

TOWN OF BAILEY MEETING MINUTES  
REGULAR MEETING – 8/21/2023

The Regular Meeting of the Bailey Town Board was held in the Bailey Town Hall on August 21, 2023, at 7:00 PM.

The following members of the Bailey Town Board were present: Commissioners Walter Wells, Richard Wilson, Dillon Bissette, and Ervin Powell.

Also in attendance was Town Administrator Joel Killion and Town Attorney Ryan King.

**Called the meeting to order and welcomed guests:**

Commissioner Wells called the meeting to order and welcomed the guests.

Commissioner Wells asked the Board for recommendations for who should chair the meeting. Commissioner Bissette made a motion for Commissioner Wells to chair the meeting. Commissioner Wilson seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Bissette: Aye, Wilson: Aye, Powell: Aye.

Commissioner Powell delivered the invocation.

**Public Hearing(s):** None

**Approval of meeting minutes and financials:**

Commissioner Bissette made a motion to approve the meeting minutes and financials and Commissioner Wilson seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Bissette: Aye, Wilson: Aye, Powell: Aye.

Before proceeding with the Agenda for the evening, Commissioner Wells reminded the Board that Administrator Killion provided information from the NC League of Municipalities and the UNC School of Government regarding the filling of the vacant Commissioner seat left by Mr. Allen Daniels. While there are no requirement to fill the seat within a certain time-frame and since Commissioner Wells – in the role of acting-Mayor Pro Tem this evening – has the ability make motions and to vote, Commissioner Wells made the motion to appoint Mr. David Evans to the vacant Commissioner seat until it is filled in the upcoming election. He said that he decided to make this motion because Mr. Evans is not running in the current election and therefore has no bias.

Commissioner Bissette seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Bissette: Aye, Wilson: Aye, Powell: Aye.

Commissioner Wells then asked Town Administrator Killion to swear Mr. David Evans in.

After this was done, Town Administrator Killion sworn-in the new Chief of Police Adam Gelo, who was accompanied by his wife and children.

### Agenda:

**Planning Board:** Zoning Administrator Shawn Lucas stated that the Planning Board met to discuss the rezoning request sent to it by the Board (Mr. Truelove purchased three parcels of land beside Commissioner Ervin Powell's church property on Dean's Street. He has asked to rezone it from an R20 to Industrial. This request already went through a Public Hearing during the last Commissioner meeting and went before the Planning Board.). It was found that the rezone request does not go with the future land use map. A motion was made by a Planning Board member and seconded. So, the Board of Commissioners can vote to either accept the request, to deny it or to table until the next meeting.

Commissioner Powell made a motion to approve the rezoning request. Commissioner Wilson seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Powell: Aye, Wilson: Aye, Bissette: Aye, Evans: Aye.

Zoning Administrator Lucas stated that Planning Board Chairman Mark Boykin would like to speak.

Planning Board Chairman Boykin, who invited Nash County Commissioner Dan Cone to attend, stated that he has a stack of evidence showing that Nash County and the Town of Bailey have both made mistakes regarding the 6303 Main Street situation that has been going on for 5 years this November. He said that he believes this situation could be cleared up pretty quickly if representatives from Nash County and the Town of Bailey could get together and talk about this. He said he would like to have the following people in a meeting where all of this evidence can be presented and discussed: County Commissioner Dan Cone, Adam Tyson (the head of the Planning Board in Nash County), Commissioner Ervin Powell (who is over our Planning Board), Zoning Administrator/Code Enforcer Shawn Lucas, Commissioner Walter Wells (who was on the Planning Board when a lot of this started), and Mr. Cecil Hawley and Ms. Franco Vera, since this all pertains to them. He left it to the Commissioners to decide what to do from here.

Commissioner Powell asked Commissioner Wells if it is possible to hear this information in closed session. Commissioner Wells responded that the Town Attorney was consulted, and it was determined that this request does not meet the criteria for a closed session according to NC General Statute 143-318.11.

Commissioner Wells then stated that he supports having this conversation. He said that if the Town of Bailey, from a permitting and enforcement standpoint, is not doing things the way it should and the County can help us identify those errors, it would help strengthen what we do. If we can also understand what the County is doing and what we can expect from them, from an inspection standpoint, it would be beneficial to us also. It would also be helpful if the Town of Bailey and the County could get on the same page where it may not be currently.

Commissioner Wells affirmed to Planning Board Chairman Mark Boykin the Board of Commissioner's interest in helping in whatever way it can.

**Envirolink:** Mr. Andrew White (the new Director of Operations who replaced Mr. Josh Powers) mentioned that he provided the Monthly Activity Report to the Board of Commissioners. He thanked Administrator Killion for facilitating several needed conversations between Envirolink and the Town of Bailey staff that have helped clarify expectations and needs. He mentioned that the wastewater numbers are missing from the report but will be provided by Wednesday (9/23/2023). He then said that he has met a few times recently with our engineers (at McDavid Associates) regarding our I&I issues and has shared with the engineers all the records and documentation they have to help McDavid address the I&I issues.

He said that the influent meter (where the sewer drains into the lagoon) was replaced in late July 2023 and that the numbers have been improving since then.

Town Administrator Killion informed Mr. White that there was a citizen (Diane Morton) present in that meeting who lives at 5839 Deans Street and is being directly impacted by the sewer disruption at 5834 E Main Street. She asked when the sewer problem would be fixed.

Mr. White said that Envirolink will camera the sewer line behind 5834 E Main Street tomorrow (9/22/2023) and then repair it, as needed, soon after that. He then said that Envirolink will inform the Town of the source of the problem once it is identified. And if the source of the problem is on the customer's side, the Town will determine the course of action.

**Top Notch Lawn Care:** Mr. John Thompson was not present.

### Old Business:

**Commissioner Seat Vacancy** – Commissioner Wells moved this portion of the meeting up to the beginning of this Board meeting.

**New Business:**

**Joe McKemey, McDavid Associates** – Mr. McKemey handed out the documentation for what he was about to share regarding updates on the 2019 CWSRF Sanitary Sewer Replacement Project and the 2020 CWSRF Sanitary Sewer Replacement Project (at Brock’s Circle).

Regarding the 2019 CWSRF Sanitary Sewer Replacement Project, he led the Board through the packet that was handed out. He then provided an update to explain the need for what he was presenting – the first Change Order for this project that needs to be approved by the Board. Since several sewer lines have been re-lined, which was not known before the project started, there are leftover funds that can be used to address I&I issues elsewhere in town and this Change Order allows for these leftover funds to be used in this way – to replace Pump Station #2 on Main Street, as well as to replace various antiquated, brick manholes around town.

Commissioner Bisette made a motion to approve the Capital Project Ordinance (for the 2019 CWSRF Sanitary Sewer Replacement Project). Commissioner Powell seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Bisette: Aye, Powell: Aye, Wilson: Aye, Evans: Abstained.

Regarding the 2020 CWSRF Sanitary Sewer Replacement Project, Mr. McKemey updated the Board on where the project stands in addressing I&I issues at Brock Circle by replacing the sewer lines. Since Exploratory Excavation was needed to locate existing water lines to ensure proper water and sewer line separation requirements, the Change Order #1 proposed to the Board this evening adjusts the contract due to the cut sheet quantities, adjusts the contract due to water and sewer conflicts and pays the contractor for exploratory excavation work prior to construction.

Commissioner Bisette made a motion to approve the Capital Project Ordinance associated with project # VUR-W-ARP-0026 (for the 2020 CWSRF Sanitary Sewer Replacement Project). Commissioner Wilson seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Bisette: Aye, Wilson: Aye, Powell: Aye, Evans: Abstained.

Commissioner Wells asked Mr. McKemey if there was any metering at the Pump Stations that could be used as checkpoints to determine I&I issues we may be unaware of. Mr. McKemey said that none of the 3 Pump Stations have meters, which is very typical, even though they have hour meters that only turn on when the pumps turn on.

Commissioner Evans asked Commissioner Wells if the Town could get quotes for whatever meters could be installed at these Pump Stations.

Mr. McKemey said this would not be hard to do. He also said the cost would really be in the labor and not as much in the materials.

Commissioner Evans suggested that the Town get a quote for this and isolate the areas and issues for the future so the Town can stay on top of I&I.

Mr. McKemey said he would provide this quote.

**RR Bridge/Sandford Street Issue** – Commissioner Wells stated that Town Administrator Killion has been in contact with the engineers at NCDOT. The NCDOT has issued a “soft closure” of the section of HWY 581/Sandford Street that goes under the bridge.

Town Administrator Killion added that the NCDOT has asked the Town of Bailey to consider passing a local traffic only ordinance for this section of the roadway, stating that this would require the town to take over the road (all of HWY 581 is a State System road).

Commissioner Wells added that if the Town were to take over the road, the Town would have more flexibility to do what the State can't do in preventing accidents under the bridge. He stated that if the Town plans to take over the road, it needs to do its due diligence and cover all its bases before it responds to the NCDOT.

Commissioner Powell asked about the Town being willing to take it over.

Commissioner Wells said the Town would have to ask if this is something it would attempt to do, both in maintaining it as a physical road and in taking on whatever liability is associated with taking it over, as well as in managing it overall. He then asked Town Administrator Killion to inform the NCDOT that the Town Board is discussing this and will get back to them.

**NCDOT Local Agreement for Debris Removal** – Town Administrator Killion referred the Board to the email in their packets from the NCDOT asking the Town if it would like to “assume NCDOT’s responsibility to take on DOT’s function of removing and disposing of disaster related debris on all released State Routes.”

Commissioner Bissette asked what the benefit would be for the Town to take it over.

Commissioner Evans said he was struggling with why the Town would want to take it over.

Commissioner Wells agreed as this would burden Bailey financially and managerially.

Commissioner Wells made a motion to not take this offer from the NCDOT. Commissioner Wilson seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Bissette: Aye, Wilson: Aye, Powell: Aye, Evans: Aye.

**Resolutions for the 2022 Sanitary Sewer Improvement Grant** – Town Administrator Killion explained that this is from the Upper Coastal Plains Council of Governments (UCPCOG), essentially combining the 2021 Bailey Pump Station & Forcemain to Wilson Project with the 2022 Bailey CWSRF Sanitary Sewer Improvement Project. The money in both projects, funded by two grants – one for \$5,000,000 and the other for \$9,464,100 – would be combined into \$14,464,100 for one project called the 2022 Sanitary Sewer Improvement Project from an administrative standpoint.

Commissioner Evans asked if this was being done from purely an administrative convenience.

Town Administrator Killion said that according to what the UCPCOG told him this Resolution changes nothing of the original Resolutions, except that it combines the grants, thereby simplifying things from an administrative standpoint.

Commissioner Wells read the Resolution for the 2022 Sanitary Sewer Improvements Project # VUR-W-ARP-001 and asked for a motion.

Commissioner Wilson made a motion to approve the Resolution. Commissioner Powell seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Wilson: Aye, Powell: Aye, Bissette: Aye, Evans: Aye.

**2023 Waterline Replacement/Backup Power Generator Resolution** – Town Administrator Killion explained that this Resolution is from the UCPCOG since we are now entering the water grant application season. This will allow the Town, if granted, the ability to update/improve its water utility system. He also added that the UCPCOG is also preparing to apply for additional sewer grants on Bailey's behalf when the sewer grant application season starts.

Commissioner Bissette made a motion to approve the Resolution. Commissioner Wilson seconded the motion. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Bissette: Aye, Wilson: Aye, Powell: Aye, Evans: Aye.

Nash County Commissioner Dan Cone stated that the Town of Bailey should apply for all the grant money it can get.

#### **Public Comments:**

Commissioner Wells opened the meeting to public comments.

**Mr. Glenn Bass** shared concerns regarding the Bailey Cemetery. He mentioned that about 3 weeks prior, he went out and noticed in Section C in particular that while he noticed the grass had been cut, there was still growth between and around the headstones. He said this was still the case a week later. He then said he noticed that there are items on the graves that prevent maintenance crews from performing their landscaping duties. He asked if there are Ordinances for the Cemetery that are not being enforced to prevent these items from cluttering the graves. He then mentioned that the driveway accessed by the South entrance has a lot of wash-out that makes it difficult to drive on; he added that the overgrowth from the trees also makes it difficult to drive on the path without having one's car scraped by the branches. He also said that the gravel driveways into the cemetery just drop off due to not having enough gravel for a smooth entrance. He said he has seen other Cemeteries that have driveways that are fully paved and thought that would be good for Bailey, even though it would be costly. Then he mentioned that there are some graves that are caving in and need to be assessed and filled in as needed. And finally, he said he noticed that there are trees that have volunteered that may not be able to be cut down but could at least be trimmed; some of these trees have also disturbed grave markers, which need to be lifted out and put back in place.

**Mr. Robbie Davis** stated that he and his family run Turnkey Contractors, a construction company that is building the new church for Bailey Church of God out on Alt 264 outside Bailey. He said he noticed that there is a fire hydrant at the corner of Pace Road and Alt 264 and wondered if the Town would agree to let them tie onto that waterline to use the public water supply. The church has agreed to pay the whole price so that it wouldn't be any cost to the Town.

Commissioner Evans asked what kind of water-usage Mr. Davis thinks the facilities might be looking at.

Mr. Davis said his best guess (not having the exact numbers in front of him) might be 5,000-6,000 gallons per week. He then said that they would need a determination in the next 35 days or so in order to get the necessary permits.

**Mr. Cecil Hawley** mentioned that there is construction debris all around 6303 Main Street and that the grass is about 2 feet tall. He said they do not clean it up and this has been going on for 5 years. He said he gets letters from the Town all the time regarding his grass getting too tall, even though he has it cut weekly, and yet the owner of 6303 Main Street isn't being made to clean up their mess. He also remarked about the ongoing issue with the encroachment of the structure on 6303 Main Street onto the 6297 Main Street property.

**Mr. Jerry Bisette** shared that he recently noticed two trash cans placed near his mailbox. He said he came to Town Hall and spoke with Administrator Killion and some of his associates and they informed him that they were merely enforcing the Town Ordinance approved by the Board on August 18, 2014. He said that he told the Board at that time (while he himself was on the Board) that he had over 700 feet of driveway that he would have to pull the garbage/recycle bins down to the street every week to be emptied and that that wasn't going to work for him. He further stated that he already pays for a small commercial dumpster located in front of his

shop that he puts all his trash in so that two additional trash/recycle bins are unnecessary. He also said that he has paid availability fees for water and sewer and now having to pay availability fees for trash and recycling is, in his opinion, a way for the Town to get more money.

**Department Head Comments:**

**Zoning Administrator/Code Enforcer, Shawn Lucas:** Zoning Administrator Shawn Lucas said that a tree fell down on the house on Dean Street beside the ABC Store and didn't create any visible damage, but a letter has been sent to them to inform them of the fallen tree in case they hadn't been by the house in a while.

Also, the trash bin on Sandford Street behind the old Chevrolet building has been removed after three months of calling.

Trash and recycling bins have been delivered to customers around town, delayed by backorders for more cans.

There will need to be three public hearing before the next Board of Commissioner's meeting on September 18 – all regarding rezoning requests. He asked the Board if it wanted to do this Public Hearing at 6:30pm that evening, before the Board meeting or at 7pm with the Board Meeting to follow.

The Board agreed to hold the Public Hearing at 6:30pm before the Board of Commissioner's meeting at 7pm.

Commissioner Wells asked Zoning Administrator Lucas about the mess at 6303 Main Street mentioned by Mr. Hawley. Zoning Administrator Lucas said he would send a letter out first thing in the morning to get that cleaned up.

**Bailey Police Department:** Police Commissioner Wells shared we now a sworn Chief and now he is able to submit the documentation for the officers he will be bringing into the department that could not be submitted until he was in place. Soon, everyone should start seeing more of a presence of the Bailey Police cars with the same 7-8 officers in rotation all the time. Unfortunately, due to low staffing at the State level, the background checks and preliminary processing of documentation has taken much longer than we anticipated but it looks like we are nearing the end of the waiting period.

Commissioner Wells thanked Nash County Commissioners Robbie Davis and Dan Cone, who were in the audience, for all the County has done to help provide police coverage in Bailey in the interim.

**Town Administrator, Joel Killion:** Town Administrator Killion started by saying that if he was in Mr. Jerry Bissette's shoes, he would likely feel the same way regarding availability fees, utility



billing charges, recycling and garbage. This is kind of an overlaying issue with water and sewer and the cemetery in this respect: What do we enforce and what do we not enforce? Do we treat everyone the same or do we not treat everyone the same? With the cemetery, we have a visual representation of what things look like when Board-approved Ordinances are not enforced. It's a mess. It shows us what things look like when we don't enforce things. As John Adams once said, "We are a nation of laws and not men" and that means that when the Board that is elected by the people vote for and approve an Ordinance, it is my job to enforce it without bias.

According to Town Ordinance, if a customer opts out of using a garbage and recycling bin, that is fine. But it states the customer will still be charged an availability fee. If the Board decides to change this, that is fine and we will enforce it. The Board is the boss elected by the people.

Regarding the Cemetery, we need to clean it up. It's been suggested that we apply the Board-approved Ordinance. We could easily give the Town ample warning that it will be cleaned up. It's actually posted at all four entrances that "The Town of Bailey will remove all flowers and fixtures the 1st Monday in February and November." We could enforce this as it affirms the Ordinance. We could explain that this is what is going to happen at this certain time; you have a certain amount of time to clean up your plot. And then we could pay Top Notch Lawn Care or someone else to go out there and clean up what the people haven't cleaned up, which will be a hefty bill. And we understand that we don't like paying taxes, fees and charges, let alone seeing our taxes and fees increase, but there is a cost for having a clean cemetery. I mean, how do we run our households? If we want an improved quality of life, we have to pay for it. And if we don't have the money, we get a second or third job or ask for a raise or whatever so that we can afford nicer things and better services. It's tough. It's hard.

But whatever the Board decides, we will be glad to enforce it.

Town Administrator Killion then told Mr. Bisette that he was sorry for any pain or inconvenience this has caused him. He explained that he isn't singling anyone out but that he is only trying to make sure everyone is treated fairly. He explained that we do understand where he is coming from.

Commissioner Wells followed this by saying that he believes the Board needs to review the Ordinance, to see what was determined, and to decide on what is prudent for the citizens. This cannot be a snap decision.

Town Administrator Killion also shared that it was brought to his attention, regarding water and sewer, that a previous Town employee unilaterally chose to remove charges from an elected official's utility account because they didn't believe it was right or fair. But this is not right. We all took an ethics class. We know about conflicts of interest and ethics violations and these things cannot be tolerated. Everyone needs to be treated the same way no matter who you are.

Finally, Town Administrator Killion said – regarding Mr. Cecil Hawley’s concern about GFL and the ADA (Americans with Disabilities Act) – that he would call GFL the next day to find out if they will comply with ADA.

**Commissioner Comments:**

**Walter Wells:** No comment.

**Richard Wilson:** Commissioner Wilson confirmed that everything Town Administrator Killion said about the Cemetery is true. But he said it will likely open a can of worms if the Board decides to enforce the Ordinances. People have been violating the rules for year, putting out rocks, solar lights, bushes, fencing, bottles of drink, bags of nabs, benches, trinkets and fixtures out there. We’re going to have to decide what to do to get it standardized.

**Dillon Bisette:** No comment.

**Ervin Powell:** No comment.

**Mayor’s Remarks:**

Mayor was not present

**Closed Session:**

Commissioner Wells asked for a motion to go into closed session to discuss Personnel Matters [G.S. 143-318.11(a)(6)].

Commissioner Wilson made the motion. Commissioner Evans seconded. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Wilson: Aye, Evans: Aye, Powell: Aye, Bisette: Aye.


Commissioner Evans made a motion to go into open session. Commissioner Wilson seconded. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Evans: Aye, Wilson: Aye, Powell: Aye, Bisette: Absent (Had to leave during closed session.).

Commissioner Powell made a motion to adjourn the meeting. Commissioner Wilson seconded. Motion carried.

Vote: Commissioner Wells: Aye, Commissioners Powell: Aye, Wilson: Aye, Evans: Aye, Bissette:  
Absent.

Meeting adjourned.



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Thomas Richards, Mayor



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Joel Killion, Town Administrator