

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
November 10, 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 (via Zoom)
Jackie Nicholson, Town Clerk	Brian Fleer
Rod Fritz, Planning Director	Cyndi Hatcher
Gage King, Airport Manager	Jimmy Johnson
Weston Padgett, Police Captain	Joseph Merritt
Rob Taylor, Finance Director	Jennifer Raynor (via Zoom)
Sherry Aramini	Ronnie Royal
Katherine Bunch, ABC General Manager	Valerie Sutton
Marlane Carcopo (via Zoom)	Brent Whitfield
Charley Farrow, ABC Board	Chad Wilson, ABC Board Chair

Mayor Jason Wells called the regular meeting to order with a quorum of the governing body members present and the invocation was offered by Council Member Jason Davis.

The Pledge of Allegiance was recited.

Presentations

Airport Manager Gage King provided an update on land acquisition and road design for the expansion project and talked about the AWOS (Automated Weather Observation System), future projects such as the runway rehabilitation, east taxiway and the terminal building. He said that sales and traffic are down right now.

Adoption of the Agenda

Mayor Wells called for discussion of the agenda. Items were added for a presentation by Wallace ABC Board and an administrative item from previous street closings. Council Member Jeff Carter made a motion to adopt the agenda as amended which was seconded by Council Member Francisco Rivas-Diaz and approved by unanimous vote.

Public Comment Period

None.

Consent Agenda

Mayor Wells called for discussion of the minutes from the October 13, 2022 meeting and the November 3, 2022 Special Called meeting. There being no additions or corrections Council Member Wannetta Carlton made a motion to approve the minutes as submitted. The motion was seconded by Council Member Rivas-Diaz and unanimously approved.

Finance Director Rob Taylor presented the tax report and four (4) tax releases with no refunds totaling \$967.95.

Council Member Davis made a motion to approve the proposed tax releases which was seconded by Council Member Carlton and approved unanimously.

Budget Amendment FY23-1 was presented for purchasing the existing Welcome to Wallace sign on Hwy. 117 to be offset by an increase in investment income.

Council Member Carter made a motion to approve the proposed budget amendment. The motion was seconded by Council Member Frank Brinkley and unanimously approved.

Old Business

Hatcher Street Closing Request (Jim Russ property)

Town Manager Larry Bergman reported on a meeting with ALE (Alcohol Law Enforcement) officials. These officials indicated that from a permitting standpoint an ABC permit would probably be approved for the location. Manager Bergman stated that he could not find any documentation as to whether or not it is a public or private alley. Town Attorney Anna Herring stated that the law requires that it be a public alley before it can be closed and recommended the property owner get a full detailed title search as well as a legal description.

The Council took no action on this matter.

PUBLIC HEARINGS

Annexation Petition AX-2022-01 (Gevargis)

Council Member Carlton made a motion to open the public hearing. It was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Planning Director Rod Fritz said the applicant was requesting annexation of 1.59 acres located at 5412 S. NC 41 Hwy.

There were no comments from the public.

Council Member Brinkley made a motion to close the public hearing which was seconded by Council Member Carlton and unanimously approved.

Annexation Petition AX-2022-02 (Fleer); Rezoning Request RZ#2022-05 Dixon; Rezoning Request RZ#2022-06 Royal Farms

Council Member Brinkley made a motion to open the public hearing, seconded by Council Member Rivas-Diaz and approved unanimously.

Planning Director Fritz stated that this applicant is requesting annexation (AX-2022-02) of approximately 13 acres located on NC Hwy 11, adjacent property is already in the Town limits, there were no comments from the public.

Planning Director Fritz said that the request for rezoning 2022-05 Dixon is 1.2 acres on Hwy 41 across from Dixon's Grill.

Ms. Valerie Sutton who lives on H.C. Powers Road asked what was planned for the location and Planning Director Fritz said Mr. Dixon intends to operate a seasonal farmer's market.

Planning Director Fritz the request for rezoning 2022-06 Royal Farms is for approximately 4 acres on Hwy 41 to develop a gas stations, car wash and out parcel fast food restaurant.

Brent Whitfield and Sherry Aramini, residents in an adjacent development, made comments on protecting their neighborhood from noise, lights, drainage and asked about a buffer. Planning Director Fritz said the buffer is the most dense buffer in the ordinance because of the difference in the zoning designations.

There were no additional comments and Council Member Carter made a motion to close the public hearing which was seconded by Council Member Brinkley and unanimously approved.

Action on Public Hearing Items

Council Member Davis made a motion to approve adoption of Ordinance AX-2022-01 (Gevargis) which was seconded by Council Member Carlton and unanimously approved.

Council Member Davis made a motion to approve adoption of Ordinance AX-2022-02 (Fleer). The motion was seconded by Council Member Brinkley and approved by unanimous vote.

Council Member Davis made a motion to amend the Town's Zoning Map and approve the Reasonableness Statement for RZ#2022-05 (Dixon) that was seconded by Council Member Carlton and approved by unanimous vote.

Council Member Davis made a motion to amend the Town's Zoning Map and approve the Reasonableness Statement for RZ#2022-06 (Royal Farms), seconded by Council Member Brinkley and approved unanimously.

Certificate of Sufficiency (Strongrock AX-2022-03) and Adoption of Resolution Fixing Date of Public Hearing

Planning Director Fritz said at their last meeting the Town Council directed the Clerk to investigate the sufficiency of AX-2022-03 for the Strongrock development. Having found the petition to be sufficient Fritz asked the Council to adopt a Resolution Fixing the Date for a Public Hearing.

Council Member Davis made a motion to adopt a Resolution Fixing Date of Public Hearing on Question of Annexation (AX2022-03) Pursuant to N.C.G.S. 160A-31 after 6 pm on Thursday, December 8, 2022. The motion was seconded by Council Member Carlton and unanimously approved.

Wallace ABC Board update

Wallace ABC Board Chair Chad Wilson provided an update on sales from July 1, 2022 through October 31 and the status of the debt service on the new facility.

Airport – Four County ROW (Right-of-Way) for AWOS (Automated Weather Observation System)

Airport Manager King asked the Council to approve and execute a ROW Easement allowing electric utilities to be installed as part of the AWOS construction.

Council Member Davis made a motion to approve a the Distribution Right-of-Way Easement that was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

New Business

Boards and Commissions Terms

Manager Bergman stated that the list was appointees serving on Council appointed Board and Commissions with terms expiring at the end of the year. Some members have agreed to be reappointed and there are vacancies on the Planning Board and Historic District Commission. (Appointments will be made at the next meeting.)

Request for Four Way Stop Signs on College Street

Manager Bergman said he has received complaints and request from citizens about speeding traffic and unsafe intersections on S. College Street and at E. Carr Street and E. Cliff Street. The Police Department supports stop signs in that area. Manager Bergman had prepared an ordinance to amend Chapter 73: Traffic Schedules, Schedule III Stop Signs.

Council Member Rivas-Diaz made a motion to adopt the proposed ordinance amendment. The motion was seconded by Council Member Carlton and unanimously approved.

Request for Additional Street Light

Manager Bergman he received a request from a resident on Stevens Street for an additional street light. The Police Department took a look during the night and it was no darker than some other areas in Town. He recommended the Council deny this request.

The Council took no action.

Request for Matching Funds for Historic District Street Signs

Manager Bergman stated that Chamber of Commerce President Ken Floyd has asked the Town to consider allocating matching funds in the amount of \$1,000 to purchase decorative street signs for the historic district. The Town would be responsible for installing and maintaining the signs.

Council Member Carter made a motion to provide the matching funds which was seconded by Council Member Brinkley and approved unanimously.

Customer Service Guidelines

Manager Bergman asked the Council to approve the proposed Utility Customer Service Guidelines for continuity of service for all customers.

Council Member Carlton made a motion to approve the Utility Customer Service Guidelines. The motion was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Adopt Two (2) Street Closing Resolutions

Manager Bergman explained that in 2003 and 2019 Council adopted Resolutions for closing a portion of Clement St. east of S. Norwood St. but the closing was never recorded at the Register of Deeds Office. The same thing happened in 2016 with a portion of W. Murray St. at N. Orange St. He asked the Council to adopt resolutions for ordering the closing of both.

Council Member Rivas-Diaz made a motion to adopt a Resolution Ordering the Closing of Clement Street east of S. Norwood Street which was seconded by Council Member Brinkley and unanimously approved.

Council Member Carlton made a motion to adopt a Resolution Ordering the Closing of West Murray St. at North Orange Street. The motion was seconded by Council Member Carter and approved unanimously.

Finance Reports

Finance Director Taylor commented on the financial reports that it is still early in the year.

Council Reports

Council Member Rivas-Diaz commented on the pot holes on Raleigh Street.

Council Member Brinkley said the new curb and gutter on Harrell Street is already cracking. (The contractor has been notified.)

Council Member Carter commented on code enforcement and having made some progress, need to keep doing what we're doing.

Council Member Davis said to put the bridge railings at Boney Mill on the to do list. He stated that the Police Department handled the shooting incident at the football game very well. Davis reported that the Fire Department has responded to 300 calls so far this year.

Council Member Carlton thanked the Fire Department for providing lights at the polling place on Election Day. Ms. Carlton said the program at the new Public Services facility earlier today was very nice.

Mayor's Report

Mayor Wells echoed the sentiments of Council Member Carlton about the program at Public Services. He reminded the Council of the Learning Station dedication in honor of Davis Carr on November 19 and asked about having access to the all call system for community announcements..

Town Manager's Report

Manager Bergman said he was creating a master list of projects and other items to finish up before his last day. He added that he was meeting with Joe Bryant on Monday to discuss his easement.

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

Respectfully submitted,

Jason Wells, Mayor

Jacqueline Nicholson, MMC, NCCMC
Town Clerk

TOWN OF WALLACE
BUDGET ORDINANCE AMENDMENT FY23-1

BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina the following amendments be made to the budget for fiscal year ending June 30, 2023			
Section I:	General Fund		
Account Number	Account Description	Increase	Decrease
10-4100-570	Miscellaneous Expense	\$10,000.00	
10-3290-000	Investment Earnings		\$10,000.00
	General Fund Totals	\$10,000.00	\$10,000.00

Increase Miscellaneous Expense for purchase of existing welcome to Wallace sign on Highway 117 and offset with increase in investment income

Section II: Copy to Finance Director:

Copies of this budget amendment shall be delivered to the Finance Director for their direction in the disbursement of funds:

Adopted this November 10, 2022

Attest:

Jackie Nicholson
Town Clerk

Jason Wells
Mayor

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION (AX2022-03) PURSUANT TO N.C.G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council of the Town of Wallace has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Wallace, North Carolina, that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Wallace Town Hall, 316 E. Murray St., Wallace, NC after 6:00 pm on Thursday, December 08, 2022.

Section 2. The area proposed for annexation is described as follows:

Duplin County PINs 331600130853,331600037591, 330600854246, 330600947617, 330600863057

BEGINNING at an existing PK nail at the centerline intersection of Henderson Road – SR 1942 (a 60' Public RAN) and NC Hwy 11 (a variable width public RAW) and having a North Carolina Grid Coordinate (NAD 83) of Northing: 366742.67, Easting 2307923.87; thence South 88°39'11" East a distance of 722.04 feet to an iron pipe; thence South 18°46'51" West a distance of 204.66 feet to a point; thence South 45°51'20" East a distance of 151.40 feet to an iron pipe; thence South 45°47'27" East a distance of 643.59 feet to a point; thence South 36°36'26" East a distance of 2563,25 feet to a point; thence North 43°15'42" East a distance of 425.98 feet to an iron pipe; thence South 46°12'13" East a distance of 358.15 feet to an iron pipe; thence South 46°12'13" East a distance of 288.56 feet to a point along the northern R/W of NC Hwy 41; thence South 50°39'19" West a distance of 1216.37 feet to a point; thence North 45°43'52" West a distance of 724.96 feet to a point; thence North 23°53'25" West a distance of 2221.84 feet to a concrete monument; thence South 82°15'29" West a distance of 224.85 feet to a concrete monument; thence South 15°40'50" East a distance of 442.71 feet to an iron; thence South 88°30'27" West a distance of 1005.00 feet to a point on the eastern RAN od NC Hwy 11; thence South 88°30'27" West a distance of 44.32 feet to a point on the western pavement of NC Hwy 11; thence with the western pavement of NC Hwy 11, North 08°25'42" East a distance of 329.51 feet to a point; thence North 00°59'56" West a distance of 129.52 feet to a point; thence North 03°34'24" West a distance of 980.72 feet to a point; thence along a curve to the right a radius of 2444.00 feet, with an

arc length of 243.56 feet, and a chord bearing and distance of North 00°37'31" East, 243.46 feet to a point; thence South 88°39'11" East a distance of 10.97 feet to the point of BEGINNING, containing an area of 3,683,556 square feet, or 84.56 acres, more or less

Section 3. Notice of the public hearing shall be placed on the Town of Wallace website and published in the Duplin Times, a newspaper having a general circulation in the Town of Wallace at least ten (10) days prior to the date of the public hearing.

Adopted this the 10th day of November, 2022 by the Town Council of the Town of Wallace.

Jason Wells, Mayor

ATTEST:

Jacqueline Nicholson, Town Clerk

Street Closing Order
Resolution Ordering the Closing of Clement Street east of S. Norwood Street

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on August 14, 2003; and

WHEREAS, it now appears to the satisfaction of the Town Council, Wallace, NC that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street will as a result of the closing be thereby deprived of a reasonable means of ingress or egress to their property;

NOW, THEREFORE BE IT RESOLVED THAT:

1)The portion of Clement St. east of S. Norwood St., intersection is a dead-end portion within the boundaries of the adjacent property and does not cut off access to any other property at the dead end, is hereby ordered closed, and all right, title and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 106A-299.

(2) The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed street (with provision for reservation of easements to the Town of Wallace for utility purposes in accordance with the provisions of G.S. 106A-299.

(3) The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Duplin County a certified copy of this resolution and order.

Upon motion duly made by Council Member Rivas-Diaz and duly seconded by Council Member Brinkley the above resolution was duly adopted by the Town Council, Wallace, NC at a meeting held on the 10th day of November, 2022 in the Council Chambers at the Wallace Town Hall.

Jason Wells, Mayor

Jacqueline Nicholson, Town Clerk

NORTH CAROLINA
DUPLIN COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Wallace, North Carolina, at a meeting held November 10, 2022 at the Town Hall in the Town of Wallace.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this the _____ day of _____, _____.

Jacqueline Nicholson, Town Clerk

NORTH CAROLINA
DUPLIN COUNTY

I, _____, a Notary Public, do hereby certify that Jacqueline Nicholson, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and seal this ____ day of _____, _____.

Notary Public

My Commission expires: _____

Street Closing Order
**Resolution Ordering the Closing of West Murray Street at North
Orange Street #2016-7.1**

WHEREAS, on the 12th day of May 2016 the Town Council, Wallace, NC directed the Town Clerk to publish the Resolution of Intent of the Town Council to close that portion of W. Murray St. that lies west of N. Orange St., intersection is a dead-end portion within the boundaries of the adjacent property and does not cut off access to any other property at the dead end, in the *Duplin Times* once a week for consecutive weeks, such resolution advising the public that a meeting would be conducted on July 14, 2016 after 7:00 pm in the Council Chambers at the Town Hall; and

WHEREAS, the Town Council, Wallace, NC on the 12th day of June 2016 directed the Town Planner to notify all person owning property abutting on that portion of W. Murray St. west of N. Orange St. by registered or certified mail, enclosing such notification a copy of the Resolution of Intent; and

WHEREAS, the Town Planner sent a letter to each of the abutting property owners advising them of the day, time and place of the meeting, enclosing a copy of the Resolution of Intent and advising the abutting property owners that the question as to the closing of that portion of W. Murray St. west of N. Orange St. would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, adequate notices were posted on the applicable street as required by G.S. 106A-299; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on July 14, 2016; and

WHEREAS, it now appears to the satisfaction of the Town Council, Wallace, NC that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street will as a result of the closing be thereby deprived of a reasonable means of ingress or egress to their property;

NOW, THEREFORE BE IT RESOLVED THAT:

(1) The portion of W. Murray St. west of N. Orange St., intersection is a dead-end portion within the boundaries of the adjacent property and does not cut off access to any other property at the dead end, is hereby ordered closed, and all right, title and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 106A-299.

(2) The Mayor and the Town Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street, such title, for the width of the abutting land owned by them, to

extend to the centerline of the herein closed street (with provision for reservation of easements to the Town of Wallace for utility purposes in accordance with the provisions of G.S. 106A-299.

(3) The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Duplin County a certified copy of this resolution and order.

Upon motion duly made by Councilman Carlton and duly seconded by Councilman Carter the above resolution was duly adopted by the Town Council, Wallace, NC at a meeting held on the 10th day of November 2022 in the Council Chambers at the Wallace Town Hall.

Jason Wells, Mayor

Jacqueline Nicholson, CMC, Town Clerk

NORTH CAROLINA
DUPLIN COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Wallace, North Carolina, at a meeting held November 10, 2022 at the Town Hall in the Town of Wallace.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this the _____ day of _____, _____.

Jacqueline Nicholson, Town Clerk

NORTH CAROLINA
DUPLIN COUNTY

I, _____, a Notary Public, do hereby certify that Jacqueline Nicholson, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and seal this ____ day of _____, _____.

Notary Public