



Town of Pilot Mountain
Town Hall 124 West Main Street Pilot Mountain, NC 27041
Monday, August 10, 2020, 7:00 PM

BOARD OF COMMISSIONERS REGULAR MEETING AGENDA

Call to Order/Moment of Silence/Pledge of Allegiance

Adoption of Agenda

Board of Commissioners Vacancy

- [1.](#) Board of Commissioners Vacancy

Public Hearings

- [2.](#) Public Hearing-UDO Text Amendment

Public Comment

Anyone may speak on any issue. Before speaking, please state your name and address. Please limit comments to three minutes. Public comment can also be submitted to publiccomment@pilotmountainnc.org.

Consent Agenda

- [3.](#) Approval of Minutes

Board & Committee Reports

- [4.](#) ABC Board Report

Unfinished Business

- [5.](#) UDO Text Amendment

New Business

- [6.](#) Rules of Procedure Amendment
- [7.](#) Temporary Moratorium Ordinance

Administrative Reports

- [8.](#) Town Manager & Staff Reports

Mayor and Commissioners Comments

Other Business

Adjourn



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

Board of Commissioners Vacancy	
<u>Background Information:</u>	
Commissioner Willis has moved out of the Town limits and therefore her seat is vacant. Commissioner Willis did submit a letter of resignation effective on August 1. I would recommend that the Board accept this letter of resignation and declare this seat vacant. State statute regarding vacancies on the Board of Commissioners says that the Board shall appoint a replacement member, but it does not specify when that should take place. Therefore it is up to the Board when to appoint someone to fill out the remaining term of Commissioner Willis's seat on the Board. That seat will expire after the election on November 3, 2020. There are two seats up for election this year and two candidates have filed for those seats, Rachel Collins and Dwight Atkins.	
<u>Staff Recommendation:</u>	Accept the resignation of Commissioner Willis and declare seat vacant
<u>Possible Board of Commissioner Actions</u>	
• Accept the resignation of Commissioner Willis and declare the seat vacant. • Appoint someone to serve remainder of term. • Take no action.	
<u>Attachments</u>	
• Willis Resignation Letter	

Michael Boaz

From: Hilda Willis
Sent: Wednesday, July 22, 2020 3:28 PM
To: Michael Boaz; Evan Cockerham; Ed Woltz
Cc: Scott Needham; Donna Kiger; Kim Quinn
Subject: Resignation Notice

Dear Governing Team!

I have made a decision that was very difficult for me to make. As of August 1st, I will no longer be eligible to remain on the Board of Commissioners for the Town of Pilot Mountain.

I have been looking for a place to live in town for about nine months with no satisfaction. I've located something that will work for me. It is so close but yet to far to remain in my position of Commissioner. My new residence will be just before the Pilot Mountain Middle School.

If at all possible, I'd like to be considered for any of the committees that allow county residents to participate in.

I have enjoyed my experience serving in the roll of Commissioner and in large part because of the others on the team. With the continued forward that you all seem to have, I believe that I will be around for a long while.

Thank you for your support and I trust that we can continue to be a resource for one another in the future.

Respectfully,

Hilda Willis aka Commissioner Willis

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TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

Public Hearing-UDO Text Amendment	
<u>Background Information:</u>	
This is a public hearing for a proposed amendment to the UDO that would eliminate the color palate from the DDO restrictions.	
<u>Staff Recommendation:</u>	Public Hearing
<u>Possible Board of Commissioner Actions</u>	
• Receive Public Comment	
<u>Attachments</u>	
• None	

**Town of Pilot Mountain
Public Hearing 2020-REZ-01
Monday, June 29, 2020 6:00 PM
Pilot Center, 612 E Main St, Pilot Mountain, NC 27041**

Members Present: Mayor Evan Cockerham, Commissioner Donna Kiger, Commissioner Hilda Willis, Commissioner Kim Quinn and Commissioner Scott Needham

Staff Present: Town Manager, Michael Boaz, Town Clerk, Holly Utt and Town Planner, Andy Goodall

Budget Amendment #6 FY 2019-2020

Mr. Boaz explained that this would insure a balanced budget for fiscal year ending June, 30, 2020. Commissioner Quinn made a motion to approve Budget Amendment #6 and it was unanimous.

Public Hearing – 2020-REZ-01

Mr. Boaz explained rules for the public hearing, Resolution R2020-10. He stated that the time limit for individuals was 3 minutes and 5 minutes for representing a group.

Joey Russell – Southern Properties & Development LLC

Mr. Russell explained that if this property was re-zoned, there would be a 64 unit apartment complex consisting of 1, 2 and 3 bedroom units. There will be 4 two-story buildings and a clubhouse area with a playground, picnic shelter and the main office. They would be ADA compliant and have a full time manager and maintenance worker. There will be parking available for the units and a buffer according to the town ordinance. Commissioner Willis asked how many handi-cap parking spaces would be allocated. Mr. Russell stated they would be allocated per building depending on how many handicap fully accessible units were in each building. Some buildings may have only one fully accessible unit, while others could have up to three so the parking spaces will be two to each unit and will be as close to that entrance as possible, as required by the state. Commissioner Kiger asked if there would be overflow parking for guests, other than the two allowed per unit. Mr. Russell stated that there was no additional parking spaces in the plan, however, there will be 10-15 extra spaces at the clubhouse for parking. Commissioner Needham asked if there was any additional buffer other than the trees. Mr. Russell stated that was no additional buffer other than what has been rendered in the drawing which complies with the town ordinance, but an additional buffer could be added as a condition.

Bryant Brantley, representative of the seller's, gave a brief history on the property. He explained that the seller had been trying to sell the property for 20 years, there are no back-up contracts on the property and they would like to sell so they can move on with their lives and restaurant located in East Bend. It is not uncommon for a real estate firm to list the property and have a near-by property owner purchase that property to protect their own interests and that has not happened in this case and there are no back-up contracts and no one asking how they can secure this property. In addition, there have been no other individuals, groups or entities inquire about the property. The seller's would like for the Board to approve the re-zoning of the property. They are taking a financial loss by selling at the contract price but they have waited 20 years to have this opportunity.

Mayor Cockerham opened the public hearing at 6:20 PM.

The following persons spoke in favor of the re-zoning:

Tom McClusky – 210 S. Boyles Street

Stacie Boggs – 318 N. Key Street

Kara Richardson – 241 Swiss Haven Drive

Comments in favor of the re-zoning:

- Need affordable housing for economic growth to attract individuals and businesses
- Beneficial to the essential workers that everyone depends on; grocery store clerks, restaurant workers, mechanics, etc.
- Make the community available for more people to call home
- Communities should grow and adapt or they will cease existence
- If not approved, it would be denying good people a place to live
- Generates tax revenue to offset future tax increases
- The property would generate more water and sewer revenue to the town to help off-set the cost of infrastructure improvements
- The location meets all the standards of the NC Housing Authority for apartments and it located near all the amenities
- Surry County schools have said they can accommodate more children
- There are long waiting lists at other apartments and rental in Pilot Mountain and we need housing now
- The Surry County Sheriff's Department has provided information that states the apartment complexes do not provide any higher crime rate than single residential areas regardless of the income level is of the tenants
- The NC DOT has provided information that the area of Key Street and Golf Course Road can handle hundreds of vehicles per day
- It is against the law for this Board to discriminate or make decisions based on race, religion, gender and income levels of the tenants
- If the same request was made for more expensive, high end condos, the re-zoning would most likely be approved without pressure from the community to deny it

The following persons spoke in opposition of the re-zoning:

Chad Motsinger – 211 Stone Drive (spoke on behalf of a group)

Chelsea Wheeler – 135 Heidi Court (spoke on behalf of group)

Debbie Bartlett – 247 Golf Course Road

Deana Harrison

Zeke Harrison

Kevin Shinault – 175 Hillcrest Court

Rita Hughes – 127 Club House Drive

Aric Bullington – 150 Deer Trace Lane

Brooks George – 240 Golf Course Road

Amanda Cook – 347 Golf Course Road

Cooper Motsinger – Stone Drive

Jason Goins – 200 Club House Drive

Mr. Boaz read emails from the following in opposition of the re-zoning:

Josh & Karrie Tilley – Chapel Hill, NC

Al McDonald
Nancy Carter – 178 Club House Drive
Residents of Friendly Land & Longview Drive

Comments in opposition of the re-zoning:

- The appearance of the gateway area to the town, potential for compounded, overcrowding of schools, decreased buffer zone, traffic impact and liability of infrastructure to handle pedestrian traffic
- A 45% increase in traffic with an already congested intersection
- DOT representatives were not informed of a potential large number of residents moving to the area
- The town should require the developer to pay for a traffic study and make potential improvements or the town will be liable
- Lack of sidewalks and crosswalks for increased pedestrian traffic
- Asked that the Board honor the decision of the Planning Board and vote against the re-zoning
- Town decisions affect those in the ETJ and should be turned over to the county
- People come from all over the state to Pilot Mountain and the apartments should not be at the entrance to town
- Not responsible planning to allow apartments to be built at the busiest intersection in town
- County Commissioners were not aware of the possible re-zoning
- Property values will drop
- Disrupt town life
- Spot zoning could potentially aggravate an already poorly managed traffic issue
- What has the town done to take into account the massive traffic congestion
- Only one grocery store and pharmacy in town which would put a strain on those places
- Single family home values will drop drastically
- The Golf Course Road/Key Street intersection is already dangerous and an increase in traffic will be especially dangerous to new drivers
- Lack of real open forum to hear the citizens' concerns and to participate in the hearing
- Location is impractical for multi-family housing
- Has the Board thought about the safety and well-being of young, new drivers with increased congestion in the area
- The ETJ is not fairly represented, taxation without representation. The ETJ should be turned over to the county like all other municipalities in Surry County
- Problem with the location, sidewalks and traffic and asked that the Board have the developer look at other locations for the apartments
- ETJ is not fairly represented. Asked that the Board revert control of the ETJ back to the county and vote no to the re-zoning
- Increase in crime. More violent crimes are associated with low income housing
- These apartments will be built right in residents back yards
- The town will need more police officers and resources to deal with crime in the apartment complex
- Tourism has grown in Pilot Mountain and when people come into town the apartment complex will be the first thing they see
- Irresponsible and detrimental to the town while there is other land that could be purchased for the apartments
- Take into consideration the opinions of the younger generation

- The intersection is dangerous for all drivers and the problem will grow substantially with the additional traffic and there will be frequent collisions, especially with new drivers
- The hearing should have been postponed due to the pandemic
- Pinnacle Hill already exists as affordable housing and that is enough
- The Planning Board decision should be honored by the Board of Commissioners
- The intersection is too dangerous as it is to make a left turn now
- Other properties are already available in the town limits that is zoned for multi-family housing
- Concerns for the safety of children in a highly commercialized area
- Increase in accidents and injuries if more traffic is added, pursue other locations
- 18 acres for sale at Pinnacle Hill and could be developed for this project
- Build in another area where it is welcomed and much less opposition by residents

Mayor Cockerham closed the public hearing at 7:23 PM

Andy Goodall stated that regardless of the Board's decision of the re-zoning, the NC DOT will be contacted about the intersection. No matter what is developed on the property, it sounds like there is a problem there now. If it means that the DOT has to put up some type of barrier to keep people from making left turns in that intersection now, since it has been stated that it is dangerous with no development, then maybe that will take care of some of the problems. He explained that the property is currently zoned commercial and general business uses. The property has been on the market for 20 years with no interest. With a commercial use, a gas station could be put in that can operate 24/7. The DOT has not contacted the town at all regarding any issues with traffic. Commissioner Needham stated that there had been some discussion about joining Golf Course Road with traffic circle.

Discussion:

Commissioner Willis asked Mr. Russell if they had sought other land in Pilot Mountain. Mr. Russell stated that he had not looked at other land in town, he was directed to this site by a broker and he is always open to looking for land. Commissioner Willis asked if there was anything in the plan that could be adjusted. Mr. Russell stated that the architect that did the plans made those specific to the town's ordinance and he was in agreement with the plans presented.

Commissioner Kiger asked about the buffer in the plans. Mr. Russell stated that the buffer was drawn in specific to the town ordinance. He noted that the buffer could be adjusted to the town's needs. Andy Goodall explained that this was a preliminary drawing with the buffers, but with the conditions it would require an additional 50' natural buffer along that strip. Commissioner Needham asked how visible the apartments would be from the highway. Andy stated that with two story units, 30-35', then they will be mostly covered by the tree line but, contour wise, that area will sit higher. There is a lot of dense vegetation in that area.

Mayor Cockerham stated that this development could grow the tax base for Pilot Mountain. Having more customers will help with spreading the cost of improvements for infrastructure. He also noted that the City of Mount Airy is the only municipality in the county that does not have an ETJ. If the town does not grow, we will essentially be raising taxes and rates for citizens in town. This growth can help the local economy with local workers.

Commissioner Quinn addressed some of the points made during the hearing. The location seemed to be a big issue. She explained that the town had not actively been seeking buyers for locations of properties

around town, which is between the buyer and seller and their property rights. The Board's job is to determine if it is a proper fit for multi-family residential or commercial. Their role is not to determine who owns it and who can live there. The traffic issue should be looked at regardless of what goes on the proposed site. The property owner has a right to sell the property and they are taking a loss. The town has struggled for years and this would bring revenue to the town. People are in need of affordable housing and there are waiting list everywhere in town. The school can accommodate growth in the system. She noted that her only concern was the buffers and the view coming into town. She encouraged planning the buffer a little more, no matter what goes in that location.

Commissioner Needham asked about sidewalks because there are none listed outside of the complex. Andy Goodall stated that sidewalks would be needed at least along the frontage of the complex. Mr. Russell stated that if they were required to do a sidewalk along the street they would connect the sidewalks from within the site to that sidewalk.

Commissioner Kiger stated that by leaving the site zoned commercial, we are setting up for potentially placing a business there that would not be an asset to the town that would cause more traffic. She acknowledged that there is a traffic problem there now. There is a shortage of affordable housing in Pilot Mountain. Small businesses in town do not have workers locally and people are not going to drive that far to come to those businesses. The town needs housing for potential employees in town. She stated that change could be messy and scary but in order to grow the town we have to embrace change. The land has been for sale for 20 years as commercial and no one has been interested and she thinks this will be a good development for that property.

Commissioner Willis wanted the citizens to know that all their comments and concerns were heard and considered by the Board. Her only concern is the pursuit of other land. She stated it was a tough decision by the Board and she hopes it is in the best interest of the town.

Andy Goodall noted the recommended conditions:

- The multi-family residential use shall be limited to no more than sixty-four residential units
- The multi-family residential use shall be constructed based on the submitted preliminary site plan. Any major modification shall require approval by the Town Board
- The developer(s) shall submit a voluntary annexation application for the Town Board review and approval prior to submitting development plans for technical review; and
- A fifty (50') foot natural landscaping yard (buffer) shall be maintained along Friendly Lane and retain as much natural buffer as possible at the lower portion of the property
- Commissioner Needham thanked everyone that came out to speak. It shows that people really care and are really enthusiastic about the community. He asked that the younger people keep coming out and letting their concerns be known.

Commissioner Quinn made a motion to approve the proposed map amendment 2020-REZ-01 with the recommended conditions and it was unanimous.

Commissioner Quinn made a motion that the proposed map amendment is consistent with the Town of Pilot Mountain Land Use Plan's Residential Development objective of encouraging high quality affordable and moderate-income housing and it was unanimous.

Commissioner Quinn made a motion that the proposed map amendment is not consistent with the Town of Pilot Mountain Land Use Plan's Commercial Future Land Use Classification and it was unanimous.

Commissioner Quinn made a motion to amend the Future Land Use Classification for the subject properties from Commercial to High Density Residential. The change is necessary to accommodate an increased need for additional housing types including high quality affordable housing in the community, and it was unanimous.

Commissioner Quinn made a motion that the proposed map amendment is reasonable and in the public interest because it meets the Town's objective for providing high quality housing in the community and it was unanimous.

Commissioner Needham made a motion to adjourn and it was unanimous.

Respectfully Submitted:

Attest:

Holly Utt
Town Clerk

Evan Cockerham
Mayor

**Town of Pilot Mountain
Board of Commissioners Meeting
Monday, July 13, 2020
Regular Meeting 7:00 PM**

Members Present: Mayor Evan Cockerham, Commissioner Donna Kiger, Commissioner Hilda Willis, Commissioner Kim Quinn and Commissioner Scott Needham

Staff Present: Town Manager, Michael Boaz, Town Attorney, Ed Woltz and Town Clerk, Holly Utt

Call to order 7:00 PM

Mayor Cockerham called the meeting to order at 7:00 PM. Commissioner Willis led the pledge of allegiance and held a moment of silence.

Adoption of Agenda

Commissioner Needham made a motion to adopt the agenda as presented and it was unanimous.

Public Comment

No comments

Consent Agenda

- June 2, 2020 Work Session Minutes
- June 8, 2020 Regular Meeting Minutes
- Appointment of ABC Board Member, Elton Crutchfield

Commissioner Needham asked if anyone else had applied for the ABC Board. Mr. Boaz stated that there was only the one application from Elton Crutchfield. Commissioner Needham made a motion to approve the consent agenda and it was unanimous.

ABC Board Report

Sales for May 2020, \$167,640. Increase of 45.7% over May 2019 sales of \$115,031

Unfinished Business

Animal Ordinance Amendments

Mr. Boaz stated that he had talked with Mount Airy and King. There were not a lot of people that had taken advantage of the ability to have chickens. Some complaints had been received about the smell and noise from keeping chickens. Mr. Boaz attached copies of ordinances from other municipalities. He also included pot-bellied pigs because someone had asked about that possibility. Commissioner Willis asked if the ordinance was for chickens only or did it include other fowl. Mr. Boaz stated that this was for chickens only. Commissioner Quinn stated that town is currently having a hard time enforcing ordinances that are already in effect, such as grass and minimum housing. Until we get a handle on what the town currently regulates then she is not in favor of implementing something that can't be enforced. Mayor Cockerham also mentioned that having the chickens and with food outdoors, that could attract other wild animals and be a nuisance. Commissioner Needham stated that he was glad it

was brought up and researched and he appreciated the citizens for inquiring about the possibility. No action taken.

New Business

Cemetery Maintenance Discussion

Mr. Boaz explained that the maintenance worker position that was funded in FY 19-20 was never filled. There is money budgeted for FY 20-21 with a plan to hire someone in the spring if downtown events are held. In this year's budget there is money allocated to purchase a replacement mower. Staff have discussed the possibility of having the Public Works department take on the Main Street maintenance with existing staff and contract out the cemetery maintenance. This would save money by not having to purchase a new mower. At this point, there has only been one quote received. Mr. Boaz asked the Board if he should pursue more quotes or leave the cemetery maintenance as is. Mayor Cockerham stated that it would save significant time due to the cemetery maintenance being so tedious. It was the consensus of the Board to allow the town manager to get quotes for the cemetery maintenance.

Solid Waste Ordinance Amendment

Mr. Boaz stated that he had been contacted several times about residents leaving their garbage and recycling bins on the street and sidewalks after the day of pickup. Currently, there is nothing in the ordinance that says that they have to be moved back. The proposed ordinance would require that the bins be removed from the curb after pickup. Commissioner Needham made a motion to amend the ordinance to leave a 36 hour window for residents to remove the bins from the curb and it was unanimous. Commissioner Needham made a motion to adopt Ordinance 2020-07 as amended and it was unanimous.

Water/Sewer Tap Discussion

Mr. Boaz explained that as part of the budget for FY 20-21 there had been one position eliminated in the Public Works department. In discussion with the interim Public Works Director, Darian Goins, they have been discussing the restructuring of how that departments' work is done. Darian suggested to follow the lead of other local municipalities and develop a list of qualified contractors to do water and sewer taps. The town would continue to charge for the meter but no longer charge the tap fee or do the tap. The equipment that the town currently has can be sold and revenue could be used for other projects. There are not a lot of taps done every year. This would remove the necessity for having to dig around other utilities and the town would not be responsible for making repairs to fiber lines that could be hit during the tap process. It was the consensus of the Board to have Mr. Boaz draft a policy and get a list of pre-approved contractors for consideration.

Administrative Reports

Town Manager's Report

- Mr. Boaz stated that as of right now, the Governors executive order regarding disconnections, late fees and other charges is set to expire at the end of July. If the Governors order is not extended, staff will implement late fees and disconnection in August. He encouraged those that have been unable to pay to contact town hall and set up a payment plan. Commissioner Needham asked that letters be sent to those with delinquent accounts ahead of time to make payment arrangements.
- There had been discussion with the Town Planner, Andy Goodall, about combining the Planning Board and Board of Adjustment. There are currently two in-town seats and one out of town seat that have either already expired or will be expiring in the next few months.

- A part time police officer, Mike Horn, has taken on additional responsibilities of serving as the general code enforcement officer.
- The town has been informed that we have received a grant for \$24,500 from the NC Governor's Crime Commission. This will be used to rehabilitate the radios and purchase other equipment. None of this would be possible without the work of Officer Mike Horn.

Commissioner Quinn asked about the DOT paving contract. Mr. Boaz stated that they were ready to move forward but we are just waiting on the paperwork. The USDA has approved the long term financing. The paving may be ready to move forward in August.

Mayor and Commissioners Comments

Commissioner Needham: No comments

Commissioner Kiger: No comments

Commissioner Quinn: Asked about the public works report. She asked if this was the complete list of work completed by Public Works or just the work orders that had been put in. Mr. Boaz stated that it was just the ones entered that were not usual routine maintenance. In the full report it records the time required to complete the tasks.

Commissioner Willis: No comments.

Mayor Cockerham: Shared in the Board's concern about the effects of the coronavirus on the economy. The Board will certainly do anything they can to help give people relief and help where they can. He encouraged business owners and residents to reach out to the town, we will help in any way we can.

Adjourn or Recess

Commissioner Needham made a motion to adjourn and it was unanimous.

Respectfully Submitted:

Attest:

Holly Utt
Town Clerk

Evan Cockerham
Mayor



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

ABC Board Report	
<u>Background Information:</u>	
ABC Board Chairman Billy Pell has submitted the following report for the ABC Store. July 2019 sales: \$100,331 July 2020 sales: \$157,715 Increase of 57.2%	
<u>Staff Recommendation:</u>	Information only
<u>Possible Board of Commissioner Actions</u>	
• Take no action	
<u>Attachments</u>	
• None	



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

UDO Text Amendment	
<u>Background Information:</u>	
The proposed amendment to the UDO would eliminate the color palate from the DDO guidelines. This proposed amendment has been reviewed by the Planning Board and they have recommended its approval to the Commissioners.	
<u>Staff Recommendation:</u>	Staff recommends approving this text amendment
<u>Possible Board of Commissioner Actions</u>	
• Approve text amendment • Deny approval of text amendment • Send back to Planning Board for further review • Take no action	
<u>Attachments</u>	
• Staff Report	



TOWN OF PILOT MOUNTAIN, NC

124 WEST MAIN STREET - PILOT MOUNTAIN, NC 27041

Board of Commissioners Meeting

124 W. Main Street – Pilot Mountain, NC 27041

Monday, August 10, 2020

6:45PM

To: Mayor Cockerham & Board of Commissioners
From: Planning & Development Staff
Date: August 1, 2020
Subject: 2020-UDO-01 (Appendix B – DDO Color Palette)

A. ACTIONS REQUESTED BY THE BOARD OF COMMISSIONERS

1. Motion to adopt a statement approving the proposed ordinance amendment and describing its consistency with the plan; or
2. Motion to adopt a statement approving the proposed ordinance amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the amendment; or
3. Motion to adopt a statement rejecting the proposed ordinance amendment and describing its consistency or inconsistency with the plan.

With each of these alternatives, the statement is also to include an explanation of why the governing board deems the action reasonable and in the public interest.

B. REQUIRED VOTES TO PASS REQUESTED ACTIONS

A majority vote is required to pass the requested actions.

C. PROPOSED AMENDMENTS

Additions are highlighted in **GREEN**. Deletions are highlighted in **RED**.

1.1.2 Exemptions

When in compliance with all other town ordinances, the following types of projects are exempt from the standards of the Downtown Design Overlay (DDO) district:

- (A) Interior and exterior alterations of buildings that were originally designed and built for single-family residential use and continue to be used for single-family residential use.
- (B) Underground construction, which does not consist of any above ground components, including utility boxes, pipes, poles or similar appurtenant features;
- (C) Conducting regular maintenance work on buildings, landscaping, or grounds, (including parking lots), which does not significantly alter the appearance or function of the building, landscaping or grounds;
- (D) Interior remodeling work, which does not involve the alteration of any building component that does not alter any exterior building component;
- (E) Landscape maintenance and upkeep, excluding the replacement trees;
- (F) Temporary uses and structures as defined in NCGS 153.093; ~~and~~
- (G) Routine roof maintenance and repair, when using like materials; ~~and~~
- (H) ~~Painting of murals on the side and/or rear façade of buildings.~~

1.1.3 Design Standards

(F) Exterior Building Material Color

~~Where exterior building materials are painted, only those colors, which comprise the Primary Color Palette or Accent Color Palette (see Appendix B) may be utilized, subject to the following standard:~~

- 1) A single color ~~from the primary color palette~~ shall be utilized as the primary color for the building, unless the primary building material retains its natural color.
- 2) Up to fifteen percent (15%) of the surface area of each building façade may be painted with up to three (3) additional colors ~~chosen from either the primary or the accent color palettes.~~
- 3) The primary and accent colors shall be the same on each building façade.
- 4) Awnings and Canopies. The following design regulations shall apply to awnings and canopies:
 - iii. ~~The permitted colors for awnings and canopies are set forth in the DDO color palette, provided that~~ Awnings may not be the same color as the primary color of the building to which they

are attached. ~~Black or a shade of gray may be utilized for awnings as well.~~

D. NCGS 160A-383

Consistency Statement

When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan (I.e. Land Use Plan) that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest. The statement shall be one of the following:

1. A statement approving the proposed zoning amendment and describing its consistency with the plan;
2. A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment; or
3. A statement rejecting the proposed zoning amendment and describing its consistency or inconsistency with the plan.

E. LAND USE PLAN OVERALL OBJECTIVE

"To improve the quality of life of the citizens of Pilot Mountain by encouraging responsible growth management decisions, protecting the small town character, developing an attractive community, preserving and improving historical assets and insuring a healthy local economy".

F. PLANNING & ZONING BOARD RECOMMENDATION

The Planning & Zoning Board reviewed the proposed amendment on June 23, 2020 and voted (3-0) that the amendment is consistent with the overall objective of the Land Use Plan and to recommend approval.



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

Rules of Procedure Amendment	
<u>Background Information:</u>	
This amendment would change the Board's rules regarding remote participation in meetings. In the original rules of procedure, remote participation was allowed but those participating remotely did not count towards quorum and were not allowed to cast a tie breaking vote. During the COVID-19 pandemic we have held a number of remote meetings and therefore Ed and I believe that it would be wise to amend these rules to allow those participating remotely to be counted towards a quorum and to allow those participating remotely to break a tie.	
<u>Staff Recommendation:</u>	Staff recommends that the Board adopt the amended Rules of Procedure
<u>Possible Board of Commissioner Actions</u>	
• Adopt amended Rules of Procedure • Make changes and approve amended Rules of Procedure • Deny approval • Take no action	
<u>Attachments</u>	
• Amended Rules of Procedure	

**TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS**



RULES OF PROCEDURE

ADOPTED AUGUST 10, 2020

I. APPLICABILITY

Rule 1. Applicability of Rules

The following rules of procedure shall supersede any rules or procedures adopted prior to this date. The following rules shall be the Rules of Procedure adopted by the Town of Pilot Mountain Board of Commissioners to follow when meeting to conduct public business.

On the whole, rules of procedure of a governing board are intended to govern formal meetings of the Board to exercise any of its executive and legislative powers conferred by law. These rules fulfill that purpose and also are designed to ensure Board compliance with the Open Meetings Law, G.S. 143-318.9 through 318.18, which applies to any gathering of a majority of the Board to discuss public business. The rules also apply to regular informal work sessions or committee meetings where public business occurs but no official action is taken.

These rules apply to all meetings of the Board of Commissioners of the Town of Pilot Mountain at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. OPEN MEETINGS

Rule 2. Meetings to be Open

- (a) It is the public policy of the State of North Carolina and the Town of Pilot Mountain that the hearings, deliberations, and actions of this Board and its committees be conducted openly.
- (b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Town of Pilot Mountain Board of Commissioners shall be open to the public and any person is entitled to attend such a meeting.
- (c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the Board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the Board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business, real or apparent, of the Board.
- (d) Open Meetings Requirements: The Board shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device or method, with the intention of making it impossible for persons attending a meeting of the Board to understand what is being deliberated, voted, or acted on. The Board may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on-are available for public inspection at the meeting.

Rule 3. Closed Sessions

The Board may hold closed session as provided by N.C.G.S. 143.318-11. It shall commence a closed session by a majority vote and terminate a closed session in the same manner.

The Board may hold a closed session and exclude the public under the provisions of N.C.G.S. 143.318-11.

III. Organization of the Board

Rule 4. Organizational Meeting

On the date and at the time of the first regular meeting in December following a general election in which Board members are elected, or at an earlier date, if any, set by the incumbent Board, the newly elected members shall take and subscribe the oath of office as the first order of new business. As the second order of new business, the Board shall elect a Mayor Pro-Tempore. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published in accordance with Subchapter IX of Chapter 163 of the North Carolina General Statutes.

IV. REGULAR AND SPECIAL MEETINGS

Rule 5. Regular Meetings

The Board shall hold a regular meeting on the third Monday of each month, except that if a regular meeting day is a legal holiday, the meeting shall be held on the next business day. The meeting shall be held in the Board of Commissioners meeting room at Town Hall and shall begin at 7:00 PM. A copy of the Board's current meeting schedule shall be filed with the Town Clerk.

Rule 6. Special, Emergency, and Recessed [or adjourned] Meetings

- (a) Special Meetings: The Mayor, Mayor Pro-Tem, or any two members of the Board may at any time call a special Board meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least forty-eight (48) hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (1) delivered to the Mayor and each Board member or left at his or her usual dwelling place; (2) posted on the Board's principal bulletin board, or if none, at the door of the Board's usual meeting room; and (3) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk. Only those items of business specified in the notice may be transaction at a special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the Board in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least forty-eight (48) hours' notice before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (1) posted on the Board's principal bulletin board, or if none, at the door of the Board's usual meeting room; and (2) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the Town Clerk.

(b) Emergency Meetings: Emergency meetings of the Board may be called only because of generally unexpected circumstances that require immediate consideration by the Board. Only business connected with the emergency may be considered at an emergency meeting. One of the following two procedures must be followed to call an emergency meeting of the Board:

- a. The Mayor, Mayor Pro-Tem, or any two members of the Board may at any time call an emergency Board meeting by signing written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the Mayor and each Board member or left at his or her usual dwelling place at least six hours before the meeting.
- b. An emergency meeting may be held at any time when the Mayor and all members of the Board are present and consent thereto, or when those not present have signed a written waiver of notice, but only in either case if the Board complies with the notice provisions of the next paragraph.

Notice of an emergency meeting under a. or b. shall be given to each local newspaper, local wire service, local radio station, and local television station that has filled a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the Town Clerk. This notice shall be given either by telephone or by the same method used to notify the Mayor and Board members and shall be given at the expense of the party notified.

(c) Recessed [or adjourned] Meetings: A properly called regular, special, or emergency meeting may be recessed [or adjourned] to a time and place certain by a procedural motion made and adopted as provided in Rule 21, Motion 2, in open session during the regular, special, or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of a recessed [or adjourned] session of a properly called regular, special, or emergency meeting.

(d) The Board may schedule work sessions or other informal meetings of the Board, or a majority of the members of the Board, at such times and with respect to subject matter as may be established by resolution or order of the Board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special meetings.

(e) Video Conference or Teleconference. The Board of Commissioners of Pilot Mountain IS authorized to meet by video conference or teleconference. If they do, such meeting must be conducted by a technology that allows all persons participating to hear each other at the same time. The opportunity for simultaneous communication is central to the deliberative character of the meeting and is what distinguishes it from attempts to do business by postal or electronic mail or by fax.

The Town of Pilot Mountain Board of Commissioners has authorized regular, special, and emergency meetings to take place electronically or telephonically to accommodate Board members who cannot attend a meeting due to circumstances beyond their control. In such cases, the following procedures shall apply:

1. The Board authorizes and permits use of electronic or telephonic meetings to accommodate the needs of members who cannot attend due to circumstances beyond their control. Such electronic or telephonic meetings shall only be permitted where a means of technology is available that allows all persons participating to hear each other at the same time, thereby offering the opportunity for simultaneous communication and deliberation.
2. Board members participating electronically or telephonically will address the Mayor when seeking to obtain the floor and shall wait until the Mayor recognizes them before asserting control of the floor.
3. General discussion among Board members present and those connected electronically or telephonically shall be of an informal nature as if the remote Board member was present.
- ~~3-4. The Board is allowed to hold meetings by electronic means even if all members are participating remotely.~~
- ~~4. A Board member participating by telephonic or electronic means shall be counted for voting purposes but not for purposes of establishing a quorum.~~
- ~~5. A Board member participating by telephonic or electronic means shall not participate in Closed Session.~~
- ~~6. The Board member who is not physically present shall not be counted toward the establishment of a quorum, nor may the absent member cast a deciding vote on a matter pending before the Board.~~
- ~~7. Remote participation is not permitted at a quasi-judicial hearing.~~

V. AGENDA

Rule 7. Agenda

- (a) Proposed Agenda: The Town Manager shall prepare a proposed agenda for each meeting. A request to have an item placed on the agenda must be received at least three (3) working days before the meeting. Any Board member may, by a timely request, have an item placed on the proposed agenda. A copy of all proposed ordinances shall be attached to the proposed agenda. An agenda package shall be prepared that includes, for each item of business placed on the proposed agenda, as much background information on the subject as is available and feasible to reproduce. Each Board member shall receive a copy of the proposed agenda and agenda packet and they shall be available for public inspection and distribution or copying when they are distributed to the Board members.
- (b) Adoption of the Agenda: As its first order of business at each meeting, the Board shall, as specified in Rule 9, discuss and revise the proposed agenda and adopt an agenda for the meeting. If items are proposed to be added to the agenda of a meeting, the Board

may, by majority vote, require that written copies of particular documents connected with the items be made available at the meeting to all Board members.

The Board, may by majority vote add items to or subtract items from the proposed agenda, except that (a) the Board may not subtract items from the proposed agenda stated in the notice of a special meeting called by the Mayor, Mayor Pro-Tem, or two Board members, unless those calling the meeting consent to the deletion, (b) the Board may not add items to the proposed agenda stated in the notice of a special meeting called by the Mayor, Mayor Pro-Tem, or two Board members, unless all members are present, or those who are absent sign a written waiver of notice, and (c) only business connected with the emergency may be considered at an emergency meeting. The Board may add items to the proposed agenda of a special meeting only if it determines in good faith at the meeting that it is essential to discuss or act on the item immediately.

The Board may designate certain agenda items “for discussion and possible action.” Such designation means that the Board intends to discuss the general subject area of that agenda item before making any motion concerning that item.

- (c) Consent Agenda: The Board may designate a part of the agenda as the “consent agenda.” Items shall be placed on the consent agenda by those preparing the proposed agenda if they are judged to be noncontroversial and routine. Any member may remove an item from the consent agenda and place it on the regular agenda while the agenda is being discussed and revised prior to its adoption at the beginning of the meeting. All items on the consent agenda shall be voted on and adopted by a single motion, with the minutes reflecting the motion and vote on each item.

Rule 8. Informal Public Comments

At each regular monthly meeting of the Board of Commissioners there shall be a designated public comment period near the beginning of the meeting. All persons wishing to address the Board may do so during this period but must follow the Public Forum Policy as adopted by the Board of Commissioners. A copy of the current policy is on file in the office of the Town Clerk.

Rule 9. Order of Business

Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall be as follows:

Call to Order

Invocation

Pledge of Allegiance

Adoption of the Proposed Agenda

Public Hearings

Public Comment

Committee Reports

Unfinished Business

New Business

Administrative Reports

Closed Session

By general consent of the Board, items may be considered out of order.

VI. CONDUCT OF DEBATE

Rule 10. Powers of the Mayor

The Mayor shall preside at all meetings of the Board, but shall have the right to vote only when there is a tie. In order to address the Board, a member must be recognized by the Mayor.

The Mayor or other presiding officer shall have the following powers:

- (a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- (b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- (c) To entertain and answer questions of parliamentary law or procedure;
- (d) To call a brief recess at any time;
- (e) To adjourn in an emergency.

A decision by the presiding officer under (a), (b), or (c) may be appealed to the Board upon motion of any member, pursuant to Rule 21(b), Motion 1. Such a motion is in order immediately after a decision under (a), (b), or (c) is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion if timely made may not be ruled out of order.

Rule 11. Powers of the Mayor Pro-Tempore

At the organizational meeting, the Board shall elect from among its members a mayor pro tempore to serve at the Board's pleasure. A Board member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a Board member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Board may confer on the mayor pro tempore any of the mayor's powers and duties. If the Mayor should become physical or mentally unable to perform the duties of his or her office, the Board may by unanimous vote declare that the Mayor is incapacitated and confer any of the Mayor's powers and duties on the Mayor Pro Tempore. When a Mayor declares that he is no longer incapacitated, and a majority of the Board agrees, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and the Mayor Pro Tempore are absent from a meeting, the Board may elect from among its members a temporary chairman to preside at the meeting.

Rule 12. When the Presiding Officer is Active in Debate

If the Mayor or other presiding officer becomes actively engaged in debate on a particular proposal, he or she may designate another council member to preside over the debate. The Mayor or other presiding officer shall resume presiding as soon as action on the matter is concluded.

Rule 13. Action by the Board

The Board shall proceed by motion, except as otherwise provided in Rule 7. Any member may make a motion.

Rule 14. Second Not Required

A motion shall not require a second.

Rule 15. One Motion at a Time

A member may make only one motion at a time.

Rule 16. Substantive Motions

A substantive motion is out of order while another substantive motion is pending.

Rule 17. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum as defined in Rule 28 being present, unless otherwise required by these rules or the laws on North Carolina. A majority is more than half.

Rule 18. Voting by Written Ballot

The Board may choose by majority vote to use written ballots in voting on a motion. Such ballots shall be signed, and the minutes of the Board shall show the vote of each member voting. The ballots shall be available for public inspection in the office of the Town Clerk immediately following the meeting at which the vote took place and until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Rule 19. Debate

The Mayor shall state the motion and then open the floor to debate on it. The Mayor shall preside over the debate according to the following general principles:

- (a) The maker of the motion is entitled to speak first;
- (b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;
- (c) To the extent possible, the debate shall alternate between proponents and opponents of the measure.

Rule 20. Ratification of Actions

To the extent permitted by law, the Board may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

Rule 21. Procedural Motions

- (a) **Certain Motions Allowed:** In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- (b) **Order of Priority of Motions:** In order of priority (if applicable), the procedural motions are as follows:
 - a. **Motion 1. To Appeal a Procedural Ruling of the Presiding Officer.** A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, or entertaining or answering a question of parliamentary law or procedure may be appealed to the Board, as specified in Rule 10. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.
 - b. **Motion 2. To Adjourn.** This motion may be made only at the conclusion of Board consideration of a pending substantive matter; it may not interrupt deliberation of a pending matter. A motion to recess [or adjourn] to a time and place certain shall also comply with the requirements of Rule 6(c).
 - c. **Motion 3. To Take a Brief Recess.**
 - d. **Motion 4. Call to Follow the Agenda.** The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out of order item in question.
 - e. **Motion 5. To Suspend the Rules.** The Board may not suspend provisions of the rules that state requirements imposed by law on the Board. For adoption, the motion requires a vote equal to two-thirds (2/3) of the actual membership of the Board, excluding the Mayor, unless he or she may vote in all cases, and vacant seats.
 - f. **Motion 6. To Go into Closed Session.** The Board may go into closed session only for one or more of the permissible purposes listed in G.S. 143-318.11(a). The motion to go into closed session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on G.S. 143-318.11(a)(1)

shall also state the name or citation of the law that renders the information to be discussed privileged or confidential. A motion based on G.S. 143-318.11(a)(3) shall identify the parties in each existing lawsuit concerning which the Board expects to receive advice during the closed session, if in fact such advice is to be received.

- g. **Motion 7. To Leave Closed Session.**
- h. **Motion 8. To Divide a Complex Motion and Consider it by Paragraph.** The motion is in order whenever a member wishes to consider and vote on sub-parts of a complex motion separately.
- i. **Motion 9. To Defer Consideration.** The Board may defer a substantive motion for later consideration at an unspecified time. A substantive motion the consideration of which has been deferred expires ninety (90) days thereafter unless a motion to revive consideration is adopted. If consideration of a motion has been deferred, a new motion with the same effect cannot be introduced while the deferred motion remains pending (has not expired). A member who wishes to revisit the matter during that time must take action to revive consideration of the original motion [Rule 21(b), Motion 4], or else move to suspend the rules [Rule 21(b), Motion 5].
- j. **Motion 10. Motion for the Previous Question.** The motion is not in order until there have been at least ten (10) minutes of debate, and every member has had an opportunity to speak.
- k. **Motion 11. To Postpone to a Certain Time or Day.** If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the proposed motion is still pending. A member who wishes to revisit the matter must either wait until the specified time, or move to suspend the rules [Rule 21(b), Motion 5].
- l. **Motion 12. To refer a Motion to a Committee.** The Board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty (60) days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire Board, whether or not the committee has reported the matter to the Board.
- m. **Motion 13. To Amend.**
 - i. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend.

- ii. A motion may be amended, and that amendment may be amended, but not further amendments may be made until the last-offered amendment is disposed of by a vote.
 - iii. Any amendment to a proposed ordinance, order, policy, or resolution shall be reduced to writing before the vote on the amendment.
- n. **Motion 14. To Revive Consideration.** The Board may vote to revive consideration of any substantive motion earlier deferred by adoption of Motion 9 of Rule 21(b). The motion is in order any time within ninety (90) days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires ninety (90) days after the deferral unless a motion to revive consideration is adopted.
- o. **Motion 15. To Reconsider.** The Board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (majority side except in the case of a tie; in that case the “no’s” prevail) and at the meeting during which the original vote was taken, including any continuation of that meeting through recess [or adjournment] to a time and place certain. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
- p. **Motion 16. To Rescind or Repeal.** The Board may vote to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is in order if rescission or repeal of an action is not forbidden by law.
- q. **Motion 17. To Prevent Reintroduction for Six (6) Months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the Board, excluding the Mayor and vacant seats. If adopted, the restriction imposed by the motion remains in effect for six (6) months or until the next organizational meeting of the Board, whichever occurs first.

Rule 22. Renewal of a Motion

A motion that is defeated may be renewed at any later meeting unless a motion to prevent reintroduction has been adopted.

Rule 23. Withdrawal of a Motion

A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

Rule 24. Duty to Vote

Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the presiding officer, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct. In all other cases, a failure to vote by a member who is physically present in the Board room, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Rule 25. Introduction of Ordinances

A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the Board, and its introduction shall be recorded in the minutes.

Rule 26. Adoption of Ordinances and Approval of Contracts

An affirmative vote equal to the majority of all the members of the Board not excused from voting on the question in issue (including the Mayor's vote in case of an equal division) shall be required to adopt an ordinance, to take any action that has the effect of an ordinance, or to make, ratify, or authorize any contract on behalf of the Town. In addition, no ordinance or action that has the effect of an ordinance may be finally adopted on the date which it is introduced except by an affirmative vote equal to greater than two-thirds of all the actual membership of the Board, excluding vacant seats, and not including the Mayor. No ordinance shall be adopted unless it has been reduced to writing before a vote on adoption is taken.

Rule 27. Adoption of the Budget Ordinance

Notwithstanding the provisions of any Town charter, general law, or local act:

- (1) Any action with respect to the adoption or amendment of the budget ordinance may be taken at any regular or special meeting of the Board by a simple majority vote of those being present and voting, a quorum being present;
- (2) No action shall be taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the Board; and
- (3) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any Town charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the Board and ending with the adoption of the budget ordinance, the Board may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the open meetings law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the Board has action notice of each special meeting, called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may

not be construed to allow, the holding of closed meetings or executive sessions by the Board if it is otherwise prohibited by law from holding such a meeting or session.

Rule 28. Quorum

A majority of the actual membership of the Board plus the Mayor, excluding vacant seats, shall constitute a quorum. A majority is more than half. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for the purposes of determining whether or not a quorum is present.

Rule 29. Public Hearings

Public hearings required by law or deemed advisable by the Board shall be organized by a special order (adopted by majority vote) that sets forth the subject, date, place, and time of the hearing as well as any special rules regarding the length of time allotted for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made, in the case of hearings subject to the open meetings law, for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

All notice and other requirements of the open meetings law applicable to Board meetings shall also apply to public hearings at which a majority of the Board is present; such a hearing is considered to be part of a regular or special meeting of the Board. These requirements also apply to hearings conducted by appointed or elected committees of the Board, if a majority of the committee is present. A public hearing for which any notices required by the open meetings law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 6(c) shall be followed in continuing a hearing at which a majority of the Board is present.

The Board may vote to delegate to Town staff members, as appropriate, the authority to schedule, call, and give notice of public hearings required by law or the Board. The Board shall provide adequate guidelines to assist staff members in fulfilling this responsibility, and it shall not delegate the responsibility in cases where the Board itself is required by law to call, schedule, or give notice of the hearing.

At the time appointed for the hearing, the Mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the Mayor shall declare the hearing ended.

Rule 30. Quorum at Public Hearings

A quorum of the Board shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular Board meeting without further advertisement.

Rule 31. Minutes

Full and accurate minutes of the Board proceedings, including closed sessions, shall be kept. The Board shall also keep a general account of any closed session so that a person not in attendance would have a reasonable understanding of what transpired. These minutes and general accounts shall be open to public inspection, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Board, the “ayes” and “no’s” upon any question shall be taken. Members’ and other persons’ comments may be included in the minutes if the Board approves.

Minutes and general accounts of closed sessions may be sealed by action of the Board. Such sealed minutes and general accounts may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

VII. COMMITTEES, BOARDS, AND APPOINTMENTS

Rule 32. Appointments

The Board shall make all appointments to fill vacancies in the Board itself or in other boards and public offices over which the Board has power of appointment.

Rule 33. Committees

- (a) Establishment and Appointment. The Board may establish such temporary and standing committees and boards as are needed to help carry on the work of Town government. The Mayor shall recommend to the Board those to appointed to the board or committee, subject to the rules for membership established by the Board. The Board shall have final approval authority over any such recommendations.
- (b) Open Meetings Law. The requirements of the open meetings law shall apply to all elected or appointed authorities, boards, committees or other groups of the Town that are comprised of two or more members and that exercise or are authorized to exercise legislative, policy-making, quasi-judicial, administrative, or advisory functions. However, the law’s requirements shall not apply to a meeting solely among the Town’s professional staff.

VIII. MISCELLANEOUS

Rule 34. Amendment of the Rules

These rules may be amended at any regular meeting or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting, so long as the amendment is consistent with the Town charter, general law, and generally accepted principles of parliamentary procedure. Adoption of an amendment shall require an affirmative vote equal to or greater than two-thirds of all the actual membership of the Board, excluding vacant seats, and not including the Mayor.

Rule 35. Reference to *Robert's Rules of Order Newly Revised*

To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the Board shall refer to *Robert's Rules of Order Newly Revised*, to answer unresolved procedural questions.

Adopted this ~~the~~ _____ day of _____, 20~~20~~²¹ the 10th day of August, 2020

Formatted: Superscript

~~Dwight Atkins~~Evan J. Cockerham, Mayor

Holly Utt, Town Clerk



TOWN OF PILOT MOUNTAIN
BOARD OF COMMISSIONERS MEETING

Temporary Moratorium Ordinance	
<u>Background Information:</u>	
Over the last several weeks we have gotten a couple of requests and more questions from property owners that would like to make changes to the cladding material on their buildings. The material that has been proposed by these property owners is stacked rock which is allowed by the UDO. Unfortunately, this type of material would make these buildings non-contributing when it comes to our National Register District application. As you are all aware, we have been working for over a year now on getting a National Register District approved for our downtown area. Andy and I feel that if we want this National Register District application to be successful, we need to take action to prevent property owners from making decisions that improve the attractiveness of their buildings but damage our ability to have a National Register District approved. In order to adopt this ordinance, the Board will need to hold a public hearing, after 7 days notice. I would recommend that the Board schedule the public hearing for a special meeting to be held on August 18 at 6 PM. After that hearing, the Board could adopt the attached ordinance.	
<u>Staff Recommendation:</u>	Staff recommends that the Board schedule the public hearing.
<u>Possible Board of Commissioner Actions</u>	
• Schedule the public hearing • Take no action	
<u>Attachments</u>	
• Draft temporary moratorium ordinance	

ORDINANCE NO: 2020-8
ORDINANCE DECLARING TEMPORARY MORATORIUM ON CHANGES TO
CLADDING MATERIALS IN THE DDO AREA

WHEREAS, the Town of Pilot Mountain Board of Commissioners has passed a Unified Development Ordinance to govern land development in the Town of Pilot Mountain; and

WHEREAS, that Unified Development Ordinance contains specific regulations regarding development in the Central Business District and the Downtown Design Overlay; and

WHEREAS, the Board of Commissioners believes has been pursuing the possibility of creating a National Register Historic District in the downtown area in order to allow downtown property owners to take advantage of the tax credits available through this program; and

WHEREAS, we have recently had a number of property owners that have started or let us know about their plans to start renovations to their properties what would change the exterior cladding materials on their buildings and would negatively affect those buildings being considered contributing to the Town's National Register District application.

NOW, THEREFORE, be it ordained by the Board of Commissioners of Town of Pilot Mountain:

1. That a 60 day moratorium on all zoning, building, site plan review, or other development approvals is hereby enacted for commercial farming operations in the GB and HB zoning districts.
2. That this moratorium shall expire at 11:59 PM on Saturday, October 17, 2020.
3. That the Town's staff will need this 60 days to develop an amendment to the DDO guidelines that address the approved building cladding materials in the DDO.
4. The Board directs the staff to prepare a draft ordinance and present to the Planning & Zoning Board in September and that a public hearing be scheduled for the October Board of Commissioners meeting.

Adopted this the 18th day of August, 2020.

Signed

Evan J. Cockerham, Mayor

Attest:

Holly Utt, Town Clerk

**Pilot Mountain Town Hall
124 West Main St.
Pilot Mountain, NC 27041**



**(Phone) - 336.368.2247
(Fax) - 336.368.9532
www.pilotmountainnc.org**

MEMORANDUM

TO: Mayor and Board of Commissioners
FROM: Michael Boaz, Town Manager/Finance Officer
DATE: August 6, 2020
RE: August 2020 Manager's Report

- The Governor did not renew the Executive Order that prevented the Town from charging late fees and shutting off water for non-payment. As we discussed at last month's meeting the Town has sent out letters to those folks that are behind on their water bills and encouraged them to contact us to setup payment plans. We have had a few folks that have setup plans, but there are still a number of accounts that have not done so. The current plan is to assess late fees for any balance not paid by August 15 and to cutoff any accounts that have not made payments or setup payment plans by August 25. At this point, the Town is still absorbing the costs of making payments via credit card.
- The Governor has extended the Safer At Home Phase 2 reopening plan until at least September 11. That being the case, I am recommending that we cancel all events through the end of September. We will reevaluate this for the October events once we know if Phase 2 will be extended again.
- The Surry County Board of Elections will be using the downstairs portion of the Town Hall for one stop early voting.
- All smoke testing has been finished. We appreciate everyone's cooperation and understanding while this task was taking place. We have found a number of issues in the sewer system that we will need to address. Many of them can be taken care of by our team in house and we have begun the process to do that.
- Andy and I have been discussing the possibility of combining our Planning Board and the Zoning Board of Adjustment. We are planning to bring this change to the Board of Commissioners in October along with a number of changes to the UDO that are required by the adoption of NCGS 160D.

PROJECT UPDATES

1. Depot Street Stream Restoration Project: All easements have been collected and design/build is underway. We should get this completed by the end of the year.
2. Main Street National Register District: We are working with some property owners in the downtown area to possibly make some changes to their buildings to increase the number of contributing properties.
3. Street Paving Project: The funding has been approved by USDA, but we are working on getting LGC approval and on clarification from the NC DOT about whether or not they will be able to move forward.
4. Sunset Sewer Sub-Basin Project: The contractor expects to start construction in September 2020.
5. Water Treatment Upgrade: Plans have been approved by DEQ. We are working to secure the necessary easements.
6. Streetscape Project: We have received the preliminary cost estimate from Duke Energy. It was significantly higher than expected. We are working with WR to regroup.
7. WWTP & Pump Station Project: Design is underway.
8. Asset Inventory & Assessment Project: Smoke testing and all other field work has been completed. WR is currently finalizing the engineering part of the report and this will go to the team that will complete the financial parts of the report. We expect this project to be completed on schedule in December.



TOWN OF PILOT MOUNTAIN

Monthly Financial Dashboard
FISCAL YEAR ENDING June 30, 2021

Reporting Period: July 1-July 31 2020

OUR CASH AND INVESTMENTS

Balances on July 31 2020, in whole dollars

CASH & INVESTMENTS BY FUND

GENERAL FUND

	July 2019	July 2020
Central Depository	\$ 390,925	\$ 356,964
NCCMT	2,275	(3,664)
NCCMT-Powell Bill	703	710
NCCMT-Term Account	35,144	21
Police Drug Forfeiture	2,195	2,196
Centura Bank CD	25,031	25,031
Fiduciary Funds	60,638	(1,156)
TOTAL GENERAL FUND	\$ 516,911	\$ 380,101

OTHER FUNDS

	July 2019	July 2020
Water & Sewer Fund	\$ (28,024)	\$ (8,622)
NCCMT-Water/Sewer	\$ 3,541	\$ 4,359
Water & Sewer AIA	\$ 9,059	\$ (29,980)
Interconnection CP	\$ (3,900)	\$ 7,000
WWTP Upgrade	\$ -	\$ (54,686)
Lola Lane CP	\$ 3,286	\$ 0
Water Treatment Upgrade	\$ (197,450)	\$ (302,105)
Streetscape Project	\$ 27,673	\$ 5,104
Sunset Sewer Project	\$ (219,876)	\$ (382)
Street Resurfacing	\$ 17,504	\$ 6,019
Capital Reserve	\$ 14,356	\$ 62,694
TOTAL OTHER FUNDS	\$ (373,830)	\$ (310,599)

TOTAL CASH & INVESTMENTS TOWN-WIDE

	July 2019	July 2020
ALL FUNDS	\$ 143,081	\$ 69,502

OUR CASH FLOWS...

GENERAL FUND REVENUES & EXPENDITURES	Comparison of FYTD %	
	Prior FYTD %	Current FYTD %
Fiscal Year Budget	\$ 1,892,090	\$ 1,754,560
Revenues Fiscal Year to Date	4.00%	3.00%
Expenses Fiscal Year to Date	9.42%	9.29%
WATER & SEWER ENTERPRISE FUND		
Fiscal Year Budget	\$ 906,480	\$ 948,660
Revenues Fiscal Year to Date	\$ - 8.18%	3.00%
Expenses Fiscal Year to Date	\$ 0 9.61%	8.97%
WWTP & PUMP STATION REHAB PROJECT		
Project Budget	N/A	\$ 1,374,500
Revenues Project to Date	\$ 52,606 N/A	3.83%
Expenses Project to Date	\$ 54,686 N/A	3.98%
Water Treatment Upgrade Project		
Project Budget	\$ 3,978,000	\$ 3,978,000
Revenues Project to Date	\$ 306,530 0.00%	7.71%
Expenses Project to Date	\$ 306,530 4.96%	7.71%
Sunset Sewer Rehabilitation Project		
Project Budget	\$ 2,573,038	\$ 2,573,038
Revenues Project to Date	\$ 361,296 1.72%	14.04%
Expenses Project to Date	\$ 366,722 10.27%	14.25%
WATER & SEWER AIA PROJECT		
Project Budget	NA	\$ 305,000
Revenues Project to Date	\$ 162,245 0%	53%
Expenses Project to Date	\$ 162,245 0%	53%

SPECIFIC REVENUE COLLECTIONS AT A GLANCE...

Comparison of FY %				Comparison of Monthly Expenses					
		Prior	Current	Fiscal Year		YTD Expenses			
		FY %	FY %	2021 Budget	Prior FY	Current FY			
AD VALOREM PROPERTY TAX									
Fiscal Year Budget		\$	847,090	\$	867,500				
Revenues this Month	\$	7,889	1.35%		0.91%				
Revenues FYTD	\$	7,889	1.35%		0.91%				
SALES & USE TAX									
Fiscal Year Budget		\$	469,790	\$	398,600				
Revenues this Month	\$	37,318	8.38%		9.36%				
Revenues FYTD	\$	37,318	8.38%		9.36%				
UTILITY FRANCHISE TAX									
Fiscal Year Budget		\$	106,020	\$	118,140				
Revenues this Month	\$	-	0.00%		0.00%				
Revenues FYTD	\$	-	0.00%		0.00%				
REFUSE COLLECTION FEES									
Fiscal Year Budget		\$	69,840	\$	73,010				
Revenues this Month	\$	6,694	8.18%		9.17%				
Revenues FYTD	\$	6,694	8.18%		9.17%				
SALES & SERVICES									
Fiscal Year Budget		\$	23,500	\$	81,700				
Revenues this Month	\$	1,152	16.00%		1.41%				
Revenues FYTD	\$	1,152	16.00%		1.41%				
WATER & SEWER ENTERPRISE FUND REVENUES									
Fiscal Year Budget		\$	906,480	\$	948,660				
Revenues this Month	\$	70,388	8.18%		7.42%				
Revenues FYTD	\$	70,388	8.18%		7.42%				
				GENERAL FUND DEPARTMENTS					
				Fiscal Year	YTD Expenses				
				2021 Budget	Prior FY	Current FY			
Governing Body				\$	69,400	\$	7,271	\$	9,238
Administration					272,660		23,694		27,815
Community & Economic D					41,330		6,600		1,752
Downtown Revitalization					107,550		13,173		8,334
Police Dept					774,380		64,068		73,784
Street Dept					95,230		14,009		8,330
Powell Bill					43,420		1,979		3,940
Sanitation					224,580		24,304		20,831
Pilot Center					20,340		3,210		5,289
Library					40,340		2,055		3,645
Debt Service					65,330		-		-
Non Departmental					-		-		-
				\$	1,754,560	\$	160,362	\$	162,957
Fiscal Year Budget						\$	1,892,090	\$	1,754,560
YTD % of Annual Budget Expended							8.48%		9.29%
				WATER & SEWER ENTERPRISE FUND					
General				\$	167,190	\$	-	\$	-
Water/Sewer Administration					134,790		10,537		12,927
Production					165,530		15,302		21,862
WWTP					254,790		26,442		16,924
Line Maintenance					226,360		34,826		33,351
				\$	948,660	\$	87,107	\$	85,064
Fiscal Year Budget						\$	906,480	\$	948,660
YTD% of Annual Budget Expended							9.61%		8.97%

**MONTHLY STATUS REPORT OF
OPERATION FOR THE PILOT MOUNTAIN
WASTEWATER TREATMENT PLANT**

MONTH: June

YEAR: 2020

OPERATIONS:

MILLION GALLONS OF WATER TREATED	5.490	PERMIT LIMIT MGD	.500
AVERAGE DAILY VOLUME TREATED	.199		
TOTAL RAINFALL INCHES	4.25		

CHEMICALS USED:

CHLORINE/BLEACH	80 Gallons
POLYMER	0 Gallons

CHEMICAL ANALYSIS:

Parameter	Permit Limits	Monthly Results
BOD	30 max. avg. monthly	2.44
TSS	30 max. avg. monthly	2.16
D.O.	5 minimum avg. daily eff.	6.34
Fecal Coliform	200 max. avg. monthly	1.31
Ammonia-Nitrogen	28.6 max. avg. monthly	1.46

We are in compliance with all permit requirements.

**Pilot Mountain Police Department
Monthly Report for July 2020**

Accidents

7/2/2020 731 S Key St
7/3/2020 731 S Key St (PI)
7/15/2020 204 W Main St
7/21/2020 106 S Key St (H&R)
7/21/2020 873 W 52 Byp
7/24/2020 731 S Key St

	TOTAL	AMOUNT	RECOVERED
Police Service	187		
Wrecks Investigated	6	\$ 36,900.00	
Assaults	4		
Larcenies	2	\$ 15,300.00	
Disturbances/Domestic	20		
Burglar Alarms	7		
Breaking & Entering	0		
MIP & Property Damage	3	\$ 425.00	
Traffic Citations	25		
Intoxicated Drivers	2		
Intoxicated Pedestrians	0		
Forgery/Fraud	0		
Armed Robbery	0		
Drug Charges	13		
Other Crimes	12		
Total Arrests	11		
Totals:	232	\$ 52,625.00	\$ -

OTHER:

7/6/2020 Served Fugitive WFA
7/9/2020 Poss of Sch II CS
Poss of Paraphernalia
Simple Poss of Sch VI CS
7/12/2020 Felony Flee to Elude
Reckless Driving to Endanger
DWLR
Speeding (Suspect was arrested by SCSO)
Poss of Marijuana
Poss of Drug Paraphernalia
7/18/2020 Misd Larceny
2nd Degree Trespassing
7/21/2020 DWLR
Reckless Driving
Hit & Run/Property Damage X2
7/23/2020 Served OFA
Served WFA
7/28/2020 Served OFA
7/29/2020 Trafficking Meth
Poss of Sch II CS
Poss of Drug Paraphernalia
Poss of Marijuana
Poss of Marijuana Paraphernalia
7/31/2020 Poss Sch I
Poss Drug Paraphernalia

NOTES:

07/01 thru 07/05/2020 Booze it or Loose Campaign
07/05 thru 07/09/2020 Ptl Livengood attended FTO School at Guilford Tech
7/7/2020 Chief Jackson & Capt Easter attended LEPC Conference call meeting
7/13/2020 Town Board Mtg
7/14/2020 Chief Jackson & Capt Easter met with "Stalker" reference body cameras
7/15/2020 Chief Jackson & Capt Easter attended a conference call with "Evidence Tech" reference body cameras
Capt Easter met with King PD's Evidence Tech reference to Evidence Room procedures
7/21/2020 Chief Jackson & Capt Easter attended LEPC Conference call meeting