

TOWN OF WINGATE

Board of Commissioners Meeting

Tuesday, January 19, 2010

7:00 PM



The Wingate Board of Commissioners met in the Helms Center, 3910 Hwy 74 E., Wingate with Mayor Bill Braswell presiding.

Present: Mayor Bill Braswell and Mayor Pro Tem Brent Moser
Commissioners Barry Green, John Mangum, and Blair Stegall

Absent: Commissioner Johnny Jacumin

Staff: Town Administrator Dryw Blanchard, Public Works Director Mike Brower, Police Chief Barry Glass, Code Enforcement Brad Sellers, Grant Administrator Sandra Thomas and Town Clerk/Finance Officer Karen Wingo

1. Call to Order

At 7:00 PM, Mayor Braswell called the regular meeting to order. A quorum was present. Everyone stood for the Pledge of Allegiance to the American Flag. A moment of silent reflection was observed.

2. Approval of Minutes

MOTION was made by Commissioner Mangum to approve the minutes of the previous meeting. MOTION was seconded by Commissioner Stegall and was unanimously approved.

3. Approval of Agenda

Mayor Braswell asked for any additions or deletions to the agenda. Mayor Pro Tem Moser requested the addition of New Business: Community Center Rental

MOTION was made by Commissioner Mangum to approve the agenda as amended. MOTION was seconded by Mayor Pro Tem Moser and was unanimously approved.

4. Public Comments

Mayor Braswell asked for comments from the public. Robert Stedje-Larsen asked for an update on the sidewalks for E. Wilson Street. Mr. Blanchard responded that the easements are still at our attorney's office. He hopes to have some progress by our February 16th meeting.

5. Public Hearing: Wingate Park at Highland Community Park Project

Mayor Braswell opened the hearing and asked for public comments. This public hearing is a requirement for the PARTF grant application.

Beatrice Colson, a long-time resident of Highland Park, spoke in support of the project. She announced that she brought her pastor, Rev. Floyd, and a couple of neighbors with her tonight to support the project; they did not speak.

Ms. Twigs, Director of Service at Wingate University, stated that she is excited about this project and the energy it could bring to the area.

Being no further comments, Mayor Braswell closed the public hearing.

6. Presentation of Audit for FY Ending June 30, 2009

Lauren Mather, CPA with Moyer Smith & Roller touched on the following items:

- 93% collection rate for property taxes
- Restricted Intergovernmental Grants -\$14,205 over budget
- GF Expenditures - under budget in all departments except Police and Fire
- Water/Sewer - \$3,800 variance in budget
- Cash Flows - Net cash inflows \$89,000
- Good debt ratio with assets of \$5.3 million and debt of \$520,000

Audit is attached hereto as EXHIBIT A and incorporated herein by this reference.

7. Continuing Business

Carolina Thread Trail Interlocal Agreement

MOTION was made by Commissioner Stegall to approve this contract for the Carolina Thread Trail Interlocal Agreement. MOTION was seconded by Commissioner Mangum and was unanimously approved.

Wingate's cost is \$133.96. This contract has been approved by the Town Attorney.

Contract is attached hereto as EXHIBIT B and incorporated herein by this reference.

Utility Master Plan Contract

Total cost for the plan is \$39,000 and is being funded by a grant from the NC Rural Center. The proposed engineering consultant, Stearns & Wheeler, is a division of GHD, consultant on the comprehensive plan. The contract is identical to the comprehensive plan contract except the scope of services is specific to development of the utility master plan.

MOTION was made by Mayor Pro Tem Moser to approve the Utility Master Plan contract (pending attorney approval) with Stearns & Wheeler in the amount of \$39,000. MOTION was seconded by Commissioner Stegall and was unanimously approved.

Contract is attached hereto as EXHIBIT C and incorporated herein by this reference.

Application Process for Selection of ABC Board Members

The responsibility of the Board of Commissioners in appointing ABC Board members is:

1. Appoint ABC members
2. Determine compensation
3. Set length of terms and/or term limits
4. Name a chairman to serve for the first year/term

MOTION was made by Commissioner Mangum to approve the following items in relation to the ABC Board members' appointment process:

- application deadline the week of February 15th
- selected applicants will be subject to a criminal background check
- in-town residents only
- the Board will hold a special meeting on Tuesday, February 23 at 7 PM to interview applicants

MOTION was seconded by Mayor Pro Tem Moser and was unanimously approved.

Application is attached hereto as EXHIBIT D and incorporated herein by this reference.

8. New Business

Ordinance to Declare Property Unfit for Human Habitation

The property located at 308 Booker has been designated as unfit for human habitation by Brad Sellers, Code Enforcement Officer. Mr. Sellers began working with the property owner of 308 Booker Street in August, 2007 to determine whether the property was fit for human habitation. Since this time, Mr. Sellers has escalated his enforcement in accordance with the Town's Minimum Housing Code.

Mr. Sellers has worked closely with the property owner, Town Attorney, Habitat for Humanity, and Social Services to insure the property owner was treated fairly and compassionately. Unfortunately, the property has not been brought into compliance and the next step is to declare the property unfit for human habitation and require it to be brought into compliance, demolished, or removed.

MOTION was made by Commissioner Stegall to adopt the following ordinance 2010-01. MOTION was seconded by Commissioner Mangum and was unanimously approved.

***ORDINANCE OF THE WINGATE BOARD OF COMMISSIONERS
TO DECLARE THE PROPERTY OF EVA SIMPSON
AT 308 / 107 BOOKER STREET, WINGATE, NC
UNFIT FOR HUMAN HABITATION AND ORDER THE DWELLING
REPAIRED OR DEMOLISHED AND REMOVED
Ordinance 2010-01***

This matter comes before the Board of Commissioners on the petition of the Code Enforcement Official, Brad Sellers, for an ordinance finding a structure located on the herein described property unfit for human habitation and ordering the structure repaired or demolished in order to effectuate the purpose of Chapter 160A, Article 19 of the North Carolina General Statutes with respect to the property hereinafter described.

The Board of Commissioners hereby makes and enters the following FINDINGS OF FACT:

1. *The residential dwelling located at 308/107 Booker Street, Wingate, North Carolina is owned by and being the property of Eva L. Simpson and identified as Tax Parcel Number 09025009, being the same property described by deed dated January 14, 1946 in book 102, page 191, Union County Registry. For further reference, see Estate file 094E, 439, Union County Superior Court.*

2. *Based upon complaints received, in April of 2009, the Wingate Code Enforcement Official conducted an inspection of the dwelling, observed violations of the Minimum Housing Ordinance which included: exterior, asphalt shingles seen in the interior of the ceiling; ceiling in shower/tub area fallen in; ceiling in kitchen area fallen in; water spots located throughout home on ceiling; possible rot and decay in floor in kitchen and bath areas; windows boarded and/or covered with plastic; cracks in window frames; siding and insulation has pulled away from home; kitchen area contained open and unused food items, sink area not adequate for the proper storage and preparation of serving food; entire interior of home congested with furniture, clothing, bed mattress, shoes, and baby dolls not leaving room to walk through the home; no central heat or air conditioning unit; numerous electrical drop cords plugged into one outlet in the kitchen area; and unprotected electrical wire hanging from the ceiling in the back storage room where the hot water heater is located; no safe means of egress in case of a fire; and the property is not sanitary.*
3. *Letters were sent on August 23, 2007 and May 28, 2008 in reference to the inspection and the condition of the dwelling.*
4. *A Minimum Housing Complaint and Notice of Hearing was issued by the Minimum Housing Code Enforcement Officer on May 4, 2009, setting a hearing date regarding the dwelling for May 21, 2009. The hearing was continued until May 28, 2009 due to Ms. Simpson needing to take her mother to the Doctor and then the hearing was continued again until June 9, 2009 to allow DSS Adult Protective Services to attend as well as a representative from Habitat for Humanity.*
5. *Eva Simpson, being the sole party in interest, was duly personally served with Complaint and Notice of Hearing on May 11, 2009 at 2:43 pm.*
6. *The Minimum Housing Code Enforcement Officer held and conducted the Minimum Housing Code Enforcement Hearing on June 9, 2009 at which Ms. Eva Simpson attended.*
7. *As a result of the hearing, the Minimum Housing Code Enforcement Officer made and entered an Order finding said dwelling to be substandard, severely deteriorated, unfit for human habitation and hazardous to the health, safety and welfare of the residents of the Town of Wingate and in violation of sections 150.04, 150.05, 150.06, 150.07, 150.08, 150.09, 150.13 and 150.14 of Chapter 150 the Minimum Housing Code, and on August 25, 2009, entered an order ordering Eva Simpson to repair or demolish and remove the dwelling by December 28th, 2009.*
8. *The Order entered by the Minimum Housing Code Enforcement Officer was personally served on Eva Simpson on August 25, 2009 at 11:07 am.*
9. *Subsequent inspections on January 7, 2010 by the Code Enforcement Officer revealed that Eva Simpson failed to comply with the order and said property continues to be out of compliance with the Order.*
10. *The structure located on the property described herein is and continues to be unfit for human habitation and Eva Simpson has been given reasonable opportunity to bring the structure into conformity with the Minimum Housing Code.*

11. That the order of the Code Enforcement Officer, entered on August 25, 2009 ordering Eva Simpson to repair or demolish and remove said structure was not appealed and the time for appeal has expired and is found to be correct and proper and is therefore ratified and incorporated herein by reference.

NOW THEREFORE, BE IT ORDAINED THE CODE ENFORCEMENT OFFICER IS HEARBY ORDERED AS FOLLOWS:

1. The Code Enforcement Officer is hereby ordered to cause the above structure located at 308/107 Booker Street, Wingate, North Carolina, to be demolished and removed and is authorized to utilize all other statutory means of enforcing the order and this ordinance including by not limited to the remedies set out in N.C. G.S. 160A-175 (e) and (f) and N.C.G.S. 160A-443 (4) and (5).
2. That the cost associated with demolition and removal of the structure to effectuate the purpose of this Ordinance shall be a lien against the property as provided in N.C.G.S. 160A-443(6) and filed with the Town of Wingate Tax Collector.
3. That all personal property, fixtures, and salvageable materials remaining in the dwelling shall be disposed of and any funds derived there from shall be used in conformity with N.C.G.S. 160A-443(6)c.
4. This ordinance shall be recorded in the Office of the Register of Deeds for Union County and indexed in the grantor index under the property owner's name.

This ordinance shall be effective from and after the date of its adoption.

Adopted this 20th day January, 2010.

Replacement of Totaled 2006 Dodge Charger

In October, 2009 Sgt. Philemon was involved in an accident on Highway 74 resulting in a total loss of the 2006 Dodge Charger he was driving. The accident was not his fault. Since October, we have been waiting for the other driver's insurance company to settle the claim. The insurance company has offered to settle the matter as follows:

1. They will pay \$12,432 if we decide to keep the vehicle
2. They will pay \$16,432 if we surrender title to the vehicle

The cost to replace the car with a 2010 Dodge Charger is \$20,100. Once the cost to stripe the vehicle and move the equipment is included, the Town's out-of-pocket cost will be \$5,918.

MOTION was made by Commissioner Mangum to declare the 2006 Dodge Charger as surplus property and replace the car. **MOTION** was seconded by Commissioner Stegall and was unanimously approved.

Adopt 2010 Calendar of Regular Meetings for the Wingate Board of Commissioners

MOTION was made by Commissioner Stegall to adopt the following meeting schedule. MOTION was seconded by Mayor Pro Tem Moser and was unanimously approved.

The Board of Commissioners meets on the third Tuesday of each month at 7 PM in the Jesse Helms Center, unless the schedule is changed due to holidays or other conflicts.

2010 Regular Meeting Schedule

January 19

February 16

March 16

April 20

May 18

June 15

July 20

August 17

September 21

October 19

November 16

December 21

Parks and Recreation Trust Fund Application for Wingate Park at Highland Park Project

This is very similar to our application submitted last year that was not selected. The most notable change is the inclusion of a walking trail. Our PARTF representative recommended that the walking trail be included in the application because the addition of a recreation amenity will make it more competitive.

This PARTF grant requires a 50% match. The Town's cost, as proposed, will be \$89,805. This is approximately \$13,000 more than what was proposed in last year's application.

- I. Goal:
To purchase .39 acre tract of land located on Booker Street, adjoining a .79 acre tract of land that the town currently owns, housing a small park. A part of our goal is to convert the existing property on the .39 acre to a facility that will enhance the expanding of the town's park.
- II. Program Elements:
 1. Purchase the .39 acre tract of land on Booker Street.
 2. Renovation of the existing building to a community center.
 3. Addition of a small picnic shelter to the back of the building.
 4. Addition of a ¼ mile walking path around and within the new park.

III. Project Cost:

Renovating Costs:	
Site Work, Concrete, Carpentry, Doors & Windows, Finishes, Painting, Carpet, VCT, Plumbing, HVAC, Electrical	\$79,800
Contingency (5%)	\$ 7,825
Costs to Acquire Land (.39 acre)	\$59,375
Costs Related to Building, Renovating and Planning	\$ 8,660
Walking Trail	\$14,850
Picnic Shelter	\$ 9,100
Total Budget:	\$179,610

State Grant (50%)	\$ 89,805
Local Match (50%)	<u>\$ 89,805</u>
Total Project	\$179,610

Commissioner Stegall asked if we must budget for this now. Mr. Blanchard replied this would not be budgeted unless we are awarded and the Board votes to accept the grant.

MOTION was made by Commissioner Stegall to approve the submission of the grant application. MOTION was seconded by Commissioner Mangum and was unanimously approved.

Mayor Braswell recessed the meeting from 8:21 to 8:32 PM.

Governor's Crime Commission Grant Application for Police Radios

Chief Glass would like to submit a pre-application to the Governor's Crime Commission to purchase police radios and shoulder mics that will be compatible with the new 800 MHz system being installed by Union County. The new radios would be permanently mounted in the patrol cars and will compliment the handheld units that were purchased in December.

MOTION was made by Mayor Pro Tem Moser to approve the submission of the grant pre-application. MOTION was seconded by Commissioner Mangum and was unanimously approved.

Project Title: "Radio Equipment 2010"

Budget:	<u>6 Stationary Radios, software,</u>	<u>\$4,900. x 6</u>	<u>\$29,400</u>
	<u>Installation / Programming,</u>	<u>\$ 350 x 6</u>	<u>\$ 2,100</u>
	<u>(8) Shoulder Mic's</u>	<u>\$ 200 x 8</u>	<u>\$ 1,600</u>
			\$33,100

Grant:	\$16,550.00
Local Match:	\$16,550.00
Total Project:	\$33,100.00

Schedule Public Hearing to Receive Comments Related to Proposed Text Amendments

MOTION was made by Commissioner Stegall to schedule the public hearing to receive comments related to the proposed text amendments for the Wingate Land Use Plan for 7:00 PM on Tuesday, February 16 at the Helms Center. MOTION was seconded by Mayor Pro Tem Moser and was unanimously approved.

Relay For Life Fundraiser at Community Center

Mayor Pro Tem Moser conveyed a request from the local relay For Life to waive the usage fee for the community center for a fundraiser.

MOTION was made by Commissioner Mangum to waive the community center rental fee for the Relay for Life pancake breakfast on the morning of Saturday, March 20, 2010. MOTION was seconded by Mayor Pro Tm Moser and was unanimously approved.

9. ADJOURNMENT

Being no additional business, Mayor Braswell entertained a motion to adjourn the meeting. MOTION was made by Mayor Pro Tem Moser to adjourn the meeting. MOTION was seconded by Commissioner Stegall and was unanimously approved.

The meeting was adjourned at 8:39 PM.

Respectfully submitted,

Bill G. Braswell, Mayor

Attest:

Karen M. Wingo, Town Clerk