

Town of Mount Olive
April 1, 2024
Regular Board Meeting
Minutes

Mayor Jerome Newton called the meeting to order at 6:00 P.M. Those in attendance per roll call were Mayor Pro-Tempore Barbara Kornegay, Commissioner Delreese Simmons, Commissioner Danny Keel, Commissioner Tommy Brown, Commissioner Vicky Darden, Town Attorney Carroll Turner Town Manager Jammie Royall and Town Clerk/Administrative Assistant Sherry Davis.

Mayor Jerome Newton delivered our invocation and Mayor Pro-Tempore Barbara Kornegay lead us in the Pledge of Allegiance.

Mayor Jerome Newton read the Conflict of Interest Statement; there were no conflicts.

Mayor Jerome Newton requested a motion to approve the agenda. Commissioner Tommy Brown made the motion to accept the agenda. Mayor Pro-Tempore Barbara Kornegay seconded and the motion passed 5-0.

Mayor Jerome Newton requested a motion to approve the March 4, 2024 Regular Board meeting minutes. Mayor Pro-Tempore Barbara Kornegay made the motion. Commissioner Vicky Darden seconded and the motion passed 5-0.

Mayor Jerome Newton then opened the public forum. Ms. Cindy Bell of 109 Ramblewood Drive, Mount Olive, NC 28365, 919-658-5491. She wanted to discuss town operations. She stated there was a man who has worked tirelessly for years to restore Myrtle Grove cemetery. He has volunteered his time and money. Still other tombstones have fallen and need to be restored. She believes this is the result of continuous neglect and poor leadership. She said it does not matter who is at fault for the irresponsibility and neglect. Daily operations is the foundation for oversight, timelines and accountability. She did see where we are advertising for bids to mow the cemeteries.

Mr. Gerald Bell of 305 North Center Street, Mount Olive, NC 28365, 919-222-4870. He played in the Pickle Ball Tournament on March 16, 2024 from 9:00 A.M. to 3:30 P.M. He would like to commend Dante Lewis and Josh Phillips for organizing this. He thinks it would be a good idea if the Mount Olive Area Chamber of Commerce would put together a list of restaurants.

Mr. Sammie Faison of 106 East Maple Street, Mount Olive, NC 28365, 919-344-7034. He wanted to apologize to Commissioner Vicky Darden, the Board of Commissioners and the Town Clerk. He asked they please forgive him. He stated he has been in leadership positions before. He commented there are three seats up on the board. That guarantees him a seat on the town board.

Mrs. McKale Barfield Best of 812 SW Center Street, Mount Olive, NC 28365, 919-223-1605. She operates a business and is concerned about their neighbor. She has been in business since 1929. They serve so they can give back to the community. She is asking the Town to please help them. She advised not all of her customers are from Mount Olive. This family chose to use our services and the cemetery, which is revenue for the Town. She was so embarrassed by the state of her neighbor's property. She would appreciate it if the Fire Department could send a letter to this neighbor.

Mayor Jerome Newton commented everyone's concerns have been noted. He invited them to attend our ordinance work session and closed the public forum. Ms. Annette Kirby asked if she could speak next. Mayor Jerome Newton advised the public forum has been closed.

Mayor Jerome Newton then discussed – PUBLIC HEARING CDBG – I – 20-I- 2610 to Include Six Households on Connor Street and Four Households on Southeast Center Street within the Sewer Construction Project. Mayor Jerome Newton requested a motion to go into public hearing. Mayor Pro-Tempore Barbara Kornegay made the motion to go into public hearing. Commissioner Tommy Brown seconded and the motion passed 5-0.

Mr. David Harris with RSM Harris & Associates explained this is a public hearing regarding a program amendment CDBG-I 20-I-3610 to include replacement of approximately 90 LF of gravity sewer line and one manhole within the public easement connected to SE Center St that serves two houses located on Franklin St., the replacement of approximately 310 LF of gravity sewer line on Connor St beginning at E. Hillsboro St to serve four houses, and the replacement of six sewer service laterals; and to authorize the Town Manager and Town Clerk to execute and submit the necessary forms, documents and information to the NC Division of Water Infrastructure for review and approval. He advised once we get state approval, he would come back to the board.

Mayor Pro-Tempore Barbara Kornegay thanked Mr. Davis Harris for coming. She asked if this project was sewer only. Mr. Davis Harris responded yes. He stated it is private property and will require a public easement. Ms. Annette Kirby asked when the state imposed these new regulations. Mr. David Harris replied this is their standard procedure.

Mayor Jerome Newton requested a motion to go back into open session. Commissioner Tommy Brown made a motion to return to open session. Mayor Pro-Tempore Barbara Kornegay seconded and the motion passed 5-0.

Mayor Jerome Newton requested a motion to approve Action Memo - 04-21 - Consider Approval of the Program Amendment to the 2020 CDBG-I Grant 20-I-3610 to include replacement of approximately 90 LF of gravity sewer line and one manhole within the public easement connected to SE Center St that serves two houses located on Franklin St., the replacement of approximately 310 LF of gravity sewer line on Connor St beginning at

E. Hillsboro St to serve four houses, and the replacement of six sewer service laterals; and to authorize the Town Manager and Town Clerk to execute and submit the necessary forms, documents and information to the NC Division of Water Infrastructure for review and approval.

Commissioner Danny Keel made a motion to approve action memo – 4-21. Commissioner Vicky Darden seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed Action Memo- 04-22 – Consider Approval of Recommendation of Engineering Services Qualifications for CDBG-NR-19-C-3131 Downtown Revitalization Subject to Approval by the Rural Economic Development Division.

Mr. David Harris with RSM Harris & Associates advised this is an amendment for the CDBG-NR to pay for engineering services for the downtown revitalization; the survey will include every inch of a three-block section including the railroad track, sidewalks, water, sewer and utilities drainage. It all ties in together. Community Development Block Grant (CDBG) requires a second round of bids if three bids are not received on the first round. In the second round, you only have to receive one. We received one bid on our second round of requests. It is a joint bid between Retail Strategies and Mattern & Craig out of Hickory. Both have experience. The Town can start the process over again or follow state process by asking the state for approval. The board has to make the decision first. Commissioner Delreese Simmons wanted to know is this a diverse engineering firm. Mr. David Harris responded do you mean minority, at first he stated no but Retail Strategies is a female owned and operated company.

Mayor Jerome then requested a motion to consider approval of Action Memo 04-22 and ask the state for approval to accept this one bid. Mayor Pro-Tempore made a motion to approve. Commissioner Vicky Darden seconded and the motion passed 5-0. Commissioner Tommy Brown wanted to clarify this funding can only be used for downtown revitalization. Mr. David Harris responded yes. Commissioner Danny Keel asked if the project has been advertised. Mr. David Harris replied, yes it was advertised twice.

Mayor Jerome Newton then discussed Action Memo - 04-23 – Budget Ordinance Amendments - Recognizing Revenues & Expenditures for FY 23/24

#8 - General Fund –

Police Grant 15 thousand

Powell Aid - Maple and Nelson Street drainage grant \$964,100.00

CDBG - (19-C-3131) additional 200,000.00 (Planning portion)

#9 - Water/ Sewer Grant updates (Fund 32)

VUR -T-ARP-0056 Training Grant - 2,000.00

SRP-D-ARP-0359 - Drinking Water Improvements 1,000,000.00

VUR-W-ARP-0088 WWTP Improvements - \$6,000,000.00

VUR - W-ARP- 0069 Collection Systems Improvements -\$8,000,000.00

SRP-ARP-0050 – Town Wide Stormwater Master Plan

#10 - Fund 36 - Airport Grants

36237.52.15.2	Helicopter Parking Pad Design	117,505.00
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36237.52.16.1	Helicopter Parking Pad Construction	92,055.00
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Mayor Jerome Newton clarified that grant funding is not deposited into our bank account. The monies either are received as an advance payment with proof of documentation for the funding agency or is a reimbursement to the town from the funding agency with proper documentation. Finance Director Jamie Butler thanked Mayor Jerome Newton for his summation. Some grants are not active yet. We amend the budget to reflect, as it should. We are not transferring or moving funds. Regarding Budget Ordinance Amendment, these funds cannot be mixed.

Mayor Jerome Newton requested a motion to approve Action Memo – 04-23. Mayor Pro-Tempore Barbara Kornegay made the motion. Commissioner Danny Keel seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed Action – Memo - 04-24 – Consider Approval of Commissioner Danny Keel to Replace Former Mayor Pro-Tempore Steve Wiggins as Our Representative on the Eastern Carolina Council Board.

Mayor Jerome Newton requested a motion to approve Action – Memo – 04-24 – Commissioner Tommy Brown made the motion. Mayor Pro-Tempore Barbara Kornegay seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed - **PUBLIC HEARING ORDINANCE GOVERNING STORAGE OF USED TIRES.**

Mayor Jerome Newton then requested a motion to go into Public Hearing. Commissioner Tommy Brown made the motion to go into public hearing. Mayor Pro-Tempore Barbara Kornegay seconded and the motion passed 5-0.

Town Attorney Carroll Turner advised he has worked closely with Fire Chief Greg Wiggins on the ordinance. There are a number of shops around town that are an unsightly appearance. This issue came up in one of our Ordinance Workshop sessions. A draft of the ordinance has been prepared. A public hearing is not legally required. Code Enforcement Officer Justin Hill hand delivered a letter to all the business owners that would be affected. He stated the fire code is the most oppressive. Fire Chief Greg Wiggins stated issues like this are never a problem until they are a problem. We have never had a major fire here with stored tires but this is addressed in the North Carolina Fire Code Chapter 25. Tires are extremely difficult to extinguish. The state makes up the rules and the Fire Chief is responsible for enforcing them. Tires can only be stored fifty feet from any building and the piles can only be so large. There must be fencing and local fire protection.

Mayor Pro-Tempore Barbara Kornegay commented since it has a criminal and civil penalty does not it have to be introduced this month and voted on the next. Town Attorney Carroll Turner replied the board would have to vote on it tonight and then finalize it in May 2024. Mr. Gerald Bell asked if this applies to the inside storage. Can they build a structure and store them inside? Fire Chief Greg Wiggins responded Code Enforcement Officer Justin Hill would have to answer this. Commissioner Delreese Simmons stated we are about to shut down all of these shops. We went to each shop and measured from the property line. None of them passed which means three business owners will lose their businesses.

Wayne County Commissioner Antonio Williams wanted to know why it has both criminal and civil penalties. Town Attorney Carroll Turner explained the board of commissioners could choose civil or criminal penalties; it does not have to be both. Mayor Jerome Newton wanted to know if we are going against any state statutes. Town Attorney Carroll Turner answered no, and you can chose civil or criminal. Mayor Jerome Newton feels this is challenging for the town because if we do not impose the fifty feet would we be in violation. Town Attorney Carroll Turner advised we did not establish the fire code and tires are literally lined up on the fence. Mayor Jerome Newton wanted to know what kind of leniency we have because these are businesses. Commissioner Delreese Simmons asked if we could grandfather in the existing businesses. Town Attorney Carroll Turner responded yes you can but you are putting the town at risk for a certain liability. The town can be sued for not enforcing the fire code.

Mayor Jerome Newton suggested giving the businesses twenty- five or thirty feet, can we work with that. Town Attorney Carroll Turner replied there are metal containers you can purchase. Fire Chief Greg Wiggins wanted to make it clear the fire department is not the reason for this. He can contact the Department of Insurance to see if there is a minimum code. We try to work with all businesses. If he was that strict, he could close down every business in town. He is the one who carries the liability. Commissioner Vicky Darden recommended tabling this issue. Commissioner Danny Keel stated he did not want to close down any businesses. Commissioner Tommy Brown thinks this needs further discussion.

Mayor Jerome Newton requested a motion to come out of the public hearing back into regular session. Commissioner Danny Keel made the motion. Commissioner Vicky Darden seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed Action – Memo – 04-25 - Consider Adoption of Ordinance Governing Storage of Used Tires. He requested a motion. Commissioner Tommy Brown made a motion to table this item and discuss in the next ordinance workshop. Commissioner Danny Keel seconded and the motion passed 5-0.

Mayor Jerome Newton then discussed Action – Memo - 04-26 – Consider Adoption of Ordinance Amendment to Article IV, Division 3 [Noise], Section 14-136 and Section 14-140 Code of Ordinances.

Town Attorney Carroll Turner stated this ordinance was identified at an ordinance workshop. A contractor has been performing work at 1:00 A.M. in the morning, so we just added a new section to the existing ordinance. The noise ordinance has a civil penalty already. A criminal penalty is added as an option. If the board chooses to vote on this, tonight it will have to be finalized at the next meeting. Commissioner Delreese Simmons does not feel that it should be a criminal offense. Commissioner Tommy Brown wanted to know what the remedy is if the violator does not pay the fine. Town Attorney Carroll Turner answered he could file suit against them and put a judgement against them. Commissioner Tommy Brown suggested verbiage stating after three unpaid fines, we can impose a criminal fine and it can go before a judge. Town Attorney Carroll Turner advised Code Enforcement Office Justin Hill could take out a warrant.

Mayor Jerome Newton requested a motion for Action – Memo – 04-26. Mayor Pro-Tempore made a motion to table this item. Commissioner Vicky Darden seconded and the motion passed 5-0.

The Town Manager's Report was presented as follows:

- He stated this would be a report only. If anyone has questions please submit them to the Town Clerk Sherry Davis
- He gave an update on the progress of the Special Order of Consent. We are working with the North Carolina Department of Environmental Quality and the Division of Water Infrastructure to get a relaxed flow and then off the Special Order of Consent.
- On Thursday of last week, we had a two-inch rainfall but did not have a Sanitary Sewer Overflow.
- He will be meeting with Duke Progress Energy this week. The engineering portion has been completed.
- He advised the water leak in front of Walmart has been repaired.
- He discussed the request from a citizen last month regarding naming her street. All paperwork has been completed and we do not foresee any issues.
- He commented we have begun our yearly budget process and are discussing purchasing necessary equipment for cleaning ditches, trash pick-up and utilities work.
- A downtown pre-pickle festival has been scheduled for Saturday, April 20, 2024 at 9:00 A.M.in front of the Chamber of Commerce. We are asking for volunteers.
- He said at the last meeting a citizen discussed the area of the sidewalk on south Church Street between Nelson and Franklin Streets was flooding during heavy rains. He assessed the situation during last week's rainfall and will make the needed repairs as soon as it dries out.

- He provided an update on the Maple & Nelson Street Drainage Project. We are finalizing the CSX right of way easements and are approximately seventy-five percent complete with the design phase. The anticipated completion date is May 31, 2024. The construction phase anticipated completion date is August 31, 2025.
- He informed everyone the sign machine is up and running. You should start seeing them go up in the next few weeks.

The Mayor and Commissioner Reports were presented as follows:

Commissioner Vicky Darden:

- She stated there are roads in her district with potholes. She will get a list to Town Manager Jammie Royall.
- She advised everyone the Widows New Beginning is having a clothing, furniture and toys give-a-way at the First Methodist Church on Saturday.

Commissioner Tommy Brown:

- He hopes everyone had a great Easter holiday. The Easter egg hunt sponsored by First Pentecostal Holiness Church had a huge and diverse crowd.
- The Downtown Revitalization had an awesome presentation.
- He wants everyone to have a great evening and safe travels.

Commissioner Danny Keel:

- He commented that Dante with Parks & Recreation does an awesome job.
- He thanked McKale Best for her comments.
- He encouraged everyone to attend our Ordinance Workshop.
- He is glad the sign machine is up and running
- He commended our Police Department and volunteers.
- He thanked everyone for attending tonight's meeting.

Commissioner Delreese Simmons:

- He stated we have to get aggressive with code enforcement or it will be a cesspool. Someone is building a two thousand square foot area on the back of your house without permits. Property value goes down but the taxes stay the same. Some of these things are not safe. Many things are going on and our ordinances are directed at any particular race. They apply to all. He feels we need to be aggressive with the shop on Lee's Country Club Road, as we have been getting complaints for a long time.
- He stated he is a small business owner and thanked McKale Best for attending our meeting. One hundred years is a long time for a business. His grandfather has promoted many businesses. He thanks all the small businesses and appreciates them.

Commissioner Barbara Kornegay:

- She reminded everyone the second session of the Downtown Revitalization Plan will be presented on Tuesday, April 9, 2024 at 6:30 P.M. The location will be the Train Depot. She can send a draft plan via email to anyone who requests it.
- She stated on April 20, 2024 at 9:00 A.M., we are having a downtown area clean up. Volunteers are requested. If scout group needs a project, please come out and help.

Mayor Jerome Newton:

- He thanked everyone for coming out tonight.
- He thanked Gerald Bell for his comments regarding Pickle Ball. Mayor Pro-Tempore Barbara Kornegay thinks there is a Pickle Ball tournament at the North Carolina Pickle Festival.
- He thanked McKale Best for coming and said he does not wish anyone bad luck but wishes their business would pick up.
- He stated the Ordinance Workshops are every second Monday at 3:00 P.M. and invited everyone to come to these meetings. However, you cannot speak at these meetings.
- He thanked Commissioner Delreese Simmons and Finance Director Jamie Butler for their comments.

Mayor Jerome Newton said we need to have our commissioners hold a public forum for their districts. He suggested two commissioners at time. This will give citizens a chance to meet and speak with their commissioner. He is still working on the committees.

There being no further business Mayor Pro-Tempore Barbara Kornegay made a motion to adjourn. Commissioner Vicky seconded and the motion passed 5-0.

Our next regular meeting is scheduled for Monday, May 6, 2024 at 6:00 P.M. in the board meeting room.

Respectfully Submitted,

Jerome Newton
Mayor

Sherry Davis
Administrative Assistant/Town Clerk