

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

**John Freeman**  
Administrator

## **TOWN OF WARRENTON**

*“Historically Great - Progressively Strong”*

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### **November 9, 2009 Board of Commissioners Minutes**

The November 9, 2009 meeting of the Town of Warrenton Board of Commissioners was held at the Warrenton Town Hall.

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 Blalock	Public Works Director Bill Perkinson
Commissioner Bobby Edmonds	Police Chief John Younts
Commissioner John Mooring	Jennifer Harris, Warren Record
Commissioner Mary Hunter	
Commissioner Audrey Tippett	

Mayor Gardner called the meeting to order at 7:00pm. He began by announcing the death of Graham Overby who served a number of terms as Town commissioner until illness made it impossible. The first order of business was consideration of the proposed agenda. Mayor Gardner requested that item #7 (Closed Session) be moved to number 10 on the agenda, the last item before adjournment. Commissioner Blalock moved that the agenda be approved with this change. Commissioner Edmonds seconded the motion which passed unanimously.

Mayor Gardner then presented the minutes from the meeting of October 12, 2009 for approval. Commissioner Mooring moved that the minutes be approved; the motion was seconded by Commissioner Banzet and carried unanimously.

#### **Public Comments**

There being no member of the public who wished to address the Board Mayor Gardner moved on to committee reports.

#### **Committee Reports**

##### **Finance Report**

Mayor Gardner introduced Town Auditor Jim Winston to present the annual audit for fiscal year 2008-2009 to the Board. Winston began by saying that the Town had had a really good year considering the difficult economic times, and had received an “unqualified opinion” that meant no significant problems had been found. He pointed out that Sales & Use Tax and Powell Bill revenues had declined sharply as he had warned the previous year, and he cautioned that they were not expected to improve in the near future. He said that although the actual revenue was \$27,516 less than budgeted, expenditures were \$81,350 less, a net improvement of \$53,834. At 56% he said that Public Safety was the largest expense category of the General Fund, compared with about 50% statewide, but that new cars and equipment had been purchased. He pointed to a General Fund

undesignated fund balance of \$67,782, a significant improvement over the \$2070 the previous year and (\$55,393) the year before, or \$123,175 overall in two years. This results in a fund balance of 7.9%, nearly reaching the LGC minimum guideline of 8%. Winston said that while this was an important improvement efforts needed to be continued to increase it by another 40%. Having a larger undesignated fund balance would allow the Town to meet emergencies and take advantage of opportunities such as grants with matching fund requirements. Regarding the Water Sewer fund he said that depreciation was higher as several grant projects had been completed in recent years which now had to be capitalized and depreciated. The Water Sewer department ended with a positive cash flow of \$101,822, but depreciation of \$217,715 and other adjustments a negative fund balance of \$28,437. This is an improvement over the negative \$110,020 of the previous year but he urged the Board to raise utility bills as necessary to equal the depreciation amount, understanding that it was difficult with a small customer base. He said that combined cash balances had improved by \$157,616 to \$341,788. Tax collection was down slightly from 95.94% to 95.55% which was .72% less than the statewide average, but given the economic situation this was still reasonably good. He concluded by saying he was pleased with the General Fund improvement but advised the Board to continue to continue to build it.

Following Mr. Winston's remarks Commissioner Blalock addressed thanks to the Town staff for their efforts in managing the budget. Mr. Freeman reviewed the reports for the year-to-date through October, saying that with 33% of the year completed both revenues and expenditures continued to be in line with budget. The Police Department was higher because of the planned purchase of a car in October, and another car earlier in the year and loan payments which front load the budget year. The Street Departments was higher because of an annual loan payment for the leaf machine and backhoe, and repairs. Overall cash flow continued to compare favorably, improving by more than \$13,000 year to date.

Sales and Use Tax revenue continued to be about 11% less than the previous year, but still within budget. The next Utility Franchise Tax payment will not be received until December but is expected to be equal or more. Ad valorem tax revenue was less for October but still 14.1% ahead of last year.

Commissioner Blalock had reviewed the checks in excess of \$10,000 and reported them appropriate.

### **Human Resources**

Commissioner Banzet had no report.

### **Public Safety**

Commissioner Edmonds referred to the full activity report as indicating a busy month and asked Chief Younts to answer any questions. Commissioner Blalock asked about the manual changes on the report and Younts said that the department had been so busy that they were behind in entering reports. It had been difficult to find a part time employee with the skill and clean background to be given the responsibility but that one had been hired. She was still learning and was just beginning to enter the backlog of reports.

Fire Chief Gardner reported that the month had been quiet. There would be more activity on the coming Sunday as hose testing had been rescheduled from the previous week. Commissioner Edmonds reported that the Red Cross had been called out once during the month.

A question was asked by resident Duane Hicks in the audience about police reports. He wanted to know when the department started charging \$5 for police reports. Mayor Gardner answered it had been at least 15 years. Chief Younts said that it had been done before he arrived and that statutes allowed it. Mr. Hicks asked how there would be a record if no police report were paid for but Mayor

Gardner said it appeared to be a misunderstanding—the police report is always filed when called for, the \$5 fee is simply for making a copy of it.

Mr. Freeman reported that Fire Marshal Chris Wright had conducted 24 inspections since August 12 and had provided copies. Most were in August and September, but he was making progress through the business district.

Commissioner Edmonds then reported on the police car accident on October 24 that had damaged the 2005 Impala so severely that it was almost certain to be considered a total loss by the insurance company. The Public Safety Committee had met the previous Thursday and discussed the situation with Chief Younts and Town Administrator Freeman. Chief Younts said that while the final decision had not been announced, the body shop supervisor had told him that the car would not be safe for law enforcement use if repaired. Mr. Edmonds said that the committee recommendation was to purchase a new car by borrowing the full purchase price and applying the insurance settlement as the first loan payment due in one year. This would put the new car in the Board's stated cycle of purchasing one new car each year without changing the long range projected loan payments. Mr. Edmonds made a motion to do this; Commissioner Mooring seconded the motion which passed unanimously. Mayor Gardner then presented a resolution stating the intent of the motion and authorizing the Mayor and Town Administrator to obtain the financing necessary up to \$28,500 and 4% interest. The Board unanimously approved the resolution.

### **Revitalization/Historical**

Commissioner King reviewed Harvest Market which had taken place on October 24, saying that everyone seemed pleased despite the occasional showers. There was a good turnout of vendors and attendees, there was good feedback on the entertainment and it was a successful event. Now the focus of the Revitalization Committee had turned to the next event, Prelude to Christmas, which was to be held in conjunction with the Jaycee's Christmas parade on December 12. Starting time for the Prelude was yet to be determined (3:00 or 4:00), with the parade starting at 5:00 followed by the lighting of the tree and Santa at the Santa house. There was some discussion about the location of the Santa house which would be on courthouse square this year in response to Chief Yount's concern about the safety of locating it across the street last year. The location would need to be on paved area so as not to damage the grass. Mr. King said the committee would be meeting in two days to finalize plans.

Mr. King then asked Mr. Freeman for a report on the Historic District Commission. Freeman said that the ordinance establishing the HDC had been passed in August 2007 and its rules and procedures in March 2008. The HDC had updated the inventory of properties and drafted Design Guidelines, explaining that the HDC had proposed to begin with the Historic District established in 1976 and to update that inventory, with the ability to expand the district to include the entire town limits in the future. Those four documents had been submitted to the State Office of Historic Preservation as required and had been approved with some minor changes. He then asked Town Attorney Styers to explain the next steps. He said the next step is to hold a public hearing on the map and inventory and activating ordinance. If the Board of Commissioners then voted its approval of the ordinance the HDC would become fully functional. Mayor Gardner said that the definition of the historic district and inventory of properties would be the main focus of the public hearing as the empowering ordinance copied the state statute. He recommended the public hearing be scheduled at 6:45pm on December 14 at Town Hall, immediately preceding the next regularly scheduled Board meeting. Commissioner King so moved; Commissioner Banzet seconded the motion which passed unanimously.

### **Beautification/Streets/Sanitation**

Commissioner Tippet commented on the continuing health issues of Streets and Sanitation staff as another employee (Jerry Pettus) has been out several weeks with back problems. She also mentioned a problem with the truck which Mr. Perkinson explained required a clutch replacement and was out of service for two days. He said the leaf machine was running four hours a day but that wet weather might slow it down. Mayor Gardner asked if it was out before 6:00am and Perkinson answered that it was operated after the garbage pickup and so did not begin that early. Mayor Gardner asked about a Town vehicle out at 3:00am and Perkinson explained that on Friday mornings the crew came in that early to blow off sidewalks, gutters and clean up downtown Main Street before traffic begins. He said the street sweeper had been useful but not so much with the volume of leaves during the fall.

Mr. Freeman reported that Shawn Corker had resigned from the Citizens Advisory Board and that Candace White had agreed to serve if approved by the Board of Commissioners. Commissioner Blalock moved that she be named to fill out Corker's term; Commissioner Mooring seconded the motion which passed unanimously. Freeman then introduced several junk or abandoned vehicles recommended by the CAB for tagging and removal:

- Mustang on blocks behind 107 South Hall Street. VIN not visible, Freeman will contact property owner.
- 1988 Ford Taurus on College Street, owned by Tasha Ann Carr-Davis; awaiting service at Exxon Service Station (Fritz Vaughan)
- 1987 Ford Bronco on South Main Street, owned by Norma Retzlaff; awaiting service at Exxon Service Station (Fritz Vaughan)
- Red Fiat coupe and second Fiat on North Bragg Street, VIN not visible, owned by David Watkins.

He said that Fritz Vaughn, owner of the repair shop on South Main Street, said the Ford Taurus and Bronco belonged to customers short on funds but that he would move them onto his property. David Watkins, owner of the two Fiats, told him that he would have the red car removed and the other removed or covered. Following discussion of all vehicles and the process of tagging and removal Commissioner Mooring moved that all be tagged for removal; Commissioner Blalock seconded the motion. Following discussion about the fact that some of the vehicles are on private property, Mr. Mooring moved that his motion be withdrawn; Mr. King seconded that motion. Mr. Mooring then moved that all of the subject vehicles be tagged for removal but that the owners of those on private property be sent a copy of the ordinance so that they could become familiar with the process. Mr. Blalock seconded the motion which passed unanimously.

Mr. Freeman then reported on the recurring question of the Tucker building demolition and contacts with the county building inspector. He said that owner Mr. Tom Daly had told him in a phone call that the building was not demolished in response to the building inspector's condemnation but was deconstructed to salvage its materials. As a result he said he was under no requirement to remove the foundation pilings and debris in accordance with the statute governing demolition. Mr. Freeman said he would ask Mr. Styers to address a formal reply. He also said he had met with the building inspector about several specific properties and had repeated his request for copies of all inspections in Town. There followed some discussion about a property on White Street with broken septic system lid. Mr. Freeman said that county Health Department Director Smith had inspected it with an official from Raleigh and had determined that a notice be sent to the owner but had been unable to locate her. There was other discussion about overgrown lots (including the Tucker building lot) and the birds flying in and out of broken windows above Milano's restaurant. Mr. Freeman said the Health Department had inspected and determined there was no problem because there is no clear connection between first and second floors.

## **Public Works**

Commissioner Hunter asked Director Bill Perkinson for any information to supplement the written summaries in the Board preparation packets. Regarding the Water Sewer Department he said that the rights-of-way had been cleared and were undergoing the required semiannual inspection of the 22 miles of collection system. He said that the video inspection work was due to begin soon, probably beginning the next week.

The main issue regarding the WWTP is the continued search for funding for its rehabilitation, with the county taking the lead. Grant assistance from the DCA looked doubtful but the county had held a meeting with USDA representatives for funding that would be a combination of up to 40% grant and loan. In response to Commissioner Edmonds' question he said that the sewer pipe stacked along Ridgeway Street was for the county project to address the problem that frequently caused foul odors in the area. His understanding was that it would be a three month project. Mr. Edmonds asked about the status of the proposed Tar Water Landscaping contract to maintain the cemetery and Mr. Freeman answered that they had agreed to the terms of a proposal but had not yet delivered a signed copy.

## **Zoning**

Commissioner Mooring presented the revised Vacant Property Registry which Mr. Styers had updated with Tyler Mulligan's suggestions in a form that he agreed were compatible with the minimum building standards. In answer to Mr. Mooring's request for suggestions Mayor Gardner recommended that a form for appeal or waiver be included. He also noted that 7.c. and d. appeared to be the same, and Mr. Styers suggested that c. be kept and d. deleted. Mr. King asked if changing the penalty to a civil penalty would restrict legal action but Mr. Styers said that a misdemeanor could be charged and taken to court. Mr. Mooring moved that a public hearing be scheduled at 6:30pm on December 14 at Town Hall, 30 minutes before the regularly scheduled meeting of the Board. Commissioner Blalock seconded the motion which passed unanimously.

## **Unfinished Business**

Mr. Freeman reported on the information he had received as a followup to the question at the previous Board meeting as to whether the Town could require that all new or replacement utility lines be placed underground. He had spoken with Sam Kirby, a deputy counsel at the Utilities Commission who cited the case of Kill Devil Hills which adopted such an ordinance. VEPCO had appealed directly to the Utilities Commission which had order VEPCO to ignore the ordinance. The Town had appealed the decision to the Appeals Court which upheld the Utilities Commission. The case was now in the Supreme Court which should be near a decision now. Towns with planning requirements for new development had been able to require underground utilities but Freeman had not yet found out the means. Mr. Styers predicted a potential problem could be that the utility companies might bypass Warrenton with upgrades and improvements if forced to place them underground. Commissioner Mooring said the object was to remove the power poles from downtown Main Street and Mayor Gardner said this had long been a goal. He suggested asking if the population requirements for belonging to the Small Town Program could be changed to allow Warrenton to join, thus having more access to its programs and grants.

## **New Business**

Mr. Freeman presented three requests for sewer adjustments in excess of \$100. All were the result of significant leaks that did not go through the sewer:

- Vivian Towns, 294 Red Hill Loop Road—underground water supply leak reported as repaired by landlord Willoughby Harris, a reduction of \$330.75; the leak had been repaired partly through this billing cycle and Towns had been granted an adjustment the previous

month as well. Commissioner Blalock moved to approve; Commissioner King seconded the motion which passed unanimously.

- Shekeira Hinton, 108 Queen Avenue—water left running outside, use jumped to 24,000 from an average of 3,000 gallons. Commissioner Mooring moved to approve the requested adjustment of \$115.75; Commissioner King seconded the motion which passed unanimously.
- William Branch, 308 East Bute Street—underground water supply leak found between meter and house and now repaired; use jumped from about 4,000 gallons to 29,000. Commissioner Blalock moved to approve the requested adjustment of \$143.32; Commissioner King seconded the motion which passed unanimously.

Resident Duane Hicks spoke from the audience, raising questions about utility rates, residence of police officers and what the Town gave residents in return for their bills. Mayor Gardner ruled the questions out of order during a formal Board meeting, pointing out the place on the agenda for public comment, but offered to meet Mr. Hicks after the meeting or at any time to answer his questions. He also said Mr. Freeman would be available as well.

### **Announcements**

Mayor Gardner congratulated the newly elected Robert Davie, to be sworn in as commissioner at the December Board meeting, and thanked Bobby Edmonds, who had not sought re-election, for his many years of service. He also congratulated Commissioners Banzet and Hunter who had won re-election and announced that the swearing in ceremony would be held at the December Board meeting. He asked that all wear business attire as there would be a photo taken of the entire Board and announced that committee appointments would also be presented next month.

There being no further announcements or business at 8:40pm Commissioner Blalock made a motion to move into closed session to discuss a personnel matter. Commissioner Banzet seconded the motion which passed unanimously. Commissioner Blalock made a motion to return to open session at 9:09pm; Commissioner Banzet seconded the motion which passed unanimously. With open session reconvened Commissioner Mooring moved that the Town Administrator be directed to amend the Town Personnel Policy to be in accordance with the Hatch Act as it relates to running for elective office. Commissioner King seconded the motion which passed unanimously.

There being no further business Commissioner Blalock moved to adjourn; Mayor Gardner declared the meeting adjourned at 9:10pm.

Respectfully submitted,

John Freeman  
Town Administrator