

**Walter M. Gardner, Jr.**  
Mayor

**John Freeman**  
Administrator

**TOWN OF WARRENTON**  
*"Historically Great - Progressively Strong"*  
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**October 11, 2010 Board of Commissioners Minutes**

The October 11, 2010 meeting of the Town of Warrenton Board of Commissioners was held at the Warrenton Rural Fire Department.

Those present were:

Mayor Walter M. Gardner, Jr.	John Freeman, Town Administrator
Commissioner and Mayor Pro Tem Woody King	
Commissioner Jules Banzet	Town Attorney Mitch Styers
Commissioner John Mooring	Police Chief John Younts
Commissioner Robert Davie	Jennifer Harris, Warren Record
Commissioner Mary Hunter	
Commissioner Audrey Tippet	
Commissioner John Blalock	

Mayor Gardner called the meeting to order at 7:10pm. He then presented the proposed agenda for approval. Commissioner Banzet moved to approve the proposed agenda; Commissioner Mooring seconded the motion which passed unanimously.

Mayor Gardner then presented the minutes of the September 13, 2010 Board meeting for approval: Commissioner Mooring moved that the minutes be approved; Commissioner Banzet seconded the motion which passed unanimously.

**Public Comments**

Resident Steve Carmody addressed the Board about the deplorable condition of a house at 507 South Main Street, next to his, which he called a clear public health issue. The house is vacant and has been foreclosed. While the outside is in poor condition and has a large amount of trash and debris around the house and in a storage shed, the inside is far worse. Carmody reported that trash is piled up to 6 feet and food is thrown on the floor. Apparently a dog had been kept in the house and the floor is thick with feces and the odor is overwhelming. Flies are everywhere and rats are coming and going. He referred to it as a biohazard and asked for the Board's attention to the problem. He said he had send information to Mr. Freeman but nothing had been done yet. Mr. Freeman said that with Mr. Styers' recommendation he had requested an inspection from county Health Director Andy Smith as a condemnation as public health hazard would provide grounds for legal action. He had forwarded Mr. Carmody's interior photos to strengthen the request and Mr. Smith had said he would have to consult with other parties but had not responded with an inspection or report as yet. Commissioner Mooring asked if a formal letter from the Board would help and Mr. Freeman said he would write the letter and schedule a meeting with Mr. Smith to deliver it and discuss the possibility of an inspection. There followed some discussion about the limitations of the health department in dealing with similar situations, and the possibility of hiring contract inspectors as had been suggested for fire inspections. Mr. Styers said that this notice needs to come from the public health inspector to say that this is a public health hazard. Then he can get an injunction and put a lien against the property. Mayor Gardner said he would accompany Mr. Freeman to speak with Mr. Smith.

## **Committee Reports**

### **Planning, Zoning and Annexation**

There was no report.

### **Public Works**

Mr. Freeman reported that the Ridgeway Street sidewalk project was well underway and that the contractor had already made considerable progress in just a week. He said that his previous rough estimate of a contract for inspection and administration of \$2-3000 was low and that he had received a proposed change order to the original engineering and design contract of \$7300. He explained that this professional oversight was particularly important on this project because it is funded by DOT and must pass their final inspection. There is not the flexibility that there might be if this were simply a Town project. He also said that because the construction bid had come in less than budgeted this additional contract was still within budget. Commissioner Blalock moved to approve this contract extension/change order; Commissioner Tippett seconded the motion which passed unanimously.

Mr. Freeman then reported on the sewer system grant/loan awarded by DENR. The total is \$500,000 split 50/50 between grant and loan. This is the estimated cost of addressing the most urgently needed repairs as revealed by the recently completed video inspection project. He said that although actual construction would not begin for more than a year there were important milestones that had to be completed by specific dates in order to maintain the award. To do this the services of an engineer are required right away, and he had received a contract proposal from the engineer who had written the grant application to administer the entire project. He explained that this would be part of the cost of the project to be included in the 50/50 grant/loan funding and the amount is set by state statute. He then recommended approval of the contract proposal in the amount of \$86,400 from O'Brien & Gere. Commissioner Blalock moved that it be approved; Commissioner Banzet seconded the motion which was passed unanimously.

Commissioner Blalock asked about the status of the Peck Dam and Mr. Freeman answered that he had written to the county manager about Town concerns and the county's responsibility as owner. He reported that County Public Works Director Macon Robertson had made a preliminary report and was investigating further.

Mayor Gardner reported that the Town had been notified that its application for CDBG-R funds for Franklin Street sewer rehabilitation had been reopened. This was an application submitted by the Kerr-Tarr COG on the Town's behalf in 2009, but turned down then. It is one of three projects in the COG region eligible for reconsideration. The total request is \$280,650 and if awarded would be 100% grant and in addition to the DENR grant/loan. The application deadline is November 12 and would require a public hearing beforehand followed by a resolution by the Board. Commissioner Blalock moved that a public hearing be set for 6:45pm on November 12, immediately preceding the next BOC meeting. Commissioner Mooring seconded the motion which passed unanimously.

### **Beautification/Facilities**

Commissioner Tippett said that she, Commissioner Davie and Mr. Freeman had visited Rocky Mount which was in the process of restoring a block of formerly blighted buildings. She asked Mr. Davie for a report on the process as he has spent considerable time on researching methods of funding downtown renovation. He said much of the funding came from the use of historical tax credits that are basically sold to those who can use them in return for investment capital to do the renovations. Historical tax credits can account for up to 38% of the cost. He said that he, Mayor Gardner and Mr. Freeman had had a long conference call with a developer who is a broker of credits and who had worked with Rocky Mount on their project. Rocky Mount had used a variety of funding sources, many of which would not be available here, and Mr. Davie said the challenge would be to find funding for at least 50% of the cost. He said he had broached the possibility with several building owners and all

had been interested in discussing it further. There would be many legal details to be worked out relating to building ownership, but it could be a means to restoring the downtown. Mayor Gardner said this was Mr. Davie's forte and that it was well worth pursuing.

Commissioner Tippett returned to the subject of littering, saying that creative ideas were necessary for a solution to this ongoing problem. Commissioner Blalock said that there was an improvement downtown as the parking enforcement employee also picked up litter, and Commissioner Banzet said that he had observed less downtown but more beyond downtown. Chief Younts said that a number of littering tickets had been written to cars and uncovered trucks.

### **Revitalization/Historical**

Commissioner King reminded the Board of Harvest Market, scheduled for Saturday, October 23, and said that plans were proceeding on schedule for this annual event.

Turning to a new program he said that the county commissioners had approved the request for a waiver on the fee for use of the Armory and that the Town Café event was now definitely set for November 16 from 7:00-9:00pm. He briefly described the event utilizing a teaching tool based on the World Café model for a controlled brainstorming session in the form of conversations that matter. It is to be a positive event to look at Warrenton's assets and build a vision of the future, where Warrenton should be in five and ten years. He said 100-200 were expected and invitations would be sent out. He urged all Board members to attend. He also said it would fit into the preparation required for application to grants such as the Rural Center's STEP program.

### **Public Safety**

Chief Younts asked if there were questions about the monthly activity report but questions immediately moved to the recent theft of a vehicle at Hardee's and the shooting of its owner. Chief Younts gave a brief report of events and the efforts being made to find the vehicle. He said that he could not give details as it is an ongoing investigation, but the victim was reported to be in stable condition at Duke, and there had been good cooperation with the sheriff's department. Commissioner Blalock expressed the concern that such a non-typical crime makes all feel vulnerable.

Chief Younts then reviewed the recently awarded COPS grant that provides federal funding for the salary and benefits for an additional police officer for three years. The Town would be obligated for this officer's equipment and for maintaining the position for a fourth year, which would be approximately \$50,000. Chief Younts said that the immediate costs of equipment could be handled from the current budget, and that the officer would become the canine officer. There was some discussion about the fourth year and Mayor Gardner explained that an existing position could not be supplanted by the grant position, so that it would continue as an additional position. Chief Younts explained that Board approval was required for acceptance of the grant, and Commissioner Blalock moved that the grant be accepted and that the mayor and chief be authorized to sign as necessary; Commissioner King seconded the motion which passed unanimously.

Commissioner Blalock reported that the Fire Department had been relatively quiet. He said that the department had acquired a new F350 brush truck, the \$60,000 cost of which was divided 50/50 between a grant and department funds. Mayor Gardner said that residents would see some activity as hose testing had been scheduled in the near future.

### **Human Resources/Information Technology**

Mr. Freeman said there was no report from Human Resources but say that two staff members had been out for extended periods. Eddie Long of the Street Department was recovering from shoulder surgery for a job related injury and had been out two months. Al Alexander of the Public Works Department had been out three weeks due to illness.

He then reported that the website had not met its goal of substantial completion by October 1 but that Barbara Medlin of the Police Department had made great progress in the Public Safety section. Al Alexander's absence had delayed the Public Works section, and Mr. Freeman had not finished the administrative section. However, Board members were listed with their new email addresses, and instructions were provided explaining access.

**Finance and Administration**

Commissioner Hunter began her report with a review of the six checks exceeding \$10,000 which she said appeared appropriate:

Citizens Insurance	\$16,380.00	Quarterly general insurance
MIT	\$12,204.90	Monthly employee health insurance
Warren county	\$16,988.01	Water purchase
Harris Equipment	\$56,595.00	Riggans wet well

Mr. Freeman then presented the September Year-to-date report, which he said was on target but noted the difficulty of comparing the existing report formats as loan proceeds and reimbursable grants are counted as revenues and expenses. When those are taken into consideration the current year is on budget and very comparable to the previous year. He said he would work on a revised format. He noted that property tax collections were running 28% ahead of the previous year and said that it reflected the tax office's efforts at earlier collection rather than an overall increase. He also noted that Sales and Use Tax revenues continued to run about 1% below the previous year. He said that the quarterly Franchise Tax revenue reflected \$8944 discovered by the contingency auditor contracted last year to find errors or oversights that would lead to recovered revenues. For this service the auditor receives 50% of the funds recovered due to his efforts, so the net increase of \$4472 is reflected on the monthly report. In answer to Commissioner Mooring's question about whether the contingency auditor's findings informed staff of changes to make in the future, Mr. Freeman said that it did in cases such as certain tax refunds found last year, but not in cases such as the Franchise Tax because the state makes those calculations which are not reported and require specialized knowledge to analyze. In answer to Commissioner Davie's question about cash flow, Mr. Freeman said it remains good even though the fall presents the greatest challenge.

**Unfinished Business**

**New Business**

Items under New Business were related to proposed changes to three ordinances, which had been the subject of the public hearing preceding the meeting. Mayor Gardner introduced the proposed changes to the garbage collection ordinance, noting that no member of the public had spoken to this issue. Commissioner King asked whether the requirement for bagging garbage should be included and it was agreed that it should. There was some discussion about boxes and other types of trash, but agreed that those could be dealt with. Commissioner King moved that the proposed ordinance be adopted with the addition of the bagging requirement; Commissioner Mooring seconded the motion which passed unanimously.

Moving to the proposed revision of the fire inspection ordinance Town Attorney Styers led the Board through the existing ordinance, recommending that the section be renamed "Fire Services," that out of date references be deleted or repealed, and it be rewritten to adopt the state administrative code. Commissioner Mooring moved that these changes be adopted; Commissioner Blalock seconded the motion which passed unanimously.

Mayor Gardner then introduced the subject of the animal control ordinance. Mr. Styers said the county ordinance is clear and concise, is based on state statutes, and does not limit the services of animal control to unincorporated sections of the county (that is, it does not exclude incorporated municipal areas). Commissioner Mooring stressed the importance of the lease law contained in the existing town ordinance, which the county animal control would not be expected to enforce. It was agreed that the Town police department would continue to

enforce such ordinances. Mr. Styers did recommend repealing Town ordinance 90.02 “dangerous dogs running at large” which is in conflict with state statutes and is covered in section 8 of the county ordinance. Commissioner Blalock moved to repeal 90.02; Commissioner King seconded the motion which passed unanimously. It was generally agreed that Animal Control Director Greene had accepted responsibility to enforce state statutes in municipalities as throughout the county but that resources were very limited. There was some discussion about the possibility of establishing a fee to be paid to animal control for picking up stray dogs not covered under the ordinance, and Mayor Gardner asked Mr. Freeman to investigate and discuss with county manager Linda Worth.

Mayor Gardner turned to Commissioner Davie on the agenda item of Minimum Housing Standards. He reported on having spoken with officials in both New Bern and Raleigh, and had been told by both that they tried to work with property owners to improve blighted properties and avoid demolition. They suggested that the Town could require a certificate of occupancy that would require specified repairs before a new resident could move in. This would not address the problem of ongoing vacant properties. He said that New Bern had been able to get a local bill passed to allow an extension of the one year demolition restriction to keep historic buildings from being torn down.

**New Business**

Mr. Freeman presented several requests for sewer adjustments:

West	Acct #4279	25000	\$300.00	watering	Mooring moved; Blalock second; unanimous
Raiford	4188	25000	\$200.00	watering	Mooring, Hunter, unanimous
Wilson	292	18000	\$216.00	hose left on	Mooring, Banzet, unanimous
Belton	2168	33000	\$264.00	watering boxwoods	Mooring, Banzet, unanimous
Copeland	3232	80000	\$960.00	very bad leak, with plumbers invoice	Blalock, King, unanimous

**Resolutions**

Two resolutions were presented to confirm approval for borrowing for two vehicles approved in the July Board meeting. The first was a resolution authorizing the mayor and town administrator to borrow \$30,505.72 from First Citizens Bank for three years at 3.58% for the purchase of a F250 work vehicle for the Public Works department. Commissioner Blalock moved to approve the resolution; Commissioner Banzet seconded the motion which passed 6-1 with Commissioner Mooring voting no. The second was a resolution authorizing the mayor and town administrator to borrow \$49,543.76 from First Citizens Bank for five years at 3.73% for the purchase of a F550 flat bed truck for the Street Department. Commissioner Blalock moved to approve the resolution; Commissioner King seconded the motion which passed unanimously.

**Announcements**

There were no announcements.

There being no further regular business Commissioner Blalock moved that the Board go into closed session to consult with the Town attorney regarding a contract related to real property; Mrs. Mooring seconded the motion which passed unanimously. At the end of the closed discussion, at which no action was taken, Commissioner Blalock moved to return to open session; Commissioner King seconded the motion which passed unanimously. Commissioner Banzet announced he would recuse himself from the vote that was to be taken as he serves as attorney for the Town of Norlina which is party to the contracts under discussion. The Warren County commissioners had presented revised contracts for the operation of the Waste Water Treatment Plant; first that the modification agreement of 2004 be extended a year to allow for a period of contract negotiation and second that the term of the 40 year lease agreement be changed to match that of the modification agreement. Commissioner Blalock moved that the Board decline to modify the 40 year lease agreement, but agree to extending the current (not proposed) modification agreement a year. Commissioner Hunter seconded the motion which passed unanimously.

There being no additional business Commissioner Blalock moved that the meeting be adjourned and Mayor Gardner declared the meeting adjourned at 9:40pm.

Respectfully submitted,

John Freeman  
Town Administrator