

TOWN OF GARLAND
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 3, 2023
6:30 PM

The Regular Meeting of the Board of Commissioners of the Town of Garland was held at the Garland Town Hall in Garland, N.C. on Tuesday, October 3, 2023, at 6:30 pm.

The following members of the Board of Commissioners were present:

Mayor Austin Brown
Mayor Pro Tem Carolyn R. Melvin
Commissioner Barbara A. Peterson
Commissioner Ralph Smith, Jr.
Commissioner Haywood Johnson
Commissioner Jo A. Strickland

Also present: Town Clerk Jennifer Gray, citizens Marshall Thornton, Janice Thornton, Wendy Taylor, Bob Graczyk, Jamie Harper, Shauna Harper, Adam Smith, and Antonio Garcia.

CALL TO ORDER

Mayor Brown called the meeting to order at 6:30 pm and welcomed everyone in attendance. Town Clerk, Jennifer Gray, was present and recorded notes for the minutes.

PLEDGE OF ALLEGIANCE

Mayor Austin Brown led everyone in the pledge of allegiance.

INVOCATION

Mayor Pro-Tem Carolyn Melvin offered the invocation.

QUORUM

Mayor Austin Brown and Clerk Jennifer Gray established there was a quorum present.

APPROVAL OF AGENDA

Mayor Brown requested board members review the agenda for approval. It was requested that the following item be added to the agenda.

- ❖ Commissioner Ralph Smith would like to add Ultrasonic Meters under Public Works.

Commissioner Barbara Peterson made a motion to approve the agenda with said changes, seconded by Commissioner Ralph Smith and the motion carried unanimously.

Commissioner Ralph Smith made a motion to enter a Public Hearing in regard to Rezoning Ordinance - RZ23-001. Mayor Pro-Tem Carolyn Melvin seconded the motion, and the motion was carried unanimously.

PUBLIC HEARING

Haley Hogg with Mid Carolina COG addressed the board. Haley reviewed the rezoning application on the town's behalf. A copy of the staff report was placed in each commissioner's packet. The applicant was present, Mr. Marshall Thornton. Mr. Thornton is requesting a rezoning for the separate property highlighted in the map provided. The property is located off of Dick Street. He's requesting a rezoning from industrial to

R85. It's currently zoned industrial. On the second page of the staff report, you have an adjacent property or a map showing the adjacent properties and how they are also zoned. You also have the subject property highlighted and you can see what color changes and how it would mix in with the existing properties around it. Just to put things in context, across the street from this property is all zoned residential as well. The adjacent properties are also zoned industrial. One of them has a single-family home on it, but it's not conforming to use because it's residential use in an industrial district. He is requesting to rezone to R85, which is exactly what's across the street. from this property. So based on analysis, after reviewing the adjacent property zoning categories, after reviewing zoning ordinance and also comprehensive plan, we found it to be a compatible zoning category, to be rezoned to for the site. There was a planning board meeting last month. The planning board members did recommend denial on the project. There are some concerns about the uses permitted in the zoning district that Mr. Thornton is requesting to go to. Currently defined as warehousing, mixed industrial, industrial heavy commercial, he can do auto repair, a warehouse, anything like that with no board approval, just submit a permit application and a site plan. Those uses are permitted currently. If he resigns to R85, which is what has been requested. Mr. Thornton is permitted to do single family residential, park use, church, manufactured home, either a double wide or single wide located on individual lots. There can't be a manufactured home park, it would have to be individual lots. The R85 zoning district must meet the minimum standards and those standards are 100-foot lot width, 10,000 square feet blocks, and then the setbacks would be 50 feet front, 10 feet side, 10 feet rear. This property is about 5.2 acres. Mid Carolina COG is recommending approval just because it was found to be consistent with the surrounding land uses and compatible uses. The planning board recommended denial. We're having a public hearing so that a final decision can be made to approve or deny the application.

Mr. Marshall Thornton addressed the board concerning the sale of the property. He informed the board that he would have it drawn up in the deed that only two homes would be allowed on the property.

The board discussed the zoning request.

Commissioner Ralph Smith made a motion to close the Public Hearing. Commissioner Haywood Johnson seconded the motion, and the motion was carried unanimously.

Commissioner Haywood Johnson made a motion to adopt Ordinance 2023-10-01. The motion was seconded by Commissioner Barbara Peterson. The motion passed 3-2. Commissioner Haywood Johnson, Commissioner Barbara Peterson and Mayor Pro-Tem Carolyn Melvin voted yes. Commissioner Jo Strickland and Commissioner Ralph Smith Jr. both voted no.

Commissioner Ralph Smith made a motion to enter a Public Hearing. Commissioner Haywood Johnson seconded the motion, and the motion was carried unanimously.

Haily Hogg with Mid-Carolina COG stated, there is a specific ordinance amendment was for a campground use. We had somebody reach out two months ago because they wanted to open a campground in ETJ, in the RA zoning district. Right now, the town's ordinance doesn't allow for the use of a campground. The board directed MCCOG to work on an ordinance amendment to allow the potential for somebody to operate a campground in this district. We did add some language in here. I'm not going to read it word for word for you, but we did add definition for campgrounds. It has been added that it would only be permitted as a special use permit. We will have to come back to the board to be permitted on an individual case by case basis and only in the RA zone district because that's your more rural ETJ district.

Commissioner Ralph Smith made a motion to close the Public Hearing. Commissioner Haywood Johnson seconded the motion, and the motion was carried unanimously.

Commissioner Ralph Smith made a motion to adopt Ordinance 2023-10-02. Commissioner Barbara Peterson seconded the motion, and the motion was carried unanimously.

No one signed up for Public Comment.

COMMISSIONER REPORTS

FINANCE

BVA & A.P. Check Listing: Clerk Gray provided the listing for both. Mayor Brown made comments about budget line items that need to be reviewed for budget amendments. Clerk Gray gave an explanation of the checks distributed throughout the month.

Credit Card Purchases: Clerk Gray explained that most credit card purchases have been for tools and items to make repairs around town. More truck repairs are needed for one of the town vehicles. Mayor Pro-Tem Carolyn Melvin requested copies of receipts for credit card purchases.

Southern Bank CD : Clerk Gray addressed the board about using the Money Market Funds to replace the roof at town hall to offset the cost outside of the normal appropriated budget for town building repairs. Commissioner Jo Strickland made a motion to not put the Money Market funds in a CD and use it for roof repair. The motion was seconded by Commissioner Barbara Peterson and the motion was carried 4-1. Commissioner Ralph Smith, Commissioner Barbara Peterson, Commissioner Jo Strickland and Commissioner Haywood Johnson voted yes and Mayor Pro-Tem Carolyn Melvin voted no.

EnviroLink Invoice:

Commissioner Ralph Smith made comments pertaining to the fines and invoice that the town has on file for payment or has already been paid. He expressed concern about EnviroLink remaining with the town and fines continuing to be assessed based on their poor job performance for the town. Commissioner Smith recommended that the town terminate the contract with EnviroLink, seek other help and have the Mayor turn this over to the town's attorney Alan Maynard.

Commissioner Ralph Smith made a motion that the town deny paying the invoice, terminate the EnviroLink contract and have the mayor contact the attorney to sue EnviroLink for the breach of contract. Commissioner Jo Strickland seconded the motion and the motion was carried unanimously.

BUILDINGS/CEMETERY

Commissioner Carolyn Melvin made a motion to table the roofing project until the next meeting. The motion was seconded by Commissioner Haywood Johnson. The motion dies with a 3-2 vote. Commissioner Barbara Peterson, Commissioner Jo Strickland, Commissioner Ralph Smith voted no. Commissioner Haywood Johnson and Mayor Pro-Tem Carolyn Melvin voted yes. The motion dies for lack of majority vote. Commissioner Ralph Smith made a motion to approve Danny Odom roofing to replace the town hall roof based on the quote provided with warranty in place. Commissioner Jo Strickland seconded the motion and the motion was carried 4-1 with Commissioner Jo Strickland, Commissioner Ralph Smith, Commissioner Barbara Peterson and Commissioner Haywood Johnson voting yes and Mayor Pro-Tem Carolyn Melvin voting no.

The old ABC Store sink continuously being clogged was addressed. It was stated that the old ABC lease stated "as is" and the town is not responsible for repairing the building.

PARKS AND RECREATION

The fence at the softball field was discussed. Clerk Gray stated that with the audit and several other projects going on at the time, she has not been able to review the budget for fence funds.

Commissioner Ralph Smith made a motion to table Fence Funding until the next regular meeting. Commissioner Jo Strickland seconded the motion, and the motion was carried 3-2. Commissioner Haywood Johnson and Mayor Pro-Tem Carolyn Melvin voted no. Commissioner Barbara Peterson, Commissioner Jo Strickland and Commissioner Ralph Smith all voted yes.

STREETS

Commissioner Haywood Johnson stated that the Streets Department was in great shape, and everything looked good around the town.

PUBLIC WORKS -- WATER/SEWER/GARBAGE

The need for Ultra Sonic Meters to replace the current meters for Sampson County water was discussed. It was decided that installing new meters would benefit the town based on the age and loss of water revenue.

Commissioner Ralph Smith made a motion to allow clerk Gray to find the money and purchase the Ultra Sonic Meters. The motion was seconded by Commissioner Haywood Johnson and the motion was carried unanimously.

SAFETY

Commissioner Jo Strickland addressed the board regarding the Senior Citizens Building and the softball fields. Deputies are patrolling more around those areas to make sure people are not there after hours.

OLD BUSINESS

None

NEW BUSINESS

Code of Ordinance Update:

Kimberly Moffitt with the Mid Carolina Council of Government provided an update on the Code of Ordinance project she has been working on. The Code of Ordinance project, which started in March or April was brought about due to Code of Ordinance not being codified since 2005. Codified simply means that the Code of Ordinance has not been updated with any amendments or changes that were made to it. Since that time, she started to read through minutes, and to date, has read through 2005 to 2018. Pages and pages of amendments have been made. Unfortunately, they have not been made properly, because when they are made, they are supposed to be by ordinance. So unfortunately, there's not a book to go back to, pull that language and update the code. Additionally, with that, it was found in some of the minutes, the language is not even included as to what the changes were going to be. Those are some of the issues that the town is facing. There are still four years to go through. Ms. Moffet will come back to the board with a full list of all the amendments that have been adopted, even though they were not adopted properly.

MINUTES APPROVAL

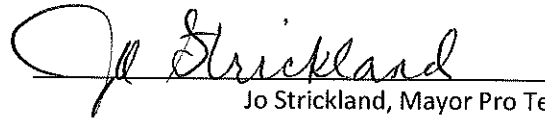
Regular Meeting – September 5, 2023

Commissioner Melvin recommended corrections be made to the September 5, 2023 Regular Meeting minutes. Commissioner Smith made a motion to adopt the minutes with suggested changes, the motion was seconded by Commissioner Peterson, and the motion was carried unanimously.

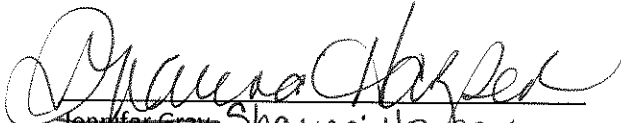
ADJOURNMENT

With there being nothing further to discuss, Commissioner Ralph Smith made a motion to adjourn, Commissioner Haywood Johnson seconded the motion. The motion carried unanimously. The meeting was adjourned at 7:43 pm.

Duly adopted this the 14th day of November, 2023 while in regular session.


Jo Strickland, Mayor Pro Tem

ATTEST:


Jennifer Gray Shauna Harper
Town Clerk/Finance Officer

