

TOWN OF BAILEY MEETING MINUTES
PUBLIC HEARINGS & REGULAR MEETING – 9/18/2023

The Public Hearing and Regular Meeting of the Bailey Town Board was held in the Bailey Town Hall on September 18, 2023, at 6:30 PM.

The following members of the Bailey Town Board were present: Mayor Thomas Richards and Commissioners Walter Wells, Richard Wilson, Ervin Powell and David Evans.

The following Board member was absent: Dillon Bissette.

Also in attendance was Town Administrator Joel Killion.

Called the meeting to order and welcomed guests:

Mayor Richards called the meeting to order and welcomed the guests.

Commissioner Powell delivered the invocation.

Public Hearing(s): Zoning Administrator Shawn Lucas opened by sharing that there are three rezoning requests before the Board this evening:

First Hearing – Mr. Mario Polanco has requested to have property parcel # 345513 (between 264 ALT and Pine Street) rezoned from R-20 to Mixed Residential District to allow him or the developer to build a multifamily dwelling fewer than five units.

Mr. Mario Polanco came up to speak on his request. He said he intends to build a duplex. He also shared that he owns the property directly next to it, on which he is building his personal home.

The public comments portion of the hearing were opened up, starting with Mr. Owen Strickland III, who lives at 5711 Pine Street. He shared that this plot of land butts up against the back portion of his property, as well as some of his neighbors. He said that he does not believe that mixed residential – and specifically a duplex -- is a good fit for his property and the neighborhood. He also shared that this request is very concerning to him as a new homeowner here and requested a “no vote” when the time comes.

Mayor Richards closed this Public Hearing.

Zoning Administrator Lucas recommended that the Board of Commissioners send the proposed rezone request to the Town of Bailey Planning Board for their Statement of Consistency to report to the Town Council.

Commissioner Powell made a motion to send this request to the Planning Board and Commissioner Evans seconded the motion. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Powell: Aye, Evans: Aye, Wilson: Aye, Wells: Aye.

Second Hearing – Mr. Armando Rodriquez has requested to have the following properties rezoned from R-40 to Manufactured Home Park District: 9607, 9609, 9611, and 9615 on Camp Charles Road. He is requesting this so as to allow him to add an additional single-wide trailer on the property as long as it can hold a septic and water system or upgrades can be made to the existing systems.

Mr. Armando Rodriquez came up to speak on his request. He said he owns these four properties, one of which is an empty lot on which he would like to place a single-wide mobile home.

Commissioner Wells encouraged Mr. Rodriquez to get with the Zoning Administrator to research what a mobile home park district is and what the requirements are and will mean for what he will have to do to get/stay in compliance. He also mentioned that within the ETJ, new single-wide mobile homes are not allowed. But he also Zoning Administrator Lucas to please check into this to make sure.

Zoning Administrator Lucas stated that no one signed up for the Public Comments portion of this Public Hearing but opened the floor to whoever was present who lives on Camp Charles Road and would like to speak.

Ms. Dahlia, part of the non-profit organization for Carnival on 9651 Champ Charles Road, asked if Mr. Rodriquez owns the easement or if he has a permit for the easement. She said she was under the impression that the easement belongs to Carnival.

Zoning Administrator Lucas informed her that that would be a matter between her organization and him.

Mayor Richards closed this Public Hearing.

Zoning Administrator Lucas recommended that the Board of Commissioners send the proposed rezone request to the Town of Bailey Planning Board for their Statement of Consistency to report to the Town Council.

Commissioner Powell asked about what would happen if Ms. Dahlia's organization owns the easement and the rezoning request is granted. Zoning Administrator Lucas said that he would have to get permission from the organization before he could do anything new with the lot, regardless of having the lot rezoned.

Mayor Richards asked if this request should be tabled until both parties come to an agreement.

Commissioner Powell made a motion to table the request and Commissioner Wilson seconded the motion. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Powell: Aye, Wilson: Aye, Evans: Aye, Wells: Aye.

Third Hearing – Mr. Nelson D. Ramirez has requested to have the following properties rezoned from R-10 to Mixed Residential: 6067 Pine Street (Vacant Lot) and Parcel # 335858 (Vacant Lot). He is requesting this to allow him or the developer to build a multifamily dwelling fewer than 5 unites.

Mr. Mario Polanco represented his uncle (Mr. Ramirez) on this matter. He said his uncle plans to develop something like the triplex down the street.

Commissioner Wells asked if there would be two triplexes since there are two lots.

Mr. Polanco said his uncle was planning to combine both lots for one triplex.

Mayor Richards opened the floor for public comments.

The resident of 5651 Pine Street came forward to share that he is concerned about a triplex being in the neighborhood. He said that Bailey needs to consider what a triplex would bring to Bailey.

Commissioner Wells reminded Mr. Polanco that Bailey is currently on a sewer moratorium.

Mr. Polanco said he understood that and stated that the lot with the address number has a sewer tap currently.

Commissioner Wells said that the Town of Bailey would need to confirm that.

Mayor Richards closed the public comments portion of the Public Hearing.

Zoning Administrator Lucas recommended that the Board of Commissioners send the proposed rezone request to the Town of Bailey Planning Board for their Statement of Consistency to report to the Town Council.

Commissioner Evans made a motion to send this request to the Planning Board and Commissioner Powell seconded the motion. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Evans: Aye, Powell: Aye, Wilson: Aye, Wells: Aye.

Mayor Richards opened the Regular September 2023 Meeting. He then opened the floor to Zoning Administrator Lucas who informed the Board that Mr. Jimmy Jones, who was present at the meeting, was requesting that the Board vote in favor of him sending documentation signed

by Chief Adam Gelo and Zoning Administrator Lucas to the ABC Board in Raleigh to get an alcohol permit.

Commissioner Powell asked if there was anyone else in Bailey doing what Mr. Jones is wanting to do.

Zoning Administrator said that the Town of Bailey has approved beer and wine permits for Mr. Ike Bullard at the old PNC Bank building, for El-Paso and for the Leaning Tree.

Commissioner Evans asked what the location was for the business.

Mr. Jimmy Jones said that it is The Mullet on Main at 6204 E Main Street. Mr. Jones also added that this would be for beer, for fortified wine and unfortified wine. No liquor.

Zoning Administrator Lucas said that Mr. Jones would simply send this application paperwork to Raleigh and then, if it's approved by Raleigh, he will come before the Planning Board/Board of Adjustment for their approval of the special use permit.

Commissioner Evans asked if the request is simply to allow him to send the paperwork to Raleigh.

Zoning Administrator Lucas said yes.

Commissioner Wells made a motion to approve allowing Mr. Jones to send the paperwork to the ABC Board in Raleigh and Commissioner Powell seconded the motion. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Wells: Aye, Powell: Aye, Wilson: Aye, Evans: Aye.

Approval of meeting minutes and financials:

Commissioner Wells made a motion to approve the meeting minutes and financials and Commissioner Powell seconded the motion. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Wells: Aye, Powell: Aye, Wilson: Aye, Evans: Aye.

Agenda:

EnviroLink: Since Mr. Andrew White (the new Director of Operations who replaced Mr. Josh Powers) was sick, unable to attend or provide the Monthly Activity Report for August, this portion of the Agenda was skipped.

Top Notch Lawn Care: Mr. John Thompson shared that Top Notch freshened up all the driveways in the cemetery to improve drivability and drainage. They also back-filled all the holes where they were located throughout the cemetery to prevent people from getting hurt.

Moreover, they trimmed back some of the trees on the right-hand portion so as to allow vehicles to more easily pass down the driveway. Also, they sprayed for fire ants, as they do about twice a year.

He added that yard waste pickups are going well. He asked that citizens separate leaves from limbs/branches and that they please keep their piles at 25 square feet or less in size (about 2/3rds of the standard pick-up truck that could fit inside 5 feet wide by 5 feet long by 2 feet high). He added that they need citizens to please not include foreign objects, like metal, in the piles, as these things can damage the equipment.

He also shared regarding the brown patches of grass where the old hardware store used to be on Main Street. He said it seems the patches are from the grass simply drying up. He suggested that an irrigation system be installed. He reminded the Board about an irrigation system installation proposal Top Notch provided about three years ago (before the pandemic) that they are willing to honor the pricing on.

Planning Board: Zoning Administrator Shawn Lucas shared that the Planning Board did not meet this month due to not having anything on the agenda, but it will meet on October 9 to handle the three rezone requests discussed tonight.

Old Business:

RR Bridge/Sanford Street Issue – Commissioner Wells shared that in conjunction with Commissioner Powell (Streets & Trees Commissioner) they looked at the liability issues with the bridge. He stated that he and Commissioner David Evans had a conversation with the Town Attorney, who referred them to the Railroad company – Carolina Coastal Railway – located in Wilson. So, the next step is to get with the Railroad and talk about the bridge and to understand from an operational standpoint what the Town of Bailey would be getting into if it chooses to take over the section of Sanford Street/HWY 581 that passes under the bridge. He then asked Town Administrator Killion to find out from the NCDOT regarding a timeline for getting back to them on the Board’s final answer regarding taking over that portion of the road.

Speed Limit Signs on Vance Street (between Peele Road and Sanford Street) and Stott Street – Town Administrator Killion directed the Board’s attention to an emailed quote for signage, reminding the Board of recent comments made by folks regarding the need for speed limit signage on both of these streets.

Mayor Richards then asked Administrator Killion about the sign shop that’s with the Department of Corrections to see if we could get a quote from them as well. Administrator Killion said he will call them and get a quote.

New Business:

Water Extension Request at ALT-264/Pace Road – Commissioner Wells shared that the contractor working on the new Bailey Church of God building has asked for an answer on whether the Town is willing to extend the water line to the area near their site to add a fire hydrant and water meter.

Town Administrator Killion said he spoke with Mr. Andrew White (the new Director of Operations with Envirolink who replaced Mr. Josh Powers) about getting a quote to do this work and said Mr. White was not able to get one for him yet since he is sick with Covid at this time. What Mr. White did tell him was that the extension could certainly be done and that it may be able to be done in-house so an up-charge for a sub-contractor would not be necessary.

Commissioner Wells said he would reach out to the contractor since they said they were going to try and open-up in November.

Board Roles – Town Administrator Killion informed the Mayor that, in his absence, the Board has had to vote each time on who would chair the meetings, and so he said that he thought it would be appropriate to have someone assigned as Mayor Pro Temp.

Mayor Richards said he believed Commissioner Wells was doing a fine job and assigned the role to him.

Town Administrator Killion asked the Mayor if this required a vote of the Board and the Mayor said it only required him to make the assignment.

Assessment of Town Trees – Town Administrator Killion informed the Board that he provided a spreadsheet of all the Town-owned trees in Town to Streets and Trees Commissioner Ervin Powell. He then asked Mr. John Thompson of Top Notch Lawn Care if he wanted to share any of his findings.

Mr. John Thompson then stood up to share that several Town trees have had downed limbs that have presented possible liability issues. He said that he and Administrator Killion have discussed the need for an audit of all the Town trees in Town to identify and prioritize those trees that present the most liability for the Town, especially since we are headed into the winter months.

Town Administrator Killion asked Mr. Thompson if Top Notch could audit/assess all the Town trees on the spreadsheet and provide their findings – along with photos and descriptions – to the Board at the next Board of Commissioners meeting in October. Mr. Thompson said they could take care of that for sure.

Commissioner Evans asked if the audit/assessment would have a three-tiered rating system included where all the trees are categorized by priority of attention. Mr. Thompson said they could certainly do that.

Commissioner Powell asked Mr. Thompson about Top Notch Lawn Care's experience with being able to complete such an assessment. He shared that the two tree removal services he had spoken with recently about four Town trees on Jordan Street had suggested removing all four trees and wondered if Top Notch would make the same suggestion.

Mr. Thompson said that Top Notch's audit will provide a general assessment of the quality of each tree individually so that every issue is identified and made clear to the Board with descriptions and photographs included in the report. He said that if a tree is healthy, they will not recommend taking it down. But if a tree is in poor condition and could pose a possible future threat, they will recommend its removal. He then let Commissioner Powell know that he would like to get together with him to go through the spreadsheet whenever he is available.

Advisory Committees – Commissioner Wells shared that there are a lot of issues that come before the Board that require a lot of time and effort to research and deliberate on. The Town doesn't have a large staff that can come in and do a lot of leg-work and come back and make a lot of recommendations for the Board to decide on. A lot of the issues require a lot more time and attention than they are getting; and they need to be looked at holistically instead of in a reactionary way. And so we are looking at having advisory committees that will serve voluntarily under each Commissioner's department with another to work with the Mayor. Having citizens of the Town help in this manner will help the Mayor and Board serve the interests of the citizens even more than it already does. This will also help the Town get ahead of issues we need to address before things like the sewer moratorium are resolved so we can be ready to grow.

Town Administrator Killion informed everyone that he printed about 20 copies of the Advisory Committee Application and placed them out in the foyer for whoever is interested in getting involved. All they have to do is complete it and turn it into Town Hall.

Commissioner David Evans said that his understanding is that a citizens voluntary advisory committee, with maybe three on each committee, would help advise one of the Commissioners. He said these committee members would go out and do some leg-work for the Commissioners, trying to do some investigation, and bring the thoughts and findings back to the Commissioners who would then bring that actionable information to the Board for the Board to vote on. He also added that his understanding is that these committees would exist outside the elections of various Board members so that the information they have will remain with that department to provide continuity of information regardless of who is in office.

Commissioner Wells said that this is true. He said that the idea is that the committees would continue regardless of who is in the Commissioner's seat. He said that this would prevent us from having to recreate the wheel every election cycle.

Commissioner Evans added that these committees would allow them to carry forward the knowledge they have past the election cycles, adding that this would be for both the Commissioners and the Mayor.

Town Administrator Killion asked the Board what it wanted to do with the four completed applications provided in their packets. Are these applications the Board would want to vote on or to just have the Commissioner handle?

Commissioner David Evans shared that since this is a volunteer position and not an elected position. He suggested that each Commissioner can look through their stack of applications and decide, outside Board meetings, on who should serve and how many should serve (maybe 3-5 members). The Commissioners could then announce during regular meetings who they have selected and then when they make changes they can also announce them so the whole Board is aware of everything going on. He then added that perhaps it would be best to have Town Administrator Killion reach out to the applicants so there is consistency and a record kept of the calls.

Public Comments:

Mayor Richard opened the meeting to public comments.

Mr. Armando – He said that about 1-2 years ago they bought the 6571 Elm Street property here in Bailey and were given an extra sewer tap for the property. But since he passed the property to Ms. Nasally, she's been having some issues getting the sewer tap water. For some reason she's been told she does not have that second sewer tap. So, he asked the gentleman he bought the property from about this issue and the man gave him some paperwork that says he left one sewer tap there for her to use. So, he said he was hoping to work this out.

Mayor Richards said that the Town will look at it and get back to him. He also said that he didn't think sewer taps could just be passed around since we are on a sewer moratorium and have only so much capacity.

Mr. Armando asked that the Town work this out with the lady, the current owner, directly.

Department Head Comments:

Zoning Administrator/Code Enforcer, Shawn Lucas: Zoning Administrator Shawn Lucas provided an update on what all has happened over the last month. He said that six trash cans were delivered to customer and that two temporary zoning permits were given, one to the church on Camp Charles Road to do an outside assembly and one to Mary Wright for a plate sale last weekend. He then shared than two zoning permits were issued for a fence and Don Perry 581 Storage Center. Also, fifteen code enforcement cases were cited.

Bailey Police Department: None

Town Administrator, Joel Killion: Town Administrator Killion directed the Board's attention to an email between him and Duke Energy regarding the Christmas lights outlets along Main Street. He said that the Board had an electrician install receptacles on the new power-line poles along Main Street and that Duke Energy is now telling us that we have to have those removed so Duke Energy can install their own hardware. He asked the Board if they had any ideas on how he can handle this so he can have some direction on what to do.

Commissioner Wells said that Duke Energy will likely require us to remove the current outlets so they can put up their own outlets to ensure the safety of their workers and the public.

Town Administrator Killion said that if he has permission he will go ahead and ask the electrician for a quote to remove the outlets. Then, he will have Duke Energy proceed with installing their hardware.

Mayor Richards said that will be fine.

Commissioner Comments:

Walter Wells: Commissioner Wells handed out the Town's Charter to the Board and Mayor, as well as a copy of chapter three of "County and Municipal Government of NC" entitled "County and City Governing Boards". He said that the Board needs to look at how it conducts the jobs it does. He asked that each Board member take these documents and read through them and see what they think. He proposed that some of the Commissioners take this and look at the Town's policies and come back with some recommendations. He said that the Board is supposed to be doing an annual review on every employee. This is just one example of other things the Board is supposed to be doing. He said things need to be laid out so that the employees know the chain of command and don't accidentally or intentionally overstep the chain of command. He said there needs to be a job description for the Commissioners and the Mayor. He said that there's no job description for the Police Chief or an explanation for how they are supposed to work with the Police Commissioner. He said that the expectations of every elected official and staff member need to be laid out. He suggested that some of the Commissioner look at these documents and come back to the Board and make some recommendations.

Commissioner Evans asked if what Commissioner Wells is asking for, at least in part, has to do with job descriptions.

Commissioner Wells said that there needs to be at least some job descriptions for what we and the employees are doing. If the Board is supposed to do an annual review, how do they do that when there's no formal job description for the employee to go by or for the Board to evaluate by.

Richard Wilson: Commissioner Wilson thanked Top Notch Lawn Care for their work at the Cemetery. He also reminded everyone that we still need to find a way to standardize how the Cemetery looks with all the trinkets and solar lights and fencing and things that are out there that violate Town ordinance.

Commissioner Wells commented on how nice the roads at the Cemetery look and said that several people have told him so. Mayor Richards agreed.

Mayor Richards also added that the revenue for the Cemetery needs to be evaluated as well to ensure it is able to pay for itself for years to come so it doesn't run out of money.

Dillon Bissette: Not present.

Ervin Powell: Commissioner Powell shared regarding an invoice he received for the pothole behind Southern Bank. He said he got a quote through text from Kevin Owens for \$1,250 and got another quote from Galeas Paving for \$1,300. He said he could only get two quotes. He recommended that the Board go with Galeas' quote to fill the pothole.

Commissioner Powell made a motion to have Galeas Paving repair the pothole behind Southern Bank for \$1,300 and Commissioner Wells seconded the motion. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Powell: Aye, Wells: Aye, Wilson: Aye, Evans: Aye.

Then, Commissioner Powell mentioned receiving three estimates for removing the four Town trees at Jordan Street and Pine Street beside Mr. Bailey's house. They all recommended removing all four trees. One estimate was for \$7,600, another was for \$5,500 and the other was for \$4,000.

Commissioner Powell made a motion to have Superior Tree Service completely remove and grind down the stumps of all four trees for \$4,000 and Commissioner Wilson seconded the motion. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Powell: Aye, Wilson: Aye, Wells: Aye, Evans: Aye.

Mayor's Remarks:

None

Closed Session:

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

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

Vote: Mayor Richards: N/A, Commissioners Evans: Aye, Wilson: Aye, Wells: Aye, Powell: Aye.

Commissioner Powell made a motion to go into open session. Commissioner Wells seconded. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Powell: Aye, Wells: Aye, Evans: Aye, Wilson: Aye.

Commissioner Evans made a motion to adjourn the meeting. Commissioner Wells seconded. Motion carried.

Vote: Mayor Richards: N/A, Commissioners Evans: Aye, Wells: Aye, Powell: Aye, Wilson: Aye.

Meeting adjourned.



Thomas Richards, Mayor



Joel Kilian, Town Administrator