

**MOUNT AIRY, NORTH CAROLINA  
REGULAR MEETING MINUTES  
November 21, 2019**

**MEMBERS PRESENT: Mayor Pro Tempore Jon Cawley, Commissioners Shirley Brinkley, Dean Brown, and Steve Yokeley**

**MEMBER ABSENT: Mayor David L. Rowe**

Mayor Pro Tem Cawley welcomed everyone and opened the meeting.

**APPROVAL OF AMENDED AGENDA:**

**On motion by Commissioner Brinkley, seconded by Commissioner Brown and passed unanimously, the amended agenda was approved.**

**CONSENT AGENDA:**

**On motion by Commissioner Brinkley, seconded by Commissioner Yokeley and passed unanimously, the following items were approved by way of consent agenda.**

• **APPROVAL OF MINUTES:**

- April 9, 2019 Preliminary Budget Meeting
- May 20, 2019 Called Meeting (ETJ Public Hearing)
- November 7, 2019 Regular Meeting

• **RESOLUTION 2020-041-MAKING RECYCLING ADVISORY COMMITTEE APPOINTMENT:**

**RESOLUTION NUMBER 2020-041**

**RESOLUTION MAKING RECYCLING ADVISORY COMMITTEE APPOINTMENT**

WHEREAS, Paul Belk's appointment to the Recycling Advisory Committee has expired and he has elected not to seek reappointment; and

WHEREAS, it is recommended that Ken Klamfoth be appointed to the Recycling Advisory Committee for a three-year term expiring October 31, 2022;

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

Section 1. Ken Klamfoth is hereby appointed to the Recycling Advisory Committee for a three-year term expiring October 31, 2022.

Section 2. This resolution shall become effective upon approval.

Approved and adopted this the 21<sup>st</sup> day of November, 2019.

• **RESOLUTION 2020-042-MAKING CEMETERY TRUSTEES REAPPOINTMENT:** \_\_\_\_\_

**RESOLUTION NUMBER 2020-042**

**RESOLUTION MAKING CEMETERY TRUSTEES REAPPOINTMENT**

WHEREAS, Bill Beamer’s appointment to the Cemetery Trustees has expired and he has expressed interest in being reappointed; and

WHEREAS, it is recommended that Bill Beamer be reappointed to the Cemetery Trustees for another four-year term expiring November 1, 2023:

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

Section 1. Bill Beamer is hereby reappointed to the Cemetery Trustees for a four-year term expiring November 1, 2023.

Section 2. This resolution shall become effective upon approval.

Approved and adopted this the 21<sup>st</sup> day of November, 2019.

(end of consent agenda)

**SPECIAL PRESENTATIONS:**

**City Audit Report-Kelly Gooderham, Martin Starnes & Associates, CPAs, P.A.:**

Ms. Gooderham reviewed the 2018-2019 City of Mount Airy Audited Financial Statements.

**General Fund Summary**

2018 Revenues:	\$12,189,862	2018 Expenditures:	\$12,711,374
2019 Revenues:	\$13,887,491	2019 Expenditures:	\$13,248,818

**Fund Balance-General Fund**

Total Fund Balance:	\$12,836,876
Non Spendable:	- 114,895
Stabilization by State Statute:	- <u>3,395,756</u>
Available Fund Balance:	\$ 9,326,225

Available Fund Balance 2018:	\$10,919,285
Decrease in Available Fund Balance:	\$ 1,593,060

**Ad Valorem Taxes**

2018:	\$5,424,837
2019:	\$6,775,415

**Unrestricted Intergovernmental**

2018:	\$4,219,476
2019:	\$4,421,617

**Sales and Services**

2018: \$1,413,284  
2019: \$1,312,713

**Public Safety**

2018: \$5,260,287  
2019: \$5,852,724

**Culture and Recreation**

2018: \$2,670,998  
2019: \$2,543,303

**General Government**

2018: \$1,846,705  
2019: \$2,010,523

**Water and Sewer Fund**

Cash Flow from Operations: \$2,233,793  
Required Debt Service: \$1,449,529  
Unrestricted Net Position: \$5,308,478  
Change in Net Position: \$ 286,408

**PUBLIC HEARINGS:**

**a) Board to Hear Public Comment Regarding Rezoning of Multiple Properties Located on Houston Street, Factory Street, and Depot Street:**

Mayor Pro Tem Cawley: The next item is a public hearing to hear comment on the rezoning of multiple properties on Houston Street, Factory Street, and Depot Street. I will now recognize Andy Goodall.

Andy Goodall: This is going to be an easy one for you. This rezoning came to you back in September and there were some issues so it went back to the Planning Board. There was a lot of conversation at the Planning Board with neighbors and property owners and the Planning Board made a recommendation back to the board to approve the rezoning with conditions. Since then, one of the property owners who owned four of the properties withdrew their portion of the application and the rest were going to move forward with the public hearing with the rest of the block. Earlier this week, other owners withdrew their application. What was left of the area for the rezoning was so small, it didn't warrant this board to look at it and make a decision. I met with Mr. Pyles yesterday and he officially withdrew the entire application so there is no need for this public hearing tonight.

**b) Board to Hear Public Comment Regarding Amending Sections 3.9, 3.10, 15.4, and 6.4 of the City of Mount Airy Zoning Ordinance:**

Mayor Pro Tem Cawley: This next public hearing is to receive comments regarding amending certain sections of the Zoning Ordinance. I recognize Andy Goodall again.

Andy Goodall: As we come across issues we see while working with residents and business owners, there are times we will bring back recommended changes to the Zoning Ordinance to address some of those issues and also to help out with issues that we aren't sure should be

created by the ordinance. The first one, we work with several organizations that provide handicap ramps for homes for those that need access to their homes and they do it at a very reasonable rate for those individuals. What we found is sometimes, it is hard to fit the handicap ramps within our setback requirements. As more people in the core of the city and along North Main Street need them, they are on smaller lots and it becomes almost impossible to fit a handicap ramp within the setback requirements. What we propose is to exempt residential handicap ramps from setback requirements so that people who need them can get access to their homes without going through a variance process. The next one is providing clarification on fences for both residential and non-residential. We currently don't allow for any type of fencing in the front yard of a residence and we have never been able to figure out why it was written that way and there is no good reason for it, so we have added that into the ordinance that would allow them in the front yard with some standards. We then just cleared up the non-residential versus the residential differences between the two. The last one involves electronic gaming operations or sweepstakes and we have worked with the Police Department on this one. We currently still allow them in all of our business districts throughout the city but State law prohibits most of those machines. What happens is we issue a zoning permit for an operation and they open up and the police goes in checking the machines. They asked to take a look at the zoning ordinance and maybe kind of curb where we allow them so there isn't as much time being wasted checking on machines that could potentially be illegal and then shutting down the business. Instead of outlawing them completely, we limit them to the General Business District and they would have to be approved by our Board of Adjustment prior to going into operation. This will help both the Planning Department and the Police Department.

Mayor Pro Tem Cawley: Thank you Andy. This is a public hearing to receive comments regarding the proposed Zoning Ordinance amendments. Those wishing to speak, please come up to the podium and state your name, address and whether or not you reside in city limits. I now declare the public hearing open.

**Mayor Pro Tem Cawley declared the public hearing open.**

Mayor Pro Tem Cawley: Seeing no one wishing to speak, I declare the public hearing closed.

**Mayor Pro Tem Cawley declared the public hearing closed.**

**PUBLIC FORUM:**

Mayor Pro Tem Cawley: The next item is the Public Forum. This is an opportunity for anyone in the audience to address the board. Please come up to the podium, state your name, address, and whether or not you reside in the city limits. You will be given three minutes to make your comments and the City Clerk will ring the bell to signal when your three minutes are up. I ask that you state your thoughts, facts, and opinions in a respectful manner. This shall not include name calling or defamation of anyone's character. After the public forum is closed, all items on the agenda will be for board discussion only—the audience will not be recognized for comments. I now declare the public forum open.

**Mayor Pro Tem Cawley declared the public forum open.**

John Pritchard, 128 Ridgecrest Drive (city resident): Good evening. I'm John Pritchard and I live on Ridgecrest Drive in the city limits. I am going to talk tonight a little bit about the board recently approved a motion to request the State Legislature for approval to move our city elections to even years starting in 2022. In addition to this taking over two years to take effect, it requires two existing commissioners plus the Mayor to serve an extra year. Even year elections are a really good idea-that may be a surprise for me to say that. I think they really are. There will be more people voting and less election expense and there seems to be a way, maybe, to do this much quicker and smoother. General Statute 160A-102 appears to offer another way. I am certainly no lawyer, but I have read the statute. It seems to say this board or even the next board can make the move by a simple ordinance change meaning a vote of intent, a public hearing, and a final vote of the board. That could be done in time for this coming 2020 Presidential election, which almost guarantees a good turn out and there is no extra election expense to the city. There is even another alternative that involves a petition signed by 10% of our voters that would be presented to the board. The board then would hold a public referendum for the citizens to vote yes or no on the change. If that method were to be used, the referendum could be part of the Presidential primaries in March and again, no special election expenses, a good turn out and we save two years in getting this thing done. I have described these methods in simple terms but I know details are much more complicated and would need to be closely reviewed by an attorney but it looks like there would be a way to get this done two years quicker. Going all the way to 2022 would mean some existing officials would serve an extra year...they were not elected for five-year terms and may not want to do that. The new commissioners didn't run for five-year terms either and I think two of them have made it known that they only plan on one term. It seems it is one-sided to have the current board obligate newly elected members to longer terms than what they ran for, especially with the current board short one member and two of the remaining ones leaving the board next month. I urge the board to consider these alternatives or perhaps put the present 2022 plan on hold and let the incoming board decide it in January. I would like to go ahead and get things moved as quickly as possible to even years and it seems to be maybe we could do it in time for the 2020 election. I hope we can.

Matt Edwards, 119 West Church Street (city resident): My name is Matt Edwards and I live at 119 West Church Street. I was going to talk to Chief Watson afterwards but this is a good opportunity to say some positive things about our Police Department in front of all the commissioners as well. I had the opportunity this week to bring my Cub Scouts over for a very last minute tour of the station and the operations over there. I want to commend those guys for being willing and eager to cooperate bringing those kids in and giving them that exposure to what all goes on at the Police Department, not only from a community policing standpoint, but also from a public relations standpoint and being able to give those kids a firsthand experience. Thank you guys for doing that and putting on a great program for those kids.

Mayor Pro Tem Cawley: Anyone else wish to speak? All right, seeing no one else wishing to speak, I declare the public forum closed.

**Mayor Pro Tem Cawley declared the public forum closed.**

**RESOLUTION 2020-043-COMMITTING FUNDING TO MOUNT AIRY MUSEUM OF REGIONAL HISTORY:**

Hugh Campbell: At a previous board meeting, the board directed staff to prepare a resolution authorizing an appropriation of \$100,000 from the General Fund in this Fiscal Year and going forward, commitments and promises for future funding. This resolution tracks that and the City Manager, Finance Director, and myself have worked on the proposed resolution, in conjunction with Matt Edwards.

**On motion by Commissioner Brinkley, seconded by Commissioner Yokeley and passed unanimously, the following resolution was approved:**

**RESOLUTION NUMBER 2020-043**

**RESOLUTION TO COMMIT FUNDING FOR  
MOUNT AIRY MUSUEM OF REGIONAL HISTORY, INC.**

WHEREAS, Mount Airy Museum of Regional History, Inc. is a nonprofit corporation organized and existing under the laws of the State of North Carolina (the "Museum"). Since 1995 the Museum has fulfilled its mission statement to "*Collect, Preserve and Interpret the Natural, Historic, and Artistic Heritage of the Region.*" The Museum building at 301 North Main Street, in the heart of the downtown business district, is a unique repository of documents, historical displays, photographs, and programming which provide an important educational and cultural resource for city residents and visitors; and

WHEREAS, Article V, Section 2(7) of the North Carolina Constitution permits the General Assembly to authorize local governments to "contract with and appropriate money to any person, association, or corporation for accomplishment of public purposes only." G.S. 160A-20.1 provides that such appropriation ultimately may be used to carry out any public purpose that the local government is authorized by law to engage in; and

WHEREAS, G.S.160A-488 authorizes a unit of local government to support a museum. As used in this section, "support" includes, but is not limited to: acquisition, construction, and renovation of buildings, including acquisition of land and other property therefor; acquisition, lease, or purchase of materials and equipment; compensation of personnel; and all operating and maintenance expenses of the program or facility; and

WHEREAS, the Museum is working with public and private partners to raise funds for certain capital improvements and the purchase of materials and equipment. The collaboration of private sector, government and non-profit partners is required to leverage all of the resources necessary to accomplish these goals; and

WHEREAS, providing support for the Museum will serve important public purposes within the City by enhancing economic development, maintaining jobs, diversifying opportunities for tourism, and providing important educational and cultural activities for citizens and visitors alike.

WHEREAS, the City of Mount Airy desires to provide financial support to the Museum as hereinafter set forth beginning in the city's 2019-2020 fiscal year. Each financial

grant shall be paid in accordance with this Resolution, applicable law and reasonable conditions of the Board of Commissioners.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:**

Section 1. The Board of Commissioners hereby: 1) appropriates the sum of \$100,000 in the current fiscal year (the “Grant”) to be taken out of the City’s fund balance and paid as set forth herein as a financial grant-in-aid to support the Museum; 2) resolves to encourage future boards for the next four years to strongly consider appropriating support for the Museum at the rate of up to \$100,000 per fiscal year; and 3) further resolves that an annual pledge of \$100,000 to support the Museum during years six through ten should be considered favorably at the City’s annual Capital Planning Meetings. Any appropriation of public money will be paid to the Museum according to applicable law and reasonable conditions of the Board of Commissioners. No grant funds shall be available until prior written authorization certified by the City’s Finance Director.

Section 2. The purpose of the Grant shall be to reimburse the Museum for approved expenditures directly related to the construction and renovation of the Museum property. These expenditures would include building infrastructure items such as Fire Suppression Systems, HVAC, Dropped Ceilings, Upgrade Fire Alarm & Security System, Relocate Main Entrance, Expand Collections Storage, Visitors Shop at new entrance, Enhance Library, Offices and Conference Room, Catering Kitchen, Auditorium and Program Space and bathrooms; Upgrade Exhibit Galleries on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors of the Museum and for no other purpose without the express written consent of the Board of Commissioners. Administrative expenses are not allowed.

Section 3. Prior to any payment of grant funds from the City:

- A. The Museum and the City shall have entered into a mutually agreeable Grant Agreement to memorialize the terms for fulfillment of the Grant.
- B. The Museum shall execute and deliver to City such other agreements as City or its counsel may reasonably request in connection with the mutual undertakings contemplated by this Resolution.
- C. No expenditure of grant funds shall be made until the City has approved it, and all such expenditures shall be accounted for at the end of the fiscal year for which they were appropriated.

Section 4. Upon written request, the Museum shall provide the nonprofit’s latest financial statements. The financial statements must include a balance sheet as of the end of the fiscal year and statement of operations for that year. They also must contain details about the amount of public funds received and how those funds were used.

Section 5. The Museum shall have an accounting review provided for the fiscal year in which grant funds are received and file a copy with the City Finance Director.

Section 6. It is understood and agreed that this Resolution does not constitute a legal obligation on the part of the City of Mount Airy. Notwithstanding anything in this Resolution, all City budget decisions are subject to the discretion of the Board of Commissioners, and one board cannot legally obligate a future board in this type of commitment. Future grants are subject to annual budgetary appropriation and may be suspended, withheld or discontinued. However, it is this Board's desire to support the Museum in light of the significant public benefits derived from the Museum by the Main Street Business District and this community.

Section 7. This resolution shall become effective upon approval.

Approved and adopted this the 21<sup>st</sup> day of November, 2019.

**ORDINANCE 2020-014-AMENDING SECTIONS 3.9; 3.10; 15.4; and 6.4 OF THE CITY OF MOUNT AIRY ZONING ORDINANCE:**

**On motion by Commissioner Brown, seconded by Commissioner Brinkley and passed unanimously, the following Statement of Consistency was approved:**

**“The proposed zoning ordinance amendments are consistent with the City of Mount Airy Comprehensive Plan's land use and growth management goals. The proposed amendments are also reasonable and in the public's interest.”**

**On motion by Commissioner Brinkley, seconded by Commissioner Brown and passed unanimously, Ordinance 2020-014 was approved:**

**ORDINANCE NUMBER 2020-014**

**ORDINANCE AMENDING THE CITY OF MOUNT AIRY  
ZONING ORDINANCE**

WHEREAS, the City of Mount Airy Board of Commissioners desires an amendment to the City of Mount Airy Zoning Ordinance that address the following sections:

- Section 3.9 - Building Setback Exceptions (Residential Handicap Ramps)
- Section 3.10 - Fences and Retaining Walls
- Section 6.4 - Table of Permitted and Conditional Uses (Electronic Gaming Operations)
- Section 15.4 - Definitions (Electronic Gaming Operations); and

WHEREAS, at their November 7, 2019 Regular Meeting, the Board voted to hold a public hearing for comments related to this item on the 21<sup>st</sup> day of November, 2019; and

WHEREAS, the City Clerk caused a notice of public hearing on the request to be published on the 8<sup>th</sup>, 15<sup>th</sup>, and 19<sup>th</sup> day of November, 2019; and

WHEREAS, the Board of Commissioners, having conducted a public hearing and reviewed the proposed amendments, concur that the proposed amendments be made to the City of Mount Airy Zoning Ordinance:

NOW, THEREFORE, BE IT ORDAINED by the City of Mount Airy Board of Commissioners that the following Statement of Consistency is hereby adopted:

## STATEMENT OF CONSISTENCY

“The proposed zoning ordinance amendments are consistent with the City of Mount Airy Comprehensive Plan’s land use and growth management goals. The proposed amendments are also reasonable and in the public’s interest.”

BE IT FURTHER ORDAINED that the following sections of the City of Mount Airy Zoning Ordinance be amended to read as follows:

### **Section 3.9 Building Setback Exceptions**

Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building or structure excluding:

1. Unenclosed porches, attached carports, balconies or decks which do not project into any required yard more than three (3) feet; and
2. Chimneys, flues, eaves, roof overhangs, window sills and bay windows which do not project into any required yard more than three (3) feet; and
3. Patios, drives, walkways, if no portion of the same extends more than twelve (12) inches off the ground; and
4. Any structure that is a mere appendage to a building such as a flagpole or fountain; and
5. Residential handicap ramps

### **Section 3.10 Fences and Retaining Walls**

#### **1. Residential Fences and Retaining Walls**

Fences erected in the front yard shall not exceed four (4') feet in height and shall be semi-to-non opaque. Opaque (privacy) fences are not permitted within the front yard. Fences or walls erected in the side yard shall not exceed six (6') in height. Side yard fences may extend from the side property line to the front wall of the residence. Fences and walls erected in the rear yard shall not exceed eight (8') in height. The height limitations for retaining walls shall apply only to the height above the top of the soil retained by such wall.

#### **2. Non-Residential Fences and Retaining Walls**

Fences and walls erected in the front and side yards shall not exceed six (6') feet in height. Fences and walls erected in the rear yard shall not exceed eight (8') in height. The height limitations for retaining walls shall apply only to the height above the top of the soil retained by such wall.

~~Fences or walls may be erected in required side yards provided such walls and fences do not exceed 6 feet in height and are more distant from the street than any part of the principal building on the same lot or abutting lot. Fences and walls may be erected in required rear yards provided such walls or fences do not exceed 8 feet in height. The height limitations for retaining walls shall apply only to the height above the top of the soil retained by such wall. Fences may come up to the front edge of the house and still be considered to be in the side yard.~~

**Section 15.4 Definitions**

Electronic gaming operations. Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, beach sweepstakes or cybercafés. This does not include any lottery approved by the State of North Carolina.

USE TYPES	R-20	R-15	R-8	R-6	R-4	B-1	B-2	B-3	B-4	B-5	M-1	SR
<b>Recreational Uses</b>												
Amusement arcades and indoor places of entertainment; including bowling alleys, pool rooms, skating rinks, batting cages, tennis courts						X	X	X	X		X	
Electronic gaming operations							C					

BE IT FURTHER ORDAINED that this ordinance shall become effective upon approval.

Approved and adopted this the 21<sup>st</sup> day of November, 2019.

**OTHER BUSINESS:**

**Board to Set Organizational Meeting Date and Time to Tuesday, December 3, 2019 at 7:00 pm in the Council Chamber located in the Municipal Building:**

**On motion by Commissioner Brinkley, seconded by Commissioner Brown and passed unanimously, the Organizational Meeting date and time is set for Tuesday, December 3, 2019 at 7:00 pm.**

**ADJOURNMENT:**

**On motion by Commissioner Brinkley, seconded by Commissioner Yokeley and passed unanimously, the meeting was adjourned.**

Approved and adopted this the 3<sup>rd</sup> day of December, 2019.

\_\_\_\_\_  
David L. Rowe, Mayor

ATTEST:

\_\_\_\_\_  
Melissa N. Brame, City Clerk