

**TOWN OF MCADENVILLE MINUTES
NOVEMBER 9, 2021**

The McAdenville Town Council met in regular session on Tuesday, November 9, 2021, at 6:00 PM in the Council Chambers of Town Hall located at 163 Main Street, McAdenville N.C.

PRESENT:

Mayor Jim Robinette and Mayor Pro-tem Jay McCosh; Council Members: Reid Washam, Greg Richardson and Joe Rankin. Also in attendance: Attorney Chris Whelchel, Police Chief Adams, and Town Administrator/Clerk Lesley Dellinger. Council Member Carrie Bailey was absent.

CALL TO ORDER:

Mayor Robinette called the meeting to order at 6:00 PM and led in the Pledge of Allegiance. Pastor Walter Griggs, First Baptist Church, opened the meeting with prayer.

ADJUSTMENT & APPROVAL OF AGENDA:

The November Agenda was approved as submitted by motion of Greg Richardson, second by Reid Washam with unanimous vote.

APPROVAL OF MINUTES:

Motion to approve the minutes from the regular meeting of October 12, 2021 was made by Joe Rankin, seconded by Reid Washam with unanimous vote.

PROCLAMATION:

The proclamation supporting Gaston County's 175th Anniversary Seal and other planned events celebrating this milestone was unanimously approved by motion of Mayor Pro-tem McCosh.

PUBLIC HEARING – TEXT AMENDMENTS TO THE TOWN CODE FOR COMPLIANCE WITH NEW LEGISLATION IN SB300:

Joe Rankin motioned to open the public hearing on proposed text amendments to the McAdenville Code of Ordinances related to legislation passed in SB300. The motion was seconded by Mayor Pro-tem McCosh.

Background: Recent statutory amendments to G.S. 160A-175(b) curtail the types of ordinances that may be punishable as misdemeanors or infractions under G.S. 14-4. Civil penalties remain viable options where the statute no longer allows for infraction or misdemeanor penalties. Under the revised statute, ordinance violations resulting in either penalty under G.S. 14-4 or civil penalty both remain subject to injunctive relief for ongoing violations requiring abatement or other like intervention, and civil penalties remain collectable in nature of debt.

Text amendments to the following sections of the McAdenville Town Code have been recommended by the Town's Attorney to comply with the new legislation.

Chapter 1 (Definitions)

Section 1-10 is insufficient to apply penalty to all ordinances as a catch-all.

Recommendation is to leave in place but to amend the remainder of the Code as follows.

Chapter 5 (General Offenses)

Section 5-20 penalty language must be applied to each ordinance individually.

Chapter 6 (Motor Vehicles)

Amend to reflect that fines for infractions must be no greater than \$50 per G.S. § 14-4. Civil penalties to remain at the current levels.

Chapter 7 (Streets and Sidewalks)

Section 7-34 penalty language must be applied to each ordinance individually.

Chapter 8 (Trades and Businesses)

Section 8-3 no longer applicable; G.S. §14-4 as amended may no longer be applied to impose criminal penalties for violations of ordinances falling under trade and business. Recommendation is to amend to reflect civil penalty rather than criminal infraction or misdemeanor.

Chapters 9-17

Recommendation is to remove criminal penalty references from ordinances regulating planning, development, building codes, and construction (except for those related to unsafe buildings); setbacks; curb cuts; trees; and stream-clearing programs, and to (in-line with previous chapters) apply penalty language to each ordinance individually, where applicable.

Attorney Chris Whelchel stated that the blanket criminal penalty for violations has been disallowed with the approval of SB300, therefore the body of the Town's Ordinance must have the individual criminal penalty stated in the applicable ordinance. He added that all text amendments are to the form of the ordinance only, with the exception of penalties related to business and trade regulation which will be lessened to a civil penalty only, and that all penalties are remaining the same under the proposed amendments.

Mayor Robinette opened the floor and invited public comment. No public comments were submitted. Upon motion by Joe Rankin and second by Mayor Pro-tem McCosh the public hearing was closed.

Motion to approve the recommended text amendments prepared by the Town's Attorney to remain in compliance with the new legislation passed in SB300 was made by Greg Richardson, seconded by Mayor Pro-tem McCosh with unanimous vote.

POLICE DEPARTMENT REPORT:

Chief Adams reported that his staff was prepared for the Christmas Town lights beginning on December 1st. He then stated that the Catawba RiverKeeper had applied for a special event permit to host a Christmas Market on Saturday, December 11th and a Family Fun Day on Saturday, December 18th at the Boathouse location on Willow Drive. Both events would begin at noon and end at 5:00 PM. He added that these events would not be in violation of the current December Vendor's Ordinance, but he had concerns about the impact on traffic with parking being added on Dickson Road. Attorney Whelchel stated that a condition needed to be included on the permit stating that it could be revoked if the events created a traffic situation that would violate Section 8-1(D) of the December Vendor Ordinance. Council supported approval of the permits with the added condition.

Reid Washam thanked Chief Adams and his staff for their increased presence during Halloween and for the officer's interaction with the trick-or-treaters and candy distribution.

Lesley Dellinger stated that Fire Chief, Lance Foulk, reached out to ask Council's permission to open the Fire Station several nights during the Christmas Lights and provide cocoa to visitors at no charge. No opposition was presented regarding the request and approval was granted.

COUNCIL GENERAL DISCUSSION:

Mayor Robinette reminded Council that the December 14th meeting would begin at 5:00 PM due to the Christmas Town event.

Greg Richardson serves as the McAdenville representative on the South Fork River Health Committee and asked to be added to the December meeting agenda for a slide show presentation highlighting the committee's future projects.

Mayor Pro-tem McCosh serves on the Centralina Executive Board and recently met with U. S. Congresswoman Virginia Foxx and communicated the Town's need for six million dollars in infrastructure improvements.

Lesley Dellinger stated that the Village HOA and property owner at 524 Academy Street requested Council's consideration for installing fencing along the section of public sidewalk across the street from the natural surface trail entrance of the greenway. This area had been noted by Councilman Washam at a previous meeting as a possible hazard. Staff provided photos of the area showing a steep drop off 2-3 feet from the sidewalk into a natural drainage area filled with water. Council agreed the area posed a public safety hazard and instructed staff to move forward with installing fencing.

Reid Washam reported that he and Lesley Dellinger met with Brian Sciba, Director of Building & Development Services with Gaston County, to discuss interlocal agreement options for McAdenville's planning and zoning. Brian stated that if the planning and zoning duties were assumed by the County the Town would relinquish all fees associated with permitting and site plan review which allows the County to recoup their costs. He added that McAdenville would have to adopt the County's UDO to simplify the administration process for his staff. Brian offered to review McAdenville's UDO to see if there were any substantial differences and attend a future Council meeting to answer questions about the interlocal agreement process.

OPPORTUNITY FOR PUBLIC COMMENT:

Pastor Walter Griggs, First Baptist Church of McAdenville, stated that the church's new parking lot was getting a lot of use by Church members and YMCA patrons. He added that the speed of the vehicles along Main Street appears to have increased since the removal of the on-street parking. The pastor inquired if the Town had plans to remove the handicapped parking signage located in front of the Church. Staff replied that the handicapped parking signage would be removed and replaced with No Parking signs. The new signage was on order and expected to arrive prior to the Thanksgiving holiday.

ADJOURN:

There being no further business to come before the board, the meeting adjourned at 6:58 PM upon motion of Mayor Pro-tem McCosh, second by Greg Richardson and unanimous vote.

Jim Robinette, Mayor

Lesley Dellinger, Town Clerk