



**ELM CITY BOARD OF COMMISSIONERS  
TUESDAY, OCTOBER 13, 2015  
ELM CITY TOWN HALL  
CONFERENCE ROOM**

**MINUTES**

**1. Call to Order**

Mayor Grady Smith (hereinafter "Mayor Smith") called to order the regular meeting of the Elm City Board of Commissioners (hereinafter "Board") at 7:30 pm, on October 13, 2015.

**2. Roll Call**

Mayor Smith conducted a roll call. The following were present:

Commissioner, Dale Childress (hereinafter "Comm. Childress")  
Commissioner, Melvin Cooke (hereinafter "Comm. Cooke")  
Commissioner, Lewis Crockett (hereinafter "Comm. Crockett")  
Commissioner, Marsha Wells (hereinafter "Comm. Wells")  
Commissioner, Gil Wheeler (hereinafter "Comm. Wheeler")  
Town Administrator, Jonathan Russell (hereinafter "Admin. Russell")  
Town Clerk, Dena Cordell

**3. Approval of Minutes from Last Meeting**

Mayor Smith gave the Board opportunity to review the proposed minutes from the September 15, 2015, meeting.

*MOTION: Comm. Cooke made motion to approve the September 15, 2015, meeting minutes; seconded by Comm. Crockett. Motion passed by unanimous vote.*

**4. Admin. Russell's Report**

A. Execution of Inter-local Agreement: The inter-local agreement with Nash County and the Town has been approved by both parties. The fully executed agreement has been prepared for the anticipated land purchase closing for October 30, 2015. A survey will need to be prepared for the property.

*MOTION: Comm. Crockett made motion that Mack Gay & Associates survey the property at a cost not to exceed \$5,000; seconded by Comm. Cooke. Motion passed by unanimous vote.*

- B. SOC Application with NCDENR: Currently being prepared is a SOC agreement to submit with NCDENR. This will allow the Town to establish a set of guidelines in order to have the sewer moratorium lifted. The process will require extensive review by both the Board of Commissioners and DENR staff. The SOC application will help in the upcoming grant cycle and will add an additional 10 points. The process will take six to eight months.

*MOTION: Comm. Crockett made motion that the Town begin the process of filing the application for a SOC; seconded by Comm. Wheeler. Motion passed by unanimous vote.*

- C. Train Depot Update: Construction documents are being reviewed by the State Historic Commission and USDA Division of Rural Development. Once the review process is completed, the documents will be approved for bid solicitation. It is hoped that both parties will have reviewed the documents by the end of October, allowing for bidding to be completed by the end of November, awarding the bid in December.

- D. CDBG Grant Submission: The CDBG grand application was submitted on the September 30 deadline. The grant was in the amount of \$750,000, and would replace water lines in the Gray / Pine Street neighborhood and along South Barnes and South Anderson Streets. If the application doesn't score well during the current cycle, it may be in the best interest of the Town to reapply with work to be done only in the Pine / Gray Street neighborhood.

- E. Sidewalk Bids for West Main Street: We have requested bids from four local contractors and have received one submission back from Anderson Construction. The total for the new sidewalk installation on West Main is \$31,980 and \$18,975 for the furniture portion totaling \$50,955.

*MOTION: Comm. Crockett made motion that the Town use Anderson Construction for the sidewalk work to be done on West Main Street, seconded by Comm. Cooke. Motion passed by unanimous vote.*

- F. FY 2014-15 Audit: Greg Redman, auditor, anticipates finishing the most recent fiscal year audit by the end of the month. Doing so will allow for adequate time for final preparation and submission to the state treasurer's office.

G. Additions:

1. Admin. Russell mentioned that there was a new barbershop business that opened in Town.
2. Admin. Russell reported that the State requires that a resolution be passed by the Board to close East and West Main Street during the Fall Fest & Car Show.

*MOTION: Comm. Cooke made motion that East and West Main Street be closed on October 24, 2015 from 8 am until 5 pm; seconded by Comm. Childress. Motion passed by unanimous vote.*

3. Admin. Russell mentioned the vegetation buffering for the Strata Solar Farm. He has spoken with the Town Attorney for repercussions for Strata not adhering to code. It is possible that the Town could withdraw the tax incentive agreement with them, and use it as leverage to have them retro-actively bring the property up to code. Admin Russell is being proactive and getting quotes for having the work done. Ted Rhodes has taken measurements and will have a quote available for the next Board meeting.

5. **Invoices**

Admin. Russell presented the Board with the monthly Town invoices in the agenda packet.

Additions: LeBleu - \$28.10  
Imaging Specialties – folders - \$8.00  
Online Info – credit checks - \$32.85  
The Breeze Band – Fall Fest - \$800.00  
Generation III – Fall Fest - \$300.00

*MOTION: Comm. Crockett made motion to pay bills; seconded by Comm. Cooke. Motion passed by unanimous vote.*

6. **Comments from Public Floor**

Steve Mitchell, of Staton Lane, addressed the Board regarding drainage on the North side of Town on Nash Street and Staton Lane. The ditch drains across from a field outside of the Town limits. The Department of Transportation previously maintained the ditch, but has not been recently, and no longer will. The tile in the ditch stays

clogged. Mr. Mitchell has had to clean out the tile to prevent flooding. Many large farm vehicles use the area as access to the field. He is interested in a solution to the problem. Without a solution, if in the event of a large rain storm, the houses on Staton Lane will flood. The water leaves Nash across from the field and dumps water from both the Staton Lane neighborhood, as well as the Gray Street neighborhood. The water drains more from the town than the water from the field.

There is no easement for the Town to be on the property. It is possible for the Town to reach out to the owner and farmer to be granted permission to correct the problem. The concrete pipe is \$300 for 10' sections, which would cost approximately \$1,200 for materials alone. It may be possible for the Town to split the cost of correction, if the owner is in agreement. It was mentioned that the plastic piping could possibly work at a less expensive cost.

Thomas Harris, also of Staton Lane, has cleaned out the ditch as well – and when doing so, the height of the ditch is well over his head. He would like for the Board to consider helping, and contacting the owner to get approval to do the work. The ditch is graded in an uphill manner, which in turn causes problems as well. He asked if Envirolink could work on the 20' section to regrade the ditch.

Admin. Russell will contact the owner and will report to the Board at the next meeting, hoping that work could be done by Thanksgiving.

It was mentioned that ditches and tiles must be cleaned out consistently. The Town has been working on the East side, but hasn't begun work on the West. Estimates are still being sought for the work to be done.

## **7. Commissioner Concerns**

Admin. Russell mentioned that the Winstead properties on S. Tyson and E. Wilson is up for tax foreclosure on Wednesday the 21<sup>st</sup>. They will be sold by the County for delinquent taxes.

Comm. Cooke mentioned that there are drains that need immediate attention.

- Wilson to Nash on Barnes
- Pender from Main to Nash
- Corner of Church to Anderson
- American Legion Lane – no ditch present

The Town has received a quote from Haddock for \$60,000 to do all the ditch work on the West side of Town. It is possible to break the work down in smaller sections, paying close attention to the one behind the Jordan property, hoping it will help

correct the other problems. Comm. Childress mentioned that the cost factor may be more, breaking it down in smaller sections, due to equipment having to be moved, etc. Comm. Wheeler suggested that the Town see if Mr. Harris could do some of the work if broken down to smaller sections.

Admin. Russell requested the Board choose the highest priority if breaking down the work. The work on Anderson St. and Church, to the manhole behind the Jordan property should take priority. The pipe may need to be jetted or possibly replaced. The Barnes Street work between Main and Nash should be considered next.

Comm. Cooke mentioned meeting the new barber in the Town, and how nice the property looked.

Admin. Russell mentioned that there was possible interest from a pharmacist in the old pharmacy building. The owner is currently speaking with the prospect.

Com. Cooke reminded the Board about the Fall Fest and Car Show coming up on Saturday, October 24<sup>th</sup>.

Admin. Russell reminded the Board about the upcoming elections taking place on November 3<sup>rd</sup>.

## **8. Adjournment**

Mayor Smith adjourned the meeting at approximately 8:35 pm, October 13, 2015, upon motion of Board.

*MOTION: Motion was made to adjourn by Comm. Childress; seconded by Comm. Wheeler. Motion passed by unanimous vote.*

## **9. Public Hearing Minutes from October 30, 2015**

### **A. Call to Order**

Mayor Pro tem Melvin Cooke (hereinafter "Mayor Pro Tem Cooke") called to order the special called meeting of the Elm City Board of Commissioners (hereinafter "Board") at 1:05 pm, on October 30, 2015.

### **B. Roll Call**

Mayor Pro tem Cooke conducted a roll call. The following were present:

Commissioner, Dale Childress (hereinafter "Comm. Childress")

Commissioner, Marsha Wells (hereinafter "Comm. Wells")  
Commissioner, Gil Wheeler (hereinafter "Comm. Wheeler")  
Town Administrator, Jonathan Russell (hereinafter "Admin. Russell")  
Town Clerk, Dena Cordell

**C. Bank Information**

Mayor Pro tem Cooke turned the public hearing over to Admin. Russell for bank information explanation.

Admin. Russell reported that the special called public hearing was to review all banking documents and financing for the purchase of the property, consisting of one tract in Wilson County, designated by Tax PIN as 3736-55-9745.000 and listed as 90 acres at 6432-A Homestead Road, Elm City, NC; and a tract of 118 acres, more or less, in Nash County with Tax Pin as 373600669569, and also designated as 6432 Homestead Road, Elm City, NC. Available for review were the following bank documents:

Bank Eligibility Certificate  
Non-Arbitrage Certificate  
Incumbency and Authorization Certificate  
Registered Promissory Note  
Installment Financing Contract  
Payment Schedule  
Resolution of Borrower's Governing Board

Admin. Russell reported that the amount of financing through Southern Bank was \$475,000, at an interest rate of 3.25%, for a 59 month term.

**D. Slade Rand, Town Attorney**

Town Attorney, Slade Rand, reported to the Board that the Town entered into a contract with the bank for closing costs in the amount of \$2,000. However, the Bank's counsel increased the closing cost to \$3,000. Mr. Rand suggested that the Town close on the property and ask that the fees be reduced. He also reported that there were some concerns with Title that are typical. The Town must agree to give the bank an easement through the original property if in the event the property is ever foreclosed upon to give access to said property. Mr. Rand reported that there were documents that would need to be executed, a resolution that would need to be executed and certified by the Town Clerk.

**E. Public Comments**

There were no citizens in attendance.

**F. Motion**

*MOTION: Comm. Childress made motion to adopt the resolution to complete the purchase of property consisting of one tract in Wilson County, designated by Tax PIN as 3736-55-9745.000 and listed as 90 acres at 6432-A Homestead Road, Elm City, NC; and a tract of 118 acres, more or less, in Nash County with Tax Pin as 373600669569, and also designated as 6432 Homestead Road, Elm City, NC.; seconded by Comm. Wheeler. Motion passed by unanimous vote.*

**G. Closing of Public Hearing**

*MOTION: Comm. Childress made motion that the Public Hearing be closed; seconded by Comm. Wheeler. Motion passed by unanimous vote.*

**H. Adjournment**

Mayor Pro tem Cooke adjourned the meeting at approximately 1:15 pm, October 30, 2015, upon motion of Board.

*MOTION: Motion was made to adjourn by Comm. Childress; seconded by Comm. Wheeler. Motion passed by unanimous vote.*

Minutes submitted by Dena H. Cordell, Town Clerk