintenance. Regarding the Water Sewer Department he said that grants payments made and reimbursed accounted for differences, although the new utility rate structure had increased that revenue \$13,000. He noted that Ad valorem tax revenue had increased 5.7% but that it was too early in the fiscal year to draw any conclusions. He also noted that Sales & Use tax revenue was slightly less than the previous year, declining less than 1%.

He noted that the payment of \$25,313.09 was the final payment of a police department loan for 2 cars and equipment. He then noted that the Sales and Use Tax revenue for the month at \$12,667 was less than \$100 less than the previous year, and it has been predicted (and budgeted) to continue at or slightly above. He also presented an Ad Valorem tax worksheet that reflected commissioners request for details about delinquent taxes collected. Tax collection had increased from \$3477 to \$5158, but as indicated on the worksheet, this was all delinquent taxes as current tax year payments would not be reflected until the disbursement received in August.

Human Resources/Information Technology

Mr. Freeman said there was no report from Human Resources but in the area of Information Technology the new website had been set up and staff had received phone and online training. The goal is to have meaningful content by October 1, and email accounts had already been established and were in use. Commissioner Mooring expressed his concern at having a second website and domain to maintain. Mayor Gardner said that commissioners would have separate accounts that would be more accessible to the public and more professional than using personal email addresses.

Public Safety

Mayor Gardner announced that Fireman's Day was to be held on September 25 and would feature lots of activities, field events and parade as a means of showcasing the area fire departments. He said that the department had been fairly quiet during the past month.

Relative to parking Mr. Freeman reported that the new parking control signs were expected from Correctional Enterprises in about two weeks and would be installed as soon as received. Commissioner Banzet said that he had to stop at the Warren Record office the previous two Friday afternoons and had had to park a block away, indicating the limited availability of parking spaces and the necessity of enforcement.

Commissioner Mooring raised two questions about parking that had been asked of him. First was about a statute that apparently limits parking tickets to \$5; Commissioner Banzet answered that the statute applies to criminal cases, but not ordinary parking tickets that are Town citations. Mr. Mooring's second question was about a reference in the statutes that states that handicapped parking spaces are not to be limited. Attorney Styers answered that Chief Younts had discussed it with the attorney general's office and had it confirmed that handicapped spaces in a district of time limited parking have the same limits. Mr. Mooring advised a written explanation for Town employees asked the question. In answer to Mayor Gardner's question Chief Younts said he had it in writing from the attorney general's office.

There followed discussion about the August Activity Report. Younts explained that the two items "2HR" and "2-hour" were the same infraction but that one reflected the \$30 fine and the other the lowered \$15 fine. Commissioner Banzet reported that a number of speed limit signs outside of city limits had been spray painted but had seen none in town. Younts said that Town police had caught some of the offenders and turned them over to the sheriff's department. Commissioner Tippet noted a stop sign that had been painted and Younts said he would check on it. Commissioner King asked for clarification about enforcement of traffic violations in the ETJ

and Younts answered that the police department authority included the ETJ and Town citations are written. If the violation is observed in the ETJ the police can follow the violator and write a ticket outside of the ETJ.

Mayor Gardner asked about the new officers and Chief Younts reported they are Julian Alford and John Hammond. Mayor Gardner wanted to recognized Hammond for public comments he had been asked to make at the 9/11 memorial service on courthouse square on Saturday. He had not known in advance that he would be asked and Mayor Gardner said he did an excellent job and represented the Town well.

Revitalization/Historical

Commissioner King began with an update on the planning for Harvest Market, scheduled for Saturday, October 23. He said that there had been some discussion about alternate sites in case of inclement weather but that the Armory is the only other venue and the cost and schedule might not make it possible. For this year at least it would remain a rain or shine event. He encouraged all members of the Board to attend.

Explaining that the Revitalization Committee defined itself as more than an events committee Mr. King announced that the committee would be conducting Town Café event that utilized the World Café workshop teaching model. The committee is fortunate in having three members trained in this type of programming. The program is a structured conversational format with tables of invited participants who discuss Warrenton's assets to get a better sense of direction for the Town and its leaders. This is not a problem solving session. All of the Board members will be invited along with more than 100 other Town leaders, and the program is tentatively planned for November 16 from 7:00-9:00 at the Armory. Much depends on whether a waiver will be granted by the county commissioners as it is the only venue large enough for 150-200 participants.

In illustrating some of the achievements of the Revitalization Committee Commissioner King referred to a recent letter by resident Lynn Stemle to the editor of the Warren Record in which he decried the direction of the Town and the lack of positive reinforcement of his efforts to improve downtown, including the creation of the planters on courthouse square and painting store facades. Mr. King pointed out that Mr. Stemle did this as a member of the Revitalization Committee, and not entirely without assistance.

Beautification/Facilities

Commissioner Tippett asked Mr. Freeman about the status of Town Hall repairs and he answered that the Board had decided to delay the proposed feasibility study pending the completion of the annual audit and strength of the fund balance. Commissioner Davie asked whether it was necessary to wait to complete the feasibility study and there followed some discussion about its importance in pursuing any grants or loans as a means of establishing what needs to be done and basic cost estimates. In answer to Commissioner Banzet's question Mr. Freeman said it would include the interior and was intended to establish use as well as structure. Commissioner Mooring said that the overall feasibility study could be used for parts of the project if it was determined to approach it in sections, but would still be necessary. He said that it would be too big a project to be paid by taxes and some combination of grants and loans would be necessary. In answer to Mrs. Tippett's question about schedule Mayor Gardner said that 90 days would be realistic for completion of a feasibility study.

Commissioner Tippett then observed for the record her view that one of the biggest street and appearance problems the Town faces is littering. Commissioner Hunter agreed, observing how bad the litter on Hall Street gets, especially if the Street Department mowers do not pick it up before mowing.

Public Works

Director Bill Perkinson reported that the Riggans Pump Station wet well expansion was complete and on-line as of September 7. This additional capacity will give more retention time during heavy flows, reducing but not eliminating the need for haulers at times. This would be a cost saving as the haulers charge \$125-\$150 per hour. A primary contributor to the heavy flows that can exceed the pump station capacity is the Town's I&I (Inflow

and Infiltration), and that is where the real solution lies. Perkinson said the recently completed video inspection project would be an important tool in resolving those problems.

Mr. Perkinson said that delivery of the new multi-purpose truck was expected earlier than previously announced but not in time for the beginning of leaf season. Mayor Gardner observed that leaves were already falling due to the dry weather and asked if the old truck would be put in service. Perkinson said that it would need to be and that he had planned to adjust the usual starting date of October 15.

Mr. Perkinson reported business as usual at the treatment plant, with dry weather reducing loads and making it easier to perform maintenance and planned repairs.

Zoning

There was no report.

Unfinished Business

Mr. Freeman presented the proposed contract for construction of the Ridgeway Street sidewalk. The low bidder was Lanier Construction Company, 1505 Browntown Road, Snow Hill, NC 28580 at \$99,269.00. Engineer Steve Scruggs is familiar with this firm, checked references to confirm their ability to complete the job, and recommends that the contract be awarded to this firm. DOT engineer Mike Kneis concurs with this recommendation, and says that DOT Enhancement grants will pay \$93,330 of the cost, leaving the Town responsibility at \$5,938. This is substantially less than with the higher bids received a year ago and will be paid out of Powell Bill funds. He said there may be several thousand dollars of administration costs for the engineer as they were not included in the bid. Commissioner Mooring moved that the contract for \$99,269 be awarded to Lanier Construction Company; Commissioner King seconded the motion which passed unanimously.

New Business

Items under New Business were related to proposed changes to three ordinances.

1. Garbage

The Town has an ordinance that specifies a pickup schedule and what will and will not be picked up. It also specifies that “the town garbage crew will pick up all normal household items including paper and boxes.” Town guidelines have limited the amount to three cans to be picked up once a week. Mr. Freeman stated that the changes to the Garbage ordinance were intended to clarify the requirement that producers of commercial volumes of garbage must contract with commercial haulers, and to remove procedural details such as the pickup schedule. The list of restricted items remains the same. Those utilizing commercial haulers would be exempt from the Town garbage fee but not the debris pickup fee. Other proposed changes deal with the application process for an exemption. There followed some discussion about whether occasional pickups of items such as furniture would be possible but Mr. Freeman said it would be difficult and would require a special services and tipping fee. There are firms that will pick up and dispose of such items on an occasional basis. Both Commissioners Davie and King expressed concern about businesses or residences that might leave such items neglected on the curb, and Attorney Styers said that there were statutes that would cover such problems. There was also some discussion about recycling and the ban on plastic bottles going to the landfill. Mr. Freeman said that the Town participated in the county recycling program which leaves it to individuals to take their recyclables to the county convenience centers. The Town does not have sorted pickup of recycled material.

2. Fire inspections

There has been concern about the way fire inspections are mandated in the Ordinances, both the frequency and the means. Businesses are to be inspected 4 times annually which is significantly more than state codes require; depending on the type of business frequency by statute is every 1, 2 or 3 years. The Ordinance also gives the responsibility to the Fire Chief, and Warrenton no longer has a fire department. Mr. Styers recommendation was that the Ordinance be rewritten to adopt state standards. This would be more realistic and would be the schedule

followed by the county fire marshal whose responsibility it now is to conduct the inspections. This began a discussion about practicality and the obligation of the Board on this as a safety issue. There had been difficulty having the county fire marshal perform these inspections; although a considerable number were done in 2009 the fire marshal position has been vacant for some months. Commissioner Mooring asked if a contract firm could perform the inspections with their cost to be covered by the fees. Mayor Gardner said it might be possible but a private firm would not have the same force as the county, and the contractor would be paid by the Town which would then have to try to collect the fees. Mayor Gardner said no one from the county was currently doing inspections and that he had requested inspections from acting fire marshal Dennis Paschall who had said that he would ask the county manager for direction. Commissioner Mooring asked about potential liability if the Town were to contract out the service rather than using Town or county employees, and Mr. Styers said that the Town has no inspection department, and would need a trained supervisor even if the inspections were contracted out. He said that the Town does not have the personnel to chase down vacant property owners and that there was no budget for such a person. Mayor Gardner said that state guidelines would be much easier to maintain than the program set out in the Ordinance. Commissioner Davie said that the Board of Commissioners is responsible for seeing that inspections are done whether or not the county is able and willing to perform them. Mr. Styers said it would be best to eliminate the separate ordinance, making the state guidelines and statutes apply to everything. Mr. Davie said that the primary obligation is to protect the citizens, and for the record, does not condone eliminating the ordinance if means that the Town has no enforcement obligations. Mr. Mooring said the elimination of the ordinance would give more insulation from potential liability and would be more practical to enforce. Mr. Mooring moved that the Town ordinance be changed to mirror the state; Mrs. Tippett seconded the motion. Following discussion about the advisability of eliminating the ordinance altogether rather than changing it to mirror the state Mrs. Tippett withdrew her second and Mr. Mooring withdrew his motion. Mr. Mooring then moved that the fire inspection ordinance be repealed and Commissioner Banzet seconded the motion. Following more discussion Mr. Banzet withdrew his second and Mr. Mooring withdrew his motion. Mr. Mooring then moved to table the discussion; Mr. Banzet seconded the motion which passed unanimously. Mayor Gardner recommended that it be included in the informational public hearing suggested by Mr. Styers before the next BOC meeting.

3. Animal Control

The question of enforcement within Town limits has been discussed at several BOC meetings, and Mr. Styers likened it to the issue of the county providing fire inspections. He said the county ordinance mirrors the state statutes which the county is required to enforce. State statutes do not include picking up stray dogs, just dangerous or rabid, and acts in cases of animal cruelty. He said that the county ordinance covers the entire county and does not limit its service to unincorporated areas. He said that the county would never perform services that were not state mandated but suggested that a contractual arrangement could be established in which the Town pays animal control a fee for picking up strays. Commissioner King expressed his concern that animal control could exert its power to limit the number of pets in a household. He referred to a recent case in which animal control removed approximately 50 cats from a residence in the Lake Gaston area with a judge limiting that household to 2 cats. He said he was also concerned about mandatory neutering which would be an issue for show dogs. Mr. Styers said the county ordinance did not have that power in place and Chief Younts said it had been appealed, but Mr. King was still concerned. Mayor Gardner said it appeared that the Town does not need to do anything.

Spurred by these examples of the need for communication Commissioner Mooring moved that a work session or town hall meeting be held in the near future to allow citizens to ask commissioners anything that concerned them; Commissioner King seconded the motion. Mr. Styers pointed out the difference between a structured work session and a town hall meeting that could become a free for all. Commissioner Tippett said there many things that needed to be explained to citizens, and Commissioner King said each commissioner could come prepared to explain and address issues in each area. Mr. Mooring said there is a need to communicate with the Town and citizens in the ETJ. Mr. King suggested that a moderator such as someone from the SOG might keep the meeting structured and orderly. Commissioner Hunter pointed out that any member of the public can address the BOC at

the monthly meeting, but few do. Mr. King said that was not informational, to which Mrs. Hunter said that there were lengthy discussions at public hearings. She said she did not think it necessary to add one more layer and was concerned that a town hall meeting would get out of hand. If it was to be held Mr. King said it should not interfere with the Town Café program scheduled for November 16. Mr. King withdrew his second and Mr. Mooring withdrew his motion, saying that he agreed it should not interfere with Town Café but needed to be done. Mayor Gardner suggested a public hearing at 6:00pm on October 11 at the fire house to discuss the three ordinance proposals. Mr. Mooring so moved; Mr. Banzet seconded the motion which passed unanimously. Mr. King recommended contacting the county Animal Control Board and animal control about attending.

As an additional item of Unfinished Business Commissioner Davie raised the question of minimum housing standards. Mr. Styers had circulated an earlier draft of two possible ordinances at request at last BOC meeting. Mr. Mooring said the problem had been that fix or tear down were the only remedies but Mr. Davie said he had found that Raleigh had different standards for their historic district and that there were no teardowns. Mr. Styers said the Town Historic District Ordinance gives a one year moratorium to allow a house to be fixed, but the BOC does not have the funding mechanism and would have the same obligations to fix or tear down as a private owner.

Resolutions

There were no resolutions.

Announcements

Mayor Gardner announced that reservations for the Kerr-Tar COG annual awards banquet were due and that Board members should let Mr. Freeman know if they would like to attend.

There being no further regular business Commissioner Mooring moved at 9:10 that the Board go into closed session to consult with the Town attorney regarding a contract related to real property; Mrs. Hunter seconded the motion which passed unanimously. At the end of the closed discussion, at which no action was taken, Commissioner King moved to return to open session; Commissioner Davie seconded the motion which passed unanimously.

There being no additional business Commissioner Mooring moved that the meeting be adjourned. Commissioner Davie seconded the motion and the meeting adjourned at 9:58pm.

Respectfully submitted,

John Freeman
Town Administrator