

Agenda
Stoneville Town Council Meeting
October 5, 2021

***Executive Session at 6:00 PM**

*Executive Session: §143-318.11- Personnel Issue

Regular Session 7:00 PM

Call to Order- Mayor Galvan

Pledge of Allegiance & Invocation

Approval of Minutes

Approval of Agenda

Council Comments:

New Business:

1. Special Presentation – Perry Webster
2. Introduction & Swearing in of Finance Officer – Mayor Galvan
3. Girl Scout Project – Sierra Stone

Public Hearing Open:

4. Amending Ordinance-Chapter XV, Buildings: Construction and Related Activities – Perry Webster

Public Hearing Comments:

Public Hearing Close:

5. Resolution for Requisition and Check Signatures and Administration of CDBG Project No. 17-I-2970 – Perry Webster
6. Public Works Vision for Stoneville – Mark Malloy
7. Consideration to Donate Air Packs to Blackberry Fire Department – Tim Brown
8. Consideration of Stoneville Christmas Parade – Perry Webster
9. Consideration of Proposal for Cemetery Software – Perry Webster

Public Comments:

Old Business:

1. STEM Student Project – Johnny Farmer
2. Update on Stoneville Memorial Park – Perry Webster
3. Update on Lemons Street Water Line – Mark Malloy

Town Manager Report:

1. 107 S Henry Street Update
2. Fall Leaf Pick Up
3. Cycle NC Update

Department Head Comments:

Adjourn:

***Executive Session:**

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

(1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.

(2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(10) To view a recording released pursuant to G.S. 132-1.4A. (b) Repealed by Session Laws 1991, c. 694, s. 4. (c)

Calling a Closed Session. – A public body may hold a closed session only upon a motion duly made and adopted at an open meeting. Every motion to close a meeting shall cite one or more of the permissible purposes listed in subsection (a) of this section. A motion based on subdivision (a)(1) of this section shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on subdivision (a)(3) of this section shall identify the parties in each existing lawsuit concerning which the public body expects to receive advice during the closed session.

(d) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 570, s. 2. (1979, c. 655, s. 1; 1981, c. 831; 1985 (Reg. Sess., 1986), c. 932, s. 5; 1991, c. 694, ss. 3, 4; 1993 (Reg. Sess., 1994), c. 570, s. 2; 1995, c. 509, s. 84; 1997-222, s. 2; 1997-290, s. 2; 2001-500, s. 2; 2003-180, s. 2; 2013-360, s. 8.41(b); 2014-79, s. 9(a); 2016-88, s. 3.)

Stoneville Town Council
Meeting Minutes
September 7, 2021
Executive Session 6:00 PM
7:00 PM

Executive Session:

Councilman Thornton was absent and excused.

Enter into executive session motion to discuss a personnel matter made by Councilman Farris. Seconded by Councilman Smith. Motion carried.

Close Executive Session:

Motion made to close executive session made by Councilman Hundley. Seconded by Councilman Farmer. Motion carried.

Regular Session:

Present: Present were Mayor Kathy Stanley-Galvan, Councilmen Chuck Hundley, Jerry Smith, Johnny Farmer and Bill Farris. Councilman Henry Thornton was absent and excused. Also, present were Interim Town Manager Perry Webster, Town Clerk Sherri Darnell, Public Works Director Mark Malloy, Police Chief Franklin Moore and Town Attorney Eugene Russell.

Welcome: Mayor Galvan welcomed the assembly. After the Pledge of Allegiance and Invocation, called the meeting to order. Mayor Galvan stated that during executive session a personnel issue was discussed with no action taken.

Minutes: Mayor Galvan asked for a motion to approve the Minutes from the last meeting. Councilman Farris made the motion to approve the minutes. Councilman Hundley seconded. Motion carried.

Agenda: Mayor Galvan asked for a motion to approve the Agenda. Councilman Smith made the motion. Councilman Farmer seconded. Motion carried.

Council Comments:

Mayor Galvan thanked everyone in attendance and reminded everyone about the Rotary Fall Festival to be held Saturday, September 25th. Councilman Farmer expressed his gratitude to Merea Bridges for always putting the flags up downtown and invited everyone to attend the last Cruise In of the year on September 17th.

New Business:

Proclamation in Recognition of Constitution Week: Clerk Darnell read the proclamation into the record for Mayor Galvan.

STEM Student Project Idea: Hannah Cardwell, student at McMichael High School, presented a proposal to plan and design an Arboretum and have it located within the Town. Copy incorporated into the minutes. Consensus of Council to use the Memorial Park and walking trail if Miss Cardwell's teacher approves.

Consideration to Advertise Public Hearing: Town Manager Webster asked Council if they wanted to proceed with advertising the public hearing to adopt the Amendment to Ordinance Chapter XV, Building: Construction and Related Activities. Councilman Hundley made the motion to

advertise the public hearing. Councilman Farmer seconded. Motion carried. Copy of proposed amendment incorporated into the minutes.

Water Samples for Lemons, Simpson and N Glenn Streets: Public Works Director Malloy stated that the lab results for water quality issues revealed no problems found. Copy incorporated into the minutes.

Construction of New Water Line on Lemons Street: Town Manager Webster and Public Works Director Malloy stated that the new 6 inch water line will be from E Main to the new line on Oak Street, and the cost would be approximately \$28,000.00. Town Manager Webster stated that this should be covered with the ARP funds for water/sewer infrastructure. Councilman Smith made the motion to proceed. Councilman Farris seconded. Motion carried.

Consideration to Purchase Phone System for 107 S. Henry Street: Town Manager Webster stated that the cost to purchase a phone system for the new Town Hall location would be \$2,378.00. Councilman Farmer made the motion to proceed with the purchase. Councilman Hundley seconded. Motion carried.

Consideration to Purchase Chrome Books: Town Manager Webster stated that in order to reduce the paper usage and reduce the time that it takes the Police Department to deliver hard copy packets to Council, he would recommend purchasing Chrome Books for the Council, Attorney and Clerk. The cost would be \$2,200.00 and training would be provided. Councilman Farris made the motion to proceed with the purchase. Councilman Smith seconded. Motion carried.

Consideration to Purchase Point of Sale System for 107 S Henry Street: Town Manager Webster explained that this would be a contactless system between the customers and staff and the same convenience fee would apply that we are charging now. The cost of this system would be \$84.00 per year. Councilman Farmer made the motion to approve this purchase if it also allowed over the phone payments to be applied through it. Councilman Farris seconded. Motion carried.

Surplus Property: Town Manager Webster stated that there are 6 cash register safes that we will not need for the Town Hall property and would like to have them deemed surplus. Councilman Hundley made the motion to have these deemed as surplus and sell at the Town Manager's discretion. Councilman Farmer seconded. Motion carried.

Public Comments: Jerry Smith stated that Stoneville Elementary School is aging and suggested we invite Dr. Shotwell to a meeting, ask "when is our turn for a new school" or send a resolution to the school board.

Old Business:

Park Playground Equipment Update: Councilman Smith stated rather than moving the playground equipment to consider opening up the area. Councilman Smith suggested removing the fencing around the tennis court, clear trees and debris from the entrance and spruce up around the area. Councilman Farmer suggested using the STEM project for a plan. Consensus of Council, Town Manager Webster should get back in touch with Council regarding the price of these changes.

Town Report:

1. Town Manager Webster presented the request from Southern Finishing to establish a wood finishing plant at 302 S Henry St. This location is already zoned as Industrial so it would be allowed and up to Southern Finishing to comply with State regulations
2. Town Manager Webster stated that Cycle NC will be here on October 4th. They will have approximately 600 to 900 cyclists that will be using our Town as a pit stop. The municipal parking lot will be block off on that day for cyclists to park, eat, shop, rest and then continue on to their final destination of the day which is Reidsville Park. We will need extra Police Department personnel on duty that day along with volunteers.
3. Town Manager Webster stated that a sewer issue was experienced by a resident and he called a plumber who stated the problem was on the Town and to send us the bill. We have declined the bill because the Town was never contacted regarding the issue.

There were no department head comments.

Adjourn: Motion for adjournment was made by Councilman Farris. Seconded by Councilman Hundley. Motion carried.

Mayor, Kathy Stanley-Galvan

Town Clerk, Sherri Darnell, CMC, NCCMC

AMENDING THE TOWN OF STONEVILLE CODE OF ORDINANCES
CHAPTER XV, BUILDINGS: CONSTRUCTION AND RELATED ACTIVITIES

BE IT ORDAINED by the Town Council of the Town of Stoneville, North Carolina, that the Town of Stoneville Code of Ordinances be amended as follows:

Part I. That Non-Residential Maintenance Code be inserted as follows:

NON-RESIDENTIAL MAINTENANCE CODE Sec. 150.09

150.09 Purpose.

It is the purpose of the provisions of this code to provide a just, equitable and practical method, whereby all buildings, structures, and premises which for any cause, endanger the life, limb, health, property, safety, or welfare of the general public or their occupants, diminish property values or detract excessively from the appropriate appearance of the area, may be required to be repaired. It is further the purpose of this code to preserve the character and integrity of the community and to promote the comfort, happiness and safety of community residents. It is the further purpose of this code to minimize discordant, unsightly and offensive surroundings while preserving beauty as well as the usefulness of the environment. It is further the purpose of this code to minimize related fire safety concerns within the Town of Stoneville. The provisions of this code are cumulative with and in addition to any other remedy provided by law including the current editions of standard codes adopted by the Town of Stoneville, N.C.

Special emphasis shall be placed on Chapter XV Existing Buildings of the N.C. State Building Code (or any code that may replace this volume) regarding repair standards and requirements for life-safety. The objective of the existing buildings code is to promote the safe continued use and re-use of existing buildings.

Scope and Applicability.

The provisions of this code shall apply to all non-residential structures, and buildings as defined by the Stoneville Town Ordinance located within the Town of Stoneville. Residential structures shall fall under enforcement of the minimum housing code for the Town of Stoneville; for combination structures, both codes would apply. This code establishes minimum standards for the initial and continued occupancy and/or use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of the building, equipment or facilities contained therein.

Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Building: Any structure enclosed and isolated by exterior walls, constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, freestanding signs and similar structures whether stationary or movable.

Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Occupant: Any person having actual possession of building, structure or environs whether lawfully obtained.

Occupied: Any building or structure in current use for any purpose in or affecting trade or commerce, excluding storage.

Owner: The holder of the title in fee simple and every mortgagee of record of a property.

Rubbish: Combustible and noncombustible waste materials, except garbage and ashes, and the term shall include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

Unoccupied: Any building or structure which is not an occupied building as defined in this section. For the purposes of this Ordinance a building or structure which has no active use as determined by the Town Manager or his/her designee shall be considered unoccupied.

Conflicting Provisions.

In any case where the provisions of this code impose a standard other than that set forth in any other ordinance of the town or under the laws of the State of North Carolina, then the more restrictive standard shall prevail.

Compliance.

Any building, structure, and/or premises within the Town of Stoneville, where applicable, shall comply with the regulations and requirements set forth in this code.

No license permit or certificate of occupancy shall be issued unless and until compliance with all applicable sections of this code. No land or building or combination thereof, shall be used in a manner inconsistent with or in conflict with the requirements of this code.

Inspections.

The Town Manager or his/her designee shall make periodic inspections for unsafe, unsanitary or otherwise hazardous and unlawful conditions in buildings, structures or individual building units within the Town of Stoneville. In addition, he shall make inspections when he has reason to believe that such conditions may exist in a structure at any time. However, all unoccupied structures shall be inspected at least twice annually for compliance with this Code. In exercising this power, the Town Manager or his/her designee shall have a right to enter on any premises within the town limits at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of property credentials.

Responsibilities of the owner.

It shall be the responsibility of the owner of all buildings, structures, and/or premises in the Town of Stoneville that they be maintained in compliance with all applicable provisions herein.

The following violations shall be corrected after the notice of violations as enumerated herein:

1. **General**

- a. Buildings and environs shall be kept clear of accumulations of garbage, trash, or rubbish which create health and sanitation problems. All garbage and solid waste shall be in approved containers or stored in a safe and sanitary way.
- b. The building and environs shall be kept free of loose and insufficiently anchored overhanging objects which constitute a danger of falling on persons or property.
- c. The building and environs surfaces shall be kept clear of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, lose or broken plastic or other dangerous objects or similar hazardous conditions. Exterior surfaces shall be maintained in such material or treated in such a manner as to prevent deterioration.
- d. The building and environs shall be kept free of objects and elements protruding from building walls, roofs and environs which are unsafe or not properly secured or which can create a hazard such as abandoned electrical boxes and conduits, wires, sign brackets and other brackets, and similar objects.

2. **Appurtenances:**

- a. All chimneys, flues and vent attachments thereto shall be maintained structurally sound. Chimneys, flues, gas vents or other draft-producing equipment which are in use shall provide enough draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke tight and capable of withstanding the action of flue gases.
- b. All exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair and free of defects,
- c. All cornices shall be made structurally sound. Rotten or weakened portions shall be removed and/or replaced. Ail exposed wood shall be treated or painted.
- d. Gutters and downspouts shall be replaced or repaired as necessary and shall be appropriately located so as not to cause a hazard to pedestrian, vehicular traffic or property.
- e. Advertising sign structures attached or freestanding, awnings, marquees and their supporting members and other similar attachments and structures shall be maintained in good repair and shall not cause a nuisance or safety hazard.

3. **Structural:**
 - a. Walls, partitions, supporting members, sills, joists, rafters or other structural members shall not list, lean or buckle, shall not be rotted, deteriorated or damaged, and shall not have holes or cracks which might admit rodents.
 - b. Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
 - c. Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
 - d. Interior steps, railings, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fail or collapse.
4. **Plumbing, electrical and supplied facilities:**
 - a. All plumbing fixtures and pipes shall meet the standards of the North Carolina Plumbing Code and shall be maintained in a state of good repair and in good working order.
 - b. All electrical fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used, and installed in accordance with the North Carolina Electrical Code.
 - c. Every supplied facility, piece of equipment or utility which is required under this article or the North Carolina Plumbing or Electrical Code for the occupancy or use shall be so constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
 - d. For any building whose occupancy classification requires it, lack of connection to a potable water supply and/or to the public sewer or other approved sewage disposal system. For the purposes of this standard, a building is not connected to a potable water supply if the water supply has been "cut off" because of nonpayment of the water bill or otherwise or if the system for any reason is not receiving a flow of potable water to the tap.
5. **Egress:** Adequate facilities for egress in case of fire or panic shall be provided and shall remain clear for such purposes,
6. **Windows:**
 - a. All windows must be tight-fitting and have sashes of proper size and design and free from rotten wood, broken joints, or broken or loose mullions.
 - b. All windows shall be maintained free of broken glass that could be in danger from falling or shattering.

- c. All openings originally designed as windows shall be maintained as windows, unless specifically approved by the director for enclosure.
7. A violation of Chapter IX (Fire Prevention Code) which constitutes a condition which is unsafe and especially dangerous of life.
8. Hazardous structural conditions: A property shall not have hazardous conditions that pose a liability to public health, safety and welfare. Mold and environmental conditions are not covered by this section.

Regulations of duties and responsibilities to occupancy.

The provisions of this code apply whether the structure or building is occupied or unoccupied. All unoccupied structures or buildings shall be secured by any party in interest to prevent the entry of unauthorized persons or the occurrences of conditions not permitted by law.

Notice and order of compliance and abatement.

Whenever it appears to the Town Manager or his/her designee that a building is in violation of a provision of this code, he/she or his/her designee shall issue and cause to be served on the owner(s) of and occupant(s) in such building, a complaint stating the violations and containing a notice that a hearing will be held before the Town Manager or his/her designee at a place within the Town of Stoneville, not less than ten (10) days nor more than thirty (30) days after serving the complaint.

That following the hearing, the Town Manager or his/her designee may issue such order to repair, close and vacate building or structure as appears appropriate. A period of 90 days following the date of the order shall constitute a reasonable opportunity to repair said building or structure,

Complaints or orders issued by the Town Manager or his/her designee, shall be served upon persons either personally or by registered to certified mail. If the Identities of any owners or the whereabouts of persons are unknown and cannot be ascertained by the Town Manager in the exercise of reasonable diligence, and the Town Manager makes an affidavit to that effect, then the serving of the complaint or order upon the unknown owners or other persons may be made by publication in a newspaper having general circulation in the city at least once no later than the time at which personal service would be required under the provisions of this article. When service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

Upon the issuance of an order following a hearing held pursuant to this section, the Town Manager or his/her designee shall cause the filing of a notice of his pendens, with a copy of the written order setting forth the conditions requiring corrective action attached thereto, in the Office of the Clerk of Superior Court of Rockingham County, to be indexed and cross-indexed in accordance with the indexing procedures of the North Carolina General Statutes. The Town Manager or his/her designee shall cause a copy of the notice of lis pendens to be served upon the owners and parties interested in the building or structure

at the time of filing in accordance with N.C.G.S. 160D-1121, as applicable. Upon compliance with the requirements of any order issued based upon such written notice and hearing, the Town Manager or his/her designee shall direct the Clerk of Superior Court to cancel the notice of lis pendens.

The amount of the cost of repairs, alterations or improvements, or vacating and closing shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes of North Carolina. Nothing in this Section or any of its provisions shall be construed to impair or limit in any way the power of the Town of Stoneville to collect by other means allowed.

Appeals and hearing.

Any owner cited for being in violation of this ordinance may appeal the decision to the Town Council by giving notice of appeal in writing to the Town Manager or his/her designee and the Town Clerk within ten (10) days following issuance of the violation. In the absence of an appeal, the order of the Town Manager or his/her designee shall be final. The Town Council shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the violation citation.

Violations and penalties.

Any person, firm, corporation or agent who shall violate the provisions of this ordinance, or after due notice and shall fail to comply with orders issued by the Town Manager or his/her designee under the terms and provisions of this ordinance shall be subject to civil penalties or criminal penalty provisions of N.C.G.S. 14-4 or provision of vacant building receivership per N.C.G.S. 160D-1130. Each day of any violation of this ordinance shall constitute a separate violation punishable as separate violations of this ordinance.

Nothing in this ordinance or any of its provisions shall be construed to impair or limit in any way the power of the Town of Stoneville to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

Part II. This Ordinance shall become effective upon its adoption by the Town Council of the Town of Stoneville, North Carolina.

ADOPTED this the _____ of _____ 2021 by the Town Council of Stoneville, N.C.