

July 9th, 2018

At 7:00pm, on Monday, July 9th, 2018, in the Board Room of the Landis Municipal Building, Mayor Mike Mahaley called to order the Town of Landis Board of Aldermen Regular Meeting. Those present along with Mayor Mahaley were Aldermen Tommy Garver, Bobby G. Brown, Tony Corriher and Seth Moore, Town Manager Reed Linn, Police Chief Kenny Isenhour, Deputy Town Clerk Debbie Goodman, Administrative Assistant Heather Wood and Town Attorney Rick Locklear.

A quorum was met.

Mayor Mahaley opened the meeting and welcomed all those in attendance.

The invocation was given by Pastor David Franks.

The pledge of allegiance was then led by Mayor Mahaley.

Alderman Moore motioned, seconded by Alderman Corriher, to approve the agenda with the addition of item 14-A – Consider Going Into Executive Session. All voted aye.

Alderman Garver motioned, seconded by Alderman Corriher, to adopt the minutes from the June 4th, 2018 Regular Meeting as written. All voted aye.

The first order of business was to call to order a public hearing to discuss propose changes to the Town of Landis Animal Ordinance.

Mayor Mike Mahaley opened the public hearing.

Nadine Cherry: stated that the Board keeps changing things but doesn't keep up with what has been changed. She stated since March she had had chicken, ducks, geese, etc. squalling; dogs chained up outside and barking and animals not staying/being kept where they were supposed to be. She stated that if we were going to have ordinances they needed to be enforced. She also stated that Zoning Manager Brandon Linn had stated something about contacting someone in Raleigh. She stated that she has a garden and does not want fowl in it tearing it up.

Nya Hartwick: stated that she thought it was best to turn enforcement over to the Department of Agriculture because they have a program established to deal with this very thing; not to mention citizens pay taxes for the program so they should get use out of it. She felt in a town the size of Landis, it was a waste of resources to try and enforce it ourselves.

Tracy Lacks: stated that she has neighbors who let their chickens run loose and barking dogs. She had gone to the police and they kept telling her they would do something. She felt if people wanted chickens they needed to live in the country, not the city.

There were no further citizens comments.

Mayor Mahaley closed the public hearing.

Alderman Brown motioned, seconded by Alderman Corriher, to adopt the proposed changes to the Animal Ordinance as presented, effective immediately. All voted aye.

The next order of business concerned two requests for voluntary annexation. The first was located off of North Chapel Street, identified as tax map: 129 and parcels: 026 and 026010001. The property was previously owned by Grove Supply and had been purchased by True Homes. It was approximately 26 acres and would have 90 additional homes attached to the Oaks of Landis.

The second parcel was located on East 31st Street off of South Chapel Street, identified as tax map: 156 and parcel: 363. The property is owned by Francis Haskell.

Both pieces of property are contiguous with the city limits of Landis and petitions for annexation had been received and were correct. There was no staff report yet.

Alderman Brown motioned, seconded by Alderman Corriher, to call for a public to discuss the voluntary annexation requests at the next Regular Meeting on Monday, August 6th, 2018 at 7:00pm. All voted aye.

The next order of business was a resolution honoring Rosella Caldwell's 100th birthday. Mayor Mahaley stated that Alderman Garver had presented Ms. Caldwell with a very nice plaque at her birthday celebration. He stated that Ms. Caldwell really was appreciated and that she had been a personal friend for years. She did not live in the city, but she was still a large part of the community. The resolution would be posted in the box outside of City Hall and he encouraged everyone to read it. Mayor Mahaley stated that they were a wonderful family and Ms. Caldwell deserves the recognition.

Alderman Brown read the resolution honoring Rosella Caldwell on her 100th birthday.

The next order of business concerned a request from Landis Baptist Church to close portions of certain streets for vacation bible school. This would include the section in front of the church on North Kimmons between Garden Street and Ryder Avenue. This was an annual request made by the church for VBS and would be from June 23rd to June 27th, 2018 from 5:30p until 9:00p. Staff had received 30 day prior noticed, as required by town policy.

Alderman Garver motioned, seconded by Alderman Corriher, to allow North Kimmons Street between Garden Street and Ryder Avenue, to temporarily close from June 23rd to June 27th, 2018 from the hours of 5:30p until 9:00p. All voted aye.

Department Head Comments

Town Manager Reed Linn: stated that he had several items to address:

1. Employee Donald Lentz had lost his wife two weeks ago to an extended illness. Staff had taken up a collection for the family and he asked everyone to keep him in their prayers.

2. Another employee, Gerson Manzanares, had fallen from a tree over the weekend and broken his back. He was doing better. A rod had to be inserted into his back, but there was no paralysis.
3. Effective tomorrow, Brandon Linn would be taking over as the town's ADA Coordinator.
4. At the budget public hearing the issue of the \$100,000.00 line item for Christmas lights had been brought up and there had been several calls about it since then. Manager Linn had met with Mayor Mahaley and they decided there needed to be further clarification. He stated that staff had worked very hard on the budget and it has to balance before it can be adopted. This was a very aggressive budget and they had additional revenue projections come in during the process. This revenue had to be put into several different line items to balance the budget, and one of those items was Christmas lights. Revenue is a projection and it comes over a twelve month period. There was some discussion of the sources of revenue for the town. Within a fund, money can be moved around between line items; this means just because \$100,000.00 was put into the Christmas lights line item, it does not mean that it will all be spent on that. For example, Public Works Director Ron Miller had already informed Manager Linn that the material cost for the expansion at the Oaks of Landis would be \$100,000.00, so there was already a need to move some of that money from one line item to another. Manager Linn assured the citizens the town did not have \$100,000.00 to spend on Christmas lights and that they make every attempt to be frugal. For example, in April every year a spending freeze is issued. Manager Linn hoped this would help explain and clarify for citizens. He urged anyone with questions to please contact him. There was some discussion.

Public Works Director Ron Miller: stated that on June 11th, 2018 they had a major storm event that started at 6:00p. Over 400 people were without power, there were numerous fire calls, poles and trees down, etc. The Town reached out to the surrounding communities for help and they worked until 5:00a to get everything restored. The only customer left without power was due to the fact the service had been ripped directly from the house. Director Miller thanked everyone for their hard work.

Board Comments

Alderman Tommy Garver: thanked Staff for their hard work on the budget and he advised anyone thinking of running should first go and try to understand the budget and the budget process. Last year the Town took in more than it spent; that \$100,000.00 is not part of the increases, it came in with last year's revenue and can be moved around. He appreciated Manager Linn explaining things. Alderman Corriher inquired how much was actually anticipated to be spent on Christmas lights. Manager Linn stated it was around \$30,000.00 due to some broken lights as well as some being too old to get replacement parts.

Alderman Tony Corriher: stated that on the night of July 4th he had witnessed some very disturbing fireworks that were being set off very high in the Oaks of Landis. He had called 911 and the Sheriff's Department had shown up and Alderman Corriher explained he didn't want tickets given, he just wanted it to stop. When nothing changed, he called 911 again and he was told there was nothing they could do unless there was property damage. He stated that the Landis Police Department had then gone down and put a stop to it. He had not appreciated how the Sheriff's Deputy had spoken to him. Alderman Corriher also addressed the bidding process. He stated it was already in place, but he felt anything that was more

than \$5,000.00 should have to go out for bid. Mayor Mahaley stated that they already do, but sometimes they are only able to get one bid. There was some discussion of the matter.

Mayor Mike Mahaley: addressed the storm event Director Miller had spoken about. He stated that Manager Linn had called him when the storm came through and those who came back had worked all night and most stayed the entire next day for their normal shifts as well. Mayor Mahaley stated if that had not been Landis Power, people probably still wouldn't have had power the next day. He stated he was very proud of all of the staff involved and he wanted to brag on them a bit. He asked everyone present to please give them a round of applause. Mayor Mahaley also wanted to address the employee furlough day. He explained that this had been instituted in 2008 when the economy was bad to avoid laying off employees. Employees do not get paid for furlough days. Director Miller, Chief Isenhour and Manager Linn are all on call, as well as being salary based. In 2008, this allowed the Town to save \$72,000.00 a year, now it would obviously be more than that. Mayor Mahaley simply wanted to clarify that employees are not paid for furlough days.

There were no further Board comments.

Citizens Comments

Nadine Cherry: once again brought up the issue of unpaid taxes, stating that it was usually posted in the paper in June, people who had not yet paid taxes. She thought the town needed to get on this matter because there was over \$250,000.00 owed to the town in back taxes and someone needed to do the work. There was some discussion. Ms. Cherry stated she was discouraged by the \$.05 tax increase; former Alderman Roger Safrit had suggested while serving that they go up \$.01 a year and no other members had agreed. She stated this would have been a better way to increase the tax rate over the last several years. Mayor Mahaley stated he agreed with Ms. Cherry, and the taxes had been turned over to the county so they dealt with them. Manager Linn also explained that the town also participates in NC Debt Setoff to go after unpaid utility bills as well. The Town's Attorney, Rick Locklear, also interjected that unpaid taxes become a lien, and when the property is sold, that revenue is collected and also accrues interest.

LA Overcash: stated that he had a sewer issue in late April, the main line had backed up into his home. He stated that the employees had done a great job, but they hadn't known how to run the machine and it was a waste of time. Since then, he's had three lines stop up in his house. He called the water department if they had a map, they explained they did not because it was the homeowner's responsibility. He stated that from the main line to the house is his problem, but he has no way to clean it out. He commented that he needed to replace the line so he needed a thirty day notice to close Fifth Street to dig it up. Director Miller explained that the Town's responsibility is from the clean out back, but there is no clean out at his location; Assistant Public Works Director Chris Ritchie had put in a request to install a clean out there. Mr. Overcash stated that the city had caused the problem and they had his permission to put in a clean out. Director Miller stated that he would contact Mr. Overcash and that he had the numbers on his desk, but had been unable to get to it today due to an injured employee.

Gail Hare: stated that she used to be a tax assessor and she had been to Manager Linn with several questions and she had a solution to fix her problem. At 319 South Correll Street they could put in two entry ways. Manager Linn stated that he and Director Miller had looked into it and he believed it might help, but the property owner would have to be the one to request it. There was some discussion. Ms. Hare stated that she had a tree cut down and the town owed her \$300.00. Manager Linn stated that was not the town's tree, it was just located on our right of way.

Ralph Lacks: stated that he had been told the town would discuss getting Lawing Drive fixed but so far nothing had happened. Mayor Mahaley stated that it takes a while to figure things out, especially when it's not the town's responsibility; a lot needed to be done that isn't actually town property. Mr. Lacks stated that he pays taxes and he's just asking them to fix it. There was some discussion. Mayor Mahaley stated that they were currently trying to determine who the street belongs to; Mr. Lacks stated that his uncle had the road paved and the Town had told him they would keep it up. He stated that people are told to call if they have a question or problem, but they call and no one ever calls back.

LA Overcash: stated that they needed to contact Carl Ford and put pressure on him about paving Main Street. He needed to be told the water lines were done. There was some discussion concerning the DOT and the paving. Mayor Mahaley assured him it would be paved.

Madison Gray: stated that they needed speed bumps at Town Street and Taylor Street because the road at the apartments was like a speedway. She stated that the PD was the worst about speeding down the street and no one cares. She stated that 15-20 kids live in that area. Gail Hare commented that they need to do something about Kimmons as well because a three year old had ran into the street and three cars nearly hit the child. There was some discussion.

There were no further citizens' comments.

Alderman Moore motioned, seconded by Alderman Brown, to go into Executive Session and to adjourn the meeting directly after. All voted aye.

The meeting was adjourned at 8:31pm on Monday, July 9th, 2018.

Heather Wood
Administrative Assistant