

TOWN OF BAILEY MEETING MINUTES  
REGULAR MEETING – 3/20/2023

The Regular Meeting of the Bailey Town Board was held in the Bailey Town Hall on March 20, 2023, at 7:00 PM.

The following members of the Bailey Town Board were present: Mayor Pro Tem/Commissioner Allen Daniels, and Commissioners Walter Wells, Richard Wilson, Dillon Bissette, and Ervin Powell.

Also in attendance was Town Administrator Joel Killion.

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

Mayor Pro Tem/Commissioner Daniels called the meeting to order and welcomed the guests.

Commissioner Powell delivered the invocation.

Mayor Pro Tem Daniels shared his remorse for the recent passing of former mayors Mr. Owen Strickland and Mr. Timothy Johnson and expressed gratitude for their service to the Town of Bailey.

**Public Hearings:** None

**Approval of financial statements and meeting minutes:**

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

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Bissette: Aye, Wilson: Aye, Wells: Aye, Powell: Aye.

**Agenda:**

**Planning Board:** Zoning Administrator Shawn Lucas shared that the Bailey Planning Board met as the Board of Adjustments last Monday (3/13/2023) at Town Hall. There was no Planning Board business to attend to. The Board of Adjustment approved two special use permits for the property located at 6204 Main Street. The first one was to allow a bar as a special use for the town center zoning district. Motion passed with the conditions that can be provided in the approval letter. A question was raised regarding its proximity to the church next door. The Board let them know that they were only there that night to say that its use as a bar is allowed in the town center district. Of course, the applicant will now have to apply to the ABC Board to see if he can get a waiver to see if anything has changed since it is next to a church. The second thing the Board of Adjustments approved that evening was another special use permit for 6204 Main Street to allow for indoor entertainment with conditions from the Board. The applicant understands that this permit does not need to be renewed each year. However, the first permit does have to be renewed annually. Finally, the Board wanted to inform the Board of Commissioner that they sent a letter out to Mr. David Beaman to have him reappear before the

Board of Adjustments to get the conditions straight on his auto shop. They will meet again on April 10 to hear Mr. Beaman's request on these conditions.

Commissioner Wells commented on the first special use permit that the Town's planning ordinance allows a bar in the town center district. But the allowance in that document does not specify distance from a church.

Zoning Administrator Shawn Lucas confirmed that this is true, saying that the ABC Board will regulate all of that with the applicant. He also said that the Town should look into regarding distance between churches/day care facilities/schools and establishments that sell alcohol.

**Envirolink:** Mr. Josh Powers (Area Manager) reviewed the Monthly Activity Report for February 2023. He shared that they repaired a water leak at the Chamber of Commerce garage. He also provided an update on the sewer backup at 6581 Elm Street and the solution they deem best.

Mayor Pro Tem Daniels commented that he needs to meet Mr. Powers out there to show him where the sewer taps are that were capped off. He also asked Mr. Powers about Well 1 and if that was down (offline) due to the soft-start? Mr. Powers said, "Yes." Mayor Pro Tem Daniels then told Mr. Powers that they need to get together this week on that.

Commissioner Wells then asked Commissioner Bisette about water that appeared to be leaking out of the front of the Chamber of Commerce on Saturday, March 18, coming out from underneath the door and onto the driveway. Commissioner Wells asked Officers Jesse Urban and DeShawn Taylor if they also saw the water leak. Officer Urban said there is water there now inside the garage. Officer Taylor said there is water back where the Christmas stuff is at, as well as near where the kitchen is at, which is different from where the original leak was near the front of the garage.

### **Old Business:**

Zoning Administrator Shawn Lucas spoke regarding the trailer amendment. He reminded the Board of a public hearing on October 17, 2022, that was about replacing existing trailers that were already in town that were damaged in various ways by fire or water or storms. This was then taken before the Planning Board on November 2, 2022. The Planning Board's recommendations were then shared with the Commissioners. The Planning Board decided to duplicate section 806B in our Zoning Ordinance and that is section 807 of our Town Zoning Ordinance, with the condition that if a trailer cannot be like-for-like, the Town has to receive approval from the Town of Bailey Board of Adjustments, following they provide their certain documents during the hearing requested by the Zoning Administrator.

Commissioner Wells made a motion to approve the Trailer Amendment. Commissioner Bisette seconded the motion. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Wells: Aye, Bisette: Aye, Wilson: Aye, Powell: Aye.

**New Business:**

Zoning Administrator Shawn Lucas spoke initially for the Nam Knights to request a temporary zoning permit for the sale of alcohol from 2pm to 9pm the evening of the 2<sup>nd</sup> Annual Sweet Potato Festival in Bailey on May 20, 2023. The wording on the permit is the same as it was last year.

Commissioner Wells made a motion to approve this temporary permit. Commissioner Bisette seconded the motion. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Wells: Aye, Bisette: Aye, Wilson: Aye, Powell: Aye.

Mr. Joe McKemey, from McDavid Associates, came before the Board to award construction of Contract No. 2 for the Bailey 2020 CWSRF Sanitary Sewer Replacement (Brock Circle) Project (VUR-W-ARP-0026) to Herring-Rivenbark, Inc. for the low bid of \$299,320. He asked the Board to approve the budget and the tentative award for the project.

Mayor Pro Tem Daniels mentioned that about a year ago it was said that this Brock Circle project wouldn't cost all of the \$500,000 to complete and that some of the leftover money could possibly be used to work on some of the issues near that area. He mentioned that, for example, there is an issue with a citizen's sewer line at the corner of Jordan Street and Elm Street and asked if some of that leftover money can be used to resolve that issue. Mr. McKemey replied that the grant funding agency typically does not want the leftover money back. Therefore, he said that they will go back, if they still have money leftover – keeping in mind that there's a contingency balance of \$44,000 – and will try to spend that money. He then said that they will try to get the grant funding agency to approve using the leftover money to address the sewer line issue at Jordan and Elm. Then, Mayor Pro Tem Daniels brought up that there's an addition issue near Brock Circle where lines have to be cleaned out once a year and that this needs to also be fixed. Mr. McKemey said that if there's enough money leftover and the grant funding agency approves it, there should be no reason why these issues cannot be fixed.

Commissioner Wilson made a motion to approve the Capital Project Ordinance and the Resolution of Tentative Award. Commissioner Wells seconded the motion. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Wilson: Aye, Wells: Aye, Bisette: Aye, Powell: Aye.

**Public Comments:**

Mr. Evan Sokolove shared that a confidential personnel document was made public on March 13, 2023 in an article published by the Spring Hope Enterprise. He said that publishing that article was a violation of N.C. General Statute 160A-168, which also states that such a violation is potentially criminal in nature. He said it is a misdemeanor that carries civil penalties. He then said that the document that was published included his personal cell phone number so that he and his family were placed in potential jeopardy. He asked that the Board be aware of this and that

the Board see what it can do to protect him and former Police Chief Cathy Callahan, as well as their rights. He then presented a cease and desist letter to the Board – along with a copy of the G.S. he mentioned -- asking that personnel documents no longer be disseminated as they are protected under the Privacy Act.

**Department Head Comments:**

**Zoning Administrator/Code Enforcer, Shawn Lucas:** Mr. Lucas provided updates on cleanups around town, as well as at Camp Charles. Then, he said there's a citizen who has obtained a zoning permit to build a home but that this person needs a permit for an accessory to the building. Also, he said that he has been nightly rides around town to check on street lights that are not working and said that two lights were repaired two weeks ago. After that, he said he delivered a trash can recently and that GFL has trash cans on back order that have not come in. Once they come in, the cans will be delivered.

**Officer DeShawn Taylor, Bailey Police Department:** Provided law enforcement numbers for February – 10 traffic stops (out of those 10, we had 6 citations, 3 written warnings, and 1 that was verbal), 6 calls for service, 2 Nash County assists, 34 business closings, and 46 business contacts. Then, last week, Officers Taylor and Urban participated in the Booze-It-Or-Lose-It campaign through the Governor Highway Safety Program and through that the Bailey PD earned 125 points that can be used to gain different equipment for the department.

**Town Administrator, Joel Killion:** Mr. Killion referred the Board to a handout in their packets from Mr. Patrick Luce, Government Contracts Manager at GFL Environmental, requesting a modest increase of 4.0% for garbage and trash pickups.

Mayor Pro Tem Daniels stated that that is certainly a modest increase considering the way things have been going with the economy. He then said that he spoke with Mr. Luce who asked if we wanted to re-write the contract. Mayor Pro Tem Daniels told him that we do not as it would make changes to our fuel surcharges. Mr. Luce said he would write it with the same language as before and keep the contract just as it is.

Mr. Killion also shared regarding a letter from Envirolink regarding an increase in the monthly contract from \$11,081.30 to \$11,801.58, starting with the July 2023 invoice.

Then, he spoke about the Powell Bill Map update that needs to be done. Since McGill Associates, PA did it last time, he was encouraged by Mr. Joe McKemey (MacDavid Associates) to have them do it again. He was also told that this would minimize the cost for the taxpayers, while providing a quality product, since McGill has a working knowledge of the Town's system and has everything on file already. McGill's price is \$1,200.

Also, Mr. Killion brought up the 2019/2020 FY Audit invoice from S. Preston Douglas & Associates CPA in Lumberton, NC. The cost, which is 75% of the base audit fee, is \$11,250. (Note: The draft of the financials from this audit are being done by Mr. John Anthony at Anthony & Tabb in Wilson.). This invoice was approved by the LGC staff at 12:47 PM on Thursday, March 16, 2023.

Finally, Mr. Killion informed everyone that he is having Southern Bank review the rates for the Town's checking and savings account to make sure the Town is making the most it can on the people's money.

Commissioner Bissette made a motion to approve the Powell Bill Map update for \$1,200. Commissioner Powell seconded the motion. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Bissette: Aye, Powell: Aye, Wilson: Aye, Wells: Aye.

Commissioner Wells made a motion for the Town to pay for the Audit Invoice for \$11,250. Commissioner Wilson seconded the motion. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Wells: Aye, Wilson: Aye, Powell: Aye, Bissette: Aye.

**Commissioner Comments:**

**Walter Wells:** No comment

**Richard Wilson:** No comment

**Dillon Bissette:** No comment

**Ervin Powell:** He presented quotes to fix a pot-hole in front of the Bailey Methodist Church. The first one was from Galeas Paving in Middlesex for \$1,500. The other one was from another company for \$1,325. Galeas said they can get to it this week, while the other company wasn't sure when they would get to it. He said he preferred that the Town go with Galeas Paving.

Commissioner Bissette made a motion to go with Galeas Paving for \$1,500. Commissioner Wells seconded the motion. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Bissette: Aye, Wells: Aye, Powell: Aye, Wilson: Aye.

Commissioner Powell then said he got an estimate to have a tree removed in front of 6552 Williams Street. He said that in the past, the tree was merely trimmed, but now that it is old, it needs to come down. He could only get one estimate for \$2,900 from Reliable Tree Service here in Bailey.

Commissioner Wells made a motion to go with Reliable Tree Service for \$2,900. Commissioner Bissette seconded the motion. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Wells: Aye, Bissette: Aye, Powell: Aye, Wilson: Aye.

**Allen Daniels:** No comment

**Mayor's Remarks:**

Mayor was not present to comment.

**Closed Session:**

G.S. 143-318.11(a)(6) for Personnel Matters

Commissioner Powell made a motion for the Board to go into Closed Session. Commissioner Wilson seconded. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Powell: Aye, Wilson: Aye, Wells: Aye, Bissette: Aye.

Commissioner Bissette made a motion for the Board to return to Open Session. Commissioner Wilson seconded. Motion carried.

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Bissette: Aye, Wilson: Aye, Wells: Aye, Powell: Aye.

Commissioner Wells read a letter from Officer DeShawn A. Taylor dated 3/23/2023.

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

Vote: Mayor Pro Tem Daniels: N/A, Commissioners Bissette: Aye, Powell: Aye, Wells: Aye, Wilson: Aye.

Meeting adjourned.



Thomas Richards, Mayor



Joel Killian, Town Administrator