

TOWN OF DOBSON, NORTH CAROLINA

Board Of Commissioners Regular Meeting Minutes June, 23th 2011

PRESENT

Mayor: Ricky K. Draughn



Mayor Pro Tempore: Lana Brendle

Commissioners: Wayne Atkins
Todd Dockery
John Lawson

Staff: Town Manager Josh Smith
Assistant Town Manager Tom Hart
Town Attorney Hugh Campbell
Police Chief Shawn Myers
Public Works Director Michael Frazier

MINUTES

➤ **Mayor Draughn Called the Regular Meeting to Order at 6:00PM**

➤ **Mayor Draughn Called the First Public Hearing to Order**

The Board of Commissioners held a Public Hearing regarding amendments to Sections 6-67, 6-68, and 26-447 of the Town Code. Town Manager Josh Smith informed the Board that under the current rate structure the Town's false alarm fines and vehicle impoundment fees were failing to deter false alarms and the fines and fees were not covering the costs associated with administering the fees and fines.

➤ **Mayor Draughn Called the Second Public Hearing to Order**

The Board of Commissioners held a Public Hearing regarding a rezoning request from Tim Peele to change Internet Sweepstakes businesses from L-I and H-I special use to B-2, L-I, and H-I permitted by right use and remove restrictions on Internet Sweepstakes establishments listed in Article 11 Section 11.22. Town Manager Josh Smith informed the Board that the current ordinance allows internet sweepstakes establishments but restricts them to Industrial zones and limits the establishments to five machines. Mr. Peele was seeking to open an internet sweepstakes establishment in the old Hollywood Video building on Atkins Street in a B-2 zone. Town staff recommended the Board approve the rezoning and remove the restrictions to allow the business to open. Town Manager Josh Smith explained that the business would generate revenue for the town and would occupy an otherwise abandoned business location. The Planning Board made a recommendation against the rezoning and removal of the restrictions. Jaime Tilley acted as the Planning Board Chairman and presented the Board's recommendation to the Board. Mr. Tilley informed the Board that the Planning Board made its recommendation as a matter of supporting the existing ordinance and over concerns about whether an internet sweepstakes café would enhance the quality of life in town.

Both Stan Newman and Larry Patterson addressed the Board and expressed concerns about the moral implications of internet sweepstakes. The Board solicited the opinion of Police Chief Shawn Myers. Chief Myers advised the Board that he had contacted the Chiefs in several neighboring towns and none had reported any significant issues relating to their internet sweepstakes establishments. Commissioner Brendle questioned what would distinguish and internet sweepstakes establishment from the existing bingo establishments in town. After deliberating, the Commissioner Wayne Atkins made a motion, seconded by Commissioner John Lawson, to amend the zoning ordinance as recommended by staff. All Board members present unanimously approved.

➤ **Mayor Draughn Called the Third Public Hearing to Order**

The Board of Commissioners held a Public Hearing regarding the Adoption of the Fiscal Year 2011/2012 Budget Ordinance and schedule of fess including a \$3 increase to the water and sewer base rate. Town Manager Josh Smith reviewed the Budget with the Board. Commissioner John Lawson, seconded by Commissioner Lana Brendle, made a motion to adopt the Budget Ordinance as presented. All Board members present unanimously approved.

➤ **Agenda Item 1: Consider Minutes From May 26th, 2011 Special Meeting**

Commissioner Lawson, seconded by Commissioner Dockery, made a motion to accept the Minutes as presented. The Board unanimously approved the Minutes from the May 26th, 2011 Meeting.

➤ **Agenda Item 2: Public Comment**

The Mayor opened the meeting to public comment, nobody wished to address the Board.

➤ **Agenda Item 3: Fiscal Performance Report**

Assistant Town Manager Tom Hart presented the staff's fiscal update to the Board. Revenues are still outpacing expenditures in both funds. All Departments are limiting their spending. At this point there is no reason to suspect that any fund balance will need to be appropriated and the budget is expected to balance. Commissioner Lawson inquired as to why the Recreation Department expenditures were coming in so low. Staff explained that the item was used for community outreach and other non-essential goodwill efforts and that the Board had simply not received requests for those funds.

➤ **Agenda Item 4: Consider Approving Contract with Waste Management**

Town Manager Josh Smith advised the Board that staff had been working with Waste Management to draft a contract for solid waste disposal with a recycling option. Town Attorney Hugh Campbell advised the Board that Waste Management had been agreeable during the negotiation process and that the contract was a good contract. Commissioner Lawson made a motion that the Board approves the contract with Waste Management and thanked the Town Manager for his work in negotiating the contract. Commissioner Dockery seconded and all Board members present approved unanimously.

➤ **Agenda Item 5: Renew Contract for Law Enforcement with ABC Board**

Town Manager Josh Smith presented the Board with the contract with the ABC Board. The contract stipulates the Town will receive 5% of the ABC revenues for the purpose of law enforcement activities. Commissioner Wayne Atkins, seconded by Commissioner John Lawson, made a motion to approve the contract. All Board members present unanimously approved.

➤ **Agenda Item 6: Consider Agreement with Surry County for Board Meeting Locations**

Town Manager Josh Smith advised the Board that the County wanted to enter into an agreement with the Town that would allow the County's Board to use the Town Board's meeting space if theirs became inoperable. The contract would also allow the Town Board to meet at the County facility. Commissioner Dockery, seconded by Commissioner Atkins, made a motion to approve the agreement. All Board members present unanimously approved.

➤ **Agenda Item 7: Board Appointments**

Town Manager Josh Smith advised the Board that several of the Town's boards had vacancies or would have vacancies in the near future. Peggy Stanley's seat on the Library Board expired in December and Mrs. Stanley expressed a desire to be reappointed. Commissioner John Lawson made a motion to reappoint Peggy Stanley to the Library Board. Commissioner Todd Dockery seconded, and all Board members present unanimously approved.

The Planning Board has several vacancies however deficiencies in records are causing confusion regarding who is actually on the Board and who's seats have expired. The Board has three vacant seats currently held by Larry Patterson, Jonathan Snow, and Brad Davis. Mr. Patterson and Mr. Snow have advised they no longer wish to serve on the Planning Board and Brad Davis has been out of Town and unable to advise whether he wishes to remain on the Board. The Town has two seats to appoint and one alternate. The Board requested that staff continue to solicit names for potential Planning Board members.

The ABC needs a Chairman to be named. Commissioner John Lawson, seconded by Commissioner Todd Dockery, made a motion to appoint David Black as the ABC Board Chairman. All Board members present unanimously approved.

➤ **Agenda Item 8: Recognition of Paul Jackson**

Mayor Ricky Draughn presented Paul Jackson with a plaque commending Mr. Jackson for his 15 years of service on the Town's ABC Board.

➤ **Agenda Item 9: General Town Business**

Town Manager Josh Smith addressed the Board regarding the following issues:

Sheetz has advised staff that they are ready to proceed with the closing of Folger Street and anticipate that the issue will be before the Board in July.

Recycling service should begin in October and staff will be inventorying customers to ensure accurate billing on the Town's garbage contract.

For auditing purposes, staff will be requesting several routine budget amendments in the July meeting.

A new state law requires the Board to designate somebody as the Towns contact for fluorescent light bulb disposal. Commissioner Todd Dockery made a motion to appoint Town Manager Josh Smith. Commissioner John Lawson seconded and all Board members present unanimously approved.

➤ **Request to Address the Board**

Resident Larry Patterson requested permission to address the Board. Mayor Draughn gave the floor to Mr. Patterson who expressed concern that Waste Management Personnel had been going through his garbage and that he felt this was an invasion of his privacy. Town Manager Josh Smith explained that citizens legally would have no expectation of privacy relating to garbage left at the curb for collection and that Waste Management could be fined for the materials they take to the landfill and had a right to know what they were putting in their truck.

➤ **Motion to Adjourn at 6:59PM**

Commissioner Lawson, seconded by Commissioner Dockery, made a motion to adjourn. The present Board members approved unanimously.

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CLERK'S SIGNATURE