

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
January 14, 2021
6:00 pm

The Wallace Town Council held its regularly scheduled monthly meeting in the Council Chambers at the Town Hall.

The following Governing Body members were present:

- Charles C. Farrior, Jr., Mayor
- Council Member/Mayor Pro-Tem Wannetta Carlton
- Council Member Frank Brinkley
- Council Member Jeff Carter
- Council Member Francisco Rivas-Diaz
- Council Member Jason Wells

The following members of the Governing Body were absent:

NONE

Also Present were:

Larry Bergman, Town Manager	Anna Heath, Town Attorney
Jackie Nicholson, Town Clerk	Twig Rollins, Zoning and Code Enforcement Officer
Allen Serkin, Executive Director, Cape Fear COG	Chris Martin, Interim Finance Director (via Zoom)
Brent Dean, Public Services Director (via Zoom)	Sharon Robison, Library Director (via Zoom)
Jimmy Crayton, Police Chief	Marlane Carcopo (via Zoom)
Rod Fritz, Planning Director (via Zoom)	Sandy Forehand (via Zoom)
Gage King, Airport Manager	Joseph Merritt
	Curt Simpson, Duplin Times

Mayor Charley Farrior called the regular meeting to order with a quorum of the governing body members present. Council Member Jason Wells gave the invocation.

The Pledge of Allegiance was recited.

Adoption of the Agenda

Mayor Farris called for discussion of the agenda and asked if anything needed to be added or removed. Council Member Francisco Rivas-Diaz made a motion to adopt the agenda as proposed. The motion was seconded by Council Member Frank Brinkley and approved by unanimous vote.

Public Comment Period

There were no comments from the public.

Consent agenda

Minutes from the December 10, 2020 monthly meeting, and the December 17, 2020 continued meeting

Mayor Farris called for discussion of the minutes. Town Clerk Jackie Nicholson said that Library Director Sharon Robison needed to be added to the list of those in attendance. There being no other additions or corrections Council Member Wells made a motion to approve the minutes as corrected. The motion was seconded by Council Member Wannetta Carlton and approved by unanimous vote.

Tax Report

Interim Finance Director Chris Martin presented the Tax Report for the period ending January 14, 2021 and said that year to date collections were down due to issues with the mail but the 10 year overall collections were up 3.07%. Payment plans received amounted to \$661.29 and foreclosures paid in the amount of \$74,657.59.

Tax Releases

The following tax releases were presented for approval:

3396	Robert N. Johnson	Out-of-Town	\$155.00
3052	Susan Boykin	Postmark	\$15.54
3347	Leslie Scott Robinson	Out-of-Town	\$15.10
1200	New Duplin Tobacco Warehouse	Out-of-Town	\$1,020.22
3039	Terry Baker	Out-of-Town	\$44.88
3220	US Bank National Association	Out-of-Town	\$115.76
3270	Calvary Church Wallace, Inc	Exempt	\$1,813.72

Discussion regarding the Calvary Church release stalled approval of that release.

Council Member Wells made a motion to release the taxes as requested, except Calvary Church, which was seconded by Council Member Jeff Carter and approved unanimously.

Town Attorney Anna Heath checked the tax map online and said that the church property requested for release was exempt as stated. Council Member Carlton made a motion to approve that release. The motion was seconded by Council Member Wells and approved by unanimous vote.

PUBLIC HEARING

Unified Development Ordinance (UDO) Update Per NCGS 160D

Council Member Wells made a motion to open the public hearing. The motion was seconded by Council Member Brinkley and approved unanimously.

Alen Serkin, Executive Director, Cape Fear Council of Governments, said Chapter 160D consolidates the city and county enabling statutes for development regulations and compliance is required by July 1, 2021. Once adopted the regulations can be enforced immediately. Mr. Serkin pointed out some of the modifications: eliminates special use zoning districts, design requirements tied to new residential structures and provides for new property owner notification procedures and requirements.

Council Member Wells made a motion to close the public hearing which was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Council Member Carter made a motion to adopt an Ordinance To Amend Various Provisions Of The Unified Development Ordinance For The Town Of Wallace, NC Regarding State Enabling Legislation Chapter 160D. The motion was seconded by Council Member Carlton and approved unanimously.

Old Business

Proposal for Boney Mill Pond Park Trail

Planning Director Rod Fritz stated that he had a proposal from Benesch for a schematic design, construction documentation, permitting, construction administration and close out documentation for Phase I of the Boney Mill Pond Park Trail. The Town currently has a contract with Benesch for the EEG (Environmental Enhancement Grant) and this would be an amendment to that contract. Attorney Heath said that prior to approving the contract amendment the Council needed to approve a Resolution Exempting Schematic Design, Construction Documentation, Permitting,

Construction Administration and Close Out Documentation For Boney Mill Pond Park Walking Trail Phase One From N.C.G.S. 143-64.31.

Council Member Wells made a motion adopt said resolution which was seconded by Council Member Brinkley and approved by unanimous vote.

New Business

FY 2021-2020 Budget Calendar

Town Manager Larry Bergman presented a tentative budget calendar for the upcoming budget process including budget subcommittee meetings and Town Council Retreat/Budget Kickoff. The budget subcommittee will meet on January 29 at 2 pm and the Retreat was scheduled for March 5 with the locations to be decided.

Discussion of Appointment to Wallace ABC Board

Mayor Farrior said that Dianne McNamara had submitted a letter of resignation from the ABC Board and asked the Council if they were ready to appoint a replacement. The Council decided to wait until the next meeting to make an appointment.

Council Member Brinkley made a motion to accept the resignation of Dianne McNamara. The motion was seconded by Council Member Wells and approved unanimously.

Financial Reports

Manager Bergman provided a Budget vs. Actual (Summary) for the Council's information.

Disaster Reports

Mr. Bergman added that the close out of FEMA for Hurricane Florence should start soon.

Council Reports

Council Member Carlton to refer folks the Mt. Calvary Center for Leadership Development for support services as a result of COVID-19 such as delivery of meals and groceries, relief payment for rent and utilities, transportation, medication delivery and COVID related supplies.

Council Member Wells reported on a sinking storm drain at the Depot. He said there was no Do Not Enter sign at Main Street/NW Railroad Street. Mr. Wells asked about the RFQ (Request for Qualifications) for the fire station. Manger Bergman said the design/build could not be done and the architect RFQ was under review by the Town Attorney.

Mayor's Report

Mayor Farrior asked if the landscaping on Hwy. 117 could be complete by the February meeting. Public Services Director Brent Dean said it would.

Department Head Reports

Council Member Wells reported the Fire Department had six (6) so far this year, they have been training with other departments, the training ground is being utilized and the membership roster is close to the maximum forty (40) members.

Twig Rollins, Zoning and Code Enforcement Officer, said he spread the word about the Food Truck Ordinance. Mr. Rollins request the ordinance be amended to create an exception for an existing restaurant. He has met with the Town Attorney to change the verbiage in notification letters and continues to pick up signs in the right-of-way. Mr. Rollins added that he is finishing the CZO (Certified Zoning Official) course.

Anna Heath, Town Attorney, reported that everybody has been served regarding the former Super 10 building lawsuit.

Jimmy Crayton , Police Chief, stated that the year end statistics are down from previous years. Chief Crayton attributes this to COVID-19 and the way business checks are recorded. However, violent crimes has increased with two homicides. Newly hired officers have been released from training but there are still two vacancies. In response to complaints at Plantation Acres police presence has increased and speed limit and "Children at Play" signs have been ordered. A community meeting with residents is being planned.

Gage King, Airport Manager, said the AWOS (Automated Weather Observing System) has gone out for bid. A pre-construction meeting was held on January 6, 202 and bids will be opened on January 26. Mr. King reported that an award letters for expansion of the Airport, Phase I Land Acquisition and Preliminary Road Design have been received.

Jackie Nicholson, Town Clerk, informed the Council that when the November 23, 2020 minutes were approved that due to a cut/paste error, they contained a budget amendment that didn't belong as it was from the October 29, 2020 meeting.

Council Member Brinkley made a motion to approve the minutes form the meeting on November 23, 2020 as amended. The motion was seconded by Council Member Wells and approved unanimously.

At the November 12, 2020 the Council elected Council Member Wells as the delegate for the CFCOG. A request from the COG to appoint an alternate was made.

Council Member Wells made a motion to appoint Council Member Rivas-Diaz the alternate delegate. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Ms. Nicholson asked the Council to approve the Wallace Depot Commission member list for 2021 with the following individuals:

Davis Carr, Chairman (term exp. 2024)	Warren Hepler, (term exp. 2024)
Cameron Lee, Vice Chairman (term exp. 2024)	Harriet Farrior (term exp. 2021)
Harley Blanton, Secretary (term exp.2021)	Georgia Farrior (term exp. 2021)
Michael Blackburn, Treasurer (term exp. 2022)	Mark Hopkins (term exp. 2021)
Jason Wells, Town Council (term exp. 2023)	Steve Paes (term exp. 2021)
Verna Mansfield, Chamber of Commerce President	Frank Della Rosa (term exp. 2022)
Charley Farrior, Mayor (ex-officio)	Joseph Merritt (term exp. 2023)
Jaxie Cavender, Honorary Member	John Knapp (term exp. 2023)

Council Member Wells made a motion to approve these appointments which was seconded by Council Member Carlton and approved by unanimous vote.

Sharon Robison, Library Director, said that TDB Library is the only library in the Duplin County that is allowing patrons in the building. Ms. Robison reported that the Friends of the Library membership drive is still receiving donations and the application to DigitalNC.org has been approved and *Wallace Enterprise* archives can be digitized for online usage.

Manager Bergman reported for Parks & Recreation. Mr. Bergman said they hosted a community Blood Drive, partnered with the US Department of Veterans Affairs for a Valentine’s for Veterans Drive receiving items such as card and candy which will be distributed by the VA Volunteer Services and park staff. Basketball signs ups were slow and football sign ups are next.

Town Manager’s Report

Manager Bergman said the new website is live. He indicated with the on the UDO update next steps of enforcement can progress, looking for best practices and expected costs of mitigation and enforcement. Mr.Bergman informed the Council that a candidate for Finance Director would be interviewed tomorrow. He said Valley Proteins has been sent a draft agreement and are in the

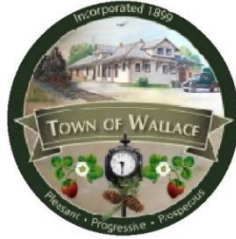
process of getting permitted to pump and haul and a pre-construction meeting for the drinking water wells project is scheduled for January 20.

With there being no other business to discuss at this time, Council Member Wells made a motion to continue the meeting on Thursday, January 28 at 6:00 pm in the Council Chambers at Town Hall. The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Respectfully submitted,

Charles C. Farrior, Jr., Mayor

Jacqueline Nicholson, MMC, NCCMC
Town Clerk



ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF WALLACE, NC REGARDING STATE ENABLING LEGISLATION CHAPTER 160D

THAT WHEREAS, the Town of Wallace has enacted a set of development regulations that control land development and construction within the Town’s incorporated and extraterritorial jurisdiction areas; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interests of the Town and community, it is necessary from time to time for the Planning Board and Town Council to consider appropriate revisions, modifications and updates to the Town’s Building Regulations; and

WHEREAS, the Town Council for the Town of Wallace charged the Planning Board with the responsibility of reviewing, and updating the Town’s development regulations; and

WHEREAS, the Planning Board, with the assistance of Cape Fear Council of Governments, has drafted an update to the development regulations, which is incorporated herein by reference as if fully set out herein; and

WHEREAS, the Planning Board hereby recommends adoption of the proposed UDO Text Amendments to the Town Council and finds that the amendments are (i) consistent with the Town’s 2011 Land Use Plan (Land Use Plan 2011-2030), which states “Utilize a thorough development review process to ensure that future growth is of the highest quality,” and (ii) are in the public’s interest because it will advance the public health, safety, and/or welfare of the Town of Wallace through updated statutory procedures and requirements for development within the Town’s planning jurisdiction; and

WHEREAS, pursuant to N.C. General Statutes and Town ordinances, a public hearing, properly noticed, was held on January 14, 2021, where public comment was heard and considered by the Town Council regarding this issue; and

WHEREAS, the Town Council for the Town of Wallace hereby finds that proposed UDO Text Amendments are (i) consistent with the Town’s 2011 Land Use Plan (Land Use Plan 2011-2030), which states “Utilize a thorough development review process to ensure that future growth is of the highest quality,” and (ii) are in the public’s interest because it will advance the public health, safety, and/or welfare of the Town of Wallace through updated statutory procedures and requirements for development within the Town’s planning jurisdiction.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wallace that:

1. The attached text amendments to the *Unified Developmental Ordinance of the Town of Wallace, North Carolina* is hereby adopted and amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below.
2. **Repeal of Conflict Ordinances** - All parts of the UDO of the Town of Wallace conflicting or inconsistent with the provisions of this ordinance Amendment are hereby repealed.
3. **Severability** - If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances
4. **Inclusion in code** - It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Unified Development Ordinance of the Town of Wallace, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.
5. **Effective Date** - This ordinance shall be effective upon adoption this 14th day of January, 2021.

Adopted this the 14th day of January, 2021.

Adopted by motion of Council Member _____, seconded by Council Member _____, and approved by vote of ____ in favor and ____ against.

Charles C. Farrior, Jr., Mayor

Attested to:

Jacqueline Nicholson, Town Clerk

RESOLUTION EXEMPTING SCHEMATIC DESIGN, CONSTRUCTION DOCUMENTATION, PERMITTING, CONSTRUCTION ADMINISTRATION AND CLOSE OUT DOCUMENTATION FOR BONEY MILL POND PARK WALKING TRAIL PHASE ONE FROM N.C.G.S. 143-64.31

WHEREAS, N.C.G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee;

WHEREAS, the Town of Wallace proposes to enter into one or more contracts for design services for work on Schematic Design, Construction Documentation, Permitting, Construction Administration and Close Out Documentation for Boney Mill Pond Park Walking Trail Phase One; and

WHEREAS, N.C.G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WALLACE RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of N.C.G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

Adopted this the 14th day of January, 2021.

Charles C. Farris, Jr., Mayor

Attested to:

Jacqueline Nicholson, Town Clerk