

TOWN OF WALLACE
MONTHLY TOWN COUNCIL MEETING
August 13, 2020
7:00 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:

Charles C. Farrior, Jr., Mayor
Council Member/Mayor Pro-Tem Wannetta Carlton
Council Member Frank Brinkley
Council Member Jeff Carter
Council Member Francisco Rivas-Diaz
Council Member Jason Wells

The following members of the Governing Body were absent:

NONE

Also Present were:

Larry Bergman, Town Manager	Anna Heath, Town Attorney
Jackie Nicholson, Town Clerk	Gage King, Airport Manager
Jimmy Crayton, Police Chief	Joseph Merritt
Rod Fritz, Planning Director	

Mayor Charley Farrior called the regular meeting to order with a quorum of the governing body members present. Council Member Jeff Carter gave the invocation.

The Pledge of Allegiance was recited.

Presentations

None

Adoption of the Agenda

Mayor Farrior called for discussion of the agenda. Town Attorney Anna Heath said there was no requirement for a public hearing for the exchange of property so that was removed from the Agenda. Council Member Carter made a motion to adopt the agenda without the public hearing which was seconded by Council Member Wannetta Carlton and approved by unanimous vote.

Public Comment Period

NONE

Consent agenda

Minutes from the July 9, 2020 monthly meeting, and the July 30, 2020 continued meeting

Mayor Farris called for discussion of the minutes. There being no additions or corrections Council Member Jason Wells made a motion to approve the minutes as submitted. The motion was seconded by Council Member Wannetta Carlton and approved by unanimous vote.

Tax Report

Town Manager Larry Bergman presented the Tax Report for the period ending August 13, 2020. Manager Bergman said that year to date collections were up probably due to the tax bills being mailed in July and people taking advantage of the discount. Payment plans were in the amount of \$778.42 and the top delinquent accounts are in the hands of Zaccheus. Mayor Farris asked for a more detailed account at the next meeting of what Zaccheus is doing, he and the Council discussed adding the Paisley Boney Building on Main Street to the foreclosure list. The taxes are delinquent and it is in physically poor condition. The Council agreed to this.

Tax Releases

The following were presented to the Council for release:

Acct. #	Name	Reason	Amount
390	Collier Enterprises, LLC	Corrected value	\$1,272.23
3370	Wallace Pentecostal Holiness Church	Exempt organization	\$212.66
3370	Wallace Pentecostal Holiness Church	Exempt organization	\$194.68

Council Member Wells made a motion to approve the releases which was seconded by Council Member Frank Brinkely and approved by unanimous vote.

Budget Amendments

None.

Old Business

Exchange of Town-Owned Property for Construction of a Well-Site

Manager Bergman said the appropriate notice has been made regarding the exchange of property for the future well-site at Tin City and asked for approval of a resolution as such.

Council Member Wells made a motion to adopt a Resolution for Well-Site Property Exchange. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Approval of Financing Terms for Police Vehicles

Manager Bergman stated that financing proposals have been received for two (2) police vehicles. Three (3) were received for a 2020 Dodge Charger in the amount of \$24,391, with the lowest from Truist Bank for three (3) years at an interest rate of 1.52%.

Council Member Carter made a motion to adopt a resolution approving these financing terms which was seconded by Council Member Carlton and approved by unanimous vote.

The amount to finance for the Charger was then questioned and Council Member Brinkely made a motion to withdraw the approval. That motion was seconded by Council Member Wells and approved by unanimous vote.

Three (3) financing proposals were received for a 2020 Dodge Durango with the lowest from Truist Bank in the amount of \$52,110 for three (3) years at an interest rate of 1.52%.

Council Member Wells made a motion to adopt a resolution approving these financing terms. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Capital Project Ordinance (CPO) for Little Rockfish Creek Clearing and Stabilization

Manager Bergman said this project is a grant funded project for engineering and construction of creek channel clearing and bank stabilization from Hwy 41 to Hwy 11.

Council Member Brinkley made a motion to approve the Capital Project Ordinance that was seconded by Council Member Carlton and approved by unanimous vote.

NCDEQ Division of Water Quality Water Infrastructure-Resolution to apply for Sewer Line Rehab Funding

Manager Bergman stated that Jerry James has found a funding opportunity for a project to rehab and repair 18,235 feet of gravity sewer line in the area of NW Railroad St. and W. Main St. these lines are more than 40 years old and a source of ground water infiltration.

Council Member Wells made a motion to adopt a Resolution By The Wallace Town Council to submit an application for this funding. The motion was seconded by Council Member Francisco Rivas-Diaz and approved by unanimous vote.

NCDEQ Division of Water Infrastructure-Resolution to Apply for Funding for an Asset Inventory Project

Manager Bergman said this is another funding opportunity found by Mr. James which is for a asset inventory for the water department.

Council Member Wells made a motion to adopt a Resolution By The Wallace Town Council to submit an application for funding for a water asset inventory project which was seconded by Council Member Brinkely and approved by unanimous vote.

Approval of Airport Work Authorization-Clearing and Grubbing AWOS (Automated Weather Observing System) Land

Airport Manager Gage King stated that this work authorization is for engineering services for the construction phase of clearing and grubbing of the land in the easement for the AWOS. Attorney Heath added that before taking any action the Council should adopt a resolution exempting this from N.C.G.S. 143-64.31 since the contract is less than \$50,000.

Council Member Carter made a motion to adopt a Resolution Exempting AWOS Area Clearing And Grubbing From N.C.G.S. 143-64.31. The motion was seconded by Council Member Carlton and approved by unanimous vote.

Council Member Carlton made a motion to approve Work Authorization No.20-01. The motion was seconded by Council Member Rivas-Diaz and approved by unanimous vote.

Approval of Airport Work Authorization- Road Relocation

Airport Manager King said this work authorization is for investigative engineering work for preliminary road relocation design. Mr. King added that is has not yet been through an IFE (Independent Fee Estimate). The Council could approve contingent upon the IFE.

Council Member Wells made a motion to approve Work Authorization No. 20-02 contingent upon an IFE. Council Member Brinkley seconded the motion which was approved by unanimous vote.

Financial Reports

Manager Bergman said that sales tax is down from last year but still higher than previous years. The Council briefly discussed utility collections.

Hurricane Reports

Manager Bergman reported that more funds have been received.

Council Reports

Council Member Carter had a complaint about Tons of Trash, he said he requested a new yard waste cart that he hasn't gotten and they left his trash can in the middle of his driveway. He also said he had spoken to a citizen regarding overgrown shrubbery at various intersections. Council Member Carter also said there were too many pot holes around town.

Council Member Brinkely said the grass in front of Town Hall needed to be cut and asked why had all the plantings on Hwy 117 been sprayed with weed killer. Town Planner Rod Fritz responded that the Town Hall grass would be cut tomorrow and Manager Bergman said before the new planting on Hwy 117, the old plants have to go.

Council Member Rivas-Diaz asked Police Chief Jimmy Crayton how many had applied to the police department. Chief Crayton responded that he had one applicant.

Mayor's Report

Mayor Farior said he would get an evaluation form to the Council to do Larry's evaluation at the second meeting this month. He informed that Council that the individual interested in Stevcoknit is negotiating with the current property owner and reported that Dr. Ricci is working toward leasing the Urgent Care to re-open it.

The Mayor and Council discussed department heads returning to the meetings. Going forward they will be expected to attend either in-person, by phone or electronic media.

The Council agreed to continue the meeting on Wednesday, August 26 at 6:00 pm.

Department Head Reports

Planning Director Rod Fritz said he was working on grants for the grist mill at Boney Mill Pond and seeking preliminary determination of eligibility as a historic site which would allow for

application for a SHPO (State Historic Preservation Office) grant . Mr. Fritz stated he may have some unofficial news on the PARTF (Parks and Recreation Trust Fund) grant soon. Mr. Fritz also reported that the deck repairs at the depot are complete.

Police Chief Jimmy Crayton reported to the Council about a new training program that brings the police department and the community together called “Dedicated to Community”. The department is choosing a new decal for the vehicles, purchasing new computers for the vehicles and he spoke about substance abuse education using funds from the ABC Board. Chief Crayton is planning quarterly sessions for parents and children. He also reported on a fire on Circle Drive which was arson, the individual has been charged with three (3) counts of attempted murder.

Airport Manager Gage King said that traffic is still down but is increasing.

Town Clerk Jackie Nicholson reported on the progress on the new website and that she had submitted an application to receive her Master Municipal Clerk Certification.

Jason Wells reported on the Fire Department. He said that the ISO rating inspection is complete and to make sure to thank Taylor Johnson for all the work he did to help the department prepare for it. Council Member Wells also said that everyone should see the new training grounds down at the old WWTP.

Town Manager’s Report

Manager Bergman reminded the Council that the USDA check presentation is tomorrow at 9 am and two candidates are being interviewed for the Code Compliance position. Manager Bergman said he would like to discuss some code related items at the meeting on the 26th.

With there being no other business to discuss at this time, Council Member Wells made a motion to continue the meeting on August 26, 2020 at 6:00 pm in the Council Chambers at Town Hall. The motion was seconded by Council Member Carter and approved by unanimous vote.

Respectfully submitted,

Charles C. Farrior, Jr., Mayor

Jacqueline Nicholson, CMC, NCCMC
Town Clerk

Resolution for Well-Site Property Exchange

WHEREAS, the Town Council of the Town of Wallace has stated its intention to authorize the exchange of certain Town-owned property for certain property owned by Mary Anna Johnson pursuant to North Carolina General Statute § 160A-271; and

WHEREAS, the Town of Wallace owns a 0.242 acre tract of land located off of Highway 41 in Wallace, North Carolina, and being bounded on the north and east by land owned by Mary Anna Johnson, on the south by land owned by the Town of Wallace, and on the west by land owned by Frank R. Brice. This also being a portion of the land described in Deed Book 1925, Page 559, and shown on the map found at Map Book 31, Page 454, of the Duplin County Registry. According to the Duplin County Tax Records, the tract is also a portion of the tract known as PIN 331600031166 and Parcel # 09-4411, with an approximate land value of \$8,485.47; and

WHEREAS, Mary Anna Johnson of Willard, NC, owns a 0.266 acre tract of land located off of Highway 41 in Wallace, North Carolina, and being bounded on the north by land owned by Charles B. King, on the south and west by lands owned by Bonnie R. Robinson Trustee, and on the east by land owned by Lucille Dempsey Milledge Heirs. This also being a portion of the land described in Deed Book 1896, Page 66, and shown on the map found at Map Book 31, Page 454, of the Duplin County Registry. According to the Duplin County Tax Records, this tract is also a portion of the tract known as PIN 330604942596 and Parcel # 09-1473, with an approximate land value of \$3,018.97; and

WHEREAS, the Town and Ms. Johnson wish to make an even exchange of the two (2) described properties described, with no other consideration given; and

WHEREAS, North Carolina General Statute § 160A-271 authorizes the Town to make such an exchange if authorized by the Town Council for the Town of Wallace by a resolution adopted at a regular meeting of the Council upon at least 10 days' public notice; and

WHEREAS, the Town has given the required public notice, and the Town Council is convened in a regular meeting.

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

1. The exchange of the properties described is authorized.
2. The appropriate Town officials are directed to execute the appropriate instruments necessary to carry out the exchange.
- 3.

Adopted this the 13th day of August, 2020.

By: _____

Charles C. Farrior, Jr., Mayor

Attest:

Jacqueline Nicholson, Town Clerk

Resolution Approving Financing Terms

WHEREAS: The Town of Wallace (the "Town") has previously determined to undertake a project for the financing of vehicles and equipment, (the "Project"), and the Finance Director 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 Truist Bank, in accordance with the proposal dated August 11, 2020. The amount financed shall not exceed \$52,110.00, the annual interest rate shall not exceed 1.52%, and the financing term shall not exceed three (3) 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 Director 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 Director 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 Director shall approve, with the Finance Director'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 shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. 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 Truist Bank 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.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other 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 13th day of August 2020.

By: _____ By: _____

Title: _____ Title: _____

Capital Project Ordinance

BE IT ORDAINED by the Governing Board of the Town of Wallace, North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital Project Ordinance is hereby adopted.

Section 1: The Project authorized is the engineering and construction of Little Rockfish Creek channel clearing and bank stabilization from Hwy 41 to Hwy 11 that is funded by the USDA and the NCDA. NCDA has provided funding to apply the 10% match required and technical assistance (engineering). The NCDA funding can only be used for these expenditures and cannot be used for the construction part of the grant.

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

Section 3: The following amounts are appropriated for the project EWP5038 Town of Wallace, Duplin Co.; DSR 37-07-18-5038-054 Little Rockfish Creek.

Construction	\$ 102,990
Engineering	\$ 7,500
Total	\$ 110,490

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

USDA	\$ 92,691
NCDA	\$ 15,448.50
Town Funds	\$ 2350.50
Total	\$110,490

Section 5: The finance officer is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. Section 5: Funds may be advanced from the general fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project ordinance shall be furnished to the clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out this project.

Duly adopted this 13th day of August 2020

Signature, (Authorized Rep)

(Seal)

Attest: _____
Signature (Town Clerk)

RESOLUTION BY THE WALLACE TOWN COUNCIL

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of (state whether a wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project), and

WHEREAS, The Town of Wallace has need for and intends to construct a wastewater collection system, project described as rehabilitation and repair of 18, 235 feet of gravity sewer lines in an area west of NW Railroad Street and south of W. Main Street’ which lines are more than 40 years old and are a source of major infiltration of ground water into the sewer system, and

WHEREAS, The Town of Wallace intends to request state (loan or grant) assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WALLACE:

That Town of Wallace, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the (unit of government) to make scheduled repayment of the loan, to withhold from the (unit of government) any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Larry Bergman, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, 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 in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 13th day of August, 2020 at Wallace, North Carolina.

Charles C. Farrior, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Wallace does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town Council of the Town of Wallace duly held on the 13th day of August, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20 ____.

Jackie Nicholson, Town Clerk

RESOLUTION BY THE TOWN OF WALLACE

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of the creation of an asset management plan, and

WHEREAS, The Town of Wallace has need for and intends to perform a water project described as an asset inventory and assessment (inventory and condition assessment), capital improvement plan, operation and maintenance plan, and

WHEREAS, The Town of Wallace intends to request state grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF WALLACE:

That Town of Wallace, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Town of Wallace to make scheduled repayment of the loan, to withhold from the Town of Wallace any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Larry Bergman, Town Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, 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 in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 13th day of August, 2020 at Wallace, North Carolina.

Charles C. Farris, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Wallace does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Town of Wallace duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

Jackie Nicholson, Town Clerk

RESOLUTION EXEMPTING AWOS AREA CLEARING AND GRUBBING

FROM N.C.G.S. 143-64.31

WHEREAS, N.C.G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the Town of Wallace proposes to enter into one or more contracts for design services for work on the AWOS Area Clearing and Grubbing; and

WHEREAS, N.C.G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WALLACE RESOLVES THAT:

Section 1. The above-described project is hereby made exempt from the provisions of N.C. G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

This the 13th day of August, 2020.

Charles C. Farrior, Jr., Mayor

ATTEST:

Jacqueline Nicholson, Town Clerk