

**STATE OF NORTH CAROLINA
COUNTY OF GASTON
TOWN OF CRAMERTON**

September 6, 2018

The Board of Commissioners for the Town of Cramerton met in regular session on Thursday, September 6, 2018 at 6:00 p.m., in the G.M. Michael Commission Chamber at the Cramerton Town Hall to discuss stormwater fees.

Board Members present: Mayor Will Cauthen; Mayor Pro Tem Demetrios Koutsoupas, Commissioners Dixie Abernathy; Susan Neeley; and Donald Rice were present. Commissioner Houston Helms was absent and arrived later at 6:42 p.m.

Staff Present: David Pugh, Town Manager; Attorney Karen Wolter; Josh Watkins, Planning Director; Joel Lineberger, Finance Director; and Wilene Cunningham, Town Clerk.

Mayor Cauthen called the meeting to order and determined there was a quorum.

Cramerton Stormwater Fees Discussion: The Town Manager stated the Town's staff has been working on revising the stormwater fee structure to a system based on the amount of impervious surfaces on the property of non-single family residential uses. The current stormwater fee structure is based solely on property use. Staff is proposing a fee structure based on the amount of impervious surfaces on each site for non-single family residential parcels within the Town to determine the overall total impervious area. Impervious surfaces include areas where buildings, parking lots, and other hard surfaces do not allow water to infiltrate the ground. Once calculated this number will be divided by 2,500 square feet to give the Equivalent Residential Units (ERU's) on the site. Currently the stormwater fees are collected on the monthly Two Rivers Utilities bills. A ninety-day notice of change will need to be provided to Two Rivers Utilities prior to implementation. Discussion was held regarding the increases to our local businesses and how will they be notified. Commissioner Neeley asked if the churches and schools would be exempt and the Town Manager stated no.

Josh Watkins stated he has prepared a list of "frequently asked questions". Commissioner Abernathy asked about the change of fees for businesses and how would they be contacted. The Town Manager stated no information has been sent to any businesses at this time. Mr. Pugh stated the Board could advise of their final decision at the upcoming September 20th meeting. A budget amendment will need to be prepared. Two Rivers Utilities would need a three-month timeframe to allow for this adjustment. The Town Manager stated most businesses are on a financial calendar year and this should allow enough time for updated information to be presented prior to the first collection of the adjusted stormwater billing. Mayor Pro Tem Koutsoupas asked if there was a possible consideration for a graduated increase of stormwater fees. Mr. Watkins said he has no experience with this style of staggered style of fee collection. Mayor Pro Tem Koutsoupas asked if there could be a cap. Mayor Cauthen said this is being done with equability. The first bills with the new stormwater rates could be sent out in January.

The Town Manager stated there exists decades-old stormwater infrastructure such as underground pipes throughout the Town that have been abandoned by the mills, the railroad, even government entities such as NCDOT. Discussion was held regarding completion of a town-wide stormwater assessment study, creating a CIP plan, and begin implementation. Mr. Watkins stated the study could take about a year to complete.

The Town Manager stated a letter along with a list of “frequently asked questions” will be mailed to certain groups with the estimated amount of their impervious surfaces. Discussion was held regarding the importance of making improvements to the stormwater system for any deficiencies. A final decision regarding changes to the stormwater fees will be discussed at the next Board meeting on September 20th.

A five-minute recess was called.

7:00 p.m. Meeting:

Board Members present: Mayor Will Cauthen; Mayor Pro Tem Demetrios Koutsoupas, Commissioners Dixie Abernathy; Susan Neeley; Houston Helms; and Donald Rice were present.

Staff Present: David Pugh, Town Manager; Attorney Karen Wolter; Chief Brad Adams, Police Department; Josh Watkins, Planning Director; Joel Lineberger, Finance Director; and Wilene Cunningham, Town Clerk.

Call to Order and Determination of Quorum: Mayor Cauthen called the 7:00 p.m. meeting to order and determined there was a quorum.

Adoption of Agenda for this meeting: The Town Manager asked that the agenda be amended to remove the closed session for NCGS 143.318.1.1(a)(3) and to add closed session NCGS 143.318.1.1(a)(5) to discuss real property. A motion was made by Commissioner Neeley to adopt the amended agenda. The motion was seconded by Commissioner Rice and approved by all.

Invocation and Pledge of Allegiance: Commissioner Neeley offered the invocation and the Pledge of Allegiance was given by all.

Public Comment: Greg Ramsey, 165 Eighth Avenue, thanked everyone for the continued growth of the Town and the importance of connectivity. The proposed greenway would assist in providing connectivity to the businesses and would help in parking as more people would be walking into the area.

Brad Milton, 210 Armstrong Drive, stated connectivity for the local municipalities is important. He stated he liked the idea of people being able to travel from one community to another and wanted the Town to be able to encourage this. He stated he did recognize there were certain liabilities due to this being an island.

John Abernathy stated as a small businessman he would hesitate to encourage businesses for the downtown area without the connectivity. He stated he was locked on the island at night as one side of the island was open when he entered the park and then both sides were locked. The locking of gates offers a false sense of security. He stated that closing the gates through the park would strangle the proposed greenway.

Eric Severance, Rogers Court, stated there are two areas in the Lakewood neighborhood that need to be paved from Armstrong Drive to Ridgeway Drive. He stated two manhole cover areas near the Lakewood sign at Treeline need repair. He said there are eighteen paving patches in this section of Lakewood. He stated he was okay with the thought of leaving the gates open on Goat Island. Mr. Severance stated he would follow up at a later date regarding about the clearing of right-of-way by the Town for the Goat Island Greenway as he is the last house in the neighborhood to connect to the Wilkinson Boulevard Bridge and the South Fork Apartments.

Recognition of Officer Corey Debbold's recent promotion from Sergeant to Captain. Chief Adams recognized Captain Debbold for his promotion from Sergeant to Captain over the Police Department's Patrol Services.

Recognition of Officer David Beane's receiving the NC Training and Standard Advance Law Enforcement Certification. Chief Adams and Captain Debbold recognized Officer Beane for his completion of the NC Training and Standard Advance Law Enforcement Certification.

AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

Parks and Recreation

Goat Island Open/Close Hours Discussion. The Town Manager stated that information from the department heads regarding open and close hours was included as part of the agenda packet. Attorney Wolter stated that the Town has an affirmative duty to provide safe spaces and security on the Town's property for all citizens. In order to show that the Town has met its duty, the courts or insurance companies could ask if the Town performed its obligation in the same manner as would a "reasonable town" under the circumstances. Information has been gathered from local municipalities regarding their park amenities including with or without water amenities. All municipalities close their parks and many have gated areas, but no one has an island. Attorney Wolter stated the Town could assume a substantial risk by lowering our standards increasing the risk of criminal activity, falls, or water related occurrences. Commissioner Helms asked about the difference about parks posting hours or some parks state they close at dark. Attorney Wolter stated most parks are posted as sunrise to sunset. Parks and greenways are generally isolated.

Discussion was held regarding placement of additional signage and increased police patrol. The Town's policy is 10:00 p.m. to 6:00 a.m. Attorney Wolter suggested that a consideration by the police department is to begin a procedure to avoid someone being locked on the island that two officers walks the path from one side to the other with one officer locking one gate and the other officer crossing and locking the other gate.

Commissioner Abernathy stated she wanted to clarify this item that at a prior meeting she was requesting that Goat Island be left open regarding the usage of greenway, not the park to be left open. She stated she was expecting to be reviewing an analysis of data from court documents and other viable options and this is a position paper. Commissioner Abernathy asked about liability and duty of care by the Town for the safety of the citizens for the park to be used. She spoke about the change regarding safety when the sun sets. Discussion was held regarding diminished safety of the island after hours due to the topography, water, and isolation. Commissioner Abernathy stated about establishing duty of care and how it has been applied. Commissioner Abernathy stated that Riverside Park has a water amenity and is not gated and these same liability items apply to that park and proof of causal connections and does this apply to the sun going down. Attorney Wolter advised that once the sun sets there is the possibility of increased crime and this could be considered a causal condition in a lawsuit. Commissioner Abernathy stated growth and connectivity to neighborhoods along with the usage of the greenways is important. She wants to encourage residents to use the greenways for access to restaurants and connectivity to the Town of McAdenville. She said there has been focus during past Board meetings increasing connectivity with other areas of the Town such as McAdenville with the construction of the Goat Island Greenway, the bridge pathway across the Lakewood Bridge, and the bike plan. This connectivity would have a connection gap with limited access to cross Goat Island.

Commissioner Abernathy stated she recently ran a 10K race in Lake Park, North Carolina and their website states they have over sixty acres of parks, lakes, and common areas that all are connected with paved walkways. They have park hours from dawn to dusk and the parks are not gated. She commented that Riverside Park is not a gated park and the hours are stated “dawn to dusk” and she thinks that residents and visitors will respect our parks and equipment.

Chief Adams said leaving the island open after dusk would increase the possibility of liability due to increased criminal activity and there is a greater risk of someone getting injured due to lack of lighting, topography, and the water amenity. He stated this area is difficult to patrol during the daylight and at night it would even be more difficult. Commissioner Rice stated he knew that the pathway at Riverside Park is regularly patrolled at night and he asked how much increased effort would be needed to add patrolling of Goat Island. Chief Adams said this would require additional patrol time on foot and could reduce response time if a call for service is made for other areas. The island would need to be patrolled on foot or use of the UTV which would increase the time patrol time needed for this activity.

The Board asked about the number of calls the police department has responded to for nighttime calls. Chief Adams stated there has been forty-six calls with nine of them where an arrest has been made. One call was taken for someone being locked on the island. Commissioner Abernathy stated that she thinks of the park equipment as separate from the paved greenway and the park would close from dawn to dusk leaving the greenway open. No hours are assigned to the greenway. Commissioner Helms asked if the entire island is considered a park. Attorney Wolter stated the park hours are “dawn to dusk” and the

greenway is open until 10:00 p.m. Commissioner Rice stated we would need to change the greenway to stay open throughout the night. Attorney Wolter recommended increased lighting and a police program in place for patrolling to meet the standard of care. Commissioner Abernathy stated the park would remain open from “dawn to dusk” and leave the greenway as open access without any stated hours. The Town Manager stated signage can be placed advising that after hours you will be using at your own risk. Attorney Wolter advised that greenways would need to follow standard of care which would be “dawn to dusk” hours and safety would need to be increased such as lighting and more police patrol which would be a standard of care indicating a greater degree than what other municipalities have in place.

Commissioner Rice stated he would like to ensure there is enough lighting on the greenway. Mayor Cauthen stated lighting is not part of the current plan. Commissioner Rice stated he could not support a policy having the greenway open without lighting including the island.

Commissioner Neeley asked if the police department still had bicycles they could use as part of their patrol. Chief Adams stated they are talking about implementation of this program. There are two officers on patrol at night and he would need a supplemental officer to assist with patrol. Mayor Pro Tem Koutsoupas asked about installation of call boxes. Chief Adams stated video monitoring would be the best option. Video monitoring could be solar powered. Commissioner Rice asked about the cost of modifications for safety features in comparison to the cost to construct sidewalks for connectivity as a different alternate.

Attorney Wolter advised the Board that removing the gate opening the Goat Island Park and Greenway would create possible additional liability for the Town. Commissioner Abernathy stated that other park areas in the Town are posted open from “dawn to dusk” and they are not gated. Attorney Wolter stated other parks in the Town that are near the river are not gated. Commissioner Helms stated he would recommend taking no further action and leaving it as “status quo”. Commissioner Abernathy stated she would like to have the gates left open for access to the greenway. The Board discussed increased signage and improvement of safety features. The Town Manager stated there is a Town ordinance regarding the parks and greenways, and hours open with differentiation between the parks and greenways. Commissioner Rice stated if the greenways are closing at 10:00 p.m. he would not want to change this policy until lighting is reviewed and police patrol and proper safety features are in place such as video monitoring. Attorney Wolter asked if the park area can be restricted from the greenway. Chief Adams said no. Mayor Pro Tem Koutsoupas stated old signage would need to be updated prior to any changes. Commissioner Neeley stated she would like to have staff follow up with possible grant funding for lighting. Mayor Pro Tem Koutsoupas asked how many trespassing citations have been written. Chief Adams said he has issued two.

Mr. Watkins stated the Goat Island Greenway Project started last week and should be completed in three months weather permitting. If paving is not completed by December

15th then the paving will not begin again until March 15th per NCDOT's standards. Mayor Cauthen stated lighting would probably be solar LEDs.

A motion was made by Commissioner Abernathy to leave the Goat Island Park hours as "dawn to dusk" and remove the greenway hours and allow the gates to remain open for access to the greenway. The motion died for lack of a second. Commissioner Rice asked that staff gather additional information regarding illuminating parts of the greenway for twenty-four access and placement of video monitoring equipment and to be presented at the October meeting for further review and discussion. The Board agreed. The Town Manager stated this information can be presented at the first meeting in October.

Parks and Recreation Event Coordinator Position: Consider Resolution 2018-06 to amend the Cramerton Personnel Policy to add the Event Coordinator Position (encumbered in the FY 18-19 Budget). This position was approved at the first of January during the budgeting process. Mr. Smallwood would like to begin the advertising now. Commissioner Helms asked that a correction be made on the job description as the word "feeling" is repeated. A motion was made by Commissioner Helms to approve Resolution 2018-06 to amend the Cramerton Personnel Policy to add the Event Coordinator Position. The motion was seconded by Commissioner Neeley and approved by all.

Finance

Fleet Fiscal Schedule: Updated Fleet Schedule (from August 16th Work Session). The Town Manager stated a list has been compiled of the Town's fleet inventory and additional analysis will need to be completed. The Police Department already has a set schedule in the budget for replacement of vehicles. The Board discussed each department having an amount set aside in the budget each year to replace vehicles. The Board asked about the age of the Public Works vehicles. Mr. Lineberger said that several vehicles are thirty years old. Discussion was held regarding funding by setting up a budget line item as surplus or as capital outlay. Funds can be restricted for fixed assets. The Board discussed creation of a worksheet with the cost of assets and a forecast of when funding would be spent out of the General Fund. The Town Manager stated the fleet schedule will be updated and discussion can be held in January during the Goals and Objectives meeting. No monies were reserved for the fleet other than the Police Department in this year's budget.

Legal:

NC General Assembly State Budget. NC Municipalities Funding County Schools – Legal Team Update. Mayor Pro Tem Koutsoupas asked if other states have a similar policy regarding funding of county schools. Attorney Wolter advised that New Jersey and New York assist in funding of public schools. Mayor Pro Tem Koutsoupas asked about feedback being received from other counties or the Department of Education. Attorney Wolter stated no feedback has been received. The Town Manager stated he recently attended a manager's meeting and not all municipalities have the same sentiment.

BIG BOARD REVIEW: Mayor Cauthen asked about the status of repairs to the Town Hall building. The Town Manager stated the architect is working on gathering information for repairs to the Parks and Recreation building to incorporate into one bid for both structures. Mayor Pro Tem Koutsoupas asked about if the information regarding the Cramer Mountain Road Sidewalk could be removed as part of the Timberlake Connectivity and Small Lakewood Project. The Town Manager stated the fog line remains on schedule. Mayor Pro Tem Koutsoupas stated that the fog line needs to be extended to the Lakewood side on North Main Street. Mayor Cauthen asked for an update regarding the Market Street intersection including wayfinding pillars and lighting. A meeting is scheduled with Jackie McSwain with NCDOT to discuss these items. He asked if there is a possibility of losing any state funding. Mr. Pugh stated no. Mayor Pro Tem Koutsoupas recommended the Veterans Memorial Project and Bike Repair Station could be included on the same page grouped together as they are parallel projects.

Cramerton Board of Commissioners

Veterans Memorial Update: Commissioner Helms stated a rehearsal meeting is scheduled for Monday, September 17th, at 6:00 p.m. The pavers have been ordered and the 5K Run for the Veterans is scheduled for Saturday, September 15th. The Town Manager provided a memo offering the timeline.

Cramerton Alcoholic Beverage Control (ABC) Board: Approval of ABC Travel Policy. A motion was made by Commissioner Neeley to approve the ABC travel policy. The motion was seconded by Commissioner Rice and approved by all.

Masonic Lodge Parking Plan: Previous engineering plan for Masonic Lodge parking lot improvements. The Town Manager presented a previous map of possible changes to the parking lot at the Masonic Lodge. Chief Adams stated one-way traffic off of Ninth Avenue would be feasible. Brad Milton stated he would share this drawing at the Masonic Lodge's meeting on Tuesday night. Mayor Cauthen asked staff to contact an engineering firm and have them prepare information regarding maximizing parking spaces without losing a lot of green space. Commissioner Helms asked about additional parking on Ninth Street and possible parking on the green space with the installation of pervious pavers.

Manager's Report:

NCLM Advocacy Goals Conference – November 29, 2018 at the Raleigh Convention Center. The Town Manager stated he has attended this event in the past. The event will be the week after Thanksgiving.

Helix R Artwork Update: The artwork should be delivered tomorrow. The Finance Director stated he will need to get it insured.

MT Land: Overlook at Riverside Project. Two informational meetings are scheduled to be held next Monday and Tuesday. Plans have been formally submitted to Gaston County for approximately 1,000 residential units. Mr. Pugh stated meetings have been held with the county advising them of our request for more commercial units in that area.

Mayor Pro Tem Koutsoupas stated he would like a different name than Riverside be implemented. The Planning Director stated information has been sent to the county with copious notes on their preliminary plans. The county commissioners will make the decision since this area is in the Town's extra-territorial jurisdiction. Commissioner Helms asked if the City of Belmont has commented on this project. Mr. Watkins states the project is in the county. It is in the Town's sphere of influence. The Board discussed the possibility of an annexation request from the developer once the project is built out. The Town Manager said yes but the Town could decline.

GENERAL STAFF REPORTS:

Update from Two Rivers Utilities: Mike Bynum provided his report to the Board. A notice is going to be sent this week to the affected property owners informing them of upcoming sewer work on their properties for the Cramer Mountain Sewer Easement Clearing Phase III. Property owners and the homeowner's association will be notified before any easement cleaning begins.

The contractor has laid out about three-quarters of the force main pipe and has started the last horizontal directional drill near Poplar Street to Wright Street on the South Fork Phase II Regional Sewer Project. This project is a little behind due to the weather.

Construction is underway for the Southeast Sewer Project along with easement acquisition for Phase I. Three of the eight easements have been completed. Phase II easement maps are under review by staff. Phase 2B is being surveyed and designed in-house.

The new sewer line through the Courtyards at Cramerton has been accepted so the contractor can shift the flow to the new line. Construction of the off-site improvements for the Village at Cramerton Mills are completed and acceptance will come later. City staff is working on an agreement with VCM for the improvements to Baltimore to allow additional phases to be built. The final revisions for water and sewer plans for the Grove at Peach Orchard and the Haven are being reviewed.

Town Attorney: Nothing to report.

Town Clerk: The clerk stated that Jerry Roche has submitted his re-application packet for the Cramerton ABC Board.

Police Department: Chief Adams advised that two 5K runs are planned. The 5K run scheduled for this weekend will not affect business owners. The 5K run for the Veterans is a different route and will affect the downtown business owners. Chief Adams stated he will start the Leadership Gaston classes next week. He advised the Board that several vehicles had been trapped in the underpass.

Fire Department: Chief Foulk was absent.

Planning: No further updates.

Finance: No further updates.

Parks and Recreation: Mayor Pro Tem Koutsoupas stated the Parks and Recreation Advisory Board is scheduled to meet on Monday at 7:00 p.m.

Topics of Discussion for Each Commissioner:

Commissioner Neeley had nothing to report.

Commissioner Rice had nothing to report.

Commissioner Abernathy had nothing to report.

Mayor Pro Tem Koutsoupas asked about the activity occurring on the property located off of McAdenville Road. No one was aware of what this activity was. He asked for a status about the project across the road from Cimarron Boulevard in Belmont. Mr. Watkins stated this is a mixed-use development through the City of Belmont. It consists of about 1,100 acres. Mayor Pro Tem Koutsoupas asked that the Little League be notified of the 5K Veterans Run as there may be a game planned for the same weekend.

Commissioner Helms advised the Board about the recent CATS meeting. It was well attended and discussions was held regarding the bridge replacement and a proposed rail line.

Mayor Pro Tem Koutsoupas asked about vehicles parking at the C.C. Dawson Bridge. Chief Adams stated this is a NCDOT road and it is their right-of-way.

Commissioner Helms asked about what type of follow up is provided about the railroad pass such as safety inspections. He asked that staff follow up.

Mayor Cauthen stated he had nothing to report.

A two-minute recess was called.

NCGS 143-318.11(a)(6) To consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee.

NCGS 143-318.11(a)(4) To discuss material with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. A motion was made by Commissioner Neeley to enter into closed session. The motion was seconded by Commissioner Rice and approved by all.

A motion was made by Commissioner Neeley to return to open session. The motion was seconded by Commissioner Helms and approved by all.

Adjournment: A motion was made by Commissioner Helms to adjourn at 10:08 p.m. The motion was seconded by Commissioner Abernathy and passed by unanimous vote.

Mayor Will Cauthen

ATTEST:

Wilene Cunningham, Town Clerk