

**TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
MARCH 9, 2023
6:00 pm**

The Wallace Town Council held its regularly scheduled monthly meeting in the Council Chambers at the Town Hall.

The following Governing Body members were present:

Jason Wells, Mayor
Council Member/Mayor Pro-tem Francisco Rivas-Diaz
Council Member Frank Brinkley
Council Member Jeff Carter
Council Member Jason Davis
Council Member Tasha Herring-Redd (appointed)

The following members of the Governing Body were absent:

None

Also Present were:

Rob Taylor, Town Manager	Anna H. Herring, Town Attorney (via Zoom)
Jackie Nicholson, Town Clerk	Mary E. Kenan
Jimmy Crayton, Police Chief	Darlene Leysath
Brent Dean, Public Services Director (via Zoom)	Sammy Marshburn
Chuck Farrior, Fire Chief	Joseph Merritt
Rod Fritz, Planning Director	Baranbus Pearsall
Weston Padgett, Police Captain	Jennifer Raynor (via Zoom)
John McLaughlin, Highfill	Wayne Rich
Paul Shivers, Highfill	Will Rumbold
Marlane Carcopo (via Zoom)	James W. Smith
Sandy Forehand (via Zoom)	Jeremy Strickland
Taylor Johnson	

Mayor Jason Wells called the regular meeting to order with a quorum of the governing body members present and Council Member Francisco Rivas-Diaz gave the invocation.

The Pledge of Allegiance was recited.

Presentations

John McLaughlin, PE with Highfill Infrastructure Engineering made a presentation on the findings from the WWTP (Wastewater Treatment Plant) assessment to identify needs for efficient and long

lasting operation of the Plant. Mr. McLaughlin reported that they made multiple site visits and discussed operations with the staff. Twenty-five (25) systems and components were assessed and a risk matrix developed based on likelihood and consequences of failure, identifying immediate, medium and long term needs. He said the WWTP staff is doing a good job keeping the plant operational.

Appointment of Council Member

Mayor Wells asked for names of individuals to be considered for appointment to the vacant seat on the Town Council. Pam Kelly, Penny Thorne, Darlene Leysath and Tasha Redd were recommended.

Council Member Jeff Carter made a motion to appoint Darlene Leysath but the motion died for lack of a second.

Council Member Frank Brinkley made a motion to appoint Tasha Redd that was seconded by Council Member Jason Davis and approved unanimously.

Mayor Wells administer the oath of office to Council Member Redd.

Election of Mayor Pro-tem

Council Member Carter, Council Member Davis and Council Member Rivas-Diaz each expressed interest in being Mayor Pro-tem. Mayor Wells gave them an opportunity to explain why they should be appointed.

Council Member Tasha Redd made a motion to appoint Council Member Rivas-Diaz Mayor Pro-tem. The motion was seconded by Council Member Brinkley and approved by a 4:1 vote with Council Member Carter voting no.

Mayor Wells administered the oath of office to Mayor Pro-tem Rivas-Diaz.

Adoption of the Agenda

Mayor Wells asked if there were any changes that needed to be made to the agenda? Town Manger Rob Taylor said that #5 (Ordinance to Demolish and Remove Dwelling at 321 North Duplin Street) could be removed and add #10 (Create Position of Director of Fire Operations); Mayor Wells indicated that #9 & #10 should be moved to the beginning and a closed session added at the end. Council Member Carter made a motion to adopt the agenda as amended which was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Public Comment Period

Darlene Leysath expressed her thanks for all the love and support she and her family received following the death of her sister, Council Member Wannetta Carlton.

James W. Smith, NAACP, made comments related to the officer involved shooting death of a man last week.

Appointment of Fire Chief

Fire Chief Chuck Farrior reported that at the meeting of the Fire Department last week the membership voted to elect Taylor Johnson Fire Chief. Chief Farrior will retire at 11:59 pm on March 31, 2023 and Chief Johnson will take over at 12:00 am April 1, 2023.

Council Member Carter made a motion to appoint Taylor Johnson Fire Chief. The motion was seconded by Council Member Davis and approved unanimously.

Create Position of Director of Fire Operations

Chief Farrior indicated that in order to continue to provide the same level of service currently provided by the fire department a new position needed to be created and eliminate the current part-time position of Fire Administrator. Farrior reported that an application is going to be submitted for a SAFER Grant (Staffing for Adequate Fire and Emergency Response) to help fund the additional expense.

Council Member Carter made a motion to approve the creation of the new position that was seconded by Council Member Brinkley and unanimously approved.

Council Member Davis made a motion to direct Chief Farrior to submit a SAFER Grant application. The motion was seconded by Council Member Herring-Redd and approved by unanimous vote.

Consent Agenda

Mayor Wells called for discussion of the minutes from the February 9, 2023 meeting, the February 17, 2023 special meeting and the February 24, 2023 budget retreat. There being no additions or corrections Council Member Rivas-Diaz made a motion to approve the minutes as submitted. The motion was seconded by Council Member Brinkley and unanimously approved.

Town Manager Rob Taylor presented the tax report for the period ending 01/31/2023. He said the outstanding taxes are 12% lower than this time last year and the collection rate is 95.16%.

Old Business

PUBLIC HEARING

Petition for Annexation 2022-04

Council Member Davis made a motion to open a public hearing that was seconded by Council Member Brinkley and approved unanimously. Planning Director Rod Fritz stated that the applicant, Stephen Umstead, had submitted the petition for property on Hwy 41 across from Walmart. The property is currently zoned HB (highway business) and the plan is to put a car wash there. Council Member had a question (asked and answered) about water rates. There were no comments from the public.

Council Member Brinkley made a motion to close the public hearing. The motion was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Council Member Herring-Redd made a motion to adopt Ordinance AX-2022-04 To Extend The Corporate Limits Of The Town Of Wallace, North Carolina which was seconded by Council Member Davis and unanimously approved.

Adoption of Resolution Approving Financing Terms for Police Cars (22-23.10)

Manager Taylor said the Town applied for a loan through Four County Electric Revolving Loan Fund that was approved. The loan is 5 years with zero financing and asked the Council to adopt a resolution.

Council Member Davis made a motion to adopt a Resolution Approving Financing Terms 22-23.10 that was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Approve Capital Project Ordinance 23.05 for NC Commerce Rural Transformation Grant

Manager Taylor said the Town was awarded a grant to renovate the old school building at Clement Park to a community center and asked the Council to approve CPO 23.05 to track revenues and expenditures for the project.

Council Member Franciso Rivas-Diaz made a motion to adopt CPO 23.05. The motion was seconded by Council Member Brinkely and unanimously approved.

New Business

Approve Resolution Requesting Reduction of Speed Limit on Main Street

Manager Taylor stated the speed limit signs on Main Street are too close to downtown and many vehicles don't begin to decelerate until they are right in downtown. The recommendation is to extend the 25 mph zone westbound back to 570 W. Main and eastbound to the corner of Main and Teachey Road. Other options to improve pedestrian safety will be considered.

Council Member Carter made a motion to adopt a Resolution Requesting Reduction Of Speed Limit On Main Street (22-23-11) which was seconded by Council Member Brinkley and approved unanimously.

Financial Reports

Manager Taylor presented the financial reports stating that all funds are in good shape and surprisingly sales tax is 4.7% higher than last year.

Council Reports

Council Member Rivas-Diaz expressed his thanks for patching on Raleigh St. and welcomed Tasha Herring-Redd to the Council.

Council Member Brinkley said that Harrell St. is still not paved (next week, weather permitting).

Council Member Carter commented that roads are the Town's biggest issue. A brief discussion of the cost of paving and how many roads could be paved occurred.

Council Member Herring-Redd reported that there's a hole on the corner of SE Railroad St. near the Depot that needs to be fixed before the Strawberry Festival and thanked the Council for trusting her enough to appoint her.

Mayor's Report

Mayor Wells thanked Council Member Herring-Redd for her willingness to serve. He asked Public Services Director Brent Dean about a sewer issue on Stevens St. (no problem with the sewer main, probably the lateral).

Town Manager's Report

Manager Taylor reported on the 830 project that when the easements are completed the plans will be submitted. The second bid opening for the water wells is scheduled for March 16 and the AMI Metering project is completed, on schedule and under budget. He said the Powell house has changed hands and the new owner is planning to rehab and then rent. Manager Taylor stated that NCDOT is going to remove the Railroad crossing on Main St.

Closed session

Council Member Brinkley made a motion to go into closed session (G.S.143-318.11(a)(6)(7)) that was seconded by Council Member Davis and unanimously approved.

Police Chief Jimmy Crayton how the process of the investigation of the officer involved shooting last week was proceeding.

Council Member Brinkley requested that a department head be evaluated citing various reasons that were discussed.

Council Member Brinkley made a motion to end the closed session. The motion was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

With there being no other business to discuss at this time, Council Member Rivas-Diaz made a motion to continue adjourn which was seconded by Council Member Brinkley and approved unanimously.

Respectfully submitted,

Jason Wells, Mayor

Jacqueline Nicholson, MMC, NCCMC
Town Clerk

**TOWN OF WALLACE
ORDINANCE AX-2022-04
TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WALLACE, NORTH CAROLINA**

WHEREAS, the Town Council of the Town of Wallace has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Town Council for the Town of Wallace has directed the Town Clerk to investigate the sufficiency of the petition, and;

WHEREAS, the Wallace Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Wallace Town Hall, 316 East Murray St., Wallace, NC after 6:00 p.m. on Thursday, March 9, 2023 after due notice by publication and by posting a sign on the property giving notice of public hearing; and

WHEREAS, THE Town Council for the Town of Wallace finds that the petition meets the requirements of G.S. 160A-58.1;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Wallace, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the Town of Wallace as of **March 9, 2023**:

That certain parcel of land located in Island Creek Township, Town of Wallace, Duplin County, North Carolina, all referenced deeds and maps are recorded at the Duplin County Registry, all bearings, distances and coordinates are NC GRID NAD 83 (2012b) with a Combined Factor of 0.99991404, and being more fully described as follows:

Beginning at an Iron Rebar (found) in the northern line of N.C. Highway No. 41-R/W width varies), said iron pipe having NC Grid Coordinates North 362,178.41, East 2,308,766.78, said rebar being located (as computed from Map Cabinet 24 Page 118) North 73 degrees 12 minutes 18 seconds East 747.68 feet and North 20 degrees 25 minutes 51 seconds East 47.30 feet from a nail at the intersection of N.C. Highway 41 with N.C.S.R. 199 (Old N.C. 41), said rebar marking the southeastern corner of a parcel of land as conveyed to O'Reilly Automotive Stores, Inc. in Deed Book 1703 Page 646;

Running thence with a southeastern line of said O'Reilly Automotive Stores, Inc. parcel North 15 degrees 45 minutes 41 seconds East 156.30 feet to an existing rebar;

Thence continuing with another southeastern line of O'Reilly Automotive Stores, Inc. parcel North 18 degrees 53 minutes 49 seconds East 137.81 feet to an existing rebar marking the northeastern corner of said parcel, said rebar also marking the southeastern corner of a parcel conveyed to RHGC Investments, Inc. as recorded in Deed Book 1590 Page 925:

Running thence with the southeastern line of RHGC Investments, Inc. parcel North 18 degrees

32 minutes 02 seconds East 160.33 feet to an existing rebar marking the northeastern corner of said parcel;

Running thence North 17 degrees 47 minutes 31 seconds East 8.10 feet to an existing rebar;

Running thence North 84 degrees 00 minutes 11 seconds East 148.74 feet to an existing rebar;

Running thence with a western line of a parcel conveyed to Crown Court, LLC in Deed Book 1653 Page 420, South 02 degrees 40 minutes 24 seconds East 216.32 feet to an existing Iron pipe (open end);

Running thence South 16 degrees 36 minutes 49 seconds East 2.73 feet to an existing rebar;

Running thence South 16 derees 05 minutes 04 seconds East 107.80 feet to an existing rebar;

Runningthence South 16 degrees 05 minutes 04 seconds East 7.09 feet to a point in the northern line of N.C. Highway 41, said point marking the southwestern corner of the above referenced Crown Court, LLC parcel;

Running thence with the northern line of N.C. Highway 41 South 68 degrees 34 minutes 57 seconds West 354.88 feet to the point of beginning.

Being same land as described in conveyance to Rinse & Roll, LLC in Deed Bood 2009 Page 523 and being the same property shown on Boundary Survey for Douglas A. Holder, by Johnny J. Williams, Professional Land Surveyor, NCPLS L-3170 dated August 6, 2009 and recorded in Map Book 24 page 118 of the Duplin County, North Carolina Register of Deeds. Said parcel having a Duplin County Tax Parcel ID; 330604829441.

Containing 1.985 Acres.

Subject to a 20' Easement for ingress, egress & regress along the northern and eastern lines of the above described tract and all eastments, covenants and restrictions of record. No Tittl Examination was performed by this surveyor. This legal descripton was prepared without the benefit of a Title Report, which may have revealed additional conveyances, easements or rights of ways not referenced above.

Physical Address: NC Hwy 41 Across from Walmart

Section 2. Upon and after March 9, 2023 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Wallace and shall be entitled to the same privileges and benefits as other parts of the Town of Wallace. Said territory subject to municipal taxes according to G.S.160A-58.10.

Section 3.The Mayor of the Town of Wallace shall cause to be recorded in the office of the Register of Deeds of Duplin County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with

a duly certified copy of this ordinance. Such a map shall also be delivered to the Duplin County Board of Elections, as required by G.S. 163-288.1.

Adopted this 9 day of March, 2023 by the Wallace Town Council.

ATTEST

Jacqueline Nicholson, MMC, NCCMC

Town Clerk

Jason Wells.

Mayor

I certify that this is a true and accurate copy of the annexation ordinance that was adopted by the Wallace Town Council at their March 9, 2023 meeting.

Jacqueline Nicholson

State of North Carolina

Town of Wallace

Resolution Approving Financing Terms Resolution 22.23.10

WHEREAS: The Town of wallace ("Town") has previously determined to undertake a project for the financing of three (3) police cars, and the Finance Diretor has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Four County Electric Revolving Loan Fund. The amount financed shall not exceed \$119,868 the annual interest rate (in the absence of default of change in tax status) shall not exceed 0.00%, and the financing term shall not exceed five (5) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the Four County Electric Revolving Loan Fund financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.
5. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed.

All othe resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 9th day of March 2023.

Jason Wells, Mayor

{seal}

Attest:

Jackie Nicholson, Town Clerk

STATE OF NORTH CAROLINA TOWN OF WALLACE

CAPITAL PROJECT ORDINANCE 23-05

WHEREAS, the Town of Wallace has been awarded a \$849,933 grant from the North Carolina Department of Commerce's Rural Transformation Grant Fund to make repairs the Clement Park Community Building, and

WHEREAS, the Town desires to establish a capital project ordinance to track the revenues and expenditures for the project;

NOW, THEREFORE BE IT ORDAINED by the Town Council of Wallace that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance 23-05 is hereby established and adopted;

Section 1: The Project authorized is repairs to the Clement Park Community Building.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the board resolution, and the budget contained herein.

Section 3: The following initial amounts are appropriated for the project:

Construction	\$811,433.00
Engineering/Administration	38,500.00
Total	\$849,933.00

Section 4: The following revenues are anticipated to be available to complete this project:

Contributions-Rural Transformation Grant	\$849,933.00
Total	\$849,933.00

Section 5: The finance officer is hereby directed to maintain within the capital project fund enough specific detailed accounting records to satisfy the requirement of the grantor agency, the grant agreements, and federal regulations.

BE IT FURTHER ORDAINED by the Town Council of Wallace that this ordinance shall become in full force and effective upon adoption.

Adopted this the 9th day of March 2023.

Jason Wells, Mayor

{seal}

Attest: _____
Jackie Nicholson, Town Clerk

**STATE OF NORTH CAROLINA
TOWN OF WALLACE**

**RESOLUTION REQUESTING REDUCTION OF SPEED LIMIT ON MAIN STREET
Resolution 22-23-11**

WHEREAS, the westbound speed limit on Main Street is 35 miles per hour until it reaches 205 W Main Street; and

WHEREAS, the eastbound speed limit on Main Street is 35 miles per hour until it reaches approximately 215 E Main Street; and

WHEREAS, the Town Council believes extending the 25 mile per hour zone in both directions would provide better safety to pedestrians frequenting the downtown area;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Wallace North Carolina, that the Council hereby requests the North Carolina Department of Transportation reduced the speed limit on Main Street from 35 miles per hour to 25 miles per hour from the west at the intersection of Main Street and Rockfish Street (570 W Main) and to the east from the intersection of Main Street and Teachey Road (513 E Main).

This resolution is effective upon its adoption this 9th day of March 2023.

Jason Wells, Mayor

{seal}

Attest:

Jackie Nicholson, Town Clerk