

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
September 8, 2022
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:

- Jason Wells, Mayor
- Council Member/Mayor Pro-Tem Wannetta Carlton
- Council Member Frank Brinkley
- Council Member Jeff Carter
- Council Member Jason Davis
- Council Member Francisco Rivas-Diaz

The following members of the Governing Body were absent:

None

Also Present were:

Larry Bergman, Town Manager	Anna H. Herring, Town Attorney
Jackie Nicholson, Town Clerk	Marlane Carcopo (via Zoom)
Jimmy Crayton, Police Chief	Sandy Forehand (via Zoom)
Rod Fritz, Planning Director	Jimmy Johnson
Gage King, Airport Manager	Joseph Merritt
Charles "Twig" Rollins, Code Enforcement	Kathy Wallace
John Massey, Talbert & Bright	Rebecca Whitman, <i>Duplin Times</i>
Nathan Bell	

Mayor Jason Wells called the regular meeting to order with a quorum of the governing body members present and the invocation was offered by Town Attorney Anna Heath.

The Pledge of Allegiance was recited.

Adoption of the Agenda

Mayor Wells asked for any additions or deletions from the Agenda. Town Manager Larry Bergman said that the closed session would not be needed. Council Member Francisco Rivas-Diaz made a motion to adopt the agenda as amended which was seconded by Council Member Carlton and approved by unanimous vote.

Public Comment Period

Nathan Bell who lives on W. Southerland Street asked that the noise ordinance be reviewed. He says that his neighbors keep calling the Police even if they are just outside talking after 7 pm. Mr.

Bell stated that he planned to be married at the home in December and the celebration would probably last beyond 7 pm.

Kathy Wallace commented on Satchell Street that that it has been paved but the shoulder work has not been done. Town Manager Larry Bergman said that the Town would probably use their equipment to finish up instead of hiring a contractor.

Consent Agenda

Mayor Wells called for discussion of the minutes from the August 11, 2022 meeting. There being no additions or corrections Council Member Jeff Carter made a motion to approve the minutes as submitted. The motion was seconded by Council Member Francisco Rivas-Diaz and unanimously approved.

Manager Bergman reported that the final tax collection rate is 96.24%. He added that there is not much to see in the budget reports as they reflect only one (1) month of the fiscal year.

Old Business

AMI (Advanced Metering Infrastructure) Project Fortiline Equipment Agreement

Manager Bergman said that the recommended revisions were provided and to the extent possible the vendor has approved them and recommended approving the contract. A kick-off meeting is scheduled for next week if the agreement can be finalized. Town Attorney Heath said that she would defer to the expertise of MeterSys as they approved it.

Council Member Rivas-Diaz made a motion to approve the Advanced Metering Infrastructure Agreement with Fortiline. The motion was seconded by Council Member Wannetta Carlton and approved unanimously.

AMI Financing Agreement

Manager Bergman stated that all the local banks had been solicited for financing the AMI in the Water and Sewer Fund. Three (3) responses were received. He said the Finance Director recommended accepting the bid from United Community Bank.

Council Member Frank Brinkley made a motion to adopt a Resolution Approving Financing Terms for the AMI System with United Community Bank in the amount of \$1,000,000 for 5 years at an interest rate of 3.24% which was seconded by Council Member Jason Davis and unanimously approved.

Consideration of Duplin County Animal Control Ordinance

Manager Bergman reminded Council that during the budget process it was decided not to continue animal control activities in the new budget year and have Duplin County become responsible for it. Without adoption of the Duplin County Animal Control Ordinance they will not respond.

Council Member Brinkley made a motion to adopt the Duplin County Animal Control Ordinance. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Proposal for Feasibility Study for Public Safety Building

Manager Bergman said that in order to apply for a USDA (United States Department of Agriculture) Rural Development grant or loan to finance the public safety building an architectural feasibility study must be submitted. Stewart-Cooper-Newell who has done some preliminary engineering work on this submitted a proposal for the feasibility study in the amount of \$38,650 for the public safety building and \$25,240 for renovation of Town Hall. Manager Bergman recommended just approving the study for the public safety building.

The Council considered spending the money for the feasibility study without a guarantee of receiving grant or loan funding from USDA and took no action on this matter.

New Business

Establish Public Hearing for UDO (Unified Development Ordinance) Amendment

Manager Bergman stated that this relates to setbacks in the HB (highway business) zoning district. He added that developers have asked for clarification on the ordinance which appears to limit development.

Council Member Brinkley made a motion to establish a public hearing after 6 p.m. on Thursday, October 13, 2022 to receive comments on this matter. The motion was seconded by Council Member Carlton and unanimously approved.

Annexation Case #AX-2022-02

Manager Bergman said the agenda refers to establishing a public hearing but the Town Attorney indicated that the first step is to adopt a Resolution Directing the Clerk to Investigate the Sufficiency of the petition for annexation.

Council Member Carlton made a motion to adopt a Resolution Directing the Clerk to Investigate a Petition Under G.S. 160A-31 (Case # AX-2022-02) that was seconded by Council Member Davis and approved by unanimous vote.

Annexation Case #AX-2022-01

Manager Bergman said that the same thing applies to this item as to the previous item.

Council Member Brinkley made a motion to adopt a Resolution Directing the Clerk to Investigate a Petition Under G.S. 160A-31 (Case # AX-2022-01). The motion was seconded by Council Member Rivas-Diaz and approved unanimously.

Establish Public Hearing for Street Closing – Jim Russ Property

Manager Bergman stated the new owner has requested closing a portion of the right-of-way alley between the two (2) lots to aid development of the property and asked the Council to establish a public hearing at the October 13 meeting by adopting a Resolution of Intent.

Council Member Carlton made a motion to adopt A Resolution Declaring The Intention Of the Town Council Of The Town Of Wallace To Close Approximately 60 Feet Of The Public Right-Of-Way Alley Paralled To West Boney Street Between The Buildings On The Corner Of West Boney

And South College Street, Wallace, NC. Council Member Rivas-Diaz seconded the motion and it was unanimously approved.

Resolutions Supporting Two (2) North Carolina Department of Environmental Quality (NCDEQ) Grant Applications

Manager Bergman said that one of the applications is for updating the SCADA (Supervisory Control and Data Acquisition) for wells, elevated tanks and water pumps and the other is to replace well number 14 which has not been successfully repaired.

Council Member Brinkley made a motion to adopt Resolution 22-23-04 for SCADA System which was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Council Member Carlton made a motion to adopt Resolution 22-23-05 for New Well 14. The motion was seconded by Council Member Davis and unanimously approved.

Update Purchasing Policy

Manager Bergman stated that the Town Purchasing Policy was updated last October using the boiler plate policy example issued by the School of Government. He said this update is for Section IV-Specific Procurement Procedures, Item B. Service Contracts.

Council Member Davis made a motion to adopt Resolution 22-23-03 Amendment to Purchasing Policy. The motion was seconded by Council Member Carlton and approved unanimously.

Financial Reports

Manager Bergman pointed out that sales tax for the first two months of the fiscal year is higher than last year.

Council Reports

Council Member Brinkley asked from monthly updates on water/sewer rehabilitation loans.

Council Member Davis asked about a jake brake law, purchasing a side arm mower and revisiting the noise ordinance.

Council Member Carlton invited the Mayor and Council Members to a housing forum next Tuesday, September 13 at the Ed Emory Auditorium.

Mayor's Report

Mayor Wells said he wanted to complete the Manager's evaluation before the end of the year and would be sending the evaluation form to the Council.

Town Manager's Report

Manager Bergman said that efforts are being made to enforce truck parking and governing body members may be getting calls or questions.

Closed Session

Council Member Carter made a motion to go into closed session to discuss the acquisition of real property and just compensation (G.S. 143-318.11(a)(5)). The motion was seconded by Council Member Brinkley and approved by unanimous vote.

The Council discussed two (2) parcels of property and the amounts that will be offered for them. The proposed just compensation for fair market values have been approved by NCDOT.

Council Member Brinkley made a motion to end the closed session that was seconded by Council Member Davis and unanimously approved.

Council Member Davis made a motion to offer the amount discussed in closed session for the Swinson property. The motion was seconded by Council Member Brinkley and approved unanimously.

Council Member Carlton made a motion to offer the amount discussed in closed session for the Boney property which was seconded by Council Member Davis and approved by unanimous vote.

With there being no other business to discuss at this time, Council Member Davis made a motion to adjourn. The motion was seconded by Council Member Brinkley and unanimously approved.

Respectfully submitted,

Jason Wells., Mayor

Jacqueline Nicholson, MMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA
TOWN OF WALLACE
Resolution Approving Financing Terms
AMI System

WHEREAS: The Town of Wallace (“Town”) has previously determined to undertake a project for the financing a portion of the renovation costs of the public services operations center, and the Finance Director has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through United Community Bank (“UCBI”), in accordance with the proposal dated August 15, 2022. The amount financed shall not exceed \$1,000,000 the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.24%, and the financing term shall not exceed five (10) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document’s final form.
4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Town intends that the adoption of this resolution will be a declaration of the Town’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the UCBI financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town’s general fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 8th day of September, 2022

Jason Wells, Mayor

{SEAL}

Attest:

Jackie Nicholson, Town Clerk

STATE OF NORTH CAROLINA
TOWN OF WALLACE

RESOLUTION 22-23-04
APPLICATION FOR STATE LOAN/GRANT FOR SCADA SYSTEM

WHEREAS, The Town of Wallace has need for and intends to construct, plan for, or conduct a study in a project described as water supply controls improvements consisting of SCADA controls at seven (7) wells and three (3) elevated tanks; and addition of emergency power generators at three (3) wells and hook-ups for portable generators at four (4) wells **and**,

WHEREAS, The Town of Wallace intends to request State loan and/or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WALLACE:

That Town of Wallace, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Wallace to make a scheduled repayment of the loan, to withhold from the Town of Wallace any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Larry Bergman, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 8th day of September, 2022

Jason Wells, Mayor

Attest:

Jackie Nicholson, Town Clerk

{SEAL}

The undersigned duly qualified and acting Town Clerk of the Town of Wallace does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

(Signature of Recording Officer)

(Title of Recording Officer)

STATE OF NORTH CAROLINA
TOWN OF WALLACE

RESOLUTION 22-23-05

APPLICATION FOR STATE LOAN/GRANT CONSTRUCTION OF NEW WELL #14

WHEREAS, The Town of Wallace has need for and intends to construct, plan for, or conduct a study in a project described as construction of a new well to replace the existing well at well site 14 **and**,

WHEREAS, The Town of Wallace intends to request State loan and/or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WALLACE:

That Town of Wallace, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Wallace to make a scheduled repayment of the loan, to withhold from the Town of Wallace any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That Larry Bergman, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 8th day of September, 2022

Jason Wells, Mayor

Attest:

{SEAL}

Jackie Nicholson, Town Clerk

The undersigned duly qualified and acting Town Clerk of the Town of Wallace does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

(Signature of Recording Officer)

(Title of Recording Officer)

STATE OF NORTH CAROLINA
TOWN OF WALLACE

RESOLUTION 22-23-03
AMENDMENT TO PURCHASING POLICY
TOWN OF WALLACE, NORTH CAROLINA

WHEREAS, The Town of Wallace, in order to practice responsible fiscal management, has a purchasing policy governing the purchasing practices for the Town; and

WHEREAS, the Town's desires to amend the policy regarding procurement of small Architectural and Engineering Services which are paid thru Federal or State funds;

NOW, THEREFORE, BE IT RESOLVED this 8th day of September 2022 by the Town Council of Wallace, that following changes are made to the Purchasing Policy and are hereby adopted effective September 8, 2022.

Section IV – Specific Procurement Procedures

Item B. Service Contracts **including A/E professional services up to \$50,000** and Purchase Contracts costing \$10,000 up to \$90,000

AND

Item J. Contracts for Architectural and Engineering Services costing **\$50,001 up to \$250,000**

Adopted this the 8th day of September, 2022

Jason Wells, Mayor

Attest:

Jackie Nicholson, Town Clerk

{SEAL}