



TOWN OF
GRANITE FALLS
North Carolina

Barry Hayes Mayor • Dr. Caryl B. Burns Mayor Pro Tem • Jerry T. Church Town Manager
Council Members Larry Knight • Jim Mackie • Mike Mackie • Martin D. Townsend • Tracy Townsend

AGENDA
SPECIAL TOWN COUNCIL MEETING
MONDAY, NOVEMBER 15, 2021
SHUFORD RECREATION CENTER
56 PINWOOD ROAD
5:30 PM

Per Center for Disease Control guidance, and per Town policy, unvaccinated attendees at tonight's Council meeting are encouraged to wear face coverings. Face coverings are optional for vaccinated attendees. All attendees not wearing face coverings should practice social distancing from others while inside Town facilities.

- I. WELCOME - CALL TO ORDER MAYOR BARRY HAYES
- II. INVOCATION DR. DONALD PHIPPS
- III. PLEDGE OF ALLEGIANCE MAYOR BARRY HAYES
- IV. RECOGNITION OF VISITORS
- V. SPECIAL PRESENTATIONS/INTRODUCTIONS/RECOGNITIONS
- 1) Dr. Don Phipps, Superintendent, Caldwell County Schools
- 2) Brandi C. Fesperman, CPA, Senior Accountant with Martin Starnes & Associates, CPAs, P.A., will present the Council with the Town of Granite Falls Annual Report and audit results for the year ended June 30, 2021. (See attachment #1.)
- VI. APPROVAL OF AGENDA
- VII. APPROVAL OF MINUTES FROM THE SPECIAL TOWN COUNCIL MEETING HELD OCTOBER 11, 2021.
- VIII. TOWN ATTORNEY REPORT BRUCE CANNON
- IX. PUBLIC COMMENT PERIOD

X. PUBLIC HEARINGS

1. PUBLIC (LEGISLATIVE) HEARING ON ZONING TEXT AMENDMENT #3-2021 – SPECIAL USES

The Council shall hold a public (legislative) hearing on Zoning Text Amendment #3-2021 which follows up on the required 160-D updates that were approved earlier this year. It includes an update of the Special Uses (formerly called Conditional Uses) in all zoning districts. Some Special Uses are proposed to be added or removed while additional conditions of approval have been added to others. The Council called for the public hearing at the October 11, 2021 Council meeting following the presentation by Town Planner Greg Wilson. At the public hearing, all residents of the Town and other interested parties must be allowed to speak. The update would become effective immediately. (See attachment #2.)

Notice of the public hearing was duly provided in the *News Topic* as required by law.

2. PUBLIC (LEGISLATIVE) HEARING ON ZONING TEXT AMENDMENT #4-2021 – LEGISLATIVE HEARING NOTICE

The Council shall hold a public (legislative) hearing on Zoning Text Amendment #4-2021 which adds the specific language for mailed notices to abutting property owners when considering Zoning Map Amendments (Rezoning Petitions). Citation to the relevant North Carolina General Statute is also included. The Council called for the public hearing at the October 11, 2021 Council meeting following the presentation by Town Planner Greg Wilson. At the public hearing, all residents of the Town and other interested parties must be allowed to speak. The update would become effective immediately. (See attachment #3.)

Notice of the public hearing was duly provided in the *News Topic* as required by law.

XI. NEW BUSINESS/ACTION ITEMS

1. UPDATE TO THE TOWN OF GRANITE FALLS ZONING REGULATIONS – ZONING TEXT AMENDMENT #3-2021

Council shall consider the update to the Town of Granite Falls Zoning Regulations. (See attachment #2.)

A Council Member may consider the following sample motion script to simplify the State requirements:

“I make a motion to (Approve or Deny) Zoning Text Amendment #3-2021, Ordinance #360, and to approve the corresponding Statement of Consistency & Reasonableness contained in the agenda packet.”

NOTE: Any additions or deletions to the applicable Statement of Consistency contained in the agenda packet should be noted within the motion

2. UPDATE TO THE TOWN OF GRANITE FALLS ZONING REGULATIONS – ZONING TEXT AMENDMENT #4-2021

Council shall consider the update to the Town of Granite Falls Zoning Regulations. (See attachment #3.)

A Council Member may consider the following sample motion script to simplify the State requirements:

“I make a motion to (Approve or Deny) Zoning Text Amendment #4-2021, Ordinance #361, and to approve the corresponding Statement of Consistency & Reasonableness contained in the agenda packet.”

NOTE: Any additions or deletions to the applicable Statement of Consistency contained in the agenda packet should be noted within the motion

3. REZONING PETITION #3-2021 – 142 DUKE STREET

Town Planner Greg Wilson shall review with the Council the Granite Falls Planning Board meeting held Tuesday, October 26, 2021 where they reviewed Rezoning Petition #3-2021. Thomas Klein submitted a Rezoning Petition for a 1.62-acre parcel located at 142 Duke Street. The property is in the Town limits and is currently zoned M-1 General Manufacturing and the request is to rezone the property to R-8, Medium-High Density Residential. The current Land Use Map calls for the property to be industrial. (See attachment #4.)

The Planning Board voted unanimously to recommend that the Town Council approve the Petition for Rezoning #3-2021 as submitted with the following Statement of Consistency and Reasonableness as required by North Carolina General Statute §160D-604 & 605:

1. The Zoning Map Amendment would not be consistent with the Future Land Use Map in the adopted Granite Falls Land Use Plan, which calls for industrial use on the property. However, based on current growth and development patterns in the area, a regional need for additional housing and a recently approved (2019) zoning map amendment of a similar property just south of the subject property, the Future Land Use Map should be updated to reflect a change to high density residential.
2. The adopted Land Use Plan encourages both the development of residential land that can be served by existing infrastructure and the provision of an adequate mix of housing options, including high density residential.
3. The Zoning Map Amendment would be reasonable and in the public interest due to the transition from a more permissive zoning district to one with fewer allowable uses. The resultant potential land uses would be more compatible with neighboring properties.

Action Requested: Review and call for a public (legislative) hearing at the Regular Town Council Meeting scheduled for Monday, December 6, 2021 at 6:00 p.m. in the Council Room Center. The hearing notice will be posted on the property, published in the News Topic and direct-mailed to adjacent property owners per the requirements set forth in G.S. §160D-602.

4. ZONING TEXT AMENDMENT #5-2021 – DETACHED CANOPIES

Town Planner Greg Wilson will cover the Granite Falls Planning Board special meeting on Tuesday, October 26th at 5:30 p.m. where the Planning Board considered Zoning Text Amendment #5-2021. Zoning Text Amendment #5-2021 was submitted by Jones Matthews and would allow for reduced setbacks for detached canopies (carports) and would also make the dimensional standards for accessory structures uniform across all residential districts. The standard setback from a side or rear property line would be either 10’ or 5’ depending on the size of the structure. The proposed requirements that a detached canopy must meet in order to qualify for a reduced setback of 3’ are the following:

- No more than one (1) canopy per lot.
- The canopy must not be enclosed on any side and must be located to serve an existing driveway.
- The size cannot exceed the standard size for parking two passenger vehicles.
- The canopy can only be used for storage of motor vehicles, boats, recreational vehicles, trailers and the like. Vehicles must be sized to fit completely under the canopy.
- The canopy cannot be used for open storage of any materials. (See attachment #5.)

The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #5-2021 as presented, with the following consistency statement as required by North Carolina General Statute §160D-604 & §160D-605:

1. The adopted Granite Falls Horizons: Land Development Plan does not specifically address setbacks for accessory structures. Therefore, a determination cannot be made on the proposed Zoning Text Amendment relative to its consistency therewith.
2. The Zoning Text Amendment would be reasonable and in the public interest because it would allow development in a manner that would minimize negative impacts on adjacent properties.

Action requested: Call for a public (legislative) hearing on Zoning Text Amendment #5-2021 at the next Council meeting scheduled for Monday, December 6, 2021 at 6:00 p.m. in the Council Room.

5. ZONING TEXT AMENDMENT #6-2021 – PENALTIES FOR VIOLATIONS

Town Planner Greg Wilson will cover the Granite Falls Planning Board special meeting on Tuesday, October 26th at 5:30 p.m. where the Planning Board considered Zoning Text Amendment #6-2021. Zoning Text Amendment #6-2021 is based on recently adopted State Law (SL 2021-138) that disallows the imposition of criminal penalties for violation of a development regulation. The Town would still be allowed to pursue civil penalties for violations.

The Planning Board voted unanimously to recommend that the Town Council approve Zoning Text Amendment #6-2021 as presented, with the following consistency statement as required by North Carolina General Statute §160D-604 & 605:

1. The Zoning Text Amendment would be consistent with the adopted Granite Falls Land Use Plan, which exists as a statutorily required foundation for implementation of development regulations. As such, compliance with State Law is imperative for its continued application.
2. The Zoning Text Amendment would be reasonable and in the public interest due to the need to maintain compliance with North Carolina General Statutes. (See attachment #6.)

Action requested: Call for a public (legislative) hearing on Zoning Text Amendment #6-2021 at the next Council meeting scheduled for Monday, December 6, 2021 at 6:00 p.m. in the Council Room.

6. SUBDIVISION TEXT AMENDMENT #2-2021 – PENALTIES FOR VIOLATIONS

Town Planner Greg Wilson will cover the Granite Falls Planning Board special meeting on Tuesday, October 26th at 5:30 p.m. where the Planning Board considered Subdivision Text Amendment #2-2021. Subdivision Text Amendment #2-2021 is based on recently adopted State Law (SL 2021-138) that disallows the imposition of criminal penalties for violation of a development regulation. The Town would still be allowed to pursue civil penalties for violations.

The Planning Board voted unanimously to recommend that the Town Council approve Subdivision Text Amendment #2-2021 as presented, with the following consistency statement as required by North Carolina General Statute §160D-604 & 605:

1. The Subdivision Text Amendment would be consistent with the adopted Granite Falls Land Use Plan, which exists as a statutorily required foundation for implementation of development regulations. As such, compliance with State Law is imperative for its continued application.
2. The Subdivision Text Amendment would be reasonable and in the public interest due to the need to maintain compliance with North Carolina General Statutes. (See attachment #7.)

Action requested: Call for a public (legislative) hearing on Subdivision Text Amendment #2-2021 at the next Council meeting scheduled for Monday, December 6, 2021 at 6:00 p.m. in the Council Room.

7. PRESENTATION OF TOWN OF GRANITE FALLS UPDATED LAND USE PLAN

John E. Wear, Assistant Community & Regional Planning Director for the Western Piedmont Council of Governments, will present the updated Town of Granite Falls Land Use Plan. (See attachment #8.)

Action requested: Call for a public (legislative) hearing on the Town of Granite Falls Updated Land Use Plan at the next Council meeting scheduled for Monday, December 6, 2021 at 6:00 p.m. in the Council Room.

8. RESOLUTIONS DESIGNATING MEETING DATES FOR 2022

The Town Council is requested to adopt resolutions designating meeting dates for the Granite Falls Town Council, the Granite Falls Planning Board, the Granite Falls Board of Adjustment and the Granite Falls Recreation Advisory Board. (See attachment #9.)

9. FINANCIAL REPORT

The financial dashboard for the four months ended October 31, 2021 is enclosed for the Council's review. This report represents 33% of the current 2021 - 2022 fiscal year budget. Also enclosed for Council review is an analysis of current year sales tax revenue and current property tax revenue versus prior year and budgeted revenues. (See attachment #10.)

10. ABC FINANCIAL STATEMENTS

The Granite Falls ABC Board has submitted the financial statement for the three-month period ended September 30, 2021 for your review and comments. (See attachment #11.)

11. ABC DISTRIBUTION

Town Finance Officer Jana Williams has requested the Council authorize the distribution of ABC funds in the amount of \$14,699.20 to the local schools as follows:

Granite Falls Elementary School	36%	\$5,291.71
Granite Falls Middle School	36%	\$5,291.71
Dudley Shoals Elementary School	28%	\$5,291.71
Total Distribution	<u>100%</u>	<u>\$14,699.20</u>

These funds represent the portion of the ABC Store profit distribution for the first quarter ended 9/30/2021. (See attachment #12.)

12. CONSIDER APPROVAL OF REVISED PUBLIC RECORDS SCHEDULES FOR MUNICIPALITIES

The North Carolina Department of Natural and Cultural Resources (NCDNR) has updated the records retention schedules for municipalities. The Council is requested to approve these schedules which were last updated in 2012. These schedules can be found on the NCDNR website:

<https://ncrecords.wordpress.com/2021/10/27/new-2021-local-government-retention-schedule/>

(See attachment #13.)

13. CONSIDER ADOPTION OF ELECTRICITIES NET BILLING RIDER (NBR-1) FOR RENEWABLE ENERGY FACILITIES

Council shall consider adoption of ElectriCities NBR-1 for customers who operate a photovoltaic (PV) generating system, with or without battery storage, in parallel with the utility. This creates a net billing program for customers for usage at a primary residence or business where all or a portion of the annual electrical requirements of the customer are supplied from the customer’s generating system. The customer must meet certain conditions included in NBR-1 including the completion of an interconnection request prior to receiving service under this rider. (See attachment #14).

Action requested: Approve NBR-1 as presented.

14. TOWN HOLIDAY SCHEDULE

The Town of Granite Falls Administrative Office, the Recreation Center, and the Public Works and Electric Departments will be closed in observance of the following holidays:

Thanksgiving	Thursday, November 25 th & Friday, November 26 th
Christmas	Thursday, Friday, & Monday December 23 rd , 24 th , & 27 th
New Year’s Day	Friday, December 31 st
Dr. Martin Luther King, Jr. Day	Monday, January 17, 2021

The Police and Fire Departments and the Water and Wastewater Facilities will be on duty as scheduled and those employees scheduled to work these holidays receive alternate time off with pay. Republic Services will pick up garbage and recycling on their regular schedule except for Christmas Day.

XII. OTHER BUSINESS NOT LISTED

XIII. MANAGER UPDATE

Town Manager Jerry Church shall update the Council on the following:

1. Enclosed with your Agenda package is a calendar of events through the end of December 2022. Revisions since the last calendar are highlighted in yellow.

Note: Members of the Town Council may attend events that are, or are not, sponsored by the Town but there will be no Council business conducted at any of these events in instances where a quorum of the Council may be present.

XIV. COUNCIL COMMITTEE REPORTS

1. WPCOG Policy Board
2. Caldwell County Railroad Policy Board
3. Sales Tax Reinvestment Committee
4. Catawba River Study Committee
5. Metropolitan Planning Organization (MPO) and Technical Coordinating
6. Caldwell County Economic Development Commission (EDC)
7. Corporate Circle – sponsored by Caldwell Chamber of Commerce
8. NC Municipal Power Agency # 1 Board of Commissioners
9. Caldwell County Manager’s bi-monthly meeting
10. ElectriCities Grassroots Committee
11. Caldwell County’s Green Commission

XV. CLOSED SESSION

Under N.C. General Statute 143-318.11 (3) the Council shall hold a closed session to consult 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, which privilege is hereby acknowledged.

INFORMATION ITEMS:

1. The Granite Falls Recreation Advisory Board will not meet in November.
2. The Granite Falls Merchants’ Association will not meet in November.
3. The Granite Falls History Committee will meet Tuesday, November 16th at 2:00 p.m. at the History and Transportation Museum.
4. The Granite Falls Planning Board will meet Tuesday, November 23rd at 5:00 p.m.
5. The Granite Falls Board of Adjustment will meet Wednesday, December 8th at 5:00 p.m.
6. The WPCOG MPO/RPO will meet Wednesday, November 17th at 1:00 p.m. at the WPCOG.
7. The Granite Falls ABC Board will meet Monday, November 15th at 5:30 p.m. at the ABC Store.

In accordance with Title II of the Americans with Disabilities Act, neither the Town of Granite Falls, nor the Granite Falls ABC Board, discriminates on the basis of disability in conducting its meetings. Individuals with disabilities who require auxiliary aids or services or other accommodations for effective communication and participating in a meeting may contact the Town Clerk at (828) 396-3131. Requests should be made at least 72 hours prior to the meeting.

Reminder: The next Town Council Meeting is an organizational meeting on Monday, December 6, 2021, at 6:00 p.m. in the Council Room.