

TOWN OF BAILEY MEETING MINUTES 11/15/2021

The Regular Meeting of the Bailey Town Board was held in the Bailey Town Hall on November 15, 2021, at 7:00 PM.

The following members of the Bailey Town Board were present: Mayor Thomas Richards, and Commissioners Joel Killion, Shelley Bullard, Dwan Finch, Ervin Powell, and Allen Daniels. Also in attendance Jeremy Crawford, Town Clerk, Shawn Lucas, Zoning Administrator/Code Enforcer, and Interim Police Chief Cathy Callahan.

Called the meeting to order:

Commissioner Finch (Mayor Pro Tem) asked Commissioner Powell to lead us in prayer, and then the Pledge of Allegiance was recited by the Board and attendees. Commissioner Finch stated that Mayor Richards was running late and that she would Chair the meeting until his arrival.

Commissioner Finch called the meeting to order and welcomed the guests as Mayor Richards arrived.

Approval of financial statements and meeting minutes:

Commissioner Finch moved the Board accept the October 2021 financial statements, the October 13, 2021, Special Meeting Minutes, and the October 18, 2021, Regular Meeting Minutes, as prepared by Town Clerk Crawford. Commissioner Killion seconded. Motion carried.

Vote: Richards: Present-Did not vote, Finch: Aye, Killion: Aye, Bullard: Aye, Powell: Aye, Daniels: Aye.

Agenda:

Zoning Administrator / Public Hearing:

5825 Main Street, Bailey, NC 27807 – Rezoning Request (2020-2021-02). Zoning Administrator Shawn Lucas introduced the hearing elements before the Board, and described the property, its owner, and the contents of the Rezoning Request. That request, and the associated seven pages of information and images, is hereby incorporated into the Minutes as Attachment A. The owner of 5825 Main St, Herculano Patino, briefly stated his plans for the property as a community event center, and he made himself available to answer questions.

Commissioner Bullard moved the Board turn over Rezoning Request 2020-2021-02 to the Bailey Planning Board, for a period no less than 30 days and no more than 60 days, so that the Planning Board may review the request and provide an official response to the Town Board.

Commissioner Finch seconded. Motion carried.

Vote: Richards: Present-Did not vote, Finch: Aye, Killion: Aye, Bullard: Aye, Powell: Aye, Daniels: Aye.

Zoning Administrator / Public Hearing:

Text Amendment – 2021-2022-002. Zoning Administrator Shawn Lucas introduced the hearing elements before the Board and described the inconsistencies between the Zoning Ordinances that were approved by the Town of Bailey in September 2014, and the need to amend those ordinances to better serve the harmony and land use of the town, now. That Text Amendment Request, and the associated six pages of information, is hereby incorporated into the Minutes as Attachment B. Planning Board Chair, Water Wells, addressed the Board and reiterated several key points made by Shawn Lucas.

Commissioner Bullard moved the Board accept the recommendation from Zoning Administrator Shawn Lucas, and remove single family dwelling as approved uses in the Town Center District, which will be used for all new single-family homes that have to be built, and any in construction or in existence will be grandfathered in. Commissioner Killion seconded. Motion carried.

Vote: Richards: Present-Did not vote, Finch: Aye, Killion: Aye, Bullard: Aye, Powell: Aye, Daniels: Aye.

Bailey Chamber of Commerce: Nick Green, Chair of the Bailey Chamber of Commerce, provided a report on all the fall events occurring within the town. Mr. Green stated the Bailey Pageant was a success, and the Queens would be participating in the Christmas Tree Lighting Ceremony and Parade, next month. Mr. Green stated the Christmas Tree Lighting Ceremony would be at 6:00 PM, Dec 3, 2021, in the grass near the Police Department. The Craft Vendor Fair will run from 9:00 AM to 5:00 PM on Dec 4, 2021, with the portion of Main Street in front of the Police Department being blocked off from 8:00 AM to 5:00 PM. Mr. Green stated the Christmas Parade will start at 2:00 PM, and he expected participants to begin lining up starting at 12:00 PM. The Road Closure Maps (3 pages) are incorporated into these Minutes as Attachment C.

Envirolink: Mrs. Libby Jenkins, Area Manager, provided the Oct 2021 Monthly Activity Report and answered questions related to routine Work Orders. Mrs. Jenkins reminded the Board and guests about the planned water outage for Nov 16, 2021. Mrs. Jenkins stated their team expected to turn off the water flow to all Bailey utility customers around 10:00 PM, and they would then begin to replace or repair various water system components such as isolation valves and fire hydrants. Mrs. Jenkins stated that when the work was complete, they would collect a water sample and send it for testing. Until the test results came back, Bailey would be under a Boil Water Advisory, stated Mrs. Jenkins. Mrs. Jenkins stated the advisory was expected to last 24 hours.

Old Business:

Senate Bill 300 (Session Law 2021-138) – Criminal Justice Reform: Town Clerk Crawford provided an update regarding the Town's review and compliance with the Senate Bill 300

(SB300) requirements. Town Clerk Crawford stated he is continuing to make progress with the review, and he is working with his fellow clerks, and representatives from the North Carolina League of Municipalities (NCLM). Town Clerk Crawford reminded the Board that should the Town's current ordinance meet the SB300 requirements, no change was required, but should the Board need to amend the ordinance to include new language, and that language provided a criminal penalty for violating an ordinance, then the Board would need to hold two meetings to fully adopt any new amendment: One meeting to introduce the ordinance amendment and the second meeting to vote on its adoption.

New Business:

Water System Outage – 16 Nov 2021: Mayor Richards acknowledged this topic was already discussed when Envirolink spoke.

Smoke Test Results: Town Clerk Crawford provided the Board with a copy of the recent test results, and a copy of the results from the last test. Town Clerk Crawford requested input from the Board as to how they would prefer to handle the cost estimate collection and eventual work. Commissioner Finch suggested the test results should be shared with Envirolink and give them time to put together an estimate for the Board to review. Mrs. Jenkins acknowledged the suggestion.

Nash County Municipal Election Results: Town Clerk Crawford provided the Board with an official copy of the recent election results, showing Richard W. Wilson and Dillon Bissette were elected to seats on the Town of Bailey Board of Commissioners. The 2021 Municipal Election 11/02/2021 Abstract of Votes for Nash County, North Carolina in incorporated into the Minutes as Attachment D.

Mayor Richards asked Town Clerk Crawford if the Board needed to vote, accepting the results of the election, to which Town Clerk Crawford stated yes. Commissioner Finch moved the Board accept the results as identified in the Abstract of Votes for 11/02/2021. Commissioner Killion seconded. Motion carried.

Vote: Richards: Present-Did not vote, Finch: Aye, Killion: Aye, Bullard: Aye, Powell: Aye, Daniels: Aye.

Public Comments:

There were no requests to speak publicly.

Department Head Comments:

Town Clerk, Jeremy Crawford:

Electrical Service Work – PD Garage: Town Clerk Crawford reported that Wheeler Electrical recently visited the Police Department (PD) and repaired the inoperable garage door. Town Clerk Crawford stated that Wheeler representatives identified a broken circuit panel that sends power to the 220-amp outlet, and he asked the Board to decide if that outlet was important and warranted being repaired. Town Clerk Crawford reported the estimate for the repair is pending from Wheeler. Commissioner Daniels stated it is good to have access to that kind of power source, even if we do not use it daily. Town Clerk Crawford stated he would work with Wheeler to collect the estimate and present it to the Board later.

NC 8-1-1- Membership: Town Clerk Crawford stated that Bailey is a member of the utility location service, but since Bailey does not have its maps uploaded into their system, they cannot send Bailey requests for locate. Town Clerk Crawford stated that this means when someone digs in the Bailey area, there is no way of alerting them to the presence of our utilities until we can get our system line locations updated. Town Clerk Crawford stated that no action is needed tonight, his comments were just to update the Board.

Budgeting in Local Government: Town Clerk Crawford stated the upcoming class, which was approved by the Board in the Sep 2021 Meeting, is set for Dec 7-9.

Master Clerk Academy I & II: Town Clerk Crawford stated the two upcoming academies run consecutively and they are set for Nov 17-19, 2021.

Nash County Sheriff's Office Coverage: Town Clerk Crawford stated all Bailey patrols that were to be covered by the Sheriff's Department (NCSO) have been completed and he is not aware of any need to schedule future dates. Interim Police Chief Callahan stated she had dates in December that will need coverage by the NCSO. Mayor Richards stated we could discuss the dates offline and figure out what is needed.

Interim Police Chief, Cathy Callahan:

Interim Chief Callahan stated that for October 2021, the Department completed one report, zero arrests, 8 charges, 85 business contacts, and 83 business escorts. Interim Chief Callahan stated that for the year, the Department has completed 900 business escorts by just one officer; in 2020 there were 889 business escorts for the entire year, which was staffed by six officers. Interim Chief Callahan stated the business escort total in 2021 has surpassed the 2020 total, and we still have two months to go. Interim Chief Callahan stated the Halloween event was a success.

Zoning Administrator/Code Enforcer, Shawn Lucas:

Shawn Lucas rose and informed the Board that the owners of Chubby's Pizza wanted to address the Board. Mr. Joe Olmos and Mr. Salvador Diaz stated that due to recent changes in their lease, they are actively working towards bringing their pizza business into the town limits. Shawn Lucas clarified that the intended location is the old community center on Pine Street, across from Bailey Elementary. Commissioner Finch stated she was looking forward to having their business in town limits.

Commissioner Comments:

Joel Killion: Nothing significant to report.

Shelley Bullard: Nothing significant to report.

Dwan Finch: Commissioner Finch thanked the Board and the guests for her chance to serve the Bailey community and that she was looking forward to great things in the future with the newly elected officials.

Ervin Powell: Nothing significant to report.

Allen Daniels: Nothing significant to report.

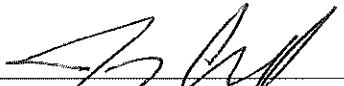
Mayor's Comments:

Mayor Richards had nothing to add to the meeting.

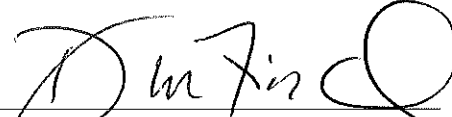
Closed Session: The Board did not enter closed session.

Commissioner Bullard moved the Board adjourn the meeting. Commissioner Finch seconded. Motion carried.

Vote: Richards: Present-Did not vote, Finch: Aye, Killion: Aye, Bullard: Aye, Powell: Aye, Daniels: Aye.



Town Clerk, Jeremy Crawford



Commissioner Finch, Mayor Pro Tem

Town of Bailey

Home of the Country Doctor Museum

Commissioners

Dwan Finch, Mayor Pro Tem
Shelly Bullard
Joel Killion
Ervin Powell
Allen Daniels

P.O. Box 40
Bailey, N.C. 27807
Phone: 252-235-4977

Thomas Richards, Mayor
Kellie Glover, Town Clerk
Shawn Lucas, Zoning Admin

Staff Report and Recommendation

Rezone Case: 2020-2021-02

Report by: Shawn Lucas Zoning Administrator

Public Hearing Date: November 15, 2021 @ 7PM

Address of the Rezoning Proposal:
5825 Main St. Bailey NC 27807

Property Owner: (Applicant)
Patino Construction LLC
5650 Applewhite Rd.
Wendell NC 27591

Request:
Z 2020-2021-02: Request by Herculano Patino to rezone approximately 3.99 acres along Main St & Stott St, Nash County Parcel ID# 001207 in the Town of Bailey from Community Institutional to Outlying Commercial to allow the opportunity for the owner to open a permitted Entertainment establishment, Indoor.

Zoning & Land Use

Main St/Stotts St	North	South	East	West
Adjacent/Nearby Zoning District	R-10	R-10	R-10	R-10
Adjacent Nearby Land Uses	Single Family Dwelling	Single Family Dwelling	(8) Future Single Family Dwelling Commercial Building	Single family dwellings

Analysis of the Rezoning Request:

The subject property is a manufactured building in the Town of Bailey. The property has a frontage to Main St and rear to Stotts St. There is a mixed development in this area ranging from a Church, Boy Scout building, single family dwelling, commercial, and future single family dwelling development. Allowing this rezone will give Mr. Patino a chance to open his business as an outright permitted use.

The Town Board is asked to review the rezoning request and make a recommendation to the applicant for approval or disapproval.

Upon making this recommendation, the Town Council should consider the following factors.

1. Is the proposal in accord with the Land use plan and surrounding principle areas?
2. Is, there is convincing demonstration that all uses permitted under the proposed district classification or proposed text amendment would be in general public interest and not merely in the interest of the individual, small group, or their practices.
3. Is there convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.
4. Is there convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any uses permitted in the proposed change.

Finding of Fact and Order

1. Mr. Patino came to the Town Hall office and filled out a rezone application on October 11, 2021.
2. As a Community Institutional zoning district Mr. Patino can not open his business and an allowed establishment.
3. This building was once a commercial manufacturing business and used for a church in the past years.

4. If granted this rezone as an allowed use, Mr. Patino would have to follow Section 5 Article 519, Entertainment shall not take place outside of the hours of 9:00 a.m. to midnight. Which states that he would have to be closed by midnight and could not open up to after 9:00 A.M.
5. The property is in the South Atlantic- Gulf Region and the Neuse-Pamlico Sub-Region watershed.
6. The property is not located in a Floodzone.
7. Rezone Public Hearing Sign was place on both sides of the property on October 28, 2021
8. Letters went out to 38 property owners and 2 special interest owners on November 2nd.
9. Article ran in the Wilson Times the week of the Nov 1st-5th and Nov 8th-12
10. Public Hearing schedule for November 15, 2021 at 7PM

Staff Recommendations

To send this to the Town of Bailey Planning Board for their review and statement of consistency. No less than 30 days no more than 60 days. Upon Planning Board request for more days if needed.

Town of Bailey

Home of the Country Doctor Museum

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Shelly Bullard
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Thomas Richards, Mayor
Kellie Glover, Town Clerk
Shawn Lucas, Zoning Admin

Town Council Agenda Report

Meeting Date: November 15, 2021 @ 7PM

Prepared By Shawn Lucas Zoning Admin.

Issue Considered: **Rezoning Case Z 2020-2021-02**

Summary of Issue:

Herculano Patino is request a rezone of 3.99 acres along Main St and the rear of Stott St, Nash County Parcel ID # 001207, in the Town of Bailey, from Community Institutional to Outlying Commercial District per the Town of Bailey Zoning District Ordinances. The purpose of this rezoning is to allow the opportunity for Mr. Patino to be able to use this building as an allowed use for **Entertainment Establishment, Indoor which is a permitted use in an Outlying Commercial District.**

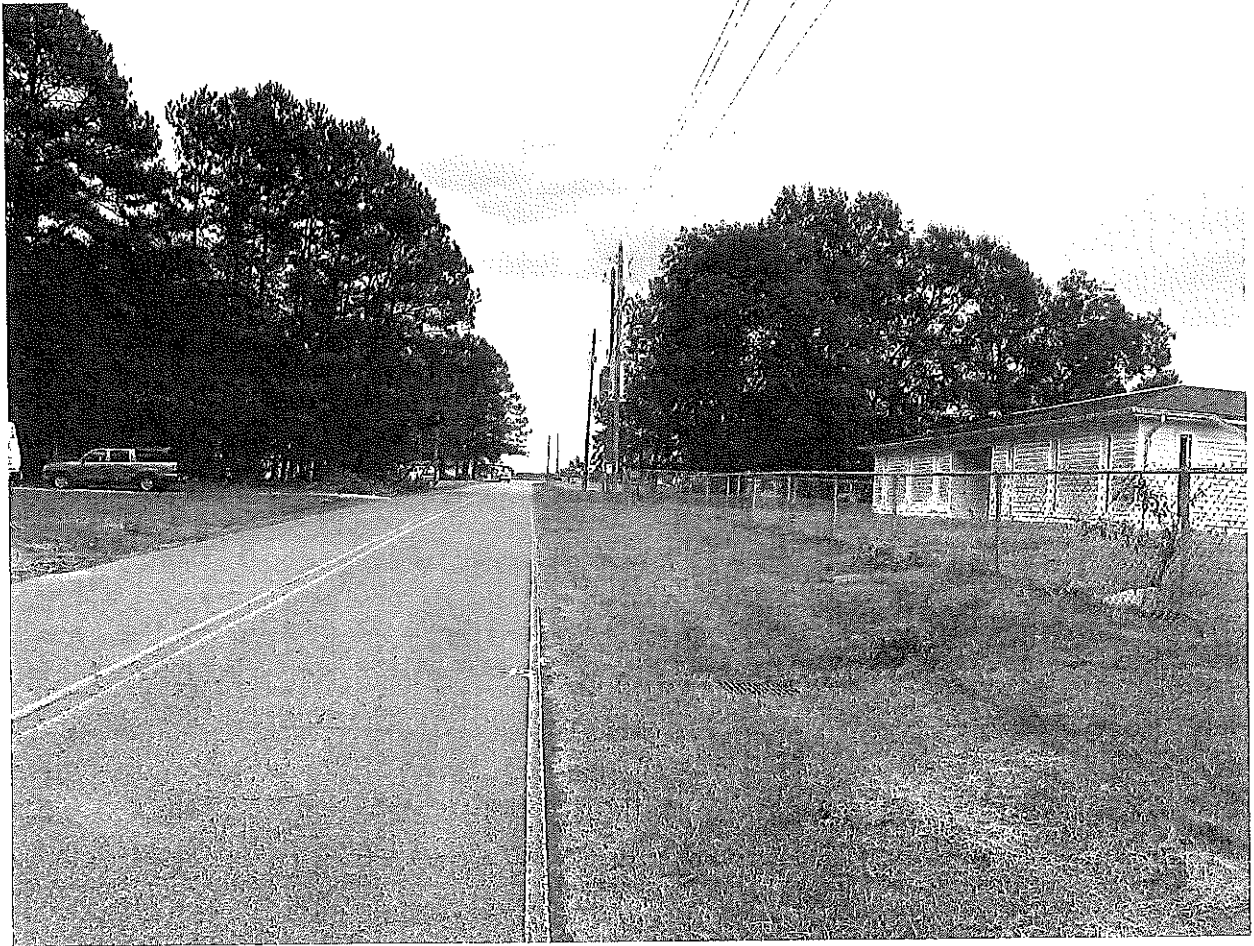
The subject of the property is an old Manufactured building with 75 designated parking spaces in the parking lot. The square feet of the Commercial Building is 34,604. The building is surrounded by residential dwellings in front of it and to the right of it. Future residential dwellings to the left of it. On the rear facing Stotts St, there are residential dwellings facing it. There is also a commercial building in the vicinity of the property.

Rezoning this property from Community Institutional to Outlying Commercial would allow the property to be better utilized. This would also go in harmony with the Town of Bailey Future Land use and long range community plan for future development.

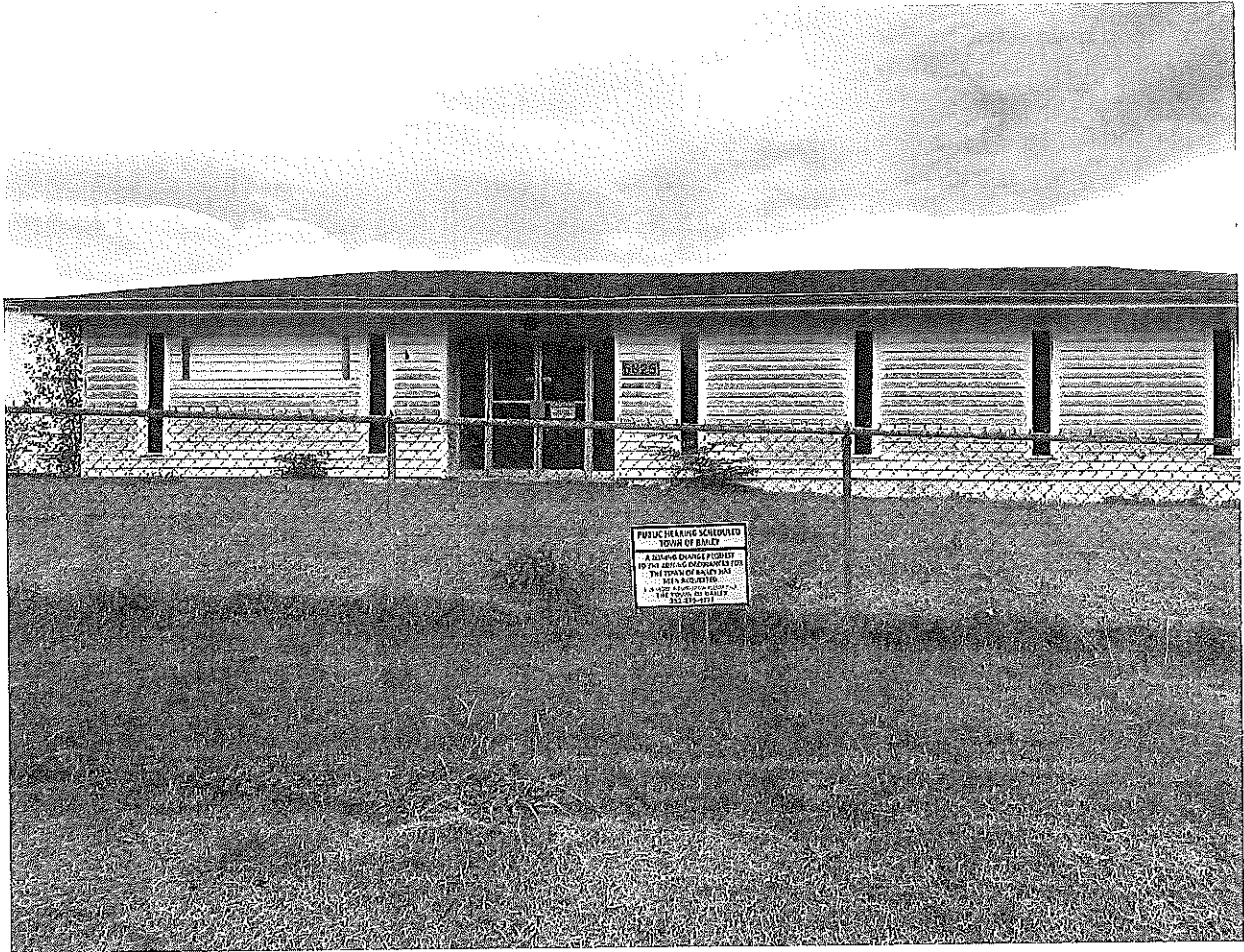
Zoning Administrator recommendations: Recommends sending this request to the Town of Bailey Planning Board for their recommendations no less than 30 days no more than 60 days if time is needed.



Facing towards Town Hall



Facing North of Main St Leaving Town



Property and land asking to be rezoned

Town of Bailey

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Thomas Richards, Mayor
Jermy Crawford, Town Clerk
Shawn Lucas, Zoning Admin

Town Council Agenda Report

Meeting Date: November 15, 2021 @ 7PM

Prepared By Shawn Lucas Zoning Admin.

Issue Considered: Text Amendment 2021-2022-02

Summary of Issue:

In September 2014 the Town of Bailey approved and adopted the Zoning Ordinances that are in effect presently. After several years of using this code we have found some inconsistency. That needs to be amended to better serve the harmony and land use of the town.

Table 203 Allowed Uses: States that a single-family detached dwelling is allowed in a Town Center district as a permitted use. When this code was written it was for existing homes that are already in existence not for building brand new structures. The setbacks for the Town Center District do not align with what we require for R-10, R-20, R-40 or Traditional Residential Zoning District for building an residential dwelling.

Which states for these zones:

- R-10** Front 20 Rear 30 Side 10 Corner Side 15 (Town Limits)
- R-20** Front 25 Rear 30 Side 10 Corner Side 15 (Town Limits)
- TR** Front 15 Max 30 Rear 30 Side 8 Corner Side 10 / 5 (Town Limits)
- R-40** Front 30 Rear 25 Side 12 Corner Side 22 (ETJ Area mostly)

Zoning Administrator recommendations: Recommend amending the text that will remove single family detached dwelling from a Town Center District. In order to keep harmony amongst the zoning district.

Planning Board recommendations: The Planning Board has made recommendations to approve this text amendment removing single family detached dwelling as a permitted use in a Town Center District. Their Statement of Consistency is attached to this agenda report.

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Staff Report and Recommendation

Text Amendment 2021-2022-02

Report by: Shawn Lucas Zoning Administrator

Public Hearing Date: November 15, 2021 @ 7PM

Applicant of the request: Town of Bailey Zoning Administrator
Planning Department Staff Request

Request:

Amending the text that will give single family dwelling at least a 5ft side setback from any adjacent property line. And a 5ft setback from the front.

Scope and reasoning: The setback for a town center district now are

Front: none

Rear: 10

Side: none

Corner side: none

These setbacks were made for adjacent building structures, duplexes, and townhomes you see in a downtown area. Not for a single family detached dwelling. Allowing setbacks for these builds would better serve the harmony and land use for the town of Bailey. The town Planning Board has met and is in agreement with me on this amendment of the Town of Bailey Zoning Ordinances. Which will remove this as an approved use in a Town center District in order to keep harmony amongst what the intended uses was for in this zoning district.

Finding of Facts

1. The Zoning Admin noticed that the setbacks in the TC district for a Single Family home needs to be changed from Permitted use with no side or front setback to 5ft side 5ft front for a single family dwelling and changed to a Special Use.
2. The Town Planning Board agreed that this change needed to take place and would be in coherence with the Town Zoning. With harmony of the land use and zoning district.
3. Notice was posted on the Town of Bailey door on November 1st, 2021
4. Notice was posted on at the Town Water Tower on October 28, 2021
5. Notice ran in the Wilson Times the weeks on Nov 1-5 & Nov 8-12

Staff Recommendations: Make a motion to remove single family dwelling as approved uses in a Town Center District. (This will be for all new single family homes that have to be built. Any in construction or in existence will be grandfather in.)

CONSISTENCY STATEMENT

Option 1 (No Changes to Ordinances or Plans): A statement approving the zoning text amendment and describing its consistency with the Town of Bailey Long-Range Community Plan, Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.

MOTION & EXPLANATION BY PLANNING BOARD

I move to recommend approval of Text Amendment 2020-2021-02 based upon review of, and consistency with, the Town of Bailey Long-Range Community Plan, Zoning Ordinance, and any other official plan that is applicable. The request is consistent with the Long-Range Community Plan, Code of Ordinances and adopted policies because:

A.

B.

Option 2 (No Changes to Ordinances or Plans): A statement rejecting the zoning text amendment and describing its inconsistency with the Town of Bailey Long-Range Community Plan, Zoning Ordinance, and any other official plan that is applicable, explaining why the action taken is reasonable and in the public interest.

MOTION & EXPLANATION BY PLANNING BOARD

I move to recommend disapproval of text amendment 2020- 2021-01 based upon review of, and inconsistency with, the Town of Bailey Long-Range Community Plan, Zoning Ordinance, and any other official plan that is applicable. The request is inconsistent with the Long-Range Community Plan, Code of Ordinances and adopted policies because:

A.

B. The request is reasonable and in the public interest because:

Option 3 (With Changes to Ordinances or Plans): A statement approving the text amendment 2020-2021-01 and containing **at least all** of the following: a) A declaration that the approval is also deemed an amendment to Town of Bailey Long-Range Community Plan, Zoning Ordinance, and any other official plan that is applicable. The Board shall not require any additional request or application; b) An explanation of the change in conditions the Board took into account in amending the zoning ordinance to meet the development needs of the community; and c) Why the action was reasonable and in the public interest.

MOTION & EXPLANATION BY PLANNING BOARD

A. The request is reasonable and in the public interest because: to stay in harmony with the Town of Bailey Town Center zoning district.

B. The amendment will update the existing ordinance by:

Not allowing Single Family Detached Dwelling as an approved uses in a Town Center District

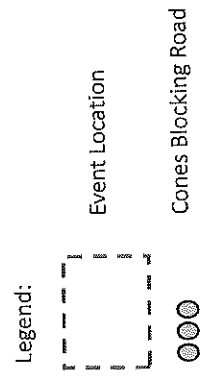
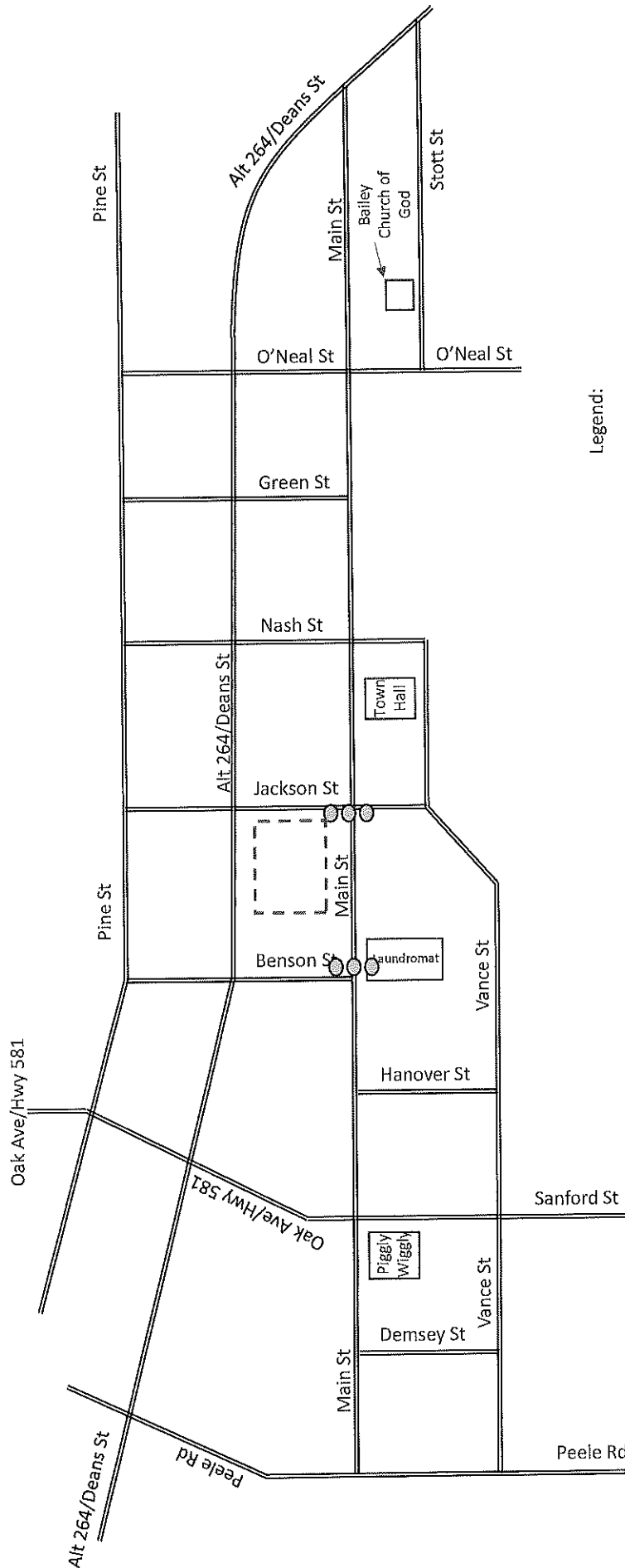
C. The request is reasonable and in the public interest because:

Due to the Town Center is a commercial use where single family dwelling should not be allowed. In order to keep harmony amongst business and mercantile agents in the zoning district.

The Town of Bailey Planning Board choose Option 3. The Town Board of Commissioners can adopt this as their own Statement Consistency also.

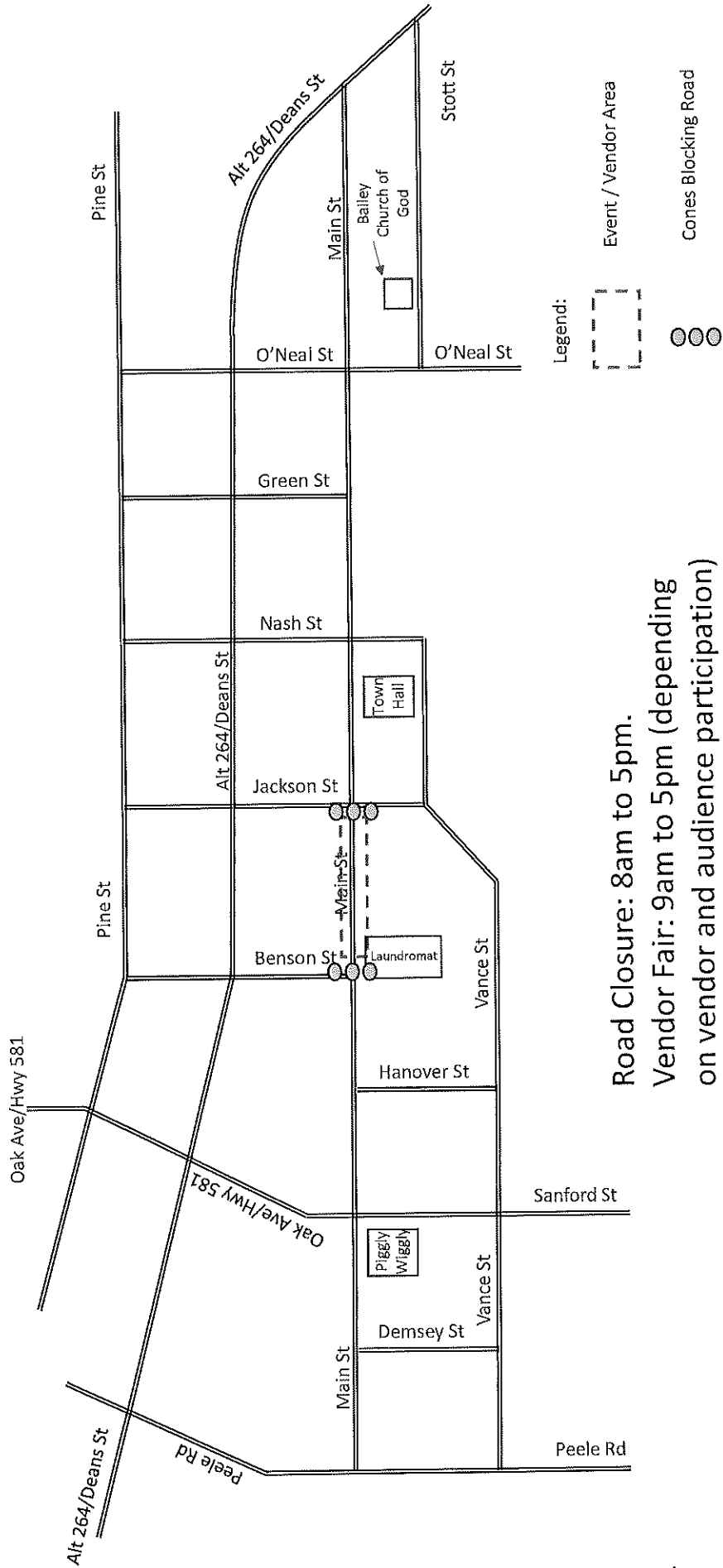
The Town of Bailey Planning Board met on Nov 09, 2021 at 7PM and voted this Text Amendment 5-0 with a motion by Lisa Matthew and seconded by Mary Boykin.

Christmas Tree Lighting Ceremony - Road Closure Map



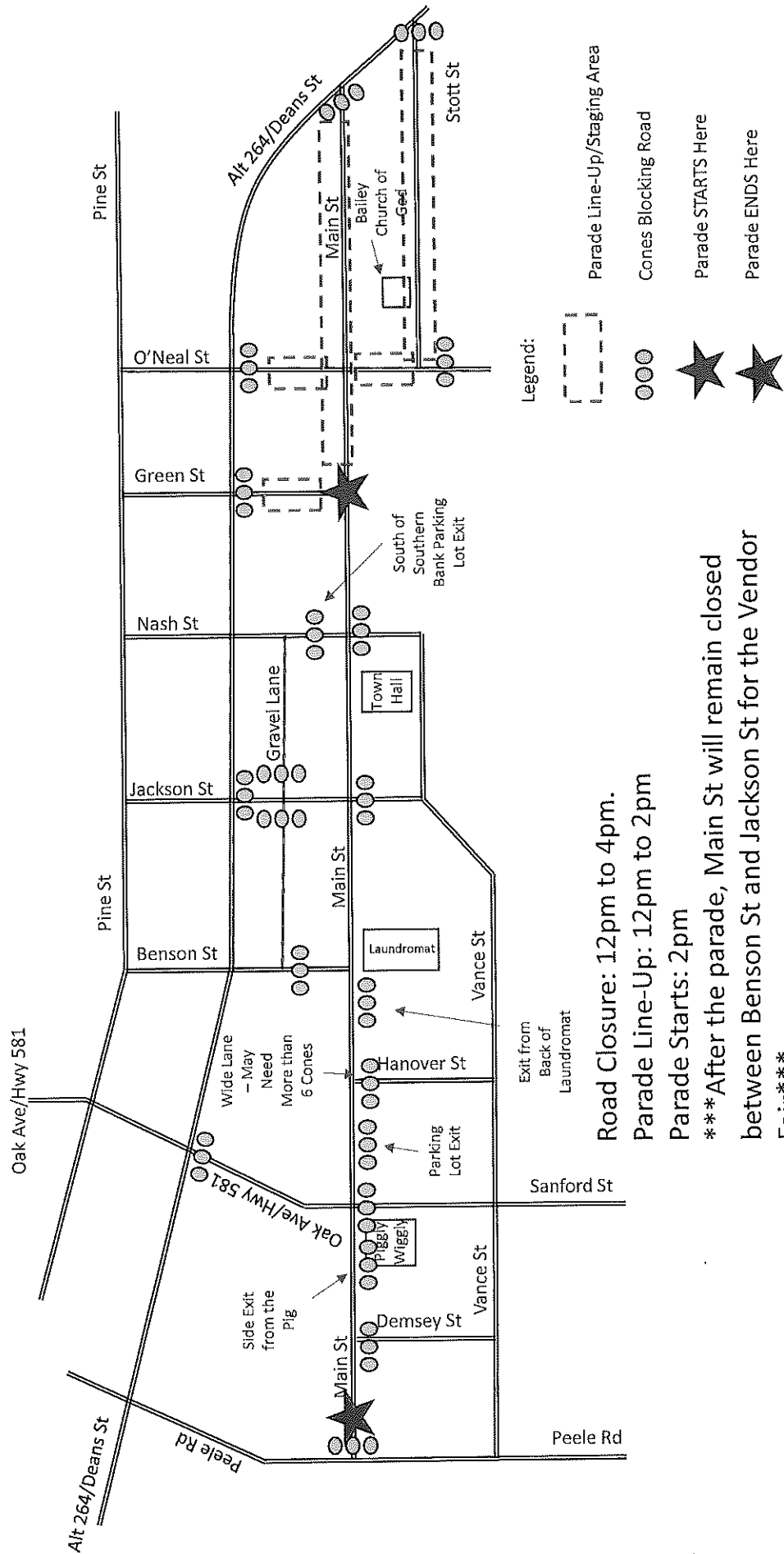
Road Closure: 5pm to 8pm.
 Lighting Ceremony: 6pm

Vendor Set-Up – Road Closure Map



Road Closure: 8am to 5pm.
 Vendor Fair: 9am to 5pm (depending on vendor and audience participation)

Christmas Parade – Road Closure Map



Road Closure: 12pm to 4pm.

Parade Line-Up: 12pm to 2pm

Parade Starts: 2pm

*** After the parade, Main St will remain closed between Benson St and Jackson St for the Vendor Fair***



**2021 MUNICIPAL ELECTION
11/02/2021
ABSTRACT OF VOTES
FOR
NASH COUNTY, NORTH CAROLINA**

INSTRUCTIONS

The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the city or town clerk for the municipality and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163-182.6)

**STATE OF NORTH CAROLINA
COUNTY OF NASH**

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 9th day of November, 2021.

Kelly H. Jones
Board Chair

Raige H. Wood
Board Secretary

Uw. L.
Board Member

Brenda Foster
Board Member

Deborah Jordan
Board Member

This day personally appeared before me, *Kelly Shore*, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 9th day of November, 2021.

John M. Kearney
Official Signature of Notary Public

**JOHN M. KEARNEY
NOTARY PUBLIC
NASH COUNTY, N.C.**

Printed/Typed Name of Notary Public

My Commission Expires: *10/11/2022*

(Seal)

November 02, 2021 Municipal Election Results by Contest

Tuesday, November 9, 2021
Page 1 of 1

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
TOWN OF BAILEY BOARD OF COMMISSIONERS	Dillon Bissette		22	22	0	0	0
	Richard W. Wilson		17	17	0	0	0