



Town of Haw River Town Council Meeting Monday, March 1, 2021

The Haw River Town Council held its regular meeting on Monday, March 1, 2021 in the Haw River Municipal Building at 6:00 pm.

Council Members Present: Mayor Kelly Allen, Mayor Pro-Tem Lee Lovette, Patty Wilson & Steve Lineberry

Council Members Absent: None

Other Members Present: Town Manager Sean Tencer, Town Clerk Lesley Gonzalez, Town Attorney Charlie Davis & Attorney Jake Wright.

Mayor Kelly Allen called the meeting to order and gave the invocation at 6:00 pm.

Consent Agenda

- 1. Approval of Minutes from February 1, 2021 regular meeting.**

Councilmember Lineberry made a motion to approve the Consent Agenda.

Motion carried 4-0

Old Business

- 1. None.**

Public Hearing

1. **A public hearing (in accordance with NCGS 160D-13-15) is required for sale of property located along East Main Street (Tax Map #153165, 153166, 153232, and 153236) to Granite Mill, LLC (Mike Hill) for a downtown development project. The Development and Purchase Agreement between the Town and Granite Mill, LLC approved the sale of the property for the appraisal value (conducted by Patterson Appraisal Co., LLC). The appraisal value of the property is \$27,000. The sell date of the property must be by June 30, 2021.**

Mayor Allen asked for a motion to open the public hearing.

Councilmember Lovette made a motion to open the Public Hearing at 6:01 pm

No one signed up to speak at the public hearing.

Town Manager Tencer informed the Council that a public hearing is required in order to comply with NCGS 160D-13-15. The reason for the public hearing is to discuss the sale and the price of property (owned by the Town) to Mike Hill with D3 Development, Inc for the purpose of a future downtown development.

Councilmember Patty Wilson made a motion to close the Public Hearing at 6:04 pm

Motion carried 4-0

New Business

1. **Haw River Town Council approved the sale of the following properties identified by Tax Map #153165, 153166, 153232, 153236 to Mike Hill with D3 Development, Inc. in the amount of \$27,000.00.**

Councilmember Lineberry made a motion to approve the sale of the following properties identified by Tax Map #153165, 153166, 153232, 153236 to Granite Mill, LLC for the amount of \$27,000.00. The sale of the property must be closed by June 30, 2021.

Motion carried 4-0

2. **Town Council adopted the recommended fire flow policy procedure and fee for future fire flow test. The fee schedule will be amended to reflect this change. Fire flow tests will be conducted by Hazen and Sawyer Engineering or also known as Hazen**

Engineering. This will assist in determining water flow rates for the Town's future development.

Councilmember Lovette made a motion to adopt the staff recommended Fire Flow Policy Procedure and fee for any future fire flow test. The fee schedule will be amended to reflect this change. Fire flow tests will be conducted by Hazen Engineering.

Motion carried 4-0

- 3. Town Council shall consider a contract with Gavel & Dorn Engineering, PLLC to provide temporary flow metering, data collection, and analysis services for the Hanover Road sewer lines leading to the Lang Street Pump Station. This will be a two-month study and will cost the town \$11,056.20.**

Councilmember Wilson made a motion to contract with Gavel Dorn Engineering, PLLC to provide temporary flow metering, data collection, and analysis services for the Hanover Road sewer lines leading to the Lang Street Pump Station. This will be two-month study and will cost the town \$11,056.20.

Motion carried 4-0

- 4. Open Discussion - review and discussion of when a council member is not present at a meeting, what is the effect when a vote of the council is taken?**

- Councilmember Lovette requested to have a policy regarding the Councilmembers being excused from a meeting due to absences.
- Councilmember Lineberry requested the Town Attorney, Charlie Davis to research the topic due to an absence he had back in August 2020. The request to research the law was by Councilmember Lineberry due to his vote being counted as a "yes" although he never attended the August 2020 Council meeting. Attorney Charlie Davis read to council a letter that he received from Town Attorney Justin Lalor regarding N.C.G.S. 160A-75 for Councilmembers being excused from public meetings. The letter states that council members cannot be excused from voting unless it pertains to a conflict of interest regarding financial matters. On Jan 11, 2020, Mr. Lineberry contacted Frayda Bluestein (UNC School of Government) by email about if a council member is absent from a meeting will that council member be counted as a yes or no vote. She replied on Jan. 12, 2021 (a copy was given to each Councilmember, Town Attorney and Town Manger) saying it is not legal to count a person as voting if they were never present in a meeting. Only if they were at the meeting and were not excused from a vote or failed to vote will it become a "yes" vote.

- Town Attorney Charlie Davis stated in accordance to NCGS 160A-75, a councilmember will not be counted as a vote (yes or no) if they are absent from the meeting. A motion was suggested to strike the “yes” votes from the August 2020 and the January 2021 meeting minutes for Steve Lineberry’s and Patty Wilson’s votes. Meanwhile, the Town Attorney will research if an absent Councilmember during the approval of a contract is responsible for the contract even though they did not vote.

Councilmember Lovette made a motion to strike all the “yes” votes on the minutes for August 2020. Any “yes” votes for attributed to Councilmember Lineberry will be removed.

Motion carried 4-0

Councilmember Lovette made a motion to strike the “yes” votes on the minutes for January 2021. Any “yes” votes for Councilmember Wilson will be removed.

Motion carried 4-0

Councilmember Wilson also requested for Town Attorney Davis to verify if a councilmember can be counted as a yes vote if they phoned in to the meeting, rather than be present for the meeting. This is to be added to the next agenda.

Reports

1. Department Reports

- a. Monthly Reports were submitted – (Police, Fire, and Building Inspections) – (emailed to council as I received them), Manager Report.**
- b. Community Branding Update – Chelsea Dickey-Mural Grant Contract.**

Chelsea Dickey from Motley Inc. spoke to the council about the upcoming community grants. The total amount of grants equal \$4,600.00, which included \$3,600 from “Visit Alamance” (to be spent by June 2021) and \$1,000 from Alamance Arts Council (to be spent by July 2021). The Mural will be painted on the side of the Haw River Museum by July 10, 2021 and will be branded with the “Our River, Our Town.” Logo. A contract will be sent to Town Manager Sean Tencer to be added to the April 2021 agenda.


- Lang Street Pump Station is still work in process.
- Policy Handbook & Procedures are close to finalizing.
- Repaving will start tomorrow March 2, 2021.
- Audit is still a work in progress.
- Granite Mill should be completed this March or April 2021

Adjourn

Councilmember Wilson made the motion to adjourn.

Motion carried 4-0

Council Adjourned at 6:59 p.m.



Kelly Allen, Mayor



Lesley Gonzalez, Town Clerk