

**TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
AND PUBLIC HEARING
MAY 31, 2011
6:00 PM**

The Wallace Town Council continued it's regularly scheduled monthly meeting in the Council Chambers at the Town Hall.

The following Governing Body members were present:

Charles C. Farrior, Jr., Mayor
Councilman/ Mayor Pro-tem David Jordan
Councilman Warren Hepler
Councilman Jeffrey Carter
Councilman Graham Kilpatrick
Councilman Michael Blackburn (arrived late)

The following members of the Governing Body were absent:

NONE

Also present were:

| | | |
|---------------------------------------|-------------------------------|---------------------------|
| Matt Livingston, Town Manager | James Gantt, Wallace PD | Steve Coggins, Attorney |
| Jackie Nicholson, Town Clerk | Don Tise, Architect | Dan Cumbo, Civil Engineer |
| Richard Burrows, Town Attorney | John Wall, Market Analyst | Jean Townsend |
| Kathy Hubbard, Tax Collector | Cal Morgan, General Appraiser | Gina Murray |
| Anna Godbold, Finance Officer | Joe Bryant | Frederick Murray |
| Jerry James, Public Works Director | Matthew Ratliff | Melissa Wilson |
| Davis Carr, Robert H. Goslee & Assoc. | Danny Cavanaugh | Bryan Wilson |
| Barry Mills, Associated Development | Kitty Cavanaugh | Delia Stallings |
| Linwood Stroud, Stroud Engineering | James Stallings | Bill Buckley |

Mayor Farrior reconvened the meeting.

Discussion of refinancing the radio read meters and adoption of Resolution Approving Terms of Re-financing

Mayor Farrior called on Manager Livingston to bring the Council up-to-date on the matter

under discussion. Manager Livingston stated that the terms of the re-financing change only the interest rate not the length of the loan. The interest rate is going from 3.79% to 3.39%.

Mayor Farris called for a motion to adopt a Resolution Approving Terms of Re-financing. Councilman Hepler made a motion as such. The motion was seconded by Councilman Carter and approved by unanimous vote of the Council.

Discussion of proposed FY 2011-12 budget

Manager Livingston reviewed some budget figures with the Council and provided a breakdown of the budget by department(s). Manager Livingston added that the budget does not include a tax increase but does include an increase in recreation fees and a small increase in sanitation fees to off-set the cost of “big trash” collection.

Councilman Blackburn arrived at the meeting.

Budget transfers

Manager Livingston presented the following interdepartmental transfers and interfund budget transfers for the Council’s information:

| | | | |
|------|----------------|-----------------------------|--------|
| From | 10-80-6200-730 | Capital outlay Comm. Center | 5,000 |
| To | 10-80-6200-021 | Salary umpires & officials | 2,000 |
| | 10-80-6200-130 | Utilities | 2,000 |
| | 10-80-6200-150 | Maint./ repair facilities | 1,000 |
| From | 30-91-8200-750 | Capital outlay sewer rehab | 2,890 |
| To | 30-91-8200-570 | Miscellaneous expense | 30 |
| | 30-91-8200-990 | Principal Godwin pump | 2,850 |
| | 30-91-8200-991 | Interest Godwin pump | 10 |
| From | 10-30-5800-740 | Capital outlay equipment | 2,000 |
| To | 10-40-5400-320 | Connect GIS | 2,000 |
| From | 30-91-8200-750 | Capital outlay sewer rehab | 11,560 |
| To | 30-91-8100-570 | Miscellaneous expense | 115 |
| | 30-91-8100-920 | Principal pothole patcher | 2,400 |
| | 30-91-8200-921 | Interest pothole patcher | 10 |
| | 30-91-8100-930 | Principal 2008 Ford truck | 9,010 |
| | 30-91-8100-931 | Interest 2008 Ford truck | 25 |

Public Hearing

Discussion of Conditional Use Permit application for Summer Tree Apartments

Mayor Farris called on Manager Livingston to bring the Council up-to-date on the matter under discussion. Manager Livingston stated that Mr. Barry Mills had submitted an

application for a conditional use permit for a planned unit development located on property adjacent to the Summerfield subdivision. Manager Livingston said that the Planning Board recommended that the permit be denied because it did not conform with the Town's land use plan. They did add that should the Town Council approve it they would like to include the following conditions: a screening wall between the property, turning lane(s), a walking trail around the property and open space. Manager Livingston stated that the plan as it is proposed meets the Town's regulations, water and sewer capacity are available and the property is accessible from Hwy. 11.

Mayor Farris called for a motion to open the public hearing. Councilman Hepler made a motion that was seconded by Councilman Carter and approved by unanimous vote of the Council. Mayor Farris declared the public hearing in session.

Attorney Burrows addressed the assembly and said that a planned unit development or apartments is a permitted use although the land use plan is for single family units. Atty. Burrows stated that the presentations must be based on fact and asked that the testimony be brief and non-repetitive. The testimony should be pertinent to the conditional use permit application. Atty. Burrows said that the Council should consider only competent evidence by sworn testimony, to be fair and impartial and if they have a conflict of interest or have made a predetermined decision that they should ask to be excused from voting on this matter. After all the evidence has been presented arguments for or against would be heard.

Mayor Farris asked for a show of hands who was going to testify and swore in the following witnesses: Barry Mills, Don Tise, John Wall, Davis Carr, Cal Morgan, Steve Coggins, Dan Cumbo, Danny Cavanaugh, James Stallings, Jean Townsend, Delia Stallings, Frederick Stallings, Matthew Ratliff, Kitty Cavanaugh, Gina Murray, Jerry James, Bryan Wilson, Melissa Wilson.

Mr. Mills introduced his team of experts and his attorney Steve Coggins presented the evidence to support the conditional use application. Questions were asked and answered at this time. When Atty. Coggins completed his presentation witnesses opposing the conditional use application presented their side. After all the witnesses finished Atty. Coggins made summary remarks as did Atty. Burrows.

Mayor Farris called for a motion to close the public hearing. Councilman Blackburn made a motion as such. The motion was seconded by Councilman Jordan and approved by unanimous vote of the Council.

Atty. Burrows advised the Council to postpone making a decision on the matter. Councilman Hepler made a motion to table action until the regularly scheduled monthly meeting on June 9, 2011. The motion was seconded by Councilman Carter and approved by unanimous vote of the Council.

Stevcoknit project change orders

Mr. Linwood Stroud, Stroud Engineering, presented the following change orders for

Council approval:

| | | |
|--------|--|--------------|
| No. 9 | Changes to the disk filter construction including revision to the sump pump and associated piping as well as the addition of a stainless steel weir at the filter chamber discharge. | \$2,443.62 |
| No. 10 | Modify guard rails for OSHA compliance, re-route sludge transfer piping, and reduce the number of construction joints. | \$760.87 |
| No. 11 | SCADA System upgrades including upgrading six (6) 900 MHz non-license radios to 400 MHz license radios and installation of taller antenna towers; all as needed pursuant to radio path study. | \$25,653.05 |
| No. 12 | Electrical changes related to equipment relocations, structural, access, and ventilation modifications to accommodate final equipment size and location, changes in conductors from copper to aluminum, reduction in sound insulation area, overhead door revisions, changes in rails and support steel to accommodate final equipment locations and overhead door configurations, and changes to finish material in the bathroom. | \$(8,319.60) |
| No. 13 | Increase the size of the dissipater wet well from 5 feet diameter to 6 feet diameter. | \$1,813.70 |
| No. 14 | Modifications to demo and modification plans for the influent structure based on as-built conditions discovered pursuant to pump out and inspection of existing structure. Modifications to jib crane to access and lift spiral screen. | \$3,967.44 |

Mayor Farris called for a motion to approve these change orders. Councilman Carter made a motion that was seconded by Councilman Kilpatrick and approved by unanimous vote of the Council.

There being no further business Mayor Farris called for a motion to adjourn. Councilman Carter made a motion as such. The motion was seconded by Councilman Blackburn and approved by unanimous vote of the Council. The meeting adjourned at 11:20 pm.

Respectfully submitted,

Charles C. Farris, Jr. , Mayor

Jacqueline Nicholson, CMC
Town Clerk

