

**TOWN OF WALLACE  
MONTHLY TOWN COUNCIL MEETING  
December 14, 2023  
6:00 pm**

The Wallace Town Council held its regularly scheduled monthly meeting at the Wallace Women’s Club.

The following Governing Body members were present:

- Jason Wells, Mayor
- Council Member/Mayor Pro-tem Francisco Rivas-Diaz
- Council Member Jason Davis
- Council Member Frank Brinkley
- Council Member Jeff Carter
- Council Member Tasha Herring
- Council Member Penny Thorne

The following members of the Governing Body were absent:

none

Also Present were:

Rob Taylor, Town Manager	Anna H. Herring, Town Attorney
Jackie Nicholson, Town Clerk	Mike Murphy, Police Officer
Rod Fritz, Planning Director	Weston Padgett, Police Captain
Joseph Trollinger, Finance Director	Jonathan Ramsey, Police Detective
Jimmy Crayton, Police Chief	Ivan Sanchez-Bustos, Police Officer
Clarke Beringer, Police Detective	Marlane Carcopo
Leonard Fillyaw	Ruth Diaz-Munos
Charley Farrior	Brenda Rivas-Diaz
Taylor Meshaw, Police Officer	Monte Thorne

Mayor Jason Wells called the regular meeting to order with a quorum of the governing body members present and Council Member Tasha Herring gave the invocation.

The Pledge of Allegiance was recited.

Presentations

The Oath of Office was administered to Detective Clarke Beringer by NC District Court Judge Henry L. Stevens, IV.

Police Chief Jimmy Crayton introduced the Town’s new K-9s Maverick and Viper and their handlers, Officers Taylor Meshaw (Mavricks) and Ivan Sanchez-Bustos (Viper). He recognized Captain Weston Padgett as Employee of the Year which is voted upon by the staff. Officer Mike

Murphy received the Chief's Award of Excellence and Detective Jonathan Ramsey was recognized for receiving his Advanced Law Enforcement Certification.

#### Recognition of Out-Going Council Member

Mayor Wells recognized Council Member Jeff Carter for 28 years of service on the Town Council and presented him with a Resolution Honoring Service. Former Mayor Charley Farris also made comments on Carter's service on the Town Council saying he always put the citizens of Wallace first. Council Member Carter thanked everyone for supporting him during his time in office. Town Manager Rob Taylor presented him with a print of the Train Depot which was acquired and remodeled/restored while Carter was in office.

#### Administration of Oaths of Office and Election of Mayor Pro-tem

Judge Henry L. Stevens, IV administered the oath of office to Frank Brinkley, Tasha Herring, Penny Thorne and Francisco Rivas-Diaz.

Council Member Brinkley made a motion to elect Council Member Rivas-Diaz Mayor Pro-tem that was seconded by Council Member Herring and unanimously approved.

*There was a 15 minute recess for congratulations and refreshments.*

#### Adoption of the Agenda

Mayor Wells called for discussion of the Agenda. Town Manager Rob asked that item #4 be removed and add adoption of a Resolution to set a public hearing; add items 14, adoption of a Resolution Directing the Clerk to Investigate the Sufficiency of a Petition for Annexation and 15, discussion of an Memorandum of Understanding with Pender County related to the possible satellite annexation. Council Member Brinkley made a motion to adopt the agenda as amended, seconded by Council Member Rivas-Diaz and approved by unanimous vote.

#### Public Comment Period

Leonard Fillyaw made some comments regarding the spirit of the law and the letter of the law.

#### Consent Agenda

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

Finance Director Joseph Trollinger referred to the declining outstanding balances in the finance report and asked for approval of the following tax releases:

Account #	Name	Year	Reason	Amount
5678538	McGee Enterprises LLC	2023	Property Vacant	\$623.72
2329259	Cape Fear Habitat for Humanity	2023	Property Exempt	\$529.48
10005665	James Christopher Corbett	2023	Value Reduced	\$438.38
10004294	HuntingtonTechnology Finance	2023	Over Assessed	\$96.06
8101184	Southerland Village LLC	2023	Section 42 Adjustment	\$5,894.34

				\$7,581.98
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Council Member Herring made a motion to approve the tax releases that was seconded by Council Member Thorne and approved unanimously.

**PUBLIC HEARING**

**UDO (Unified Development Ordinance) Amendment to Regulate Tobacco and Hemp Retail**

Council Member Brinkley made a motion to open the public hearing. The motion was seconded by Council Member Thorne and approved by unanimous vote. Planning Director Rod Fritz asked the Council to amend the UDO to regulate these types of businesses as several have opened recently. Marlane Carcopo commented on this saying that the Council needed to determine what types of businesses they wanted in the Town.

Council Member Thorne made a motion to close the public hearing which was seconded by Council Member Jason Davis and unanimously approved.

Council Member Thorne made a motion to approve the amendment to the UDO as presented. The motion was seconded by Council Member Davis and approved by unanimous vote.

**Old Business**

**Resolution Fixing Date of Public Hearing on Question of Annexation**

Established public hearing rather than holding a public hearing (agenda item #4).

Council Member Brinkley made a motion to adopt a Resolution Fixing Date of Public Hearing On Question Of Annexation Pursuant To G.S. 160A-58.2 seconded by Council Member Rivas-Diaz and unanimously approved.

**Condemnation of Property for Easement (Resolution 23.24.13)**

Manager Taylor said that this particular property is needed for the 830 Project. The owner has agreed to the easement but the property has multiple lienholders. The Town would still pay the agreed upon amount of \$15,000 but the court would determine how the funds would be disbursed and condemnation protects the Town’s interest and avoids possible future litigation. The easement would transfer as soon as the condemnation is recorded with the court.

Councilmember Davis made a motion to adopt Resolution 23.24.13 To Acquire Easements Necessary For The Construction Of The Adopted And Funded Sewer Force Main Project. The motion was seconded by Council Member Herring and approved by unanimous vote.

**Bids for Clement Park Community Center Renovation**

Manager Taylor stated that there were only two bids received for the second time for this project. Bids were \$821,122 from Hatcher Builders and \$922,300 from DPH Construction including a 5% bid bond. Hatcher Builders did not provide the bid bond as required. Taylor offered the Council three options; reject all bids and bid again, accept bid from DPH Construction and make up the difference between bid amount and grant proceeds or negotiate contract and scope of work with DPH Construction to get within budgeted amount of \$825,000.

Council Member Davis made a motion to reject all bids and bid again which was seconded by Council Member Herring and approved unanimously.

### **New Business**

#### **Appoint Fire Chief**

Manager Taylor said that the members of the Fire Department had voted Taylor Johnson be appointed Fire Chief for a 2 year term and asked Council to appoint Chief Johnson as recommended.

Council Member Brinkley made a motion as such which was seconded by Council Member Rivas-Diaz and unanimously approved.

#### **Appoint New Signatory**

Town Clerk Jackie Nicholson asked the Council to appoint one of the members as a signator due to the departure of Council Member Jeff Carter.

Council Member Herring made a motion appoint Council Member Davis, seconded by Council Member Brinkley and approved by unanimous vote.

#### **Adoption of 2024 Regular Meeting Schedule**

Manager Taylor asked the Council to approve the 2024 Regular Meeting Schedule.

Council Member Brinkley made such a motion that was seconded by Council Member Thorne and approved unanimously.

#### **Amendment to Rules of Procedure**

Town Clerk Nicholson asked the Council to amend the Rules of Procedure that were adopted in 2017 to reflect the current practices regarding the Agenda Order of Business.

Council Member Brinkley made a motion to amend the Rules of Procedure as presented. The motion was seconded by Council Member Thorne and approved unanimously.

#### **Councils of Government Appointments**

Town Clerk Nicholson said that Mayor Wells is the Town's Delegate on the Cape Fear Council of Governments and Mayor Pro-tem Rivas Diaz is the alternate and asked if they wanted to be reappointed.

Council Member Davis made a motion to reappoint Mayor Wells and Mayor Pro-tem Rivas-Diaz which was seconded by Council Member Herring and approved by unanimous vote.

Rod Fritz was appointed to complete the term of Gage King on the Eastern Carolina Council of Governments.

Council Member Rivas-Diaz made a motion to re-appoint Rod Fritz as the Town's representative on the ECC. The motion was seconded by Council Member Brinkley and unanimously approved.

### Petition for Annexation AX-2023-02

Planning Director Rod Fritz stated that a Petition for Voluntary Annexation had been submitted and asked the Council to direct the Town Clerk to investigate the sufficiency of the petition.

Council Member Davis made a motion to adopt a Resolution Directing The Clerk To Investigate A Petition Received Under G.S. 160A-31 (#AX-2023-02) that was seconded by Council Member Herring and was approved unanimously.

### Discussion of Memorandum of Understanding (MOU) with Pender County on Annexation

Manager Taylor said he met with representatives from Pender County to discuss utility services, planning and public safety services should the annexation be approved. He previously provided a draft copy of the MOU to the Council. The MOU essentially is an agreement to work together but it does refer to termination of the water contract that still has 20 years left on it and includes a monthly payment of approximately \$25,000. The Council took no action on this matter and directed Manager Taylor and Town Attorney Anna Herring to work on it.

### Financial Reports

Finance Director Trollinger presented the financial reports for the period ending October 30, 2023 and indicated that the Purchase Orders included \$340,000 related to storm water work.

### Council Reports

Council Member Herring said it was good to have a crowd at the meeting and welcomed Penny Thorne to the Council. She talked about speeding on Main Street and the K-9s made an impression on her.

Council Member Davis said he heard there was electricity at the fire training grounds, what about water? He mentioned (again) a jake brake ordinance.

Council Member Thorne expressed her thanks for being elected and commented on speeding on Currie Street where she lives. Her husband also commented on this.

Council Member Brinkley said he was looking forward to what can be accomplished in the next 4 years and appreciated being elected.

Council Member Rivas-Diaz welcomed Council Member Thorne and asked about the status of the Bicycle/Pedestrian Plan (a draft copy has been prepared) and asked about new businesses in Town. He also expressed his appreciation for being elected Mayor Pro-tem.

### Mayor's Report

Mayor Wells also welcomed Ms. Thorne to the Council. He said the Boy Scouts finally got a key to the dumpster at Art Meyer Field and thanks for the fuel tank at the Scout Hut (which was removed by mistake).

### Town Manager's Report

Manager Taylor reported on the various projects:

- have a preliminary review of permit for the 830 project, hopefully dirt will be moving in April
- Valley Protiens project has been staked out
- Little Rockfish Creek project is complete, just waiting on the check
- Golden Leaf Stormwater Mapping – Close to completion, waiting in the final report
- PARTF Grant Project at Farrior Park is complete
- Calico Bay Sewer Project – had a conference call this week, Dupliln County is taking the lead on this project

With there being no other business to discuss at this time, Council Member Brinkley made a motion to adjourn which was seconded by Council Member Thorne and approved by unanimous vote.

Respectfully submitted,

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Jason Wells, Mayor

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Jacqueline Nicholson, MMC, NCCMC  
Town Clerk

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

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

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the non-contiguous area described herein will be held in the Town Council Chambers at the Wallace Town Hall, 316 E. Murray Street, Wallace, NC 28466 after 6:00 pm on January 11, 2024.

Section 2. The area proposed for annexation is described as follows:

**West Parcel**

Commencing at an existing mag nail (Having NC Grid Coordinates N: 346,785.5496 FT, E: 2,313,126.1909 FT) where the centerline of River Road intersects with the centerline of U.S. Hwy 117;

Thence a tie line of S 15°11'57"E 81.95 feet to an existing iron rod on the old Right-of-Way of U.S. Highway 117, the POINT OF BEGINNING;

Thence along the old Right-of-Way of U.S. Highway 117 S 39°49'50"E 636.48 feet to an existing iron rod;

Thence S 28°01'56"E 63.10 feet to a point;

Thence along the property line of John T. Hughes, Deed Book 4726 Page 1935 the following courses:

S 21°57'42"W 77.41 feet to an existing iron pipe pinched;

S 15°08'12"W 121.92 feet to an existing iron pipe;

S 08°45'53"W 137.15 feet to an existing iron pipe;

S 27°17'57"W 49.90 feet to an existing iron pipe pinched;

S 31°02'15"E 149.88 feet to an existing iron pipe pinched;

S 04°15'51"W 52.57 feet to an existing iron pipe;

N 49°08'17"E 392.37 feet to an existing iron rod on the old Right-of-Way of U.S. Highway 117;

Thence along the old Right-of-Way of U.S. Highway 117 S 39°19'31"E 510.32 feet to an existing iron rod;

Thence N 49°51'58"E 8.00 feet to an existing iron rod;

Thence S 39°28'23"E 609.23 feet to an existing iron rod;

Thence along the northern line of Dentmark West et al (DB 647 Pg 126) and Nellie Evans (DB 4620 Pg 1080) S 57°19'08"W 364.69 feet to an existing iron rod;

Thence along the northern line of Kerr S. Walker (DB 1477 Pg 116), Kyra Phillips (DB 1477 Pg 116) and Waddell Johnson Heirs (DB 1298 Pg 43) S 57°15'52"W 410.65 feet to an existing concrete monument;

Thence along the eastern and northern lines of Williard Outreach Organization (DB 936 Pg 326) N 38°12'57"W 488.56 feet to an existing concrete monument, S 56°44'21"W 277.96 feet to an existing iron pipe, and S 56°16'27"W 167.53 feet to an existing iron pipe;

Thence along the eastern line of Alice Everett (DB 1847 Pg 210), Archie Walker Heirs (DB 252 Pg 351) and Lot 9, Nathan Johnson Division, Plat Book 11 Page 54, N 44°11'01"W 547.38 feet to an existing iron rod;

Thence N 44°10'46"W 28.87 feet to an existing iron rod;

Thence along the eastern line of Lots 10, 11, 12, 13,16, Johnson Division, N 44°10'46"W 488.13 feet to a new iron rod set;

Thence along the eastern line of Lot 16, Johnson Division, N 42°58'30"W 132.84 feet to an existing iron rod on the Right-of-Way of Gore Road;

Thence along the Right-of-Way of Gore Road N 39°07'07"E 59.22 feet to a Right-of-Way Disc;

Thence continuing along the Right-of-Way of Gore Road N 41°33'23"W 203.26 feet to a Right-of-Way Disc;

Thence N 00°44'21"E 58.76 feet to a Right-of-Way Disc on the southern Right-of-Way of Johnson Avenue;

Thence along the southern Right-of-Way of Johnson Avenue N 43°11'41"E 1182.32 feet to an existing iron rod;

Thence S 88°18'53"E 26.51 feet to an existing iron rod, the point of beginning and containing 51.51 as shown on survey map by Port City Land Surveying, PLLC, July 20, 2022, recorded in Plat Book 71, Page 39, Pender County Registry.

**East Parcel**

Commencing at an existing mag nail where the centerline of River Road intersects with the centerline of U.S. Hwy 117;



Thence proceeding along the centerline of U.S. Hwy 117 S 39°52'22"E 765.79 feet to an existing mag nail over a culvert crossing U.S. Hwy 117 for Run of School House Branch;

Thence N 49°05'37"E 75.00 feet to a point where the eastern Right-of-Way of U.S. Hwy 117 intersects with the Run of School House Branch, also being the southwest corner of Tract 1, Plat Book 64 Page 36, the POINT OF BEGINNING;

Thence along the southern line of Tract 1, Plat Book 64 Page 36 N 49°05'37"E 129.43 feet to an existing iron rod;

Thence N 61°50'50"E 412.10 feet to an existing iron pipe, common corner of Tracts 1 and 2, Plat Book 64 Page 36;

Thence along the southern line of Tract 2, Plat Book 64 Page 36 N 57°25'13"E 745.34 feet to an existing iron rod;

Thence along the eastern line of Tracts 2 and 3, Plat Book 64 Page 36 N 14°04'56"W 231.46 feet to an existing iron pipe on the southern Right-of-Way of River Road;

Thence along the southern Right-of-Way of River Road the following five courses and distances:

- (1) N 75°57'40"E 241.12 feet to a point;
- (2) N 76°43'13"E 44.22 feet to a point;
- (3) N 76°02'42"E 1132.71 feet to a new iron rod set;
- (4) N 79°27'40"E 663.32 feet to a Right-of-Way Disc;
- (5) N 76°43'02"E 229.38 feet to a Right-of-Way Disc on the western Right-of-Way of Interstate 40;

Thence along the western Right-of-Way of Interstate 40 S 06°14'59"W 196.51 feet to an existing Right-of-Way Disc;

Thence along the western Right-of-Way of Interstate 40 S 03°09'35"E 1151.71 feet to a point;  
Thence the following three courses along the northern line of Barbara Johnson, recorded Deed Book 967 Page 212,

- (1) N 31°00'51"W 53.42 feet to a point;
- (2) S 69°48'07"W 72.91 feet to a point
- (3) N 52°47'08"W 56.60 feet to a point;

Thence the following five courses along the northern line of William Scott, recorded in Deed Book 3650 Page 320,

- (1) N 45°53'02"W 63.44 feet to a point;
- (2) S 76°32'21"W 64.48 feet to a point;
- (3) N 86°01'59"W 47.62 feet to a point;

- (4) S 88°13'33"W 105.92 feet to a point;
- (5) S 27°39'13"E 54.54 feet to a point;

Thence continuing along the line of Scott S 57°14'52"W 128.79 feet to an existing iron rod;

Thence along the line of Scott, Karon Brice (DB 3765 Pg 267), and Pearsall (DB 4671 Pg 2599) S 57°14'52"W 245.56 feet to an existing iron rod;

Thence along the northern line of Phillips (DB 967 Pg 188), Scott (DB 3023 Pg 1), Inman (DB 967, Pg 172) S 57°15'13"W 385.04 feet to an existing iron rod;

Thence along the northern line of M. H. Stanford Sr Heirs (DB 1 Pg 2555) S 57°16'13"W 406.69 feet to an existing iron pipe pinched;

Thence along the northern line of Lots 1, 2 and 3, Plat Book 49 Page 22 the following three courses:

- (1) S 57°19'53"W 113.41 feet to an existing iron rod;
- (2) S 57°18'13"W 154.90 feet to an existing iron pipe;
- (3) S 57°17'24"W 377.54 feet to an existing iron pipe;

Thence along the northern line of Annie G. West (DB 712 Pg 118) and Graham Bannerman, Jr. (DB 4603 Pg 1843) S 55°51'02"W 563.90 feet to a new iron rod set on the eastern Right-of-Way of U.S. Hwy 117;

Thence along the eastern Right-of-Way of U.S. Hwy 117 N 40°11'38"W 1551.15 feet to the point of beginning and containing 106.45 as shown on survey map by Port City Land Surveying, PLLC, July 20, 2022, recorded in Plat Book 71, Page 38, Pender County Registry.

Section 3. Notice of the public hearing shall be published once in *The Duplin Times*, a newspaper having general circulation in the Town of Wallace, at least 10 days prior to the date of the public hearing.

\_\_\_\_\_  
Jason Wells, Mayor

ATTEST:

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Jackie Nicholson, Town Clerk

STATE OF NORTH CAROLINA  
TOWN OF WALLACE

**Resolution 23.24.13**

**RESOLUTION TO ACQUIRE EASEMENTS NECESSARY FOR THE  
CONSTRUCTION OF THE ADOPTED AND FUNDED SEWER FORCE MAIN  
PROJECT**

**WHEREAS**, the Town of Wallace has determined that the acquisition shown on Exhibit A (the “Easements”)- is necessary to the delivery of the Sewer Force Main Project, which is a project for the public use and benefit; and

**WHEREAS** the statutory powers of the Town of Wallace include the power to acquire real property (N.C.G.S. §160A-11 and §160A-240.1), including the power of eminent domain (N.C.G.S. Chapter 40); and

**WHEREAS**, the Town of Wallace’s proposed property acquisition process for the Sewer Force Main Project will comply with applicable law; and

**WHEREAS**, the Easements are needed for the Sewer Force Main Project and have not been able to be acquired without the use of eminent domain;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of Wallace North Carolina,

That the Wallace Town Council approves and authorizes the acquisition of the Easements by negotiation at a price representative of their fair market value.

That in the event Easements cannot be acquired by negotiations at the price authorized above, the Town Manager may institute and pursue acquisition by the process of eminent domain according to the procedures contained in Chapter 40A, including (but not limited to) giving notice of intent to the property owner, executing and filing a complaint and declaration of taking and depositing the necessary appraised value amount with the Clerk of Superior Court of Duplin County.

That the Wallace Town Council hereby authorizes the Town Manager, acting on advice of counsel, to take any actions necessary to affect the provisions of the Resolution.

This resolution is effective upon its adoption this 14th day of December 2023

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Jason Wells, Mayor

Attest:

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Jackie Nicholson, Town Clerk

{SEAL}

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE

A PETITION RECEIVED UNDER G.S. 160A-31

(Petition #AX-2023-02)

WHEREAS, a petition requesting annexation of an area described in said petition (Duplin County PIN 330604844234, 32.37 acres) was received on December 6, 2023 by the Planning Department of the Town of Wallace; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk of Wallace before further annexation proceedings may take place; and

WHEREAS, the Town Council of the Town of Wallace, deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Wallace, that;

The Town of Wallace Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Town Council the result of her investigation.

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Jason Wells, Mayor

ATTEST:

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Jacqueline Nicholson, Town Clerk