

TOWN OF JAMESVILLE
MONTHLY BOARD MEETING 09/11/2023
MINUTES

The following is an account of the minutes taken at the Regular Monthly Board Meeting held between 7:00 p.m. & 10:04 p.m. on 09/11/2023 at the Jamesville Town Hall, 1211 Water Street, Jamesville, NC 27846. Virtual meeting attendance was provided for public access through Zoom meeting.

Attendees

- Craig Tucker – Mayor
- Willis Williams - Commissioner
- Rachel Craddock - Commissioner
- Mary Allen – Commissioner
- Kimberly Cockrell – Commissioner
- Preston Craddock – Commissioner

Minutes Recorder – Kimberly Cockrell, Town Clerk/Finance Officer

I. Call to Order

Mayor Craig Tucker called the meeting to order at 7:00 p.m. and asked Commissioner Willis Williams to offer the prayer. Also in attendance were Kathy Waters with the Roanoke Beacon, Employees Samuel Lilley and Betty Williams, and Zoning Board Chairperson Delsie Williams.

II. Adopt Agenda

Hearing no additions or changes, Commissioner Williams moved to accept the agenda as written. Commissioner Mary Allen seconded. Motion unanimously passed. 5 Ayes – 0 Nays.

III. Approval of Minutes

Upon request by the mayor for a motion to accept the regular session minutes for July and August, Commissioner Preston Craddock stated “so move,” with the second given by Commissioner Rachel Craddock. Motion unanimously passed. 5 Ayes - 0 Nays.

- Regular Board Meeting – July 10, 2023
- Regular Board Meeting – August 14, 2023

With the board concurring, Mayor Tucker deferred the July and August closed session minutes to be discussed in closed session.

- Closed Session – July 10, 2023 [Discussion during closed session deferred approval to the October meeting.]
- Closed Session – August 14, 2023 [After closed session, a motion for approval was made – see page 8.]

IV. Public Comment

Dusty Davis – Mobile Food Truck. Mr. Dusty Davis indicated that he, along with his wife (Stephanie) and son (Dusty) were present to get updated regarding the mobile food truck application. Mayor Tucker noted that the zoning text matter is scheduled later in the agenda and would be addressed at that time.

Dusty Waters – Cemetery Request. Mr. Dusty Waters explained to the board that he has a stillborn infant buried in the town’s cemetery and wishes to have the headstone removed and placed in a family cemetery, with the remains being left undisturbed. Waters indicated that he is interested in selling three other plots he owns and confirmed the infant’s burial site will remain

as is, just that the headstone will be removed. The mayor, along with Commissioner Williams, stated the town needs to make a record of the request and what has occurred with said plot.

Discussion also covered the possibility that Waters might at a later time decide to exhume the infant's remains and that state regulations would have to be followed in order to do so.

Commissioner R. Craddock moved that Waters can remove the headstone, with a second given by Commissioner Allen. Vote was unanimous. 5 Ayes – 0 Nays.

Town Clerk Cockrell explained to Waters that if he wants to sell his three other plots, he has to sell them back to the town and not to another individual.

V. Reports

A. Mayor.

Hospital Closure. Mayor Tucker read aloud a draft letter addressed to Congressman Don Davis to be signed by local government officials requesting emergency assistance with the health care needs of Martin County's residents and surrounding areas. A typo for correction was noted by Allen.

Mayor Tucker reported he and Commissioner Kimberly Cockrell attended an open public forum regarding the county's hospital closure with three local doctors participating. A large group represented the public and offered good questions. Efforts supporting to fund the Rural Access Hospital were discussed as well as Medicaid patients. Commissioner Williams acknowledged that actions by concerned citizens will be what moves any results forward out of a bureaucratic mess, perhaps with signed petitions and gaining state and national news attention.

Mention was made by Commissioner Allen about the difficulty of obtaining patient records, and the mayor noted access restrictions are in place until the former contract expires. Discussion also talked about the difficulty of patients securing new doctors due to the hospital's closure.

Commissioner Williams moved to send the letter with the correction noted. Commissioner Allen seconded. Vote was unanimous. 5 Ayes – 0 Nays.

Town of Jamesville

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Jamesville@embarqmail.com

September 12, 2023

Congressman Don Davis (NC-01)

Washington, D.C. Office

1123 Longworth House Office Building
Washington, DC 20515
Phone: (202) 225-3101

Greenville Office

1710 East Arlington Boulevard
Suite A
Greenville, NC 27858
Phone: (252) 999-7600

Dear Congressman Davis,

We the undersigned commissioners of Martin County and municipalities are pleading for relief in addressing the dire need to provide Healthcare coverage in the form of hospital and emergency coverage for our citizens and the Tier One counties in your congressional district.

Sincerely,

Craig Tucker, Mayor

Willis Williams, Mayor Protem

Rachel Craddock, Commissioner

Mary Allen, Commissioner

Kimberly Cockrell, Commissioner

Preston Craddock, Commissioner

B. Water/Wastewater Report - Samuel Lilley

Employee Samuel Lilley reported the white F-150 was back in service August 17. The starter was replaced on the gray F-150 on August 22.

Parts were ordered for a diaphragm kit for the water plant due to problems occurring, with all working well at this time. Lilley described how chlorine deposits become like rocks in the projector valves. At the pump station, flapper valve problems were repaired with replacement valves, and two more have been ordered to have on hand.

Legs on the digester were fixed. Air being pumped into the digester helps with the sludge but has been out of commission for a while.

A bad leak at the water plant was repaired. A backwash valve dealing with the iron softener is also needing some maintenance and repair.

C. Public Works Report – No report given.

D. Finance Officer - Kimberly Cockrell

1. **Financial Statements – August 2023.** Finance Officer Kimberly Cockrell presented and reviewed with board members the August 2023 financial reports for all town funds.

Regarding expenses with the gray F-150 being covered under the general fund instead of the water/sewer fund, FO Cockrell explained to Commissioner R. Craddock that the budget line item under water/sewer is for maintenance and repairs of the facilities, not the vehicles. Board members discussed that the budget could be adjusted for the next fiscal year to reflect the vehicle repair expenses differently by dividing the expense between the funds. It was noted the white F-150 required much of the current repair expense reflected.

2. **Budget Amendments.** None.

E. Mid-East Commission

Commissioner Rachel Craddock stated there has been no meeting for two months, hopefully one will be held this month.

F. Planning Board / VII. New Business – A. Zoning Amendment Application – Proposal to Add 10th Permitted Use for Mobile Food Trucks

1. **Zoning Board Recommendation for Text Amendment Application from Dusty Davis.** Chairperson Delsie Williams presented in writing the planning board’s recommendation for the text amendment application reviewed on June 26, 2023. Mayor Tucker read aloud from the memo:

The Town of Jamesville’s Planning Board recommends that Dusty Davis be granted a special use permit to operate a mobile food truck business at Parcel # 0100392 (Hwy 171), Jamesville, North Carolina, with the guidelines provided by the Town of Jamesville from Mid-East Consultant Mr. Hollis. These guidelines must adhere to health codes regarding food and safety regulations. More specifically, a water and sewer hook-up for the mobile food truck.

Town Clerk Cockrell noted that this text matter is also listed on the meeting agenda under VII. New Business, with the board agreeing to combine both discussions under this listing. Time was approximately 7:37 p.m. when the board’s discussion began.

Present for the board’s discussion were Dusty Davis, Sr. and wife, Stephanie, as well as Dusty Davis, Jr.

Commissioner Kimberly Cockrell relayed to the town commissioners a zoning concern brought forward by a Jamesville resident who wishes to remain anonymous. With having asked several questions to understand the application as submitted, said resident clarified that the residential/agricultural zone does not permit commercial uses, though allowed in the town’s core district and commercial zones. The concerned citizen posed that if the food truck use is permitted at the subject location [zoned residential/agricultural] beside the Dollar General property [core town], the new use would also be allowed on any town property zoned residential/agricultural. With the resident summarizing what would then be the distinguishing difference between the residential/agricultural and commercial zones, Cockrell indicated she could not give a clarifying answer but offered to bring the concern before the town board during its review of the application.

The subject property is the grass lot between Dollar General and the town’s cemetery. Mr. Davis, Sr., indicated he had worked with the town’s zoning consultant regarding the proposed text amendment conditions, stating that the new guidelines could be followed.

The applicant will need a water and sewer hookup, as indicated by Mrs. Davis. She said they have a contract for gray water but the health department is requiring them to build their own commissary (separate structure) for food storage and prep with a functioning bathroom for employees only. Mr. Davis explained the truck itself would hold the gray water and that the commissary/bathroom would need to be hooked up to the town's water and sewer system. The food trailer is self-sustaining as it would have a clean water tank and hold the gray water.

As her opinion, Commissioner Cockrell recommended the board further research the impact about the text amendment use change and the affect it would have on the proposed zone for land use. Further research would also provide an understanding how surrounding areas address use restrictions for mobile food trucks, particularly if there are state restrictions regarding mobile food trucks hooking up to water and sewer.

Cockrell asked if the food trailer would be removed and brought back each day. Mrs. Davis explained the health department understands the food trailer has the ability to be moved because the food trailer itself has wheels (though pulled in and placed via another vehicle). The proposed use has to be treated like a mobile food truck even if it is not moved off/on daily. The requirement for the separate commissary allows for the trailer to remain onsite.

At this point in the discussion, Commissioner Rachel Craddock moved that the board not permit the proposed text amendment, that she believes the board needs further research on the use to make sure that the town is within its

As the motion was being made, Mr. Davis interjected that this is a new idea that many places have never done before, that many people have bought a food trailer and a \$100,000 vehicle to pull it with onto a site, though he did not have that type of money. Many people have encouraged him to propose the food truck as his family is known for cooking, adding that he knows he will bring more economy to the town with serving customers after the local grill is closed and those who come to the ballpark games. Davis reiterated about the trailer having its own clean water and gray water tanks, that the commissary would be a separate structure.

Cockrell stressed that the need for the town to do more research is not about how the proposed use would be set up but how zoning would be affected and any potential impact said change would have on what the residential/agricultural zoning protects and allows. As her opinion, she felt the board would benefit by knowing how any local current use of commercial food trucks impact residential zones if there are situations where such have been approved.

Mr. Davis offered that most food truck situations get approval for their setup by contacting a landowner or business owner and then obtaining a business permit to operate at a designated location for a time specific.

Cockrell further explained that if local food truck uses are generally permitted in commercially zoned districts, that is understandable, but to allow a commercial use in a residential/agricultural zone could "open a Pandora's box" and create a whole different set of issues for zoning impact if not limited. Mayor Tucker inquired if the town's zoning consultant could provide further input as well, with Cockrell concurring he could be asked about the board's concern.

Cockrell reiterated that the concerned citizen has a valid point with the way the application has been submitted, as it is requesting a commercial-type use in a residential/agricultural zone.

Currently, the town does not permit any form of commercial-type business in the residential/agricultural zone.

Commissioner R. Craddock noted there is a motion on the table.

Mr. Davis then posed why he would be allowed to amend something that “isn’t allowed to be amended,” and Cockrell responded by pointing out that Davis submitted the application to request the change but that it is up to the town’s board of commissioners to approve or deny a request.

Commissioner Cockrell then stated that she, personally, does not feel comfortable with moving forward on the zoning text request and believes the concern raised by the citizen is very valid. It is her preference to do more research about local towns’ zoning regarding mobile food trucks and to get further input from the Jamesville’s zoning consultant.

Commissioner Willis Williams commented that a reason for any government to hold public comment hearings for input regarding proposed zoning changes is to give opportunities for citizens to raise their concerns or pose questions for consideration during deliberation on a request. For this request, there was no public comment voicing a concern during the advertised public hearing held for the subject text amendment; however, this citizen has come forward and has raised a legitimate concern. During the planning board’s review, concerns were raised about water use, whether the unit would be moved daily and health department issues. Though the applicant is trying to start a business, the board’s responsibility is to protect its citizens by seeking clarification about how other towns deal with the proposed use and get more input from the zoning consultant.

Commissioner R. Craddock stated her concern deals with approving the commercial use to occur in a residential/agricultural zone and how it can “open a big can of worms and we won’t have a leg to stand on.”

Commissioner Williams said his rationale is to judge each application on its own merit, that with using the board’s wisdom, each request should be given its fair hearing. The judgment to be made is whether it benefits the applicant or the citizens.

Mayor Craig Tucker posed, as an example, the potential for Highway 55 to bring in a food truck which would be on a larger scale, with Cockrell reiterating it would be more appropriate if located in a commercially zoned location.

Mr. Davis then asked if the person who expressed the zoning concern was local, and Cockrell noted that they are a resident inside Jamesville’s city limits. He commented also that he does not believe the town’s citizens would object to economy coming to their community. In reply to Davis referring to his proposed location, Cockrell stressed that the town board has to be mindful that approval for the subject application for a zoning change would also grant the same approval to all properties in Jamesville with residential/agricultural zoning. The citizen who raised the application text change issue was concerned with zoning impacts, not the mobile food truck use itself – that the proposed mobile food truck use would be more appropriately located in commercially-zoned properties.

With R. Craddock asking if the applicant had considered any other location in Jamesville, Davis said the landowner has offered him use of the subject property, noting the landowner believes the mobile food truck to be a good idea and his property to be a great location for it to be successful. Customers from the Dollar General would most likely support the food truck as well as ballpark attendees. Craddock offered she understands his reason for choosing such location,

with Cockrell echoing that the concern deals with the proposed change to the zoning district and not with the food truck use itself.

Davis made a statement that when he was working with the town's zoning consultant [Mid-East Commission – Josh Hollis] regarding the zoning application, that Hollis had indicated “nobody else could bring a food truck in town, that I would be the one, the only one, so you wouldn't have to worry about” R. Craddock and Cockrell immediately corrected Davis that such would not be true. Davis then said “he said you couldn't pull it up on the property here across the street or on the same lot ... it couldn't be a town full of them, in other words, what he said. That's what he said to me, and I'm just repeating it. So, if he's wrong, that's on him.” [Clerk Cockrell relayed the statements by Davis to Hollis when reporting the board's action, and Hollis indicated he did not say such.]

With Mayor Tucker noting that Mid-East needs to be contacted, Commissioner R. Craddock restated there is a motion on the table. The assistant town clerk read the motion as offered by Craddock, noting the point when interrupted by the applicant. R. Craddock added to her motion by saying the board needs all the information it can get while being mindful of any legal bounds of abiding by town ordinances. Exceptions tend to create problems, but if the change would be appropriate, then the board might consider such. If it would go against zoning purposes, then the answer should be “no.” Though the town's citizens would love to have a food truck, the board has to be mindful of approving such a use legally.

Commissioner Cockrell gave the second, reiterating the board's need to do further research to make sure no harm is caused to the town's zoning districts and benefits everybody involved.

Commissioner Williams requested that the assistant town clerk re-read the motion aloud again before the board votes. Upon both parts of the motion being re-read, the mayor asked for any other comments, and hearing none, called for the vote. The motion carried unanimously. 5 Ayes – 0 Nays. Time was 8:00 p.m.

Town Clerk Cockrell indicated she would contact Mr. Hollis with Mid-East the next day and let him know the board's decision and request further input.

2. **Zoning Board Appointments.** Mayor Tucker read aloud the recommendation memo from Chairperson Delsie Williams:

The Town of Jamesville's Planning Board recommends that the Town of Jamesville reappoint the currently serving members and officers to the planning board and add William Moore as an alternate planning board member.

Commissioner Williams moved that the board accept the recommendation. Commissioner Preston Craddock gave the second. Upon call for the vote, the motion carried with 4 Ayes – 1 Opposed [Commissioner Rachel Craddock].

Upon question by R. Craddock for the members to be named, Chairperson Delsie Williams cited herself as chairperson, Robbie Cockrell as co-chairperson, and members Eddie Hines, Sandra Davenport and Pam Evans. Commissioner Kimberly Cockrell indicated she has a letter to bring forward in closed session regarding a resignation.

G. Herring Festival

As director of the NC Herring Festival, Commissioner Rachel Craddock indicated that she has nothing new to bring forward at this time. The biggest concern is the need for volunteers. Meeting participation has been low and planning activity needs to begin by next month.

H. Water/Sewer Grant Projects

1. Sewer System Rehabilitation – Engineering Report Funding Approval. For informational purposes, Town Clerk Cockrell provided the board with a copy of a May 4, 2023 letter from NCDEQ which reports what is eligible and non-eligible for ARPA funding and provides the scheduled requirements. This letter may be reviewed by the public upon request.

VII. Old Business

A. Water/Sewer Ordinance Enforcement

Town Clerk/Finance Officer Cockrell presented the cut-off list in accordance with the Water/Sewer Ordinance #81 - Enforcement section. Commissioner Williams made the motion to approve the disconnections list and enforce the rules. Commissioner Allen seconded. Motion unanimously passed. 5 Ayes - 0 Nays.

VII. New Business

A. Zoning Amendment Application – Proposal to Add 10th Permitted Use for Mobile Food Trucks. See board discussion under agenda item V. Reports, F. Planning Board – page 3.

B. NCDOT Disaster Related Debris Removal Agreement. As a new form of agreement being done with all municipal governments, NCDOT is requesting that the Town of Jamesville authorize a contract for the emergency removal of related debris due to a declared disaster event. Basically, the town will be required to remove debris from within the city limits, including areas along the state routes, and then apply to FEMA for reimbursement of the cost.

Upon question by Commissioner P. Craddock as to what changed, Commissioner Cockrell explained that NCDOT wants to relinquish the responsibility of debris cleanup on state-maintained roads within city limits, which for Jamesville is the bypass and Main Street. Should a storm event occur, the Town of Jamesville will have to pay a contractor to clean up all areas within its city limits and then apply for FEMA reimbursement.

Commissioner Williams moved that the board sign the agreement. A second was made by Commissioner Allen. Vote was unanimous. 5 Ayes – 0 Nays.

[This document is on file with the town clerk and is available for public review.]

C. Martin County Adult & Aging Services Department Christmas Party Donation Request. It was noted that this request comes forward each year, but due to budget restraints, the donation request is not approved.

D. Letter to NCLM Regarding Black Mountain Software. At the board's August meeting, discussion about the NCLM's new accounting software addressed the expensive annual fee of \$10,000 which initiates after four years, basically making the software of no help to small towns who cannot afford it even though the initial costs are covered by ARPA grant funding. Commissioner Williams had indicated he would write a letter of resolution on behalf of local municipalities asking the state for a more affordable solution. Commissioner Cockrell moved to table this matter until the October meeting, with a second by Commissioner Williams. Vote was unanimously carried. 5 Ayes – 0 Nays.

E. Cell Phone Upcoming Renewal Plan – US Cellular. Town Clerk/Commissioner Cockrell noted the town's cell phone contract is up for renewal in October, which does have the benefit of state contract pricing. With the need for replacing a few phones, plan options were presented for the board's review. Town Clerk Cockrell indicated she is waiting for a representative to return her call for more information. After discussion of the options presented, the board agreed to give the town clerk the authorization to use her best judgment and discretion in selecting a plan.

Commissioner Williams moved to authorize Clerk Cockrell to do whatever necessary to upgrade the phone renewal plan. A second was given by Commissioner Allen. The motion carried unanimously. 5 Ayes – 0 Nays.

VIII. Closed Session – Pursuant to NCGS §143-318.11(a)(6) Personnel

Commissioner Kimberly Cockrell moved to go into closed session, with the second given by Commissioner Preston Craddock. Vote was unanimous. 5 Ayes – 0 Nays. Time was 8:23 p.m. A brief break was taken before discussion ensued.

During closed session, board members discussed hiring for the open position, a resignation that was submitted, closed session minutes and other employee matters.

At 9:32 p.m. Commissioner Preston Craddock needed to leave the meeting due to not feeling well physically. Commissioner Rachel Craddock moved to excuse Commissioner P. Craddock from the meeting with Commissioner Cockrell giving a seconded. Vote was unanimous. 5 Ayes – 0 Nays.

Commissioner Cockrell moved that the board go out of closed session, with the second given by Commissioner Allen. Vote was unanimous. 4 Ayes – 0 Nays. Time was 9:58 p.m.

Motions - Regular Session.

Robert Cockrell – Resignation. Commissioner Williams moved to accept the resignation of Robert Cockrell, seconded by Commissioner R. Craddock. Upon call for the vote, the motion passed with 3 Ayes – 0 Nays – 1 Abstain [Kimberly Cockrell, due to family relation].

Eric Martin – Backup Operator. Commissioner Allen moved to designate Eric Martin as wastewater backup operator effective immediately. The second was given by Commissioner Williams. The motion carried unanimously. 4 Ayes – 0 Nays.

August 14, 2023 – Closed Session Minutes. Commissioner Williams moved to approve the August 14, 2023 closed session minutes as written. Commissioner Allen seconded. The motion carried unanimously. 4 Ayes – 0 Nays.

New Hire – Heath Bess. Commissioner Williams moved to contact Heath Bess upon a background check being run and the board finding it sufficient and to offer him the position, starting him at \$37,000 per year and adding \$600 for each certification obtained. Commissioner R. Craddock seconded. Upon call for the vote, the motion passed with 3 Ayes – 0 Nays – 1 Abstain [Mary Allen, due to family relation].

IX. Board Comments

No additional comments were offered by board members.

X. Adjourn

Commissioner Allen moved to adjourn at 10:04 p.m. The motion unanimously passed. 4 Ayes – 0 Nays.

Respectfully submitted by:
Kimberly Cockrell,
Town Clerk/Finance Officer