



**LUCAMA BOARD OF COMMISSIONERS
MONDAY, SEPTEMBER 5, 2023
LUCAMA TOWN HALL
BOARD ROOM**

MINUTES

1. Call to Order

Mayor, Jeff Johnson, (hereinafter “Mayor Johnson”) called to order the regular meeting of the Town of Lucama Board of Commissioners (hereinafter “Board”) at 6 pm on September 5, 2023.

2. Roll Call

Mayor Johnson conducted roll call – by use of sign-in. The following were present:

Commissioner, David Johnson (hereinafter “Comm. Johnson”)

Commissioner, Peggy Lamm (hereinafter “Comm. Lamm”)

Commissioner, Judy Mason (hereinafter “Comm. Mason”)

Commissioner, Keely Pate (hereinafter “Comm. Pate”) via phone conference

Town Administrator, Darlene Newsome (hereinafter “Admin. Newsome”)

Town Clerk, Dena Owens (hereinafter “Clerk Owens”)

Town Attorney, Gabe DuSablón (hereinafter “Attorney Dusablón”)

3. Public Hearing – Ordinance to Extend Corporate Limits

Mayor Johnson opened the public hearing for the ordinance to extend the corporate limits to include property at the corner of US 301 and Radford Road, property owned by Rose-Marie G. Bass. Clerk Owens presented to the Board that the Town had received a petition to annex the property under GS 160A-31, that a certificate of sufficiency had been issued to the Board, and the public hearing was advertised as required by NC Statutes. Steve Oliverio of Bartlett Engineering and Surveying was present at the meeting to answer any questions the Board may have. He represents Cedar Run Capital and the property owner. The property will be used for retail purposes and application was given to annex said property to tie into the Town’s water and sewer utility services. Mr. Oliverio said that contact had been made with NCDOT and they are in the process of working through their initial comments. The site plan has been submitted to the Town for approval as well.

The Board did not have any questions. Mayor Johnson opened the floor for public comment. There were no public comments. Attorney DuSablón recommended that the hearing be closed, and the Board take action during the open meeting.

MOTION: Comm. Mason made motion to close the public hearing; seconded by Comm. Lamm. Motion passed by unanimous vote.

MOTION: Comm. Mason made motion to approve the annexation of a portion of the Rose-Marie G. Bass property at the corner of US 301 and Radford Road; seconded by Comm. Johnson. Motion passed by unanimous vote.

4. Public Hearing – Ordinance to Amend Zoning Code Internet Cafes and Sweepstakes

Mayor Johnson opened the public hearing regarding the ordinance amendment of Internet Cafes and Sweepstakes. Attorney DuSablou gave explanation of the amendment. The Town currently has a category for use of internet cafes / sweepstakes. It has been in effect since 2013. As the current ordinance is written, it allows 20 game terminals. He and his staff have done a survey of towns nearby and internet cafes are a certain type of business that the state is attempting to regulate. This also comes with challenges from the law enforcement standpoint. The towns surveyed do not allow large numbers of monitors or game terminals in a single sweepstakes facility. The recommendation was made to amend the town's ordinance for those reasons to allow for one terminal per facility disallowing multiuser terminals. This ordinance brings consistency with other towns in the area. Other requirements are still in the ordinance such as prohibition of alcohol, limiting hours of operations, etc.

Comm. Mason asked if there was a possibility to include no flashing lights within the ordinance. Mayor Johnson and Attorney DuSablou mentioned that there is currently an ordinance which disallows flashing lights.

Mayor Johnson asked if there were other questions or concerns from the Board. There were none. Mayor Johnson asked for comments from the public. Kim Flowers Joyner signed up to speak. She expressed concerns regarding the recent crime taking place in town regarding a truck being stolen, several break-ins. She is concerned with all the crime that the Town is going to allow a sweepstakes business to be opened, making it worse. She asked if the sheriff's coverage was going to be increased. Attorney DuSablou answered that this change is to strictly change the law on the books to reduce the number of terminals down from 20 to one. There is currently no proposed business in effect, that is simply to change and reduce the number of allowable machines down from 20 to one. Mrs. Joyner questioned why make a change if someone has not asked to bring a business of such manner to town. Mayor Johnson mentioned that the Board and attorney are working through the Ordinances trying to update and organize as needed.

Mrs. Joyner questioned when the sheriff's deputies are supposed to be on duty in Town. Mayor Johnson mentioned that there is one deputy assigned to the Town each day and that others are working in the respective zone for the Town.

MOTION: Comm. Johnson made motion to close the public hearing; seconded by Comm. Mason. Motion passed by unanimous vote.

MOTION: Comm. Mason made motion to approve the amendment of the ordinance regarding internet cafes and sweepstakes changing the number of machines from 20 to one – disallowing multiuser terminals; seconded by Comm. Lamm. Motion passed by unanimous vote.

5. Approval of Minutes of Last Meeting

Mayor Johnson gave the Board an opportunity to review the proposed minutes from the August 7, 2023, meeting and monthly financial report.

MOTION: Comm. Johnson made motion to approve the August 7, 2023, meeting minutes and financial report; seconded by Comm. Lamm. Motion passed by unanimous vote.

6. Welcoming of Guests and Public Comments

Mayor Johnson welcomed guests and opened the floor for public comments.

Favio Vega was present at the meeting with his parents to request a change in zoning for the property on US 301 which is currently zoned CH – Commercial Highway. They recently purchased the property, and his family is interested in placing a double-wide on the property as a means of residing there. He gave several reasons why his family is interested in placing a home on the property, including his schooling opportunity allowing him to transfer to Hunt High School for his last two years, as well as the property is closely related to a church that the family attends and volunteers. He also mentioned that they will be caregivers to a family member who has a disability allowing them the room to have the opportunity.

Mayor Johnson questioned the address of the property. The address is 6405 US Highway 301. Clerk Owens explained that the property faces 301 and is zoned CH. It sits on the opposite side of the Oak Street properties.

Attorney DuSablón stated that for the Board to consider a rezoning of property, an application for rezoning needs to be received by the Planning Board and then by the Board of Commissioners. Clerk Owens requested an email address from Mr. Vega stating that she would send a rezoning application. Once receiving the application, the process of rezoning would begin – with the application being given to the Town’s Planning Adjustment Board.

Sandra Carrero of Branco Realty LLC was present to request a zoning change for property at 114 S. Main Street. She mentioned that the property is zoned as single family residential. Ms. Carrero mentioned that she currently has a buyer for the property, but the lender will not loan the monies for the property because it is zoned as commercial through the Town. Clerk Owens mentioned that the property is being “used” as single family residential but is currently zoned as Downtown

Commercial. Ms. Carrero also mentioned that with the residential areas around the property that she felt the best use would be single-family residential.

Attorney DuSablón mentioned it would be the same process as mentioned before for the Board to consider a rezoning of property, an application for rezoning needs to be received by the Planning Board and then by the Board of Commissioners for final approval. Clerk Owens mentioned that she would email the application to Ms. Carrero.

Kim Flowers Joyner asked for information regarding the Planning Board, as to who the members were. Mayor Johnson answered, "Gary Wright, Dennis Ford, David Johnson, James Parker, and Steve Bradshaw."

Ms. Joyner mentioned that Comm. Mason said during the last meeting that the water project was on hold because the Town could not get grants. Mayor Johnson mentioned that the second water tower project is still ongoing.

Ms. Joyner questioned the deputy coverage again and wanted to be sure that the Board knew of all the break-ins that have been taking place. She wondered whether the deputies were patrolling the area more since the break-ins began. Lt. Jason Newsome was at the meeting for the sheriff's department. He mentioned that the three towns that contract with the department have coverage Monday and Tuesday, from 7 am – 7 pm; Wednesday, from 12 noon to midnight; Friday, Saturday and Sunday are from 2 pm to 2 am. He stated that between those times the zone deputies would patrol the areas. He mentioned that they would make every effort to be sure that businesses have escorts and will do whatever is needed to make things safe. He mentioned that there are other areas close by being affected by break-ins as well. He insured that the department is doing what they can to ascertain where the crime is coming from. Ms. Joyner mentioned that she had noticed the deputies patrolling the area before but had not seen any patrolling the area near Pine Street for a while.

Mayor Johnson requested that Clerk Owens give information about the Wilson County Ordinances in the Town's Extra Territorial Jurisdiction. Clerk Owens mentioned that during the previous month's meeting that there was a concern from the Planning Adjustment Board requesting that the Board approve the Wilson County Ordinances for the ETJ. During said meeting, Attorney DuSablón mentioned that the non-land use specific ordinances do supersede. Anything taking place in the Town's ETJ, i.e., noise, etc. the Wilson County Ordinances are to be policed by the Wilson County Sheriff's Office. There is no need for the Board to vote for the Wilson County Ordinances because the land in the Town's ETJ is already covered.

Attorney DuSablón mentioned that the Town's extra territorial jurisdiction extends beyond the Town limits and allows the Town to regulate development in that area,

with the idea that the land may come into the Town eventually. This will prevent there from being an unregulated hodge podge that is just outside the borders. Any County ordinances apply, except those pertaining to land development within the Town's ETJ. Susan Wright asked if there was a violation of a land use for people who bring in campers, shooting, etc. all those things in the land use. Attorney DuSablou said that if the issue involved noise, it would be noise ordinance issue. If the complaint is about a particular use of a property, it is a land use issue. It was asked if someone was going to use a property for something it wasn't zoned for an event, would they have to get a special use permit or a zoning variance to have the event. Attorney DuSablou answered that the land must be used as zoned. The zoning may not say anything specific about events. If not, there is no process. If the zoning ordinance says that they must obtain a permit before having the event, then they would be required to do that. Attorney DuSablou mentioned further that in terms of land use, a variance is only used for things such as setbacks or signage, parking, or a technical requirement. If use is not allowed in a district, then it is not allowed, and a variance would not be given.

7. Request for Board Approval

Mayor Johnson presented a proposal from Crocker Contractors to bring Town water and sewer to the properties located on US 301 and W. Oak St., that were recently subdivided. He mentioned that it was for informational purposes only until more is done regarding development in the area.

Tirence Horne, with the Upper Coastal Plain Council of Government, was at the meeting to share information about the Community Block Development Grant, specifically about the Citizen Participation Plan and Further Fair Housing. He reminded the Board that there was a CDBG project awarded to the Town. Since its inception there has been a new grant manager, who could not find documentation from their predecessor. Documents were being sent, but not received. Admin. Newsome and Mr. Horne have been working to get documentation to the grant manager. The two documents mentioned are needed for the grant. The Plan of Fair Housing describes activities that the Town will undertake over the active period of the grant to affirmatively further fair housing. The other is a Citizen Participation Plan describing how the Town will involve citizens in the planning, implementation, and assessment of the grant. Citizens will serve as an advisory committee to the project, attend or hold public hearings or community meetings, and will provide individual citizen efforts in the form of comments, complaints or inquiries submitted directly to the Program Administrators or designated Town official. Mr. Horne mentioned the reconvening of the Housing Selection Committee. Admin. Newsome mentioned the need for new committee members due to previous members moving outside of the Town. A new Committee will need to be chosen. Comm. Mason mentioned that some of the prior recipients had passed away. Because of such, Mr. Horne mentioned the

need to reconvene the committee. It was asked if the houses previously selected were still good to qualify. He answered yes.

Mayor Johnson asked for motion for the Citizen Participation Plan.

MOTION: Comm. Mason made motion to accept the Citizen Participation Plan presented; seconded by Comm. Johnson. Motion passed by unanimous vote.

Mayor Johnson asked for a motion for the Recipients Plan to Further Fair Housing.

MOTION: Comm. Mason made motion to accept the Plan to Further Fair Housing that was presented; seconded by Comm. Johnson. Motion passed by unanimous vote.

Attorney DuSablón reported that the Town currently has a social media policy, but he is bringing an update for Board approval, which clarifies some of the obligations and restrictions about postings, what can and cannot be posted, personal social media accounts of commissioners and employees. The updated policy was drafted with the help of Duke Law Clinic and himself. He recommends that the Board approve the updated policy.

MOTION: Comm. Johnson made motion to approve the updated social media policy; seconded by Comm. Mason. Motion passed by unanimous vote.

8. Departmental Reports

Comm. Mason reported that the Fire Department had 13 First Responder calls – three being in Town, five auto accidents, one fire alarm. She reported that it was a good month for the Town and that nearby towns were aided.

Comm. Mason mentioned has purchased \$105,000.00 in electricity and felt the public may like to have the information.

For the water and sewer report, Comm. Johnson mentioned that the wells are up and running, but that the men are waiting on parts for a pump at the Cabin Branch Lift Station.

Gladys Martinez from the audience asked Comm. Johnson a question regarding the smell of the water at her home. She asked what was being done to correct the issue. Mayor Johnson asked if the smell was coming from the hot water or cold water. Ms. Martinez mentioned that both have a foul smell, the cold being worse than the hot water. Comm. Johnson asked if there was a filter on the water at the home. Ms. Martinez concurred. Comm. Mason mentioned that if the filter was not changed as needed, it would create a terrible smell. She suggested that Ms. Martinez consider changing the filter. Much discussion was rendered, and it was

mentioned that the system goes through automatic flushing on a schedule, as well as the water being tested to ensure the chemicals are at correct levels.

Comm. Pate was unable to give a Sheriff's Department report due to not receiving the information before the meeting.

Regarding beautification, Comm. Pate mentioned speaking with Admin. Newsome regarding the purchase of seasonal flags to be hung throughout Town and on US 301. They also spoke about placing flowerpots in the downtown area and planting seasonal shrubs and flowers.

Gladys Martinez, from the audience, questioned if an issue with the concrete sinking in at Boulder Drive is a beautification issue. Mayor Johnson mentioned that the area sinking in may be in the State's right-of-way and would be their responsibility to make the repair.

Comm. Best was not in attendance.

Comm. Lamm reported that the door count for the Library in August was 216, reference questions 138, computer usage was 17, there were 443 materials checked out and 6 library cards issued. During the month of August there were 12 attendees present at the Flowerpot Program. There were 20 for the Bees and Butterfly Program. During the Family Movie Time there were 10 in attendance. Events are planned for October 19th (Sock it To Me – collecting socks for veterans) and 27th (The Haunted House).

Comm. Lamm mentioned that there are still problems at the Community Building after events with the building being left unclean. She mentioned that it is unknown if it is the renters from Saturday or Sunday. Comm. Lamm mentioned possibly having someone from the Town inspect the building after each use. Admin. Newsome mentioned that it would require someone checking the building early Sunday morning and then again. Comm. Lamm would like to see the Town receive a grant to pave the parking lot. She feels it would help from tracking in the dirt from the rocks. She questioned if it had been checked into. Admin. Newsome will look to see what grants may be available to help with the paving of the parking lot. She also mentioned checking in to see how the Town could cover the inspecting of the Community Building on weekends after events.

Gladys Martinez, from the audience, asked for information regarding the event coming up in October. She asked if someone wanted to be a vendor would they need to have a vendor license. Clerk Owens answered that there was no vendor license needed.

9. Mayor and Town Administrator's Report

Admin. Newsome gave information to the Board about Anderson Landscaping and Design, the company doing work on the Town's sidewalks. The contractor sent in an amendment to the original contract, an increase. She mentioned that he was supposed to begin the project on April 3rd or 5th, but there was rain causing it to be the middle of April before he was able to begin work. It has taken him this long to halfway do the work on Oak St. The work there is not finished. It still needs to be backfilled. She mentioned that he had completed half of Spring Street. The proposed increase is \$22,468.00. Comm. Lamm mentioned that the contractor was saying that the depth of the original sidewalk was so much deeper than what was expected. Admin. Newsome mentioned that as a contractor, it is their responsibility to be sure of the extent of work that will be required to accomplish the job. After much discussion, the Board chose not to amend the contract.

Admin. Newsome mentioned that the Town's Auditor, Danna Layne, suggested that the Town not do payroll in house, but contract it with a payroll company. Doing so will prevent reports from being filed late, oversights of missed payments to withholding taxes. She mentioned that it would be prudent to be a local firm that knows North Carolina payroll laws. Comm. Johnson asked if there were any recommendations on who to use. Admin. Newsome mentioned that she felt a previous contractor – CRI did a very good job but felt the need to acquire quotes. The payroll contract would begin in January of 2024.

Mayor Johnson mentioned the Trunk or Treat activity that took place last year. He asked the audience if they would like to see the same this year, and whether they would like to have it at the Community Building or in the Town's parking lot. It was asked if it would take place on the same evening as Little Rock Church's activity. Mayor Johnson mentioned he was trying to work with the same date as the church, as was done last year. Because the event was such a success last year, he feels that it would be good to continue. The activity will take place on Tuesday, October 31st. After much discussion, it was decided that the event would take place at the Community Building, in the event the weather was bad. Mayor Johnson stated that the time for the event would be from 6 pm to 8 pm. He mentioned that more information would be shared at the next meeting and would also have it posted on the Town's Facebook page.

Comm. Mason mentioned that a citizen spoke with her earlier that day about the meeting where the electric rates had to be increased. She said the citizen understood why the rates were increased because the Town was losing money. However, it was said that there were many in Town complaining about the rates increase. The customer told those complaining that if they had attended the Town meetings, they would understand why the rates were increased. The citizen said that the Town newsletter was nice and tells the residents what is being done. Although there is nothing wrong with the newsletter, it would be better if the most

important information shared during a town meeting minutes was placed in the newsletter so that residents know why the increases were made. After much discussion, Clerk Owens spoke and said that she had to be careful about what was shared in the newsletter, because of the need to have minutes approved by the Board. She also mentioned that she wanted the newsletter to be what the Town needed.

10. Closed Session

Mayor Johnson requested that the Board go into closed session pursuant to NCGS §143-318.11 regarding personnel matters.

MOTION: Comm. Mason made motion to move into closed session; seconded by Comm. Pate. Motion passed by unanimous vote.

MOTION: Comm. Pate made motion to extend Trey Lamm's employment at 10 hours per week until June 30, 2024; seconded by Comm. Mason. Motion passed by unanimous vote.

11. Re-opening of Open Session

MOTION: Comm. Pate made motion to adjourn the closed session and move back to open session; seconded by Comm. Johnson. Motion passed by unanimous vote.

12. Adjournment

Mayor Johnson adjourned the meeting at approximately 7:30 pm, September 5, 2023, upon motion of Board.

MOTION: Motion was made to adjourn by Comm. Mason; seconded by Comm. Lamm. Motion carried by unanimous vote.

Respectfully Submitted: Dena Owens, Town Clerk