

August 25, 2014
Board of Commissioners Meeting Minutes

The Wendell Town Board of Commissioners held their regularly scheduled meeting Monday, August 25, 2014, at 7:00 p.m. in the Board of Commissioners' Meeting Room with Mayor Timothy A. Hinnant presiding. Present at the meeting were Commissioners Virginia Gray; Sam Laughery, John Boyette, Jon Lutz; James Parham; Manager Teresa Piner; Town Clerk Jonnie Driver; IT Administrator Tamah Hughes; Finance Director Butch Kay; Captain John Slaughter; Parks and Recreation Director Jeff Polaski ; Planning Director David Bergmark; Planner Patrick Reidy; and Code Enforcement Officer Daryl Hales.

Mayor Hinnant called the meeting to order at 7:00 p.m.

Captain John Slaughter led the Pledge of Allegiance and the invocation was delivered by Michael Vereen of Pleasant Grove Baptist Church.

Adjustment and approval of the agenda

No adjustments were needed to the agenda and Commissioner Parham made a motion to approve the agenda as written. The vote was unanimous 5-0.

Item 1 - Public Comment

Ms. Catherine Evans stated she was here to talk about the issue of sidewalks. She said particularly sidewalks along both sides of Wendell Boulevard. She said the sidewalk ends at Wendell Elementary School and most businesses, including grocery stores, are far out on the Boulevard with no great way to get there. She said we have a population that includes a large percent of limited income and some of these people have no personal transport. She said that at present, there was not a bus to get around town. She said she had stopped to offer rides to some of those individuals when it was raining or cold as had other citizens. She said there was always a discussion for a safer way to get out to that side of town.

Mrs. Evans said when she listened to the meetings on the TV you talk about trying to attract businesses to Wendell and what could be offered those businesses to get them to consider us. She said what she did not hear was how we were going to take care of our citizens and future citizens. She said once Knightdale decided to put in Knightdale Station the first thing they did was widen the road, and the second thing was put in sidewalks. She said she searched the public records and learned that the Town of Wendell was sitting on State required rainy day fund that was much larger than it needed to be and she was wondering if you could decide to spend some of that money to better the lives of all our citizens, both present and future, by installing sidewalks on both sides of Wendell Boulevard.

Regina Harmon stated that Parks and Recreation Department did a great job on the Celebration for the Championship Ball teams this past Saturday and she would like to thank the commissioners for coming out and showing their support.

Regina said she would like to thank the board for all the positive things that had been going on the past couple of months and she would suggest that we keep this going by looking to the Parks and Recreation. She said Parks and Recreation is the crown jewel of Wendell and let's make it better by adding multi-purpose fields out at the park, to fixing our parking problem, opening our bathrooms by adding some doors on the outside so that you can get to the bathrooms in the community center. She said by doing these three things you would be setting out town up to do more for our community and businesses. She

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said look at the fund balance and let's take some action and make some things happen. You have been doing a wonderful job this year and I just wanted to say keep it up.

Item 2 – Consent Agenda

- a. Approval of the Minutes from Monday, August 11, 2014, Board of Commissioners' meeting
- b. Approval of the Wake County Tax report for June 2014.

Commissioner Parham made a motion to approve the consent agenda as written. The vote was unanimous 5-0.

Item 3 – Presentation by Sara Merz with Advocates in Action.

Ms. Merz Advocates for Health in Action was all about improving health in Wake County and healthy eating and physical activity are things we focus on.

Ms. Merz said one way we have connected with Wendell is applying and getting a USDA Grant to bring EBT which is electronic transfer to the farmers market and the grant also includes money for the Farmer's Market Manager's Salary for two years. We have also been able to do advertising and promotions as well as technical support.

Ms. Merz said she knew that that had been conversation about what the Farmer's Market would be in two years, but it was a key strategy for improving healthy food access. If it is something that the Town can support or help identify an organization to continue the Farmer's Market that is one of the things we see as a positive for the community. She said Kelley Connolly of Parks and Recreation, the Wendell Planning Department, and Chamber of Commerce are currently working with AHA and other municipalities in Eastern Wake County in order to develop cohesive and compatible programming.

Ms. Merz said something that she had heard a lot about lately was shared use. Because the schools had facilities and don't use them all the time and there was conversation about getting more shared use. She said she was offering a Resolution that said you simply support the idea of shared use if this board would be interested.

Ms. Merz said she understood that the board was looking at a transportation plan, and one thing that had come up was if municipalities had a bike and pedestrian plan, it was possible to get in the queue with CAMPO when they had funding to help with these things. However they were out of money at this time. Having that plan in place when the opportunity comes up would be helpful.

Ms. Merz said she had been looking at the UDO and had listed three things that she really liked and one was the open space requirement for new developments. You also had connectivity in cul-de-sac requirements which was great for kids that want to bike somewhere and great for emergency vehicles. She really liked the part about new streets extending to the boundaries of development and that was a really smart thing. Once the infrastructure was complete to the development, there was not money to do anything later without figuring something out, so if you could do sidewalks and have streets go to where they were going to connect with something, even if it was years down the road, you would save yourselves problems. She said she liked the way you figure bike parking and shared parking for businesses that have different peak use time.

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Ms. Merz said she had a couple of thoughts about opportunities if you and staff were drawn to that. There were requirements for open space in the section on new development and she thought that was great. You could include active open spaces which means if you wanted to you could put in a swing set, or physical activity stations that would help people to use that space and not just pass through it. She said you have an amazing park and if you wanted, you could consider adding small pocket parks which would increase access because people would not have to go so far to have access to green space.

Ms. Merz said AHA does a conference every month called dig in which is community gardening and urban agriculture education and you are welcome to attend. She said we also do school awards for healthy behavior in the school and this is a great thing for teachers.

Ms. Merz said she would leave some information and brochures on the things she had spoken about for anyone who might be interested.

There were no comments or questions for Ms. Merz from the Board.

Item 4 – Public hearing on a recommendation by the Wendell Planning Board on front yard parking regulations.

Planning Director David Bergmark stated at the April 14, 2014 Town Board meeting the board adopted ordinance #0-3-2014 which incorporated a portion of the amendments recommended by the Planning Board. The ordinance adopted by the board incorporated changes to the definition of nuisance vehicles and created more flexibility in how utility trailers and recreational vehicles were addressed in residential areas.

David said however, the Town Board chose to remove the language which would have addressed parking prepared surfaces in residential areas. The original proposal moved the “Residential Parking Area; standards from section 10.4,k,1 of the UDO to section 24-95(b) (5) of the Wendell Code of Ordinances and amended the language so that parking on prepared surfaces was only required in the front yard. It also limited the number of vehicles which could be parked in the side or rear yard on a non-prepared surface to 5 vehicles.

David stated during the April 14, 2014 meeting, concern was expressed by the Town Board over how the ordinance addressed parking on prepared surfaces. There was no clear consensus on how the language should be changed, but there was a desire to see an alternative proposal. He said following the April, 14th meeting, planning staff did received comments from Mayor Hinnant and Commissioner Gray regarding this item.

David said the Town Board received the Planning Board’s recommendation at the June 23rd meeting and requested staff to explore minor modifications to the language of the Mayor’s proposal to better reflect his intent. The current language is provided below for Section 10.4,k,1 of the UDO and Section 24-95 of the Wendell Code of Ordinances.

1. Section 10.4,k,1 of the Wendell UDO (Residential Parking Areas)
 1. Residential Parking Areas: Parking for single family residences shall be on prepared surfaces only. Prepared surfaces include concrete, asphalt, brick, gravel, or other similar materials, but shall not include landscaped areas or dirt. Parking areas must be properly prepared and

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maintained, as determined by the Administrator. No more than 25 percent of the yard or the width or two parking spaces (20 feet), whichever is less, may be used for motor vehicle parking. This provision shall apply to all existing development, with the exception of driveways, and all new development within the corporate limits of the town.

2. Sec. 24-95. Parking in or near residential areas

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

Commercial, industrial or construction truck or vehicle means any motor vehicle having a gross weight of greater than 12,000 pound or having three or more axles or which has a length in excess of 270 inches (22 feet, six inches) overall or a width in excess of 96 inches (eight feet). For purposes of clarification, but without limitation, the term "commercial, industrial or construction truck or vehicle" includes dump trucks, tractor-trailers, tankers, tank trucks, buses, large panel vans, trailers and construction equipment or any part thereof. Residential utility trailers are not considered a commercial, industrial or construction truck or vehicles for the purpose of this ordinance

- (b) Prohibited acts. It shall be unlawful:

- (1) to operate, park, store, maintain or repair a commercial, industrial or construction truck or vehicle within a residential area or on the public rights-of-way therein, except for:
 - a. The sole purpose of, and for the time period reasonable required for, loading or unloading commodities; or
 - b. An owner/driver of a tractor/trailer to park the tractor portion of the rig on property where he resides.
- (2) To park a commercial, industrial or construction truck or vehicle in a commercial or industrial zone unless it is at least 25 feet away from any residential area;
- (3) For any vehicle used, manufactured, or designed for transporting toxic or explosive materials or flammable liquids to park in any residential area or on the public rights-of-way therein.
- (4) To park any recreational vehicles, including, but not limited to, campers, motor-homes, utility trailers, and boats, within the front yard of a residential area or on the public rights-of-way therein.

David said following the June 23rd Town Board meeting, staff was asked to expand that language to better reflect the intent as it related to limited front yard parking. He said we went out and looked at some of the neighborhoods and refined the language which is listed below.

Revised Option 1:

- Delete section 10.4,k,1 of the UDO
- Amend Section 24-95(b)(5) of the Code of Ordinances to include language stating, “Unless on a prepared surface, vehicles shall not park directly between the primary front façade of the dwelling and the road right-of-way. The primary façade of the dwelling does not include attached front-loading garages or carports. Prepared surfaces include concrete, asphalt, brick, gravel, or other similar materials, but shall not include landscaped areas or dirt. For gravel to be used as a prepared surface, it must be at least 2 inches deep and bordered by landscape timbers or a similar material.”
- Amend Section 24-95(b)(6) to include language stating, “On corner lots, to park within 7 feet of the edge of street pavement in the side yard, with the exception of those vehicles parked on an approved driveway.”

David said the revised language restricts parking in front of the primary façade of the house unless on a prepared surface. Attached, front-loading garages and carports are not included as part of the primary façade, as well as in front of their garage, without being required to park on a prepared surface. Property owners with existing dirt driveways could still use those driveways without improving them so long as the driveway terminates at a garage or carport, or was located to the side of the primary front façade. Parking in the side or rear yard was not restricted.

David said the Planning Board voted to recommend approval of the text amendment described in the ‘Original Option 1’ which was what the mayor recommended before we were asked to revise the language. This option recommended deleting section 10.4,k,1 of the UDO and amending Section 24-95(b)(5) to include language stating “unless on a prepared surface, no vehicles are to park between the front entrance and the edge of pavement”. Those who voted against the motion did not think option 1 was restrictive enough.

Mayor Hinnant said just for the record the Planning Board members that voted against the option did not affect them where they live at. They are part of the ETJ, not the city limits. The ones that it applied to voted in favor of the motion.

The Board had no questions and Mayor Hinnant opened the Public Hearing for anyone to speak for or against the front yard parking regulations. No one wished to speak and Mayor Hinnant closed the Public Hearing.

Item 5 – Resume public hearing on an application by Longleaf Development Services to create a Conditional District for property located off of Edgemont Road.

Mayor Hinnant said we had the public hearing at the last meeting and left it open so we could resume and vote on the issue.

Planner Patrick Reidy stated during the August 11, 2014 Public Hearing the Board expressed concerns that you had with the proposed conditions and the main issues discussed were the use of vinyl, separation between buildings, slab on grade versus raised entrances, percentage of front façade which the garage makes up and wrapping exposed foundations. The applicant submitted two amendments in response to the Board's concerns. The current condition 1 states vinyl siding may be utilized on homes

without restriction as to building separation distances and they amended that proposal to state Vinyl siding may be utilized on homes provided there is a minimum separation of 20 feet between homes.

Patrick said staff supports the minimum of 20 feet between homes and we advised the Wendell Fire Chief about the condition and he stated there is no magic for necessary distance required, but he did support the 20 feet.

Patrick said that staff recommended to change the wording of the conditions to state vinyl siding may be utilized on homes providing there was a minimum setback of 10 feet from side property lines. He said this change of language would have the same intended purposes but would make enforcement of the conditions simpler at the time of building permit. He said staff has spoken with the applicant and they have agreed to recommend the change to the language. He said the second condition change was that exposed foundation slabs would be allowed provided foundation landscaping was provided on any street facing side including corner lots facing streets. He said landscaping was not the best way to resolve an aesthetic issue. Landscaping could die and enforcement of the condition could be difficult because of what you require.

There were no questions from the Board members and Mayor Hinnant opened to public hearing for any to speak for or against the Conditional Use petition. No one wished to be heard and Mayor Hinnant closed the public hearing.

Item 6 – Discussion and action on a recommendation by the Wendell Planning Board on front yard parking regulations

Planning Director David Bergmark stated a draft ordinance was attached for the board's approval.

Commissioner Parham made a motion to approve the Revised Front Yard Parking Regulations. The vote was unanimous 5-0.

Item 7 – Discussion and action on an application by Longleaf Development Services to create a Conditional District for property located off of Edgemont Road.

Planner Patrick Reidy said staff recommends approval of the proposed conditions as recommended by the Planning Board with subsequent amendments offered by the applicant.

Commissioner Laughery said we had a change we approved for Wendell Falls concerning slab on grade which required some brick facing on the front. Patrick said the requirement was that they have to face it on any part that faces the street. He said the difference was that their set backs were specific to the NC Zone only, but they did not change the raised requirement.

Commissioner Parham made a motion to approve the creation of a Conditional District for Edgemont Landing.

Commissioner Laughery said he had a little problem with the fact that we had already approved a change for Wendell Falls that says we were requiring them to put brick on the front of the slab on grade and we were not requiring it for this conditional District. He said what had been offered was the landscaping which he agreed with staff was a difficult thing to maintain. He said he would like to know if the developer was willing to reconsider the landscaping and the slab on grade and put 8" brick facing on the street. We do not have a precedent for Conditional Zonings so this was unique; it made a lot of

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changes to what our UDO currently says. He said he did not agree with a lot of things in the UDO, it tries to restrict builders so that they have to build higher price houses and he did not think you could legislate that. He thought that since we had a precedent on the brick wrapping on slab on grade for Wendell Falls, he thought it was something that we should strongly consider.

Commissioner Laughery said that he would like to amend the motion of Commissioner Parham to be the same process that we approved for Wendell Falls exposed foundation slabs are allowed provided brick or stone is provided on any street facing side including corner lots with street facing sides of the home. Commissioner Parham said he was in agreement with the amended motion.

Commissioner Boyette asked if the amended motion would also include the 10 and 10 setbacks. Commissioner Laughery said that was already agreed to by the developer, so it would be included.

Mayor Hinnant asked the developer if that was something he was willing to do. Mr. Don Mizell stated they would wrap those buildings with brick or stone per the motion. He said once we do the landscaping it will hide the brick and stone, but if that is what it takes to get approval tonight they were willing to do that.

The vote was unanimous 5-0.

Item 8 – Discussion and action on the Wendell Falls Amenity Center Final Plat

Patrick stated NASH Wendell Falls LLC has submitted the final plat for the amenity center for consideration by the Board of Commissioners.

Patrick stated the property had been annexed into the corporate limits, and was currently zoned R-3 PUD which allowed the uses as outlined in the PUD document Use Table approved July 14, 2008.

Patrick said the applicant has presented a bond estimate, in accordance with §155.50 and §155.51 for improvements that have not been completed. He said the town engineer has verified the calculations with current pricing. Staff asks that the Board of Commissioners accept the bond as part of the final plat approval.

Patrick said a variable width sidewalk easement was shown at the corner of Wendell Falls Parkway and Daniel Ridge Road. The reason for the easement is that the sidewalk is outside of the public right-of-way and is the responsibility of the Home Owners Association for maintenance. The easement will allow the public to use the sidewalk.

Patrick said a 10 foot wide maintenance and access easement was also shown on the final plat. The purpose of the easement was to provide a bike lane for the public to use to travel from Daniel Ridge Road to the amenity center. This connection will help create a continuous biking area around the amenity center and SF-1, 2, and 3.

Patrick said staff recommends approval of the final plat and acceptance of the bonds.

Commissioner Parham made a motion to approve the final plat for the Wendell Falls Amenity Center. The vote was unanimous 5-0.

Item 9 – Discussion and review of Wendell’s Cell Tower ordinance.

Manager Piner said there have been some concerns expressed about the physical location and appearance of future towers that may come into the area.

Mrs. Piner said Mr. Rick Edwards with Cityscape also offered suggestions for tower approval which include specifying that carriers must exclude the placement of other equipment such as remote radio head, DC surge, and fiber distribution units and felt lines which would consume space for cell phone providers. Mr. Edwards also stated that the Town could dictate the type of tower if it wished to exclude such as lattice towers or towers with guide wires within its jurisdiction. Towers can also be limited to specific heights

Mrs. Piner said in Wendell’s current situation, changing the approving entity without changing the ordinance would not eliminate the site that was selected as an option. If guidelines are established and met by an applicant, the approving entity within a jurisdiction will be required to approve the permit once the elements of the ordinance are met.

Commissioner Laughery said the issue was where the towers were being placed and he was trying to imagine some sort of language that would eliminate all the places that we don’t want a tower. He said his personal opinion was that we make it a Special Use Permit and the location be approved by the board. He said when we passed this ordinance there was a real desire to get a cell tower in town so we copied the ordinances of other towns. He asked Mrs. Piner if we were to make it a Special Use Permit at the approval of the board’s approval would that have to go before the Planning Board. Mrs. Piner said it would because we would be changing the ordinance which was part of the UDO.

Mayor Hinnant said it was the consensus of the board to go with the option of making it a Special Use Permit.

Item 10 – Update of Share the Road markings on streets within the Town of Wendell

Planning Director David Bergmark stated we had been discussing sharrow markings and had installed some leading into the park. He said he thought sharrow markings were most effective when you were connecting areas that you don’t have the width to install bike lanes.

Mr. Bergmark said the US Department of Transportation and the Federal Highway Administration suggest that markings be installed 11 feet from the curb, or approximately 4 feet from parked cars.

David said staff was asked to review which other roads may be appropriate for bicycle improvements. He said any plans for installing markings on State maintained roads would require NCDOT approval.

David said both Third Street and Main Street have wide paved lanes which could potentially accommodate bicycle markings. However, both roads also have on-street parking, which presents a risk to bicyclists.

David said the Wendell Comprehensive Plan identifies a number of roads for which it recommends bicycle accommodations. Currently, the only bicycle lanes which are required by the UDO would be those identified in the Wendell Boulevard Gateway Overlay cross-sections. The roads identified by the Comprehensive Plan for bicycle accommodations are Buffalo Road, Eagle Rock Road, Holly brook Road, Jake May Drive, Lake Myra Road, Liles Dean Road, Lions Club Road, Marshburn Road, NC 97, Old Zebulon

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Road, Poole Road, Richardson Road, Selma Road, Scotts Mill Road (Johnston County), Taylor Road, Turnip Seed Road and Wendell Boulevard.

David said the Wendell Comprehensive Plan recommended Industrial Drive, Latino Lane and Main Street for designated bike routes.

Item 11 – Review and discussion of a potential name change for road sections of road between I-495 and Wendell Boulevard

Patrick Reidy staff met with representatives of Wendell Police Department, the Wake County GIS Department, Wendell Fire Department, and the Eastern Wake EMS regarding concerns about the road running from future I-495 to Wendell Boulevard.

Patrick said the public safety officials stated that the numerous name changes on the road causes a major concern for responding to emergency calls. Over the course of 4.7 miles, the road changes names five times (Wendell Falls Parkway, Richardson Road, Pool Road, S. Buffalo Street and N. Buffalo Street).

Patrick said a single road name would also benefit visitors and customers who are unfamiliar to Wendell by helping them find their way from the highway to downtown without the confusion of multiple road names.

Patrick said approximately half of the road was within the corporate limits of the Town of Wendell and the Wendell Board of Commissioners has authority to change the road name. He said that general statute requires that the County approve any road name change for areas outside of a municipality's corporate limits. As a result, the name change for the other half of the road must be approved by the Wake County Board of Commissioners since it is within the ETJ of Wendell.

Patrick said should the board decide to move forward with the renaming, staff would hold a public information session prior to any public hearing with the public safety departments to answer any questions affected residents may have. Notice will be mailed to all property owners who would be affected regarding the public information session. If approved, staff plans to reach out to local civic groups to assist residents with the hanging of new house numbers.

Patrick said staff plans on meeting with Wake County following the August 25th Town Board meeting to solidify a timeline. In general, it is staff's desire to hold an information session outside of a Town Board meeting in the near future, followed by an advertised public hearing prior to the holiday season. The effective date for the road name change would not be until late February or early March to give residents plenty of time to make necessary adjustments without disrupting holiday delivery services.

Mayor Hinnant said from a public safety standpoint, I do not think we have any other choice but to rename the road. The board was in agreement and advised Patrick to move forward with the name change requirements.

Item 12 – Commissioners' Comments

Commissioner Gray thanked the citizens who spoke tonight and agreed with Ms. Evans on the sidewalk issue and she had stopped herself and given rides to people with groceries and small children. She said this was something that we had worked on before and a lot of things had to fall in place and it was

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sometimes beyond the board's control and did not work out. It was not something that we had forgotten and we would continue to work on it.

Commissioner Gray said Ms. Harmon said that a lot of positive things were going on in downtown Wendell and she agreed about the multi-purpose fields, the parking and restroom. That was three big issues that we had out there and she would like to see us go ahead and address those three things.

Commissioner Boyette said Wake County had a million people, we were a metropolitan county. It boggles his mind that we don't take larger looks at things like transportation and public planning and infrastructure. He said he knew it was frustrating at the CAMPO meetings when Raleigh and Cary get all the projects. He would like to see the towns work together a little more and push forward with TJCOG on some of the issues. He felt like we were at a stalemate. He felt like our legislators get hung up on ideological issues when the people suffer with issues such as sidewalks and transportation funds. We are a large metropolitan area and we need to start thinking bigger.

Commissioner Parham said The Eastern Regional Center was trying to get an extension to the Wendell Zebulon Bus Stop. He said there was need for transportation for people to get there for services. He thought there was a chance that Zebulon and Wendell could work together to get a stop there. He said anybody that happens to have any communication with the proper authorities, please put in a plug for the stop to be extended.

Commissioner Parham said he would like to mention Barry Davis who passed away and he had known him for a long time. He worked for him at Theo Davis. He will definitely be missed.

Commissioner Lutz said school was back in session and Wendell Boulevard and Buffalo Street tend to have more traffic. He said we discussed putting a sign there to improve the traffic and he would like to keep addressing that issue. He said he would also like to say that the tiny basketball at the Wendell Community Center had been a success so far.

Commissioner Laughery said he attended a CAMPO meeting last week and they awarded all of their spot safety funds. They are starting up their LAPP Project which had some good potential for Wendell over the next few months. They are also starting the Wake Transit Strategy and they are in the process of selecting a consultant to work on that project. He said kudos to Paul White who recently purchased the Inside Out Design Building Downtown and he had a person who was strongly considering moving into that location, an Amish Bakery. He said he thought it was time that we started looking at some wayfinding signs starting with one at the exit off of Future I-495. He said the first lady who spoke under public comment said there was some sidewalk money available and he was not aware of any sidewalk money, so we need to look very closely and see if there was any sidewalk money available.

Commissioner Laughery said he understood that the company putting up the cell tower was considering putting up a Stealth Tower and he thought we needed to be able to give the manager the authority to tell the tower company that as a board, we are very much in favor of that if everyone agrees. He said please continue to support our local businesses.

Item 13 – Mayor's Comments

Mayor Hinnant said he had the privilege of attending the Wendell Wake NAACP Scholarship Banquet and he always enjoyed going to Pleasant Grove. He said Retired NC State Highway Patrol Richard

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Holden passed away last week and he grew up in the Riley Hill area and was the first African American that was ever promoted to be Commander of the NC State Highway Patrol. Colonel Holden's impact to our state and the fact that he was from the Riley Hill area, was an honor and we appreciated his contribution to our state.

Adjourned

The mayor adjourned the meeting at 8:01 pm.

Timothy A. Hinnant, Mayor

Attest:

Jonnie S. Driver, Town Clerk