

TOWN OF YADKINVILLE
BOARD OF COMMISSIONERS
MONTHLY MEETING MINUTES
LOCATION: COMMISSIONER CHAMBER
213 VAN BUREN STREET
YADKINVILLE, NC
JULY 7, 2014

OFFICIALS PRESENT:

Mayor Hubert Gregory

Commissioners:

Betty Driver

Tony Hall

Eddie Norman

Kelly Oliver

STAFF PRESENT:

Town Manager: Christopher Ong

Town Clerk: Carmen Headen

Chief of Police: Tim Parks

Public Works Director: Perry

Williams

Town Attorney: Benjamin Harding

Quorum (4) is met – Meeting proceeded

PUBLIC HEARING

Mayor Hubert Gregory opened the public hearing at 6:55 p.m. The purpose of the hearing was to consider the proposed text amendment to Section 8-6-2 (Prohibition of Open Air Burning) of the Air Pollution Ordinance. The Town Manager presented the proposed language, recapping the discussion from last October's Board meeting involving a conflict between the Town Code and the North Carolina Administrative Code (NCAC) regulating open burning which has caused confusion amongst different local agencies. The NCAC prohibits open air burning of leaves trees branches and yard trimmings if public pickup is available and is unenforceable by law enforcement or the fire department. By contrast, the town code currently allows for various exceptions to the prohibition of open air burning and is enforceable by a misdemeanor. Mr. Ong recalled that after last October's discussion, the consensus of the Board was to adopt the State language and make it enforceable by the Police Department if need be. The text changes presented tonight is the proposed language to make the change official. Mr. Ong added that there was no new language to be added, rather that the proposed text strikes three of the seven current exceptions to restrictions against open burning--specifically burning of trees, brush, shrubs and leaves. With no one desiring to speak about the issue, Mayor Gregory closed the public hearing at 7:00 p.m.

1. CALL TO ORDER

The meeting was called to order by Mayor Hubert Gregory at 7:00 p.m.

2. INVOCATION

Mayor Hubert Gregory offered the invocation.

3. SWEARING IN OF TOWN COMMISSIONER

Clerk of Court Wayne Dixon swore in newly appointed commissioner, Monta Davis-Oliver. Attachment 3

Recess

At this point, Mayor Gregory recessed the meeting so that pictures of the new Board could be made.

Reconvene

The new Board reconvened after the recess, and Commissioner Monta Davis-Oliver took her seat with the board.

4. PUBLIC COMMENTS

Janet Robbins, organizer of "A Walk for Hunger" in memory of Susan Steelman, approached the Board and requested the Town's continued sponsorship of the event on October 7th, 2014, with all proceeds benefitting the Yadkin Christian Ministries. Ms. Robbins, asked the Board for permission to use the Town Community Park and Farmers Market area for additional parking on the day of the event. Commissioner Eddie Norman made a motion to sponsor the event and for the Town to donate \$500 for the event. Commissioner Kelly Oliver seconded the motion. All were in favor.

Vote: 5/0

Chief Brian Southard of the Yadkinville Volunteer Fire Department had a question about the proposed changes to the Air Pollution Ordinance, asking if the fire department could still burn for training. The Town Manager pointed out that "fire set for purpose of training public or private firefighting personnel, with the approval of the county fire marshal" was one of the exceptions left in the prohibition of open air burning section with proposed text amendments. (Sec. 8-6-2 (3))

5. APPROVAL OF MINUTES

Commissioner Norman made a motion to approve the following Minutes are presented:

May 5, 2014 Closed Meeting Minutes

June 2, 2014 Regular Meeting Minutes

June 2, 2014 Closed Meeting Minutes

June 30, 2014 Recessed Meeting Minutes

June 30, 2014 Closed Meeting Minutes

Commissioner Betty Driver seconded the motion. All were in favor.

Vote: 5/0

6. REQUEST FOR VOLUNTARY ANNEXATION

The Town Manager presented a letter from Harris and Sammie Gupton requesting voluntary annexation into the town limits of two undeveloped and unaddressed parcels of approximately 1.66 acres off of Beamer Road (PIN# 5806 (00) 66-8732 and 5806 (00) 66-8623) as part of a larger group of land parcels that Mr. Gupton was desiring to market as a potential business park. Mr. Ong reported in their conversations that it was discovered that the two parcels were located outside of the town limits. Mr. Ong confirmed that the parcels were contiguous to the current town limits. Commissioner Norman made a motion to start the process on this request. Commissioner Tony Hall seconds the motion. All were in favor.

Vote: 5/0

7. REQUEST TO SET PUBLIC HEARINGS

Public Hearings were set for the following on August 4, 2014:

- 6:40 p.m. – Rezoning PIN 580600668732 (unaddressed off of Beamer Rd) from R-20 to B-2 and PIN 5806769875 (unaddressed off of Beamer Rd) from B-2 to R-8A.
- 6:45 p.m. – Request to amend text of Zoning Ordinance to allow solar electric power plants in M-1 Light Industrial Zoning District.
- 6:50 p.m. – Request to amend text of Zoning Ordinance of Section 9-3-22; 9-3-100; 9-3-104 to allow grading business as conditional use in R-20 Zoning District.
- 6:55 p.m. – Request to amend Zoning Map to rezone PIN 580720814221 (unaddressed lot off of Birch St) from M-1 to R-10.

8. ACTION FOR PUBLIC HEARINGS

1) Commissioner Norman made a motion to accept the proposed text amendment to Section 8-6-2 – Prohibition of Open-Air Burning, as presented by the Town Manager. The motion was seconded by Commissioner Monta Davis-Oliver. All were in agreement.

Vote: 5/0

See Attachment #1

9. CONSENT AGENDA

A motion to accept the Consent Agenda, as presented by the Town Manager, was made by Commissioner Driver. Motion was second by Commissioner Norman.

Vote: 5/0

See Attachment #2 – Agenda #8

10. YADKIN VOLUNTEER FIRE DEPARTMENT

- Fire Chief Brian Southard reported monthly activities.
- July 24 at 4:00 p.m. - Recognition of Gene Branon at the convention center in Raleigh. Then at 8:00 p.m. there will be a candle light service at Nash Square. Board is invited to attend.
- July 30 at 6:30 p.m. – The NC Fireman Association will be at the Yadkinville Volunteer Fire Department to review the legislative bills that are in the House. Dinner will be provided.

11. POLICE DEPARTMENT

- Chief Tim Parks reported monthly activities.
- Introduced new police officer Ryan Preslar.

12. PUBLIC WORKS DEPARTMENT

- Public Workers Director Perry Williams had nothing to report.

13. TOWN MANAGERS REPORTS/UPDATES

- Health Insurance Renewal Costs – The Town Manager reported that he and the Finance Officer had recently met with the Town's health insurer and learned that the Town's health insurance renewal costs for Fiscal Year 2014-2015 would increase 20.3% this year. This is higher than the projected 17% increase that was conservatively budgeted for based on last year's increase. Mr. Ong explained that

the difference between the budgeted cost and what the actual cost is with a 20.3% increase leaves a gap of \$8,500. Mr. Ong told the Board that if they wished to keep the same plan with the same \$1,000 employer contribution, there would have to be a budget amendment and use of fund balance to make up the \$8,500 difference. Insurer Van Shore spoke to the Board about the current state of health insurance and various plans that are available. There was a discussion regarding health care costs. It was noted that the current plan is well liked by the employees and would no longer be available in its current state if a new plan was tried out. Commissioner Norman remarked that, from his perspective, the increase was not unusual compared to similar increases he was seeing. Commissioner Norman stated that thanks to Obamacare, healthcare costs were skyrocketing across the board and putting employers in a bad situation. Mayor Gregory asked how long the Town could sustain these types of increases. Commissioner Norman cautioned against cutting, advising that benefits such as the Town's health care plan were necessary to retain good employees. After further discussion on the matter, the Board was in agreement to keep the current health care plan with the same employer contribution. Mr. Ong will come back at the next meeting with a Budget Amendment in the amount of \$8,500.

- Biweekly Payroll – The Town Manager reported that he had discussed--at the June meeting--the idea of going to a bi-weekly payroll cycle for the convenience of employees who were struggling between pay periods as well as contracting out aspects of payroll and he was now reporting back his findings on the feasibility of this. Mr. Ong reported that the feedback received from the employees that he had spoken to was that no one was excited about switching to a biweekly system as most everybody has gotten used to paying their bills on a monthly cycle and in fact some felt like it would be a hardship to have to set up their household and expense payments around a biweekly pay cycle. Additionally, Mr. Ong reported that he had spoken with Town CPA's Charles Scott and Craig Hopkins and both of them had said that from an accounting or auditing perspective, there is no difference between monthly and biweekly pay. Mr. Hopkins advised to do what makes the most sense financially and what keeps the employees happy and productive. Mr. Ong recommended keeping our payroll system as is—doing it in house and on a monthly basis.
- Chipping Feasibility Study – After comparing quotes and price of a new chipper, Mr. Ong recommended that the Town purchase a new chipper and continue to have the chipping done by our public works department.
- Transportation Advisory Committee – Commissioner Davis-Oliver accepted the appointment to the Delegate/Transportation Advisory Committee (TAC).

14. COMMISSIONER COMMENTS

Commissioner Tony Hall inquired on the status of the Holcomb Trailer Park. Mr. Ong informed him that they had to replace their sewer system and that he has made the building inspector aware of the dilapidated trailers in the park.

Commissioner Kelly Oliver welcomed Commissioner Monta Davis-Oliver to the Town Board. Commissioner Oliver also spoke about the good exposure the town and county has been getting lately with the WXII live broadcast and the 4th of July parade.

Commissioner Eddie Norman inquired/commented about the following:

- Welcomed Commissioner Monta Davis-Oliver to the Town Board.
- Asked for Town Manager to contact DOT about broken pavement on Old 421 between the hospital and Williams & Gentry Store.
- Status of street paving. Mr. Perry Williams replied that there are some streets approved for paving in the Budget.

Mayor Gregory inquired/commented:

- Welcomed Commissioner Davis-Oliver to the Town Board.

Commissioner Monta Davis- Oliver expressed her gratitude for being accepted as a Town Commissioner and is eager to be a voice for the citizens of Yadkinville.

Commissioner Betty Driver inquired/commented about the following:

- Stated that she understood the block house on Taft Street is to be demolished. Mr. Ong informed her that it will be done by this Friday.
- Informed the Town Manager that the barn of Sara Dobbins located on Lee Avenue is falling in and needs to be check on.

15. CLOSED SESSION; N.C.G.S 143-318.11(a) (3) To consult with the Town Attorney to preserve the attorney-client privilege.

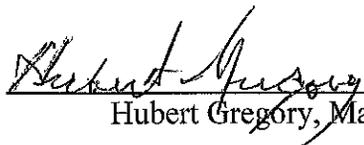
Commissioner Norman made a motion to go into "Closed Session" under N.C.G.S 143-318-11 (a) (3). Commissioner Driver seconded the motion. All were in favor.

Vote: 5/0

16. ADJOURMENT

With no further business to be discussed, Commissioner Norman moved that the meeting be adjourned. Commissioner Driver seconded the motion and the motion was approved unanimously. The meeting adjourned at approximately 7:57 p.m.

Vote: 5/0


Hubert Gregory, Mayor


Carmen Headen, Town Clerk

Chapter 6 Air Pollution

§ 8-6-1 Definitions.

§ 8-6-2 Prohibition of open-air burning.

§ 8-6-3 Incinerator regulation.

§ 8-6-4 Prohibition of air pollution.

§ 8-6-5 Penalties.

Sec. 8-6-1 Definitions.

The following terms wherever used herein or referred to in this chapter shall have the respective meanings assigned to them unless a different meaning clearly appears from the context.

(1) Air pollution. The presence in the outdoor atmosphere and the exterior of any building of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, to animal or plant life, or to property, or would unreasonably interfere with the enjoyment of life or property.

(2) Economic poisons. Those chemicals used as insecticides, rodenticides, fungicides, herbicides, nematocides, or defoliantes.

(3) Fuel-burning equipment. Any furnace, boiler, water heater, device, mechanism, stoker, burner, stack, oven, stove, kiln, still, or other apparatus or a group or collection of such units in the process of fuel burning for the generation of heat or power. Refuse-burning equipment shall be considered incinerators as herein defined and not as fuel-burning equipment under this definition. Ovens, stoves, ranges or barbecues used exclusively for domestic cooking purposes, and indoor fireplaces are not included herein.

(4) Incinerator. Any device, apparatus, equipment, or structure used for destroying, reducing, or salvaging by fire any material or substance, including but not limited to refuse, rubbish, garbage, debris, or scrap or facilities for cremating human or animal remains.

(5) Odor. A property of a substance which affects the sense of smell.

(6) Open burning. Any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney or an approved incinerator.

(7) Operator. Any person who has care, custody, or control of a building or premises, or a portion thereof, whether with or without knowledge of the owner thereof.

(8) Plant life. Vegetation including, but not limited to: trees, tree branches, leaves, yard trimmings, shrubbery, grass, weeds and crops.

(9) Refuse. All putrescible and nonputrescible wastes (except body wastes), and including but not limited to garbage, rubbish, yard trimmings, leaves, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and individual waste.

(10) Ringelmann smoke chart. Ringelmann's Scale for Grading the Density of Smoke, published by the United States Bureau of Mines.

(11) Salvage operations. Any business, trade, or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers, or drums.

(12) Smoke. Small gasborne and airborne particles arising from a process of combustion in sufficient number to be observable.

Sec. 8-6-2 Prohibition of open-air burning.

(a) No person shall cause, suffer, allow, or permit open burning of refuse, nor conduct a salvage operation by open burning, except as permitted in division (b) of this section.

(b) Exceptions to restrictions against open burning are:

(1) Outdoor burning in connection with the preparation of food and for burning leaves.

(2) Campfires and fires used solely for recreational purposes or for ceremonial occasions.

(3) Fires set for purpose of training public or private firefighting personnel, with the approval of the county fire marshal.

(4) Fires set or required by a public officer for the abatement of nuisances and which are necessary in carrying out public health functions, with the approval of the county fire marshal.

(5) ~~The burning of trees, brush, and shrubs in a properly designed, operated, and maintained open pit incinerator is permitted on the premises from which the trees, brush, and shrubs originated if approval prior to burning has been granted by the county fire marshal.~~

(6) ~~The open burning of plant life grown on the premises in the course of any agricultural operation may be permitted when it can be shown that such open burning is necessary and in the interest of public health.~~

(7) ~~Any open burning permitted under provisions of divisions (b)(5) and (b)(6) of this section shall begin only between three hours after sunrise and three hours before sunset, and additional fuel may not be intentionally added to the fire at times outside the limits stated above.~~

Sec. 8-6-3 Incinerator regulation.

(a) Smoke emissions. No person shall cause, suffer, allow, or permit smoke from any incinerator, the shade or appearance of which is darker than No. 1 of the Ringelmann Smoke Chart, to be emitted into the open air; or emissions of such opaTown within a stack or chimney, or exclusive of water vapor, of such opaTown leaving a stack or chimney to a degree greater than the emission designated as No. 1 of the Ringelmann Smoke Chart.

(b) Limitation on time of operation. No person shall operate, and no owner or operator of any building shall permit the operation of, an incinerator prior to 7:11:00 a.m. or after 5:11:00 p.m. of any day and all operations shall be completely terminated by 5:11:00 p.m., including complete extinction of the fire and removal of material in a safe manner from the firebox to a noncombustible container.

(c) New fires. The provisions of division (b) of this section shall not apply to smoke emitted during the building of a new fire, the shade or appearance of which is not darker than No. 2 of the Ringelmann Smoke Chart, for a period of no longer than three consecutive minutes; or to emissions of such opatown within a stack or chimney, or exclusive of water vapor, of such opatown leaving a stack or chimney to a degree which is not greater than the emissions designated as No. 2 of the Ringelmann Smoke Chart for a period no longer than three consecutive minutes.

(d) Odors. No person shall construct, install, use, or cause to be used, any incinerator which will result in odors being detectable by sense of smell in any area of human use or occupancy.

(e) Visible particles. No person shall cause, suffer, allow, or permit, the emission of particles of unburned waste or ash from any incinerator which are individually large enough to be visible while suspended in the atmosphere.

Sec. 8-6-4 Prohibition of air pollution.

No person or owner of property, and no person having possession or control of property, shall cause, suffer, allow, or permit to be emitted into the open air substances in such quantities as shall result in air pollution. The provisions of this section shall not apply to the use of economic poisons.

Sec. 8-6-5 Penalties.

(a) Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and subject to fine or imprisonment as provided by G.S. § 14-4. Each violation of any provision of this chapter shall constitute a separate and distinct offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(b) Enforcement of the provisions of this chapter may be by one, all, or a combination of the remedies authorized and prescribed by G.S. § 160(a)-175 and any violation continuing more than ten days after notice of such violation shall subject the offender to a civil penalty of \$200 per day during the period or periods of the violation.

AGENDA
TOWN OF YADKINVILLE
Board of Commissioners

MONDAY
JULY 7, 2014
7:00 P.M.

PUBLIC HEARING

6:55 p.m. Proposed Text Amendment to Section 8-6-2 – Prohibition of Open Air Burning

1. CALL MEETING TO ORDER--MAYOR GREGORY
2. INVOCATION--MAYOR GREGORY
3. SWEARING IN OF TOWN COMMISSIONER

RECESS- PHOTOGRAPHS--RECONVENE

4. PUBLIC COMMENTS
5. APPROVAL OF MINUTES

- June 2, 2014 Regular Meeting Minutes
- June 2, 2014 Closed Meeting Minutes
- June 30, 2014 Recessed Meeting Minutes
- June 30, 2014 Closed Meeting Minutes

6. REQUEST FOR VOLUNTARY ANNEXATION; Harris and Samie Gupton – 2 parcels off of Beamer Road (PIN# 5806 (00) 66-8732 AND 5806 (00) 66-8623)

7. REQUEST TO SET PUBLIC HEARINGS

- August 4, 2014 @ 6:40 – Rezoning PIN 580600668732 (unaddressed off of Beamer Rd) from R-20 to B-2 and PIN 5806769875 (unaddressed off of Beamer Rd) from B-2 to R-8A
- August 4, 2014 @ 6:45 – Request to amend text of Zoning Ordinance to allow solar electric power plants in M1 District
- August 4, 2014 @ 6:50 – Request to amend text of Zoning Ordinance of Section 9-3-22; 9-3-100; 9-3-104 to allow grading business as conditional use in R-20 Zoning District
- August 4, 2014 @ 6:55 – Request to amend Zoning Map to rezone PIN 580720814221 (unaddressed lot off of Birch St) from M1 to R10

8. ACTION ON PUBLIC HEARING

9. CONSENT AGENDA (ITEMS 1-2)

1. TAX VOID

William H. Thomas Acct# 3366 Recpt# 1693 \$728.38
County issued a discovery and used incorrect amount

2. Budget Amendment #1 W/S Administration
Increase W/S Admin Budget \$2,492 for pay increase approved 6/30

10. FIRE CHIEF'S REPORT

11. POLICE CHIEF'S REPORT

12. PUBLIC WORKS DIRECTOR'S REPORT

13. MANAGER'S REPORT

14. COMMISSIONER COMMENTS

15. CLOSED SESSION; N.C.G.S 143-318.11(a) (3) To consult with the Town attorney to preserve the attorney-client privilege

16. ADJOURNMENT

I, Monta Davis-Oliver, do solemnly swear that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Commissioner, so help me God.

Monta Davis-Oliver
Monta Davis - Oliver

Sworn and subscribed to before me this
the 7th day of July, 2014

Wayne Dixon
Wayne Dixon, Clerk of Superior Court

2014 JUL -8 AM 9:22
FILED
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