

TOWN OF BAILEY MEETING MINUTES 10/18/2021

The Regular Meeting of the Bailey Town Board was held in the Bailey Town Hall on October 18, 2021, at 7:00 PM.

The following members of the Bailey Town Board were present: Mayor Pro Tem-Commissioner Dwan Finch, and Commissioners Joel Killion, Shelley Bullard, 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 asked Commissioner Powell to lead the meeting in a word of prayer.

Commissioner Finch called the meeting to order and welcomed all guests. Commissioner Finch stated Mayor Richards could not make it to the meeting tonight, and that she would chair the meeting in his absence.

Approval of financial statements and minutes:

Commissioner Killion moved that the Board accept the meeting minutes from Sep 20, 2021, Board of Commissioners meeting as prepared by Town Clerk Crawford. Commissioner Powell seconded. Motion carried.

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

Commissioner Killion moved that the Board accept the September 2021 financial statements. Commissioner Powell seconded. Motion carried.

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

Agenda:

Bailey Town Planning Board: Commissioner Finch stated that Walter Wells is not present tonight, and that Shawn Lucas would discuss some of their items when the meeting gets to the Department Head comment section.

Bailey Chamber of Commerce: Tammy Bisette stated she is filling in for Nick Green, who is working tonight. Mrs. Bisette stated the Chamber held their golf tournament this past weekend and it went very well, and the event will now be an annual event. Mrs. Bisette stated the "Trick or Treat on the Street" event is scheduled for Oct 30, 2021, from 5:00 PM to 8:00 PM, and that she has already spoken with Interim Police Chief Callahan about blocking off the streets from 4:00 PM to 9:00 PM, along Main Street. Mrs. Bisette stated the flags for Veteran's Day will be up no later than November 1st. Mrs. Bisette stated the Bailey Pageant will be Nov 13th and 53 people have requested applications for participation in the event. Mrs. Bisette stated the Christmas lights will go up on the poles the day after Thanksgiving,

and there are no issues leading up to that. Mrs. Bissette asked if there was going to be an issue with the double-poles along Main Street, and Town Clerk Crawford stated he would investigate the status of removing the poles. Mrs. Bissette stated everything for the Christmas parade and tree lighting event is on track, with the parade set for Dec 4, 2021, and the tree lighting the night before on Dec 3, 2021. Mrs. Bissette asked if the Town would be willing to consider donating again to the Chamber, as they did in 2020.

Envirolink: Commissioner Finch stated that Envirolink is not present, and Town Clerk Crawford stated that their report has been included in the Board's packets.

Old Business:

Low Income Household Water Assistance Program (LIHWAP): Town Clerk Crawford stated the LIHWAP program is set to launch in Nov, and that Board has in front of them the data sharing agreement and the vendor agreement. Town Clerk Crawford stated this is a federal program, run by the Nash County DSS, and its focus is on assisting low-income families who need help paying for water and waste-water utility bills. Town Clerk Crawford stated, if approved by the Board, the town can work with DSS to process utility customers for funding for past due accounts.

Commissioner Finch asked if any Board members had any questions, and Commissioner Daniels stated that some customers have excessive past due accounts and that we cannot cut customers off. Town Clerk Crawford stated that Commissioner Daniels' statement is partially true. Town Clerk Crawford stated that while many believe that we cannot cut off utility service for past due accounts, the basic qualification criteria for programs like NC HOPE and LIHWAP are that the customer must already be cut off or pending cut off, so if either of these two are a requirement then the State cannot be restricting cut offs entirely. Town Clerk Crawford gave a brief example of how one tenant recently told the Post Office he had moved, turned off his phone service, and stopped paying his utility bill, and in this manner, he left the utility provider, the Town, with no way of collecting on the debt or assisting the tenant. Town Clerk Crawford stated his communication with NC HOPE about this tenant revealed that they saw no conflict with cutting off the service on a property, that for all intents and purposes, was now deemed to be vacant. Town Clerk Crawford stated that tenant has since come in and made payments towards the account, and NC HOPE has resumed assisting the customer with payments.

Commissioner Finch asked what Town Clerk Crawford needed from the Board, and he stated that if the Town is to work with the LIHWAP program the Board would need to approve the agreements included in their packets.

Commissioner Killion moved the Board approve the Low Income Household Water Assistance Program (LIHWAP) Water and Wastewater Vendor Agreement, by and between Nash County Department of Social Services/Human Services and Town of Bailey, and the Data Share/Use Agreement by and between the North Carolina Department of Health and Human Services, Division of Social Services and Data Recipient. Commissioner Powell seconded. Motion carried.

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

Commissioner Finch stated that we will step back to item 3 on the agenda and allow Shawn Lucas to complete his board appointment. Shawn Lucas affirmed his oath as a member of the North Carolina Structural Pest Control Committee, and his oath was conducted by Town Clerk Crawford. Commissioner Finch offered her congratulations on Shawn's appointment.

New Business:

Senate Bill 300 (Session Law 2021-138): Town Clerk Crawford stated SB300 is pending legislation related to criminal justice reform that directs all municipalities to perform four basic functions: 1) if a(any) town ordinance includes a criminal penalty for violating the ordinance, the language in the ordinance must clearly define what the penalty will be in total fine, or total days in confinement, 2) if the ordinance no longer requires a criminal penalty the language indicating the criminal penalty must be removed, 3) if the ordinance is planning or zoning in nature and it includes a criminal penalty that language must be reviewed for possible removal, and 4) the police department is required to track police officer use of force incidents through specific databases identified by the State, and those databases are tiered according to the type and/or severity of the force used, or the resulting physical injury/death incurred. Town Clerk Crawford stated the State is expected to sign SB300 into law on Dec 1, 2021, and the Town's requirement for implementing any change is before that date. Town Clerk Crawford stated that for the Board to adopt an ordinance with a criminal penalty, the ordinance cannot be adopted in the same meeting it is introduced.

Town Clerk Crawford stated that after reviewing approximately 60% of the total binder, he found many ordinances with criminal penalties. Town Clerk Crawford stated that about half of the current ordinances that mention a criminal penalty have language that seems to match SB300 requirements, while the other half do not have enough language to satisfy the criminal penalty description SB300 requires. With still more ordinances to review, Town Clerk Crawford stated he did not know how many more ordinances would need to be revised.

Commissioner Finch asked if the Board had to go through each of the ordinances and adopt the revisions before Dec 1, 2021? Town Clerk Crawford stated that if the Board wants to take out the criminal penalty, then adopting the revised ordinance is easy and should not require the redundant meeting. If the language is already correct and the Board does not want to revise that ordinance, that is the easiest path because nothing changes. Town Clerk Crawford stated the most time-consuming path is for those ordinances that do not have the required language, and the Board retains the criminal penalty – those ordinances will require the most work and the additional meetings for proper adoption.

Commissioner Finch asked if there was anything the Board needed to act on tonight? Town Clerk Crawford stated that tonight's focus was to get the word out about SB300, and that he would coordinate with Commissioner Killion, Interim Chief Callahan, and Mayor Richards about their input for their specific lanes.

Resolution for accepting ARPA funding: Town Clerk Crawford stated he has been going through the ARPA training this month, and one aspect covered so far is the proper method for receiving funding. Town Clerk Crawford stated the town has received some funding from ARPA sources but the requirement to receive and direct the proper usage of those funds needs to be outlined through a resolution, which he has ready for review, and signature tonight.

Commissioner Finch read aloud the Town of Bailey Resolution for Accepting American Rescue Plan Act Funds. Commissioner Killion moved the Board accept the Accepting American Rescue Plan Act Funds resolution. Commissioner Powell seconded. Motion carried.

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

Allpaid – Online Utility, Tax, and Misc. Payment System Vendor: Town Clerk Crawford stated Allpaid is a vendor that provides municipalities with the ability to offer online bill payments for their utility service customers. Town Clerk Crawford stated the former Town Clerk, Kellie Glover, previously made progress with this vendor but the project lost traction during COVID. Town Clerk Crawford stated our utility customers can go to the Town's website to make utility payments, and instead of our current arrangement where the Town pays the service fees, Allpaid passes the service fees on to the customer.

Commissioner Daniels moved the Board to initiate service with Allpaid, with a six-month evaluation period. Commissioner Powell seconded. Motion carried.

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

Public Comment:

Commissioner Finch introduced the public comment period and briefly reminded the audience about the rules. Commissioner Finch called forward the first participant, Mrs. Debbie Morton.

Debbie Morton, 5839 Deans Street, Bailey, NC 27807: Mrs. Morton stated she has been coming to the Town Hall for seven months, trying to address the ongoing water quality issues with her property. Mrs. Morton stated she continues to experience issues with brown water, and that she is showering and washing laundry at her son's house. Mrs. Morton said she doesn't know what to do about the ongoing problem.

Commissioner Finch called forward Mr. Don McLaughlin.

Don McLaughlin, 4005 Raleigh Road Parkway, Wilson, NC 27893: Mr. McLaughlin thanked the Board for allowing him to speak. Mr. McLaughlin stated he recently spoke with Town Clerk Crawford and was directed to bring his issue before the Board. Mr. McLaughlin stated his family members have a current plot in the Bailey cemetery and the border wall is sinking into the ground with the passing of time. Mr. McLaughlin stated the reason for coming tonight was to request the Board's permission to make improvements to the border wall, not to make it bigger, but to restore the wall in accordance with a

brick mason's recommendations. Commissioner Finch thanked Mr. McLaughlin for coming tonight and stated the Board would address the matter further when the meeting reached the Department Head comment section.

Department Head Remarks:

Town Clerk, Jeremy Crawford

Overman & Parks, CPA – Bookkeeping: Town Clerk Crawford stated the bookkeeping work is going well, and that the crew is making better progress now that they are getting further into the 2020 fiscal year. Town Clerk Crawford stated the bulk of the work now is data entry and adjusting from the transition from Logics to Southern Software. Town Clerk Crawford stated that Overman & Parks will have access to the Town Hall next week while he's out for vacation, and there should be no interruption to their progress just because he is out.

NC Debt Setoff Program: Town Clerk Crawford stated he attended the training last week for the NC Debt Setoff program, and he believes this program will be a great addition to the NC HOPE and LIHWAP programs as it pertains to collecting on unpaid utility debts. Town Clerk Crawford stated the Board needs to identify who will serve as the Hearing Officer so that the Town can properly execute the due process protocol, but it is likely that officer would rarely be used in that role. Commissioner Finch asked if there was a timeline for implementation, and Town Clerk Crawford stated there is no drop-dead timeline, however, once we are ready and any accounts of \$50 or more are 60 days past due, we can move to collect through this program.

ARPA Funding Training Courses: Town Clerk Crawford stated he is attending the on-going courses for this month. Town Clerk Crawford stated he will share the course content with Commissioner Killion as he believed Commissioner Killion was still willing to participate in the training if it was virtual or self-paced. Commissioner Killion stated he was still willing to participate in the self-paced classes.

Nash County Sheriff's Office Coverage: Town Clerk Crawford stated Bailey has been enjoying some solid weekend coverage from the Nash County Sheriff's Office. Interim Police Chief Callahan stated this past weekend a deputy was here at the same time her new patrolman was on duty and that it might be a waste to cover the shift with two officers. Town Clerk Crawford stated that he agreed, in this example, and that he was unaware that Interim Chief Callahan was planning to bring her new officer in, or he would have discussed modifying the weekend's schedule.

Interim Chief of Police, Cathy Callahan:

Interim Chief Callahan stated one new officer has started and three other part-time officers are currently being processed through NC Training & Standards. Interim Chief Callahan stated for the month of September there were six total charges, 2 arrests, 2 misdemeanors, 52 business contacts, 59 business escorts, 4 reports taken, 6 crimes, 4 of which have been solved, one investigation ongoing, one, the bakery break-in, is being handled by the FBI in VA, as that incident is tied to a suspect who is believed to have committed 27 break-ins in NC and VA.

Zoning Administrator/Code Enforcer, Shawn Lucas:

Rezoning: Shawn Lucas stated the Planning Board held their Regular Meeting last Tuesday night, and the one thing they are looking for is some patience from the Board. Shawn Lucas stated the Planning Board is requesting another 30 days to work with Tony Stone to further review the best method for rezoning/zoning his property along Main Street. Walter Wells, Planning Board Chair, stood and requested to add some comments. Walter Wells stated that while the focus is to make sure the zoning issue is correct for Mr. Stone's property, the priority is to get the zoning issue correct overall as any change to the zoning impacts all properties in that classification, not just Mr. Stone's property.

160D Amendments: Shawn Lucas stated the Planning Board considered working with an external consultant for making changes to the 160D amendments, but that option seems cost prohibitive. Shawn Lucas stated the Planning Board is working through 21 amendments that apply to 160D, and it's likely that process will take into late next year to finish the process.

Quasi-Judicial Hearing: Shawn Lucas reminded the Board about the rules related to conducting a quasi-judicial hearing, especially as they pertain to the hearing set for Oct 26, 2021, related to the property at 6303 Main Street. Shawn Lucas stated that if anyone has a question about the hearing, they should call him directly or call the Town Hall and Town Clerk Crawford would ensure the message gets to him.

Zoning Department Notices and Violations: One car was tagged, 13 signs were pulled out of the right-of-way, nine grass write-ups, two trash cart drop-offs, and one cemetery plot marked. Shawn Lucas is also working on repairing and/or replacing street signs at two different locations in town.

Additional Rezoning: Shawn Lucas stated the Planning Board is holding a rezoning meeting on Nov 15, 2021, to consider a rezoning request for the property at 5825 Main Street, the old sewing factory. Shawn Lucas stated the owner is requesting the zoning change to allow for turning that property into a commercial in-door event venue location.

Commissioner Daniels asked if there was anyway to stop them from bringing the event center concept into that location. Shawn Lucas stated right now the property is not zoned for commercial events at that location, so any future change would have to go through the Planning Board and the Town Council. Walter Wells stood and stated that the basic flow of the request would be for the property owner to request the rezoning change, the Town Council would push the request to the Planning Board for their review and recommendations, and once the Planning Board has given the Town Council their recommendation, the Town Council would be the ones to decide on what to approve.

Commissioner Killion moved the Board grant the Planning Board 30 more days to review the text amendment from Tony Stone. Commissioner Powell seconded. Motion carried.

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

Commissioners Remarks:

Commissioner Joel Killion: Commissioner Killion asked Interim Chief Callahan if she could update the Board on the hiring status of the three remaining candidates. Interim Chief Callahan stated the documents are at the NC Training & Standards Division, and she has no additional information on the status. Commissioner Killion asked if the town was seeing any improvement regarding the grass cutting. Commissioner Daniels stated he met with the crew, and they talked through a solid plan for taking care of key areas, including along Hwy 581. Commissioner Daniels stated he did not have any problem with what they are providing now, and that they have the pest control, and clean up plan in place for the rest of the year's special events covered.

Commissioner Killion moved the Board donate \$1,500.00 to the Bailey Chamber of Commerce for use towards the Christmas Parade. Commissioner Powell seconded. Motion carried.

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

Commissioner Shelley Bullard: Commissioner Bullard stated the request from Mr. McLaughlin seems fair, since their border is already there.

Commissioner Bullard moved the Board approve Mr. McLaughlin's request to repair the border on his family's plots. Commissioner Daniels seconded. Motion carried.

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

Commissioner Dwan Finch: Commissioner Finch asked if anyone was taking action to remove the dirt around the poles along Main Street that were recently installed by Duke Power. Town Clerk Crawford stated Top Notch is already working on that task, and had it not been for staffing shortages the dirt would have been gone last week.

Commissioner Daniels stated the second poles need to come up and the concrete needs to be repaired. Town Clerk Crawford stated he has called around and cannot get anyone to confirm who should be removing the second poles or fixing the sidewalks. Commissioner Daniels stated he knew a point of contact who was a lawyer, and if anyone can get the right answer it's him, so he would call his contact.

Commissioner Ervin Powell: Commissioner Powell stated he had one concern, and it is about Mrs. Morton's plumbing issue. Commissioner Daniels stated he was looking into it, but he got confused about the property address and when he thought he was resolving the issue he had the wrong address in mind. Commissioner Finch stated she has seen the crew on Main Street and asked if that work was related to Mrs. Morton's property. Commissioner Daniels stated the crew is working on various leaks around town, and that it will require the town to shut the water off at night in order to make the repairs to the many bad valves, and leaks.

Commissioner Daniels stated the town needs to write a letter to Mike about the problems Bailey is having with the service Envirolink is giving the town. Town Clerk Crawford asked if the contract was nearing the end of its term, and Commissioner Daniels stated no, but we can break the contract.

Commissioner Finch stated then we should break it, and Commissioner Daniels stated the question then is who we would we get to do the work? Commissioner Daniels stated we should at least break the maintenance portion of the contract because Envirolink has caused so many problems related to maintenance, including the recent leak repair work at Deans St where Envirolink filled the 7' deep hole with mud. Commissioner Daniels stated we brought in the paving vendor, and they had to wait while Envirolink had to dig out five feet of mud that should have never been put in that hole.

Commissioner Powell stated he just did not want the Mortons to go another month of dealing with their problems. Mrs. Morton stated the suggested fix would cost \$1,200.00, which includes digging a trench and running a line from the Deans Street meter box to her house. Commissioner Finch asked if it would be good to call in Rural Water and get their input, and Commissioner Daniels stated he wanted to verify that if Environlink were to tie into a line from the Dean Street side of the Morton's house, would the tie in be connecting to the six-inch line on the northern side of Deans Street, or the old two-inch line that runs along the southern side of Deans Street. Commissioner Daniels stated he would not want to see the Mortons pay for a connection to the old two-inch line, which is being taken out of service. Commissioners Daniels stated he would look into the issue.

Commissioner Allen Daniels: Nothing else to add.

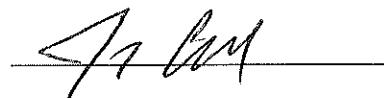
Mayor Remarks:

Mayor Thomas Richards: Not present.

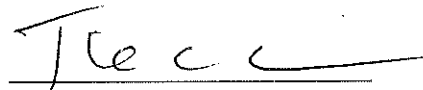
Town Clerk Crawford requested to add in a final comment that today Melissa Hayman started as the new Customer Service Representative, and tomorrow, Wilma Sizemore will begin, also as a Customer Service Representative.

Commissioner Bullard moved the Board adjourn from the meeting. Commissioner Killion seconded. Motion carried.

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



Jeremy Crawford, Town Clerk



Mayor Thomas Richard