

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
July 13, 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 (arrived late)
- Council Member/Mayor Pro-tem Francisco Rivas-Diaz
- Council Member Jason Davis
- Council Member Frank Brinkley
- Council Member Jeff Carter
- Council Member Tasha Herring-Redd

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	Julia Johnson, USDA
Jimmy Crayton, Police Chief	Michael Mezzacapo, USEPA
Lisa Cottle, ORC WWTP	Sam Shore, CFCOG
Brent Dean, Public Services Director	Bobby Tucker, MDB Inc.
Rod Fritz, Planning Director	Boy Scout Troop 35
Taylor Johnson, Director of Fire Operations	Marlane Carcopo (via zoom)
Jennifer Raynor, Librarian (via Zoom)	David Carter
Joseph Trollinger, Finance Director	Miller Ludlum
Clay Collier, Attorney, NCLM	Garrett Ludlum
Wayne Branch, Duplin Co. Commissioner	Joseph Merritt
Jordan Jackson, NCRWA	Mark Myers

Mayor Pro-tem Francisco Rivas-Diaz called the regular meeting to order with a quorum of the governing body members present and gave the invocation.

The Pledge of Allegiance was recited.

Presentations

Mayor Pro-tem Rivas-Diaz administered the Oath of Office to Police Officers Eric Lino and Rain Nolden.

Closing America's Wastewater Access Gap Community Pilot Initiative presentation was made by individuals from NCRWA (North Carolina Rural Water Association), USDA (United States Department of Agriculture), USEPA (United States Environmental Protection Agency) and an engineer from MDB Inc. The main focus is a project in the Calico Bay area with failing septic systems. The Town would be the funding applicant and if/when the project is completed, responsible for its operation and maintenance. Funding would be through grants.

Town Manager Rob Taylor made a brief presentation about the Town's Stormwater Ordinance and talked about the results of a recent audit of commercial accounts. The Council expressed interest in having a work session to discuss it in more detail.

Adoption of the Agenda

Mayor Pro-tem Rivas-Diaz called for discussion of the Agenda. Town Manager Rob Taylor said approval of an engineering contract associated with the Asset Inventory Grant and consultation with the Town Attorney in the closed session needed to be added. Council Member Jeff Carter made a motion to adopt the agenda with the changes, seconded by Council Member Frank Brinkley and approved by unanimous vote.

Public Comment Period

David Carter who lives at 814 N. Graham Street said he had some problems in front of his house. Manager Taylor said he would contact him in the morning to discuss.

Consent Agenda

Mayor Pro-tem Rivas-Dias called for discussion of the minutes from the June 8, 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 Tasha Herring-Redd and unanimously approved.

Finance Director Joseph Trollinger presented the tax report for the period ending 05/31/2023 highlighting the significant decrease of delinquent taxes over last year.

Finance Director Trolling asked the Council to approve the following for tax releases years 2021 and 2022:

Account #	Name	Amount	Reason
7695366	Savage, John Hayes	\$10.34	Does not own a boat

Council Member Jason Davis made a motion to approve the tax releases that was seconded by Council Member Brinkley and unanimously approved.

Public Hearing

2023 Comprehensive Land Use Plan

Council Member Brinkley made a motion to open a public hearing for Land Use Plan. The motion was seconded by Council Member Carter and approved unanimously.

There were no public comments.

Council Member Davis made a motion to close the public hearing which was seconded by Council Member Brinkley and approved by unanimous vote.

Planning Director Rod Fritz said that the Plan had been updated with the assistance of Sam Shore at the Cape Fear Council of Governments and Council had received copies of the draft document in May. Mr. Shore stated that the LUP is a policy document to guide future plans and decisions and includes demographic and environmental analysis.

Council Member Brinkley made a motion to adopt an Ordinance Of The Town Council Of Wallace, North Carolina Adopting The Wallace 2023 Comprehensive Land Use Plan that was seconded by Council Member Carter and unanimously approved.

Right-of-Way Closing - Boney Street/SW Railroad Street

Council Member Davis made a motion to open a public hearing that was seconded by Council Member Brinkley and approved unanimously.

Planning Director Fritz stated that this was requested as a condition in an offer to purchase the property. Town Attorney Anna Herring indicated that the Resolution Ordering The Closing Of An Unopened/Unnamed Public Right-Of-Way Adjacent To 106 Boney Street And A Portion Of SE Railroad Street was slightly different that what has been distributed to Council.

There were no comments from the public.

Council Member Brinkley made a motion to close the public hearing, seconded by Council Member Davis and approved by unanimous vote.

Council Member Carter made a motion to adopt the Resolution with the changes made by the Town Attorney. The motion was seconded by Council Member Davis and approved unanimously.

Old Business

Capital Improvement Plan (CIP)

Manager Taylor said that he would not request action on this item until the August meeting so Council has time to review it. He did add that this year's CIP is higher than last year and includes all the Wastewater Treatment Plant items (although he did not list them separately), Parks & Recreation items - inclusive playground, tennis courts, splash pad as one project funded through a PARTF (Parks and Recreation Trust Fund) Grant, radios for the Fire Department and an EV (Electric Vehicle) charging station (also grant funded).

Compensation for Volunteer Firefighters in Emergencies

Manager Taylor stated that in the process of reviewing/updating the Town's Emergency Response Plan providing compensation for Volunteer Firefighters will be added. In order to do that it needs to be added to the Town's Personnel Policy. He asked the Council to amend the Policy by adding "volunteer firefighters may also be compensated at a rate not to exceed \$12.00/hour;" to Article III. Section 12.

Council Member Brinkley made a motion to amend the Personnel Policy as recommended. The motion was seconded by Council Member Herring-Redd and unanimously approved.

Award Contract for Little Rockfish Creek Cleanout

Manager Taylor said this project initially got no bids and the re-bid was outside the budget. Negotiations with the sole bidder resulted in an updated scope of work and price. The agreed upon amount is \$499,500 and Taylor asked the Council to approve the contract so work can begin.

Council Member Carter made a motion to adopt a Resolution of Tentative Award 23-24-04. The motion was seconded by Council Member Brinkley and approved unanimously.

Acceptance of Asset Inventory (AIA) Grant-Water

Manager Taylor stated a grant from NCDEQ (North Carolina Division of Water Quality) was awarded to inventory the Town's water department assets and asked for adoption of a Resolution of Receipt to accept the grant.

Council Member Brinkley made a motion as such that was seconded by Council Member Carter and approved by unanimous vote.

Award Engineering Contract for Asset Inventory-Water

Manager Taylor said Stroud Engineering had submitted a contract to oversee the Asset Inventory in the amount of \$150,000 which is the amount of the grant. Town Attorney Anna Heath said she has reviewed and made some changes to the proposed contract.

Council Member Brinkley made a motion to approve the contract with Stroud Engineering including the changes made by the Town Attorney. The motion was seconded by Council Member Davis and unanimously approved.

New Business

Resolution Establishing Redevelopment Incentive Policy

Manager Taylor stated that the Council has discussed business development incentives but had not adopted anything. He proposed a program where eligible projects/properties would be offered a grant equal to the increased property taxes generated by the increased value of the improvements, with a minimum tax value increase of \$75,000, prorated over 4 years.

Council Member Davis Brinkley made a motion to adopt A Resolution Establishing The Wallace Redevelopment Incentive Policy 23-24-03 which was seconded by Council Member Herring-Redd and approved unanimously.

Financial Reports

Finance Director Trollinger presented the financial reports. He said this report covers April 2023 as he is still catching up. He added that cash and investments are strong.

Council Reports

Council Member Herring-Redd said she got some feedback on Dobbins Park using a 10 question survey. A park bench and picnic area were at the top of the list. She also indicated that she will be running for office.

Council Member Davis asked about the leaking water valves around Town.

Council Member Rivas-Diaz mentioned a pot hole in the street at Clement & Raleigh St.

Council Member Carter asked if Legion Asphalt would be paving Medical Village Drive (yes) and if an agreement with River Landing had been made for the 830 project.

(Mayor Wells arrived)

Mayor's Report

Mayor Wells mentioned how the stormwater system handled the recent rains.

Town Manager's Report

Manager Taylor discussed items on his report.

Closed session

Council Member Brinkley made a motion to go into closed session (G.S.143-318.11(a)(1)(3)(5)) to prevent the disclosure of information that is confidential, consult with the Town Attorney and discuss property acquisition that was seconded by Council Member Davis and unanimously approved.

Manager Taylor asked the Council if the Attorney should continue with a particular course of action? They directed her to proceed.

Manager Taylor explained the situation with a parcel of property the Town may be interested in acquiring and the Council did not take any action.

Video related to the officer involved shooting in February was viewed.

Council Member Carter made a motion to end the closed session. The motion was seconded by Council Member Herring-Redd and approved by unanimous vote.

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

Respectfully submitted,

Jason Wells, Mayor

Jacqueline Nicholson, MMC, NCCMC
Town Clerk

**ORDINANCE OF THE TOWN COUNCIL OF
WALLACE, NORTH CAROLINA
ADOPTING THE WALLACE 2023 COMPREHENSIVE LAND USE PLAN**

WHEREAS, from June 2022 through March 2023, the Town of Wallace drafted a Land Use Plan with the assistance of the Cape Fear Council of Governments; and

WHEREAS, the Land Use Plan is intended to provide policy guidance for future decisions regarding the growth and development of the Town and comply with North Carolina General Statute 160D-501; and

WHEREAS, the Land Use Plan was recommended for approval by the Town’s Planning Board in March 2023; and

WHEREAS, at a duly advertised meeting compliant with the notice requirements of North Carolina General Statute 160D-601, Town Council held a public hearing on the draft Land Use Plan on July 13, 2023; and

NOW, THEREFORE, BE IT ORDAINED THAT Town Council in a meeting duly noticed and assembled hereby adopts the 2023 Comprehensive Land Use Plan, effective immediately.

Adopted this 13th day of July 2023.

TOWN OF WALLACE

Mayor

ATTEST:

SEAL:

Town Clerk

RESOLUTION ORDERING THE CLOSING OF AN UNOPENED/UNNAMED PUBLIC RIGHT-OF-WAY ADJACENT TO 106 BONEY STREET AND A PORTION OF SE RAILROAD STREET

WHEREAS, N.C.G.S. § 160A-299 prescribes the procedure to be followed by a Town in order to permanently close a street or alley; and

WHEREAS, the Town of Wallace (“the Town”) has received a request to close an Unopened/Unnamed Public Right-of-Way Adjacent to 106 East Boney Street and a Portion of SE Railroad Street, which is within the Town’s corporate limits; and

WHEREAS, on May 11, 2023, the Town Council for the Town of Wallace adopted a Resolution of Intent to close said unopened/unnamed street; and

WHEREAS, the Planning Director notified all person(s) owning property abutting the unopened/unnamed street by mailing, via registered mail, a copy of the Resolution of Intent;

WHEREAS, adequate notices were posted on said street as required by N.C.G.S. § 160A-299; and

WHEREAS, the required public hearing was scheduled, advertised, and held on July 13, 2023 after 6:00 pm in the Council Chambers at the Town Hall; and

WHEREAS, on July 13, 2023 a public hearing was held, and the Town Council gave full and complete consideration of the matter and granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street; and

WHEREAS, it now appears to the satisfaction of the Town Council for the Town of Wallace that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street will, as a result of the closing, be thereby deprived of a reasonable means of ingress or egress to their property;

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

- (1) The Unopened/Unnamed Public Right-of-Way Adjacent to 106 East Boney Street and a Portion of SE Railroad Street is hereby ordered permanently closed.
- (2) This closure does not cut off access to any other property, and all right, title, and interest that may be vested in the public to said area for street purposes is hereby released and quitclaimed to the abutting property owners in accordance with the provisions of N.C.G.S. § 106A-299.
- (3) The Mayor and Town Clerk are hereby authorized to execute any such documents as may be necessary in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to said closed street for the purposes of extending the centerline of the herein closed street in accordance with N.C.G.S. § 160A-299.
- (4) This resolution shall be in full force and effect from this the 13th day of July, 2023.

(5) The Town Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Duplin County a certified copy of this resolution and order.

Upon motion duly made by Council Member Jeff Carter and duly seconded by Council Member Jason Davis the above resolution was duly adopted by the Town Council, Wallace, NC at a meeting held on the 13th day of July, 2023 in the Council Chambers at the Wallace Town Hall.

APPROVED:

Jason Wells, Mayor

ATTESTED TO:

(SEAL)

Jacqueline Nicholson, MMC, Town Clerk

NORTH CAROLINA

DUPLIN COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the Town Council of the Town of Wallace, North Carolina, at a meeting held July 13th, 2023 at the Town Hall in the Town of Wallace.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said Town to be affixed, this the ____ day of July, 2023.

Jacqueline Nicholson, MMC, Town Clerk

NORTH CAROLINA

DUPLIN COUNTY

I _____, a Notary Public, do hereby certify that Jacqueline Nicholson, Town Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and seal this ____ day of July, 2023.

Notary Public

My Commission expires: _____

STATE OF NORTH CAROLINA

TOWN OF WALLACE

RESOLUTION OF TENTATIVE AWARD

Resolution 23-24-04

WHEREAS, the Town of Wallace, North Carolina has received bids, pursuant to duly advertisement notice therefore, for repairs and construction of storm drainage along Little Rockfish Creek,

WHEREAS, the Stroud Engineering, PA, Consulting Engineers have reviewed the bids; and

WHEREAS, ES&J Enterprises, was the sole bidder for the project, and Stroud Engineering negotiated with the bidder for a total bid amount of \$499,500, and

WHEREAS, the consulting Engineers recommends **TENTATIVE AWARD** to the lowest bidder(s).

NOW, THERE FORE, BE IT RESOLVED that TENTATIVE AWARD is made to the lowest bidder(s) in the Total Bid Amount of \$499,500.

Name of Contractor	Amount
1. <u>ES&J Enterprises</u>	<u>\$499,500</u>

BE IT FURTHER RESOLVED that such TENTATIVE AWARD be contingent upon the approval of the North Carolina Department of Environmental Quality.

Upon motion of Council Member Carter, seconded by Council Member Brinkley, the above **RESOLUTION** was unanimously adopted.

This resolution is effective upon its adoption this 13th day of July 2023

Jason Wells, Mayor

Attest:

{SEAL}

Jackie Nicholson, Town Clerk

Date _____

STATE OF NORTH CAROLINA

TOWN OF WALLACE

23-24-05

RESOLUTION OF RECIPIENT

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and

WHEREAS, the Town of Wallace intends to perform said project in accordance with the agreed scope of work,

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

Wallace does hereby accept the American Rescue Plan (ARP) offer of \$150,000, and

Gives assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to, and

Robert Taylor, Town Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this 13th day of July 2023

Jason Wells, Mayor

Attest:

{SEAL}

Jackie Nicholson, Town Clerk

This is to certify that this is a true and accurate copy of this Resolution adopted by the Wallace Town Council on the July 13, 2023.

Town Clerk

Date

STATE OF NORTH CAROLINA

TOWN OF WALLACE

23-24-03

A RESOLUTION ESTABLISHING THE WALLACE REDEVELOPMENT INCENTIVE POLICY

WHEREAS, the Town Council of Wallace have received the following policy entitled "Wallace Redevelopment Incentive Policy", hereafter referred to as PROGRAM:

Section. I. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Incentive Grant means a sum of money, established by the Town Council as \$0.62 per \$100 of the difference between the current or preconstruction appraised tax value of a parcel(s) of property and the post-construction appraised tax value of same said parcel(s).

Section 2. Objectives

The purpose of this incentive is to encourage and/or promote infill growth as well as building rehabilitation throughout Wallace's downtown area and along the 117 corridor. Any commercial building or vacant property within these areas are eligible to apply. Residential projects are eligible only in the creation of upper floor units (condo or rental apartment) in an existing commercial structure with a commercial use on the street level: or as part of a new mixed-use project with the residential component on upper floors. This incentive is in the form of a reimbursement grant based on the appraised tax value of the potential site or building.

The Wallace Redevelopment Incentive Grant will be disbursed according to the following formula:

1. Appraised tax value of site and/or building is determined before construction begins.
2. Appraised tax, value of site and/or building is determined after construction or rehabilitation is completed upon the issuance of a certificate of occupancy.
3. Grant amount is the difference in Town property taxes generated between the pre-construction tax value and the post-construction value as determined by the Duplin County Tax Administrator.
4. Post construction tax value must be at least \$75,000 more than the pre-construction tax value to qualify for the incentive grant.
5. Owner pays full amount of newly appraised tax value of property to both Duplin County and the Town of Wallace.
6. The Town of Wallace will distribute the grant funds as follows:
Year 1-100%: Year 2-75%, Year 3 -50%: and Year 4-25%

The goals of the PROGRAM are:

1. Attract new investors and development for businesses
2. Assist current businesses with expansion and diversification

3. Improve the visual appearance of the Town of Wallace
4. Broaden the tax base

Section 3. Program Requirements

The following requirements apply to the Downtown Revitalization Incentive Policy

1. The project under consideration must lie within the boundaries of the attached map.
2. The project under consideration must be zoned commercially.
3. Any commercial property is eligible to apply for grant funds.
4. New construction is only eligible if the project is deemed to be consistent with the Town of Wallace Zoning Requirements and the historic character of the Greater Downtown Area
5. Applicants must be the owner and tax payer of the property.
6. Projects begun before January 1, 2022 are not eligible to apply.
7. Structures must meet State and Local building codes as approved by the local building inspector.
8. Existing building rehab must follow the Secretary of Interior's Standards for Building Rehabilitation.
9. Applications will be administered by the Town.
10. Applications will be reviewed by the Town of Wallace Downtown Revitalization/Development Coordinator with the help of the Town Manager and Planning Administrator.

Section 4. Program Management

The Program manager will be the Town of Wallace Deputy Tax Collector. His/her duties and responsibilities will be to administer the project in conjunction with the Duplin County Tax Office. The applicant will secure the Program application form from Town Hall. The applicant will submit the completed application to the Wallace Deputy Tax Collector for review of: purpose, feasibility, and compatibility.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of Wallace that the Wallace Redevelopment Incentive Policy" be adopted and shall become effective upon adoption.

Adopted this 13th day of July 2023,

Jason Wells, Mayor

Attest:

{SEAL}

Jackie Nicholson, Town Clerk This is to certify that this is a true and accurate copy of this Resolution adopted by the Wallace Town Council on the July 13, 2023.

Town Clerk

Date