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**Stanley Town Council Meeting  
Official Minutes  
Monday, July 9, 2018**

The regular monthly meeting of the Stanley Town Council was held on Monday, July 9, 2018 at Stanley Middle School. The following elected officials and staff were present:

Steven Denton, Mayor  
Cathy Kirkland, Mayor Pro-Tem  
Rob McMinn, Council Member  
Kerry Hart, Council Member  
Bud Pate, Council Member

Jim Windham, Town Attorney  
Heath Jenkins, Town Manager  
Craig Roseberry, Public Works Director  
Olivia Smith, Finance Director  
Michael Hullett, Deputy Fire Chief

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***Call to Order:***

Mayor Denton called the meeting to order at 6:00 p.m.

***Invocation:***

Mayor Pro-Tem Cathy Kirkland gave the invocation.

***Pledge of Allegiance:***

All citizens present recited the Pledge of Allegiance.

***Approval of Agenda:***

Mayor Denton asked for a motion to approve the agenda. Mayor Pro-Tem Cathy Kirkland made a motion to accept the agenda and Council Member Bud Pate seconded the motion. A vote was held and the motion passed unanimously.

***Approval of Minutes:***

Mayor Denton asked for a motion to accept the June 4, 2018 Regular Meeting Minutes. Council Member Kerry Hart requested the heading be updated to reflect Cathy Kirkland as Mayor Pro-Tem and Danny Sparrow as Council Member. Council Member Kerry Hart made a motion to accept the minutes with the changes in titles and Council Member Rob McMinn seconded the motion. A vote was held the motion passed unanimously.

**Old Business:**

- A. Intent to Close a Portion of General Pemberton and General A.S. Johnston Streets**  
Mayor Denton asked for a motion to open the Public Hearing. Mayor Pro-Tem Cathy Kirkland made the motion. Council Member Hart seconded the motion. A vote was held and the motion passed unanimously.

Mayor Denton referred to Mr. Windham. Mr. Windham explained that the state has found deficiencies in the road and the objective of the Council is a matter of safety. He explained that school buses use the roadway, and the roadway is not heavily traveled, but it is traveled. He stated that delivery trucks, moving vans, etc. that are heavy and may use the road as well. He stated that because of this, there is a danger and we do not know how much of a danger, but that there is a concern due to the state's finding. He stated that when the Town accepts responsibility of a roadway in its jurisdiction, it is also responsible for the safety. Mr. Windham explained the idea is to close the road – the road would no longer be a public road, crossing the dam, and it would become a private road. That private road would continue to serve certain properties. Mr. Windham stated that in order to maintain the public safety and in order to prevent any potential tragedy, the Council decided to pass a resolution of their intent to close the road. He explained that the resolution does not close the road but generates the current public hearing to hear from the residents and research the issue. He stated that at some point there would need to be some way to block and prevent the public from using the road – not to prevent property owners from using the road, but to prevent the public from doing so. He stated that this matter is before the Council and if they adopt the resolution after the public hearing, it would be an ordinance of the Town and recorded with the County.

Mayor Denton asked if there was any comment regarding the matter.

John Miller - 1090 El Remarko Dr addressed the Council. Mr. Miller asked about ownership. He explained that he accesses his property via an easement from the owner of the low side of the dam. Mr. Windham stated that any easement or driveway, would in his opinion, be available to attach to the area. He stated that he may need an amendment. Mr. Miller stated that he needs guaranteed access to a public road, not a private road, to access his property. Mr. Miller proposed moving the area to be closed back to allow access to his property from the public section of the roadway. Mr. Windham stated that this was a great point and that it could possibly be addressed in a few ways. Mr. Miller stated that there is trash service at the end of the road and he is not sure how the trucks would turn around if there were barriers. Council Member Bud Pate asked if the visual reference of where the road is proposed to be closed is the actual area where the dam starts. Mr. Windham stated that he simply did not know, but he believes the plans were engineered to

show where the dam starts and ends. Mr. Miller asked if it was the discretion of the Town. Mr. Windham stated it is the discretion of the Town. Mr. Windham stated that it has been advertised as being closed from point A to point B as presented by the map and that the area to be closed could potentially be reduced but could not be expanded without being re-advertised.

Eddie McGinnis – 302 AS Johnston Street addressed the Council. He stated that he has lived in the home since he was very young. He stated that trash trucks do come down and will need to turn around in someone's driveway or back up. He stated that as good of a bus driver as Councilwoman Kirkland is, he would not want her to have to backup that far. He stated that he appreciates the Council taking the time to study this issue carefully. He thanked them for the opportunity to hear what they are doing. Mr. Windham stated that he is not sure what other roads in the Town limits have turn around problems. He stated that at some point there is going to need to be a decision whether to maintain the road for garbage trucks, school buses, etc.

Patrick Nicholson – 132 General Pemberton Street addressed the Council. Mr. Nicholson stated that he appreciates the opportunity to ask for a sensible way to alter the proposed closure. He stated that there are several children there and he does not think that a barricade is a sensible option.

Michael Dukes – 111 General Pemberton Street addressed the Council. He stated that he understands the Council may need to close the roadway for safety concern. He expressed concern over the number of people that bike or walk around that loop and asked the Council to consider that they may be asking the residents to walk or bike across private property. Mr. Windham agreed this was a valid question and could be discussed with property owners.

Timothy David Bush – 401 General AS Johnston Street addressed the Council. He stated that his driveway is barely big enough for one car, and certainly not wide enough for a trash truck or school bus. He stated that he sees what the Town is trying to do but has concerns about where his home is and where the closure point is. Mr. Windham stated that he would own the area he needs to access his home. Mr. Bush asked about the barricade. Mr. Windham showed Mr. Bush where the barricades could possibly be located. Mr. Bush stated that he is concerned about school buses and trash trucks. Mr. Windham stated that the Town Council acknowledges that issue and is looking for a solution.

Mr. Miller asked if the location of the public hearing signs was where the barricades would be placed. Manager Jenkins explained that the signs were just attached to existing poles and are not a reflection of where the barricades would be placed.

Jessica Nicholson – 132 General Pemberton Street addressed the Council. She asked if there is an alternate to the barriers because they would not be attractive and could lower property values. Mr. Windham stated that any barrier would need to be worked out with the property owners and it is certainly possible to use something more attractive.

Scott Rhodes – 206 General Beauregard Street addressed the Council. He stated that he is concerned about a significant change in traffic and that the additional traffic will be an issue.

Terry Childers – 203 General JE Johnston Street addressed the Council. He stated that his concern was about a specific house. Mr. Windham stated that the home in question would have ownership rights.

Jason Waugh – 134 General Pemberton Street addressed the Council. He asked if there were any discussions of cul-de-sacs. Mr. Windham explained that any discussion of a cul-de-sac would need to be approved by the state.

Caryn Lilja – 120 General Pemberton Street addressed the Council addressed the Council. She stated that she bought into her neighborhood because of her ability to walk and ride bikes around the loop. She stated that this would affect her property value. She stated that people from Jackson Park, Creekwalk and all areas of Stanley walk the loop. She stated that something other than barricades should be used and that the Town should still be able to utilize, as a walking trail, etc.

Patrick Nicholson commented again and stated that if the issue is with traffic could the Town close for traffic and maintain ownership so the public could still use the area. Mr. Windham stated that the Council can decide whether to do nothing, close the road or do something in between.

Jessica Nicholson spoke again and asked if there has been discussion with the state to see what they require for the Town to be in compliance. She stated that she is concerned that they may close the road and then the state say that is not good enough. Mr. Windham explained that this often has a lot to do with whom you speak with, what administration is in place, and so on. He stated that there is no simple answer of what the state may accept.

Krik Hargis - 128 General Pemberton Street addressed the Council. He stated that repairing the issue has not been discussed. Mayor Pro-Tem Kirkland explained that was her preference, but the cost is hundreds of thousands of dollars and that is

what the Council is up against. Manager Jenkins explained that even as recently as a few weeks ago, the numbers were \$250,000 up to \$750,000.

Mr. Miller asked Mr. Windham again about where the line is drawn. He stated that where the line is drawn now he would not have access to a public road. He asked that if the road has to be closed, the lines be moved.

Karen Lilja asked why the Council is discussing closing the road if we do not know what the state will accept. She also asked what will happen if the road closure does not satisfy the state and if they still require the dam to be breached, who will be responsible if the road has been closed. Mr. Windham stated that we do not have all of these answers and this is why the Town has been exploring options.

Mr. Windham stated that the Council has several options tonight. Once the public has given their comments, the Council can close the public hearing and make a decision one way or the other on the issue. They can also continue the public hearing until the next meeting or they can close the public hearing and not make any decisions this evening.

Robert Costner – 208 Stonewall Jackson Street addressed the Council. He addressed concerns over natural wildlife and stated that the barricades would take all of that away. He asked what other small towns do when they face an issue like this. Mayor Denton asked Mr. Windham if the state has put the burden on the Town. Mr. Windham stated that the burden is on all of the property owners. Mayor Denton stated that fixing the dam would put a financial strain on the Town.

Mayor Denton stated that he was not prepared to ask for a vote to approve or deny the resolution. He asked for a motion to continue the public hearing until the next meeting on August 6, 2018 at 6:00 PM at Stanley Middle School.

Manager Jenkins asked if there was any specific information that the Council would like the staff to research before the next meeting.

Mayor Denton asked that any concern presented by the citizens this evening be researched.

Mr. Windham exited the meeting as he needed to attend another meeting elsewhere.

- B. Resolution Accepting Loan for Phase II of Stanley Sewer Interconnect Project**  
Mayor Denton asked for a motion to approve the resolution. Mayor Pro-Tem Cathy Kirkland made the motion. Council Member Rob McMinn seconded the motion. A vote was held and the motion passed unanimously.

Mayor Denton stated that anyone who wishes to leave the meeting may do so at this time as to not interrupt the remainder of the meeting.

***New Business:***

**A. Resolution to Declare Vehicles Surplus**

Mayor Denton asked if there was a motion to approve the resolution to declare the proposed vehicle as surplus. Council Member Bud Pate made the motion. Council Member Kerry Hart seconded the motion. A vote was held and the motion passed unanimously.

**Special Presentations:**

Maury Scruggs – Director of Lighting – Automated System Design, Inc.

Manager Jenkins explained that he had requested Mr. Scruggs do an assessment on the lighting in Town facilities to replace fixtures or with LED lighting. Mr. Scruggs explained that he performs an evaluation and he knows what the rebate program is going to pay. He stated that the difference between the rebate program and the cost is paid by the customer. He provided the information for costs, rebates, out-of-pocket for the Town, annual savings and the timeframe for a return on investment. Manager Jenkins explained that what is not reflected in the report is the continued savings after the investment has been covered. The savings will continue. Mr. Scruggs stated that their lights come with a five-year warranty and what is not considered are the maintenance of current lights. There would be an additional savings from maintenance.

**Citizen Comments:**

Mayor Denton asked if there were any citizen comments.

Ms. Burrell of 407 S Buckoak Street stated that she has continued to have water concerns with drainage. Mayor Denton stated that he walked it with Mr. Roseberry and Ms. Burrell and will have Manager Jenkins work on the issue.

Ms. Purser of 406 Thompson Street stated she is having trouble with water quality. Mr. Roseberry explained this is very important to the Town and he will be out to investigate the issues.

***Department Reports:***

**Finance Department:** Mayor Denton explained that the financials were provided.

**Public Works:** Mr. Roseberry had no further report.

**Recreation:** Mr. Deason was not present. Mayor Denton recognized Mr. Deason and the 8U All Stars for making their way to the World Series. They will represent North Carolina as the state champs.

**Fire:** Mayor Denton asked about nighttime response. Deputy Chief Hullett stated that nighttime response ranges from 5-55 minutes. Mayor Pro-Tem Kirkland asked if they can change the schedule to cover nights. Deputy Chief Hullett explained that they do not have enough staff to

move one person to night. He explained that the many responsibilities of running the department that take place during the day would suffer. He also explained that during the day the six volunteers that the department has are at work and there would then be a short response during daytime hours as well.

**Police:** Chief Summey has no report.

**Manager's Report:** Manager Jenkins discussed storm water fees. He explained that previously every household and business paid the same. He stated that if they choose to reimplement the program he would like to see industry and residences addressed differently, as a home may only have a small driveway and industrial has a large parking lot and rooftop. Mayor Denton explained that he believes reimplementing the fee would help people like Ms. Burrell with the issues that she is experiencing.

**Council Comments:** Mayor Denton asked where the Council would like to complete Ethics Training. The Council agreed to schedule the ethics training for after the August meeting.

Councilman Pate stated that he would like to know if the Town could get some form of estimate to repair the dam. He stated he knows that it would be high but it would show the public what the Council is up against. Manager Jenkins explained that we have a safety and liability issue and he believes Mr. Windham explained the issue the best that he could.

Councilwoman Kirkland stated that the public made good points that either way there is a safety concern.

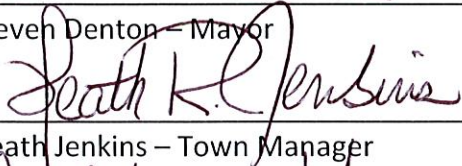
**Adjournment:**

Mayor Denton asked for a motion to adjourn. Council Member Kerry Hart made the motion. Council Member Rob McMinn seconded the motion. A vote was held and the motion passed unanimously.

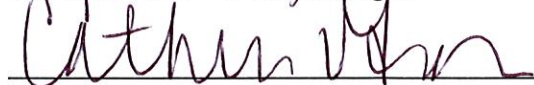
Respectfully Submitted:



Steven Denton - Mayor



Heath Jenkins - Town Manager



Catherine Greder - Town Clerk

