

**TOWN OF COATS
Board of Commissioners
Thursday, February 9, 2023
Official Minutes**

The Town of Coats Board of Commissioners met in regular session on Thursday, February 9, 2023 at 7:00 p.m. in the Board of Commissioners' Meeting Room at Coats Town Hall.

Members Present:

Mayor Chris Coats
Mayor Pro-Tem Jerry Beasley
Commissioner Marc Powell
Commissioner Kelvin Gilbert
Commissioner Shirley Allen
Commissioner Allen Mosby

Others Present:

Nick Holcomb, Town Manager
Al Bain, Town Attorney
Connie Lassiter, Finance Director/Town Clerk
Rodney Pleasant, Public Works Director
Mike Collins, Parks and Recreation Director

I. CALL TO ORDER

A quorum being present, Mayor Chris Coats called the meeting to order at 7:00 p.m.

Mayor Coats delivered the invocation and led those in attendance in the Pledge of Allegiance.

RESOLVED, to approve Agenda.

**MOTION BY: Commissioner Allen Mosby, SECOND BY: Commissioner Kelvin Gilbert
APPROVED: 5-0, unanimously approved**

II. CONSENT AGENDA

- A. Approval of Minutes – January 12, 2023
- B. Approval of Attorney Bill – Services Rendered January 1-31, 2023

RESOLVED, to approve Consent Agenda.

**MOTION BY: Commissioner Marc Powell, SECOND BY: Commissioner Shirley Allen
APPROVED: 5-0, unanimously approved**

III. PUBLIC FORUM

Mayor Chris Coats opened the Public Forum; and after hearing no one, Mayor Coats closed the Public Forum.

IV. NEW BUSINESS

- A. Budget Calendar

Nick Holcomb, Town Manager, summarized that the proposed budget calendar followed the same pattern as the past several years and highlighted the following:

- Thursday, March 23 (6:00pm-8:00pm) Departmental Requests
- Saturday, March 25 (9:00am-1:00pm) Capital Project Requests

RESOLVED, approve budget calendar.

MOTION BY: Mayor Pro-Tem Jerry Beasley, SECOND BY: Commissioner Allen Mosby
APPROVED: 5-0, unanimously approved

B. Street Dedication – Mattie Grace Ln

Town Manager Nick Holcomb reported the timeline of events pertinent to the street dedication and right-of-way for Mattie Grace Ln as follows:

- July 2021 – Board approved Minor Subdivision that met the standards at the time of a 20' width for access and 10' for utilities
- February 2022 – Raynor Builders purchased lots and began constructing homes with the intention to have a paved street, curbing and water meters that made sense with the property instead of water meters in the E Erwin St public right-of-way; and builder accomplished improved amenities
- February 2023 – Three homes had been built; the builder had signed the plat; the original developer signed over the 9' to 10' edge of a ditch that he owned

Mr. Holcomb acknowledged that the street didn't cleanly meet the standards of a major subdivision street; and although it was about 3' to 4' shy of meeting the 50' right-of-way required by the old UDO, there was a 10' utility easement which practically speaking made for 56'-58' of town controlled property with 80 percent of that being a right-of-way and 10 percent being an easement.

Mr. Holcomb confirmed that the Planning Board recommended to accept the street dedication after a long, healthy discussion with comments about not setting a bad precedent. Mr. Holcomb noted this was a unique situation because the individual that owned and developed the minor subdivision was not the same party that tried to come back after the fact and put in the improvements; in this case, it was clear that Raynor Builders had no control over the original minor subdivision.

Commissioner Marc Powell expressed concern about the gutters not being the standard gutters that the Town requires. Town Manager Holcomb pointed out that it wouldn't be far-fetched to do a variation of the style of curb and gutter as stated in the ordinance.

Mayor Pro-Tem Jerry Beasley asked if incorporating any of the 10' easement to the 48' right-of-way would cause the failure to meet standard of 6,000 square feet on the first lot. Mr. Holcomb explained that we could tell the surveyor to go back and make it 50' but taking another foot out of Lot 1 would drop the lot to less than 6,000 square feet and take away the 20' setback.

Mr. Holcomb commented that the matter was further complicated due to the minor subdivision being approved under the old UDO and now we are operating under a different framework; some things helped like regarding the setbacks, but some things hurt like regarding the minimum lot size.

Mayor Pro-Tem Jerry Beasley expressed his belief in making an exception because this was approved in the beginning under the old UDO, but since it switched over it fell under the new UDO. Commissioner Marc Powell commented that this situation was not the norm. Town Manager Holcomb stressed the importance of noting for the record the distinguishing factors in terms of owners who started and those who finished, the ordinances that began and then changed which totally revamped half way through and that this was not something we would use to set a precedent but that it was more of an exception.

RESOLVED, to approve the street dedication for Mattie Grace Ln.

MOTION BY: Commissioner Marc Powell, SECOND BY: Commissioner Shirley Allen

APPROVED: 5-0, unanimously approved

C. Ordinance to Repair or Demolish – 105 E Washington St

Andrew Thomas Jr., Code Administrator, informed the Board that he and the Town Manager had been working with the property owner, Dr. Dixon, Dixon Living Trust, on a property that was found to be in violation of the Minimum Housing Standards in which the dialogue started before June of 2021. There had been little effort made to repair or improve the premises, so the Town Board was being asked to adopt an order to repair or demolish the property at 105 E. Washington Street. Mr. Thomas noted the following timeline of events:

- June 16, 2021
Letter to property owner, Dixon Living Trust, with a Notice of Hearing before the Housing Inspector under the Minimum Housing Code setting a hearing for June 30, 2021
- June 30, 2021
Hearing before the Housing Inspector Andrew Thomas Jr.; property owner, Dr. Dixon; tenants, Rebecca Norris & Edith Douglas; and Town Manager Nick Holcomb. After the hearing all parties went to the property for an inspection with parties and occupants present.
- July 9, 2021
Findings of Fact and Order were issued as a result of the hearing. The property owner was given until October 1, 2021 to clean up the premises along with repairing, altering, improving or vacating and demolishing the structure. Dr. Dixon remarked that was plenty of time and the property would be completed before that date.
- July 23, 2021
Sign was placed on property stating CONDEMED –UNFIT FOR HUMAN HABITATION.

Mr. Thomas explained that there was no appeal filed within the first ten days of receiving the notice and that there had been no written requests for additional time. It was requested of the Town Board that an order to repair or demolish be adopted so the property will be improved, or the structure be removed. It appeared that no efforts had been made to repair the structure or bring it to a habitable condition.

Nick Holcomb, Town Manager, commented that it was within legal rights to ask the Board to demolish this today but would like to give the homeowner 90 days which would be in May to make improvements before enacting demolition. Mr. Thomas added that should the owner not comply with the 90 day deadline that he would appear back before the Board in May with a request to demolish.

RESOLVED, to adopt ordinance to repair or demolish 105 E Washington St.

**MOTION BY: Mayor Pro-Tem Jerry Beasley, SECOND BY: Commissioner Allen Mosby
APPROVED: 5-0, unanimously approved**

D. Ordinance to Repair or Demolish – 36 E Erwin St

Andrew Thomas Jr., Code Administrator, informed the Board that he and the Town Manager had been working with the property owner Connie Johnson with assistance from her sister Hope Turlington on a property that was found to be in violation of the Minimum Housing Standards. The dialogue started around March of 2022. The sisters had done some initial planning and assessment work including – cleaning, survey of property, and structural assessment, but little work had been done to improve the structure itself, so the Town Board was being asked to adopt an order to repair or demolish the property at 36 E. Erwin Street. Mr. Thomas noted the following timeline of events:

- July 2016
Last known time property had an active water account. Property damaged by fire, around this time. No tenants since this time.
- September 3, 2019
Violation letter sent to owner on account of neighbor complaints of rodents inside the property and overgrown vegetation.
- March 7, 2022
Letter to property owner, Connie Johnson, with a Notice of Hearing before the Housing Inspector under the Minimum Housing Code setting a hearing for March 24, 2022. No plan of action was presented. Owner was hesitant to sell because sentimental value. It was agreed to have the property repaired by June 5, 2022.
- April 5, 2022
Findings of Fact and Order were issued as a result of the hearing. The property owner was given until June 5, 2022, to clean up the premises along with repairing, altering, improving or demolishing the structure.
- May/July 2022
After several appeals from the property owner during council meetings, the Manager provided a deadline extension to November 10, 2022. Mrs. Johnson remarked that was enough time because she will need to be living in the house by September 2022 due to a baby coming and her needing to find a new place to live.

Mr. Thomas explained that there was no appeal filed within the first ten days of receiving the notice and that there had been no written requests for additional time. It was requested of the Town Board that an order to repair or demolish be adopted so the property will be improved, or

the structure be removed. It appeared that no efforts had been made to repair the structure or bring it to a habitable condition. Mr. Thomas concluded that the same 90 day deadline would be followed this property as the previous property just discussed.

RESOLVED, to adopt ordinance to repair or demolish 36 E Erwin St.

**MOTION BY: Commissioner Allen Mosby, SECOND BY: Commissioner Kelvin Gilbert
APPROVED: 5-0, unanimously approved**

E. Project Approval and Engineer

Town Manager Nick Holcomb reminded the Board of the three options presented last month for using the \$1M ARP earmark and mentioned that many of the questions regarding those options had been answered since that time and revealed that there really was only one way to go. He asked if Option 1 would be the will of the Board to select as the project which would be Railroad St, Ida St and South St repairs and updates. Mr. Holcomb also asked if the Board would feel comfortable enough in selecting one of the two on-call engineering firms to manage every aspect of the project tonight.

Mr. Holcomb commented that Option 2 which was the AMI meter project was not a viable option because of the competitive bidding requirement issue of using the one meter brand and one meter installer eligible for Harnett County Water infrastructure. Option 3 (Robert Eason extension) would be complicated because there is no right-of-way and there is no sewer infrastructure which would limit the possibility of redevelopment.

RESOLVED, to approve Option 1.

**MOTION BY: Mayor Pro-Tem Jerry Beasley, SECOND BY: Commissioner Marc Powell
APPROVED: 5-0, unanimously approved**

Mr. Holcomb pointed out that the Board could wait until next month to select the engineer but stressed the importance of selecting the engineering firm in order to get the project started to meet deadlines. The Board discussed their experience with both firms and cost estimates.

RESOLVED, to select WithersRavenel as the engineering firm for the project.

**MOTION BY: Mayor Pro-Tem Jerry Beasley, SECOND BY: Commissioner Shirley Allen
APPROVED: 5-0, unanimously approved**

V. MANAGER & DEPARTMENT UPDATES

A. Review of Financial Statement

There were no questions or comments.

B. Proposed Rules & Rental Fees (Draft)

Nick Holcomb, Town Manager, presented the Board with a draft of rules and rental fees for McKinley Point (or whatever it may be named) and asked that the Board review give feedback.

C. Library Board Representative

Mr. Holcomb informed the Board that the County is planning on appointing Kathy Weeks to the Library Board. Harnett County doesn't need the Board to approve the appointment, but asked if the Board was okay with it.

RESOLVED, to approve the appointment of Kathy Weeks to the Library Board.

**MOTION BY: Mayor Pro-Tem Jerry Beasley, SECOND BY: Commissioner Shirley Allen
APPROVED: 5-0, unanimously approved**

D. Parks Capital Improvement Plan Presentation

Mike Collins, Parks and Recreation Director, presented a proposed park project as follows:

- Remove old tennis court asphalt and pile and haul debris to landfill
- Haul in and respread 6 inches of topsoil
- Clear and grade area behind batting cage and tennis court areas for walking trail
- Extend drainage pipe in area near batting cage to accommodate new trail into edge of wood line
- Install ABC stone to create a walking trail around perimeter of park; grade areas as needed
- Supply and install 12' x 15' x 90' batting cage net with 12' x 17' divider net and necessary hardware
- Supply and install 120' x 5' chain link fence with 6' double gate in front of tennis court area
- Signage for entryway

Discussion from the Board included the following:

- Question of removing batting cage or just replacing netting
- Concern that there were no plans for basketball and what could be done to provide a basketball court area
- Pros and cons of removing asphalt

Town Manager Holcomb reminded the Board that a decision on the project was not needed tonight. Mayor Pro-Tem Jerry Beasley suggested that it would be good to discuss during the budget meetings.

VI. CLOSED SESSION

Mayor Chris Coats called for motion to enter closed session pursuant to NCGS 143-318.11(a)(6) "To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee;"

RESOLVED, to go into closed session pursuant to the aforementioned statute.

**MOTION BY: Commissioner Marc Powell, SECOND BY: Commissioner Kelvin Gilbert
APPROVED: 5-0, unanimously approved**

Board of Commissioners entered closed session at 8:21 p.m.

RESOLVED, to reconvene in open session.

**MOTION BY: Commissioner Kelvin Gilbert, SECOND BY: Commissioner Allen Mosby
APPROVED: 5-0, unanimously approved**

Board of Commissioners reconvened in open session at 9:02 p.m.

VII. ADJOURN

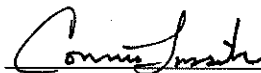
Mayor Chris Coats called for a motion to adjourn.

RESOLVED, to adjourn.

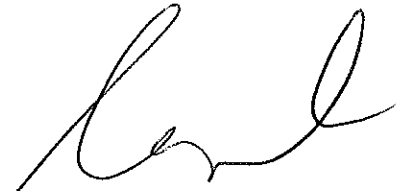
**MOTION BY: Commissioner Marc Powell, SECOND BY: Commissioner Shirley Allen
APPROVED: 5-0, unanimously approved**

Meeting adjourned at 9:04 p.m.

The attached documents of reference are incorporated herewith and are hereby made a part of these minutes.



Connie Lassiter, Town Clerk



Chris Coats, Mayor