

**TOWN OF SELMA
WORK SESSION MEETING
JERNIGAN BUILDING
AUGUST 27, 2015**

PRESENT: Mayor Cheryl Oliver, Mayor Pro-Tem Jackie Lacy, Councilmember Tommy Holmes, Councilmember William Overby, Town Manager Jon Barlow, and Town Clerk Cynthia Richardson.

Councilmember Eric Sellers was not in attendance.

OTHERS PRESENT: Planning Director Julie Maybee, Police Captain Billy Thomas, Public Works Director Alex Fuller, and Deputy Clerk Brenda Thorne.

CONVOCATION: Mayor Oliver called the meeting to order at 6:00 p.m. in the

Selma Jernigan Building located at 110 East Anderson Street and declared a quorum was present.

Mayor Oliver requested that the order of the agenda be changed. She asked that items 1c. Dog Related Ordinances and 1d. Solid Waste Collection (General Policies and Review of Rates for Extra Pick Ups) be moved to the beginning as items 1a and 1b.

**WORK SESSION-
Dog Related
Ordinances:**

Mayor Oliver stated that dog issues continue to come up. She said that the citation process had started; however, it seemed that the Town was not collecting any fees for dogs running at large. Mayor Oliver stated that she had talked with Police Chief Richard Cooper, and they found that a copy of the citation was not being turned into Customer Service. She said that when a citation is now issued for an animal, a copy of that citation is given to Customer Service for follow-up.

Mayor Oliver asked when an animal is picked up and taken to a shelter if any connection was made to that being their first, second, or third offense. She said that according to Animal Control Officer Jimmy Norris, not many of the animals that are picked up are actually claimed.

Mayor Oliver stated that she also gets comments from citizens regarding tethering. She said that Police Chief Cooper advised her that the Town of Clayton was the only Town in Johnston County that allows tethering.

Police Captain Billy Thomas stated that the Town of Clayton has a no tethering ordinance. He said that there was no other ordinance in Johnston County that does not allow tethering. Captain Thomas stated that if an owner of an animal does tether, whether it be a cord, rope or chain, it has to be a minimum of ten (10) feet.

Mayor Oliver stated that the Town only has one part-time Animal Control Officer that works out of the Police Department. She asked Captain Thomas what the process was when the Police Department get a call to

pick up a dog.

Captain Thomas stated that when the Police Department picks up a dog and they do not know the owner, it is taken to the Johnston County Animal Shelter during its normal operating hours. He said that there was a temporary shelter on Noble Street that they could place a dog if they know who it belongs to for the owner to come claim it. Captain Thomas stated that if the owner does not claim the animal within the next shift, it is taken to the Johnston County Animal Shelter. He said that Johnston County holds the dog for 72 hours. Captain Thomas stated that if the dog still goes unclaimed, the Animal Shelter would take care of the animal as they see fit.

Captain Thomas stated that the Police Department does have a dart gun, but it was hard to hit an animal that is running. He said that the dart gun doesn't put the animal down immediately. Captain Thomas stated that it was a difficult job as far as safety. He said that during his time as Sergeant on the Patrol Division, they had to put down three dogs that were aggressive. Captain Thomas stated that the Police Department had to be careful with putting an animal down because of the rail system, tank farm, citizens and the possibility of litigation.

Councilmember Holmes asked on average how many dogs the Police Department picks up during a week.

Captain Thomas stated that they get anywhere from six to eight calls a week, but actually might not capture any dogs.

Councilmember Holmes stated that the Mayor wanted to look at hiring more help; however, he did not feel the Town could hire a full-time Animal Control Officer.

Councilmember Overby asked how many hours the Animal Control Officer works.

Captain Thomas stated that he works four hours a day, five days a week. He said that the Town use to have a full-time Animal Control Officer. Captain Thomas stated that position was eliminated, and had Johnston County Animal Control to take over, which did not work out. He said that within a couple of years, the Animal Control position was reinstated, but on a part-time basis.

Councilmember Holmes asked when the Animal Control Officer leaves for the day and the Police Department needed him to come back, does he come back.

Captain Thomas stated that he had done that in the past if the Police Department needed him.

Councilmember Holmes stated that the Police Department did not need to be picking up dogs. He said that they should be protecting the citizens, and this needed to be addressed by Council.

Mayor Oliver stated that there is a pack of dogs that have been roaming Selma around the Ricks Road and Florence Avenue area for some time.

Captain Thomas stated that there were about four dogs, and they travel back and forth between Selma and Smithfield by way of the railroad tracks. He said that everything possible has been done to try to capture these dogs, except for putting the dogs down.

Mayor Oliver asked if the other Animal Control Officers throughout Johnston County could help capture this pack of dogs.

Captain Thomas stated that Johnston County only has five personnel that cover all of Johnston County. He said that the Towns of Smithfield and Clayton have one full-time person each for Animal Control. Captain Thomas stated that the resources were not out there for Animal Control.

Councilmember Holmes questioned if there were that many animals running loose in Selma.

Captain Thomas stated that it runs in spells. He said that he sees more cats than dogs.

Mayor Oliver asked Captain Thomas to provide the Council with some information regarding the frequency and how many so that they could better understand the nature of the problem.

Captain Thomas stated that he would get with the 911 Call Center to see what information they have.

**Solid Waste
Collection
(General Policies
and Review of
Rates for Extra
Pick-Ups):**

Mayor Oliver advised that this presentation was in regard to trying to understand when citizens are charged for extra pick-ups. She said that this was a review general policies and rates.

Public Works Director Alex Fuller presented the following power point presentation to Council. Mr. Fuller also included in his presentation several pictures that showed yard waste, household solid waste, and construction waste.

Solid Waste Collection

Scheduled Solid Waste Collection

Municipal Solid Waste (Garbage): Monday – Thursday

Bulky Items: Monday

Recycling: Thursday after garbage collection and Friday

Yard Waste: Monday and Thursday

Leaf Collection: Approximately October – December

Sec. 16-212. - Refuse deposited and removed in approved containers.

It is unlawful for any person to throw, place or deposit any garbage or refuse of any kind that shall be a menace to health or cleanliness nor shall it be allowed to remain on any public or private property longer than shall be reasonably necessary to remove or deposit in approved containers which must be approved by the director of public works.

(Ord. of 7-9-13, § 1)

Sec. 16-217. - Pre-collection practices

All waste shall be separated by type, according to the definitions in [section 16-211](#), prior to the waste being placed curbside for pickup. All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. No ashes shall be deposited in any container until they are cold.
(Ord. of 7-9-13, § 1)

Sec. 16-218. - Special or call-back collections

Any special or call-back collections will have an additional charge added to the utility bill.
(Ord. of 7-9-13, § 1)

Sec. 16-221. - Tree trimmings collection.

All brush or plant trimmings placed at the curb must not exceed six (6) feet in length and six (6) inches in diameter. All leaves should be piled in one (1) pile during the season (November—March) behind the curb.

No bundles or items shall exceed the weight which one (1) man can handle.
(Ord. of 7-9-13, § 1)

**TOWN OF SELMA
FEES AND CHARGES
PUBLIC WORKS**

DESCRIPTION	FEE
Lot Cutting – Service Fee	See Code Enforcement Fee Schedule – Page 10
Special or Call-back Collection	\$25.00
Lost, Stolen, or Damaged Container	\$50.00
Excessive Waste Hauling	\$150.00/Load + Landfill Costs

**Construction and Demolition
(C&D) Waste**

Sec. 16-214. - Construction or demolition of buildings.

- (a) Every person, building contractor or subcontractor engaged in the construction, repair or demolition of any building or structure or part thereof shall remove and dispose of, in an authorized manner, from any street, alley, gutter, park, sidewalk, curbing, curb, place or any public way all waste material or rubbish deposited thereon in connection with that portion of the repair, construction or demolition work under his special or general supervision.
- (b) Such refuse, waste matter and rubbish shall be cleaned up, removed and disposed of in a sanitary manner, within seven (7) days of the final cessation of work on such building or structure unless specifically authorized by the building inspector or director of public works.
- (c) Such waste matter and rubbish shall not be placed on the sidewalk or curb for town trucks to move, but shall be moved by the contractor or subcontractor who caused the same to be formed.

(Ord. of 7-9-13, § 1)

Improvement

- Residents have shown an interest trying to prepare waste properly
- Pre-collection preparation of solid waste materials has improved
- Collection of bulky items by Waste Industries has improved

Taxation of Fuel Tanks, Solar Farms, and Railroad:

Town Manager Barlow stated that in North Carolina, property values used for taxation purposes are either determined by the County Tax Assessor or the NC Department of Revenue. He said the County is responsible for assigning value to real, personal/business, and motor vehicles. The NC Department of Revenue determines the values for public utilities such as power, telecom, gas, and railroads.

Mr. Barlow stated that as a result of some recent developments in Selma, the question of what is the impact to the total assessed valuation of these developments in Selma and how are those specific values determined. He said that he contacted both the Johnson County Tax Assessors' Office and the NC Department of Revenue to help find answers to these questions. Mr. Barlow stated that the type of development would determine who was responsible for assigning a tax value and how the value would be determined.

Mr. Barlow stated that residential and commercial properties were typically handled by the County Tax Assessor. He said that residential appraisal values are done using other similar homes sold in the area as comparables. Mr. Barlow stated that commercial values were a little different. He said that in many cases values are determined by looking at the type and size of the building and referring to a schedule, which provides value estimates. Mr. Barlow used the Family Dollar that was just built in Selma as an example. He said this was a common type of building built quite often; therefore, by referring to the construction guide a value could easily be determined.

Mr. Barlow stated that solar farms were unique when it comes to valuation for taxation purposes. He said that most of those developments tend to occur on land that is vacant and considered agriculture for taxation. Mr. Barlow stated that it was the County's function to determine tax values on a solar farm. He said that one interesting fact was that once the land was zoned for solar farm use, regardless whether the facility is built or not, the tax value would change to reflect that use and would no longer be

considered agriculture. He said that the value of the equipment tends to get considerable tax exemptions, usually up to 80%.

Mr. Barlow stated that petroleum tank valuations, like solar farms, were a function handled by the County. He said that the tanks tend to be similar in construction regardless of their location; therefore, the values were easily determined and readily available.

Mr. Barlow stated that determining values for taxation purposes of public utilities uses an entirely different approach when compared to residential and commercial property. He said that instead of looking at each individual site to determine a value, the value is based on a number of external factors. He said that a new railroad or power plant built in Town would be valued by looking at the value of the all the rail or power plants owned by the company across all the territory it covers, which could cover many states. He said that the value of the system is greatly reduced due to their age and being fully depreciated. Mr. Barlow stated that when the cost of the new project is added into the value of the entire system the value is not that much. He said that the value added to the tax base is nowhere near the cost of the construction of that particular site.

Mayor Oliver stated that she would like to know the dollar amount the Town receives in taxes from the North Carolina Utilities.

Town Manager Barlow stated that the tax valuation in the budget includes the tax rate, real property, motor vehicles, and public utilities.

**Options for
Condensed
Meeting
Minutes:**

Mayor Oliver stated that this was a general discussion regarding condensed meeting minutes and paper reduction.

Town Manager Barlow presented a model of a detailed summary that Administrative Services Director Cynthia Richardson created. He said that the summary could not replace the minutes. Mr. Barlow stated that some of the minutes have been extremely lengthy, but still had to be done as an official record.

Mayor Oliver questioned the detailed written minutes even though the meeting had been recorded.

Town Manager Barlow stated that some of the meetings were real lengthy because they included quasi-judicial public hearings that have to be verbatim. He said that the summary could include the agenda item and the action taken (approved/not approved).

Councilmember Overby stated that the summary would not be posted on the website and not distributed to everyone. He said that it was a waste of time for an employee to reduce the minutes down for someone's convenience.

Mayor Oliver stated that she agreed, and that basically what she was interested in was the agenda item and what happened, approved, tabled, etc. She said that the fear that she has had was that some of the post meeting action items being missed.

Mayor Oliver asked Council if they would like to have the post meeting action items at the end of the Council Meeting Minutes or if there were other recommendations.

Councilmember Overby stated that he had a couple of examples that he could provide of things that had been overlooked; however, he did not want to put an extra burden on staff in providing a detailed report.

**Update on July
2015 Cycle 1
Cut-Offs for
Non-Payment
Report:**

Mayor Oliver stated the next item to be discussed was a \$2,000 loss on the July 2015 Cycle 1 Cut-Off Report for non-payment. She said she wanted to review the process and how someone could get into owing the Town \$2,000 on their utility bill.

Town Manager Barlow referred Council to the second page of their Council package under the Utility Report. He reviewed with Council the chain of events that occurred with that account beginning in December 2014 thru July 2015, which the customer left owing the Town \$2,014.04.

Councilmember Holmes stated that the customer was cut off five times, and in March 2015, the customer had a payment agreement. He asked why the customer's utilities were turned back on without the bill being paid in full.

Town Manager Barlow stated that the customer was not cut off. He said that if a customer is late paying their utility bill, he or she would be charged a \$60.00 reconnect fee. Mr. Barlow stated that as long as the customer is making payments, the Town keeps the account active.

Councilmember Holmes stated that in March 2015, the customer had a payment agreement that was never paid in full, however, in August 2015 another payment agreement was made.

Town Manager Barlow stated that the landlord has taken over the payment of the utilities. He said that the customer at this address had left Town before making the third payment.

Mayor Oliver asked at what point the Town requires the customer to go to a prepay account.

Meter Reader Ronnie Lee stated that the Town requires a customer to go to prepay when he or she is cut off three consecutive months or cut off six times in a twelve month period for non-payment.

Mayor Oliver stated that the landlord has agreed to pay the past due

utilities. She asked if there was a cap on the amount of a payment agreement.

Town Manager Barlow stated that he had not seen one.

Mayor Oliver stated that particular policy might need to be revised. She said that she would like to see some options for what could have been done to improve the cash flow, which could have been done to the benefit of this customer.

Councilmember Holmes stated that the policy needed to be looked at again by Council for some modifications.

Mayor Oliver questioned if Council could change the policy to two disconnects instead of three before going to prepay. She asked that staff confirm the possibility of a cap on a payment agreement.

**Public Hearing
Process:**

Mayor Oliver stated that the next item to be discussed was the public hearing process, which came about from the Selma Middle School sign request. She said that it has been discussed what could be changed to reduce the amount of time from a request to the actual public hearing.

Town Manager Barlow stated that Town Council was interested in discussing the Town's public hearing process related to development projects. He said that in general, a request (text amendment, rezoning, special use permit) is: (1) received/reviewed by the Planning Director for completeness; (2) if complete, forwarded/reviewed by technical review staff; (3) forwarded to the Planning Board for review/consideration/recommendation; (4) forwarded to Council to set a public hearing date; and (5) a public hearing held by the Town Council, matter deliberated on by Council, and decision rendered.

Town Manager Barlow stated that depending on the receipt date of the application, consideration of the request may take approximately ninety (90) to one hundred twenty (120) days. He said that it is dependent on a number of factors (i.e., request for additional information by Board/Council, etc.) for that public hearing date to be set.

Town Manager Barlow stated that during the process, all public notifications mandated by the NC General Statutes and the Town's Municipal Code are adhered to.

Town Manager Barlow stated that excerpts of the Town's Municipal Code, Chapter 17, related to the Town's public hearing process for rezoning, text amendments, and special use permit applications were included in the Council package for review. He said that it should be noted that the Planning Board met on August 24, 2015 to discuss this matter.

Planning Director Julie Maybee stated that there were public hearing

deadlines based upon the decisions of the Planning Board. She said that the public hearing process was a cumbersome process and would require a rewriting of the Town's ordinance for a change.

Town Manager Barlow stated that staff requests direction from Council on the streamlining of the public hearing process.

**ROUNDTABLE
DISCUSSION:**

Councilmember Holmes questioned the deposit of a water meter. He said that he knew that someone got one for \$100.

Mayor Oliver stated that the deposit was \$200; however, there was a typographical error in the handbook, and the Town had to stand by what was published.

Councilmember Holmes stated that he had two phone calls regarding a water leak on East Elizabeth Street. He said Public Works Director Alex Fuller advised that the leak had been fixed, but it is leaking again. Councilmember Holmes stated that the Town was having problems with reruns on the water lines, which was a waste of taxpayers' money.

Town Manager Barlow stated that many of the Town's water lines were in poor condition. He said that when one leak is fixed, another break could occur within just a few feet.

Councilmember Holmes stated that the Town of Smithfield was getting three new restaurants. He said that the Town had several certified sites that were using tax dollars to keep certifications on them. Councilmember Holmes asked when was the Town going to get someone to promote Selma. He said it seemed like every Town in Johnston County was growing except for Selma.

Mayor Oliver stated that she agreed with Councilmember Holmes. She said that they need someone to heavily market Selma.

Councilmember Overby stated that he would like to bring someone in that wants to see Selma grow.

Councilmember Holmes stated that the Town needed to work on its infrastructure in order to attract new businesses to Selma.

Councilmember Overby stated that growth was something that the Town needed to be focused on.

Councilmember Overby asked if Cycle 2 received their 10% electric rate decrease.

Town Manager Barlow stated that the reading for Cycle 2 would not begin until Monday, August 31, 2015, which would be the first opportunity to get the entire cycle in for August.

Mayor Oliver reminded everyone that the meeting with the rate consultant would be on September 14, 2014 at 4:00 p.m. She advised everyone that Duke Energy purchased the nuclear assets of Electricities. Mayor Oliver stated that nothing changed except for the amount of debt that the Municipalities owe.

Councilmember Holmes stated that he would like to see in the newsletter that the buyout was to reduce the debt.

ADJOURNMENT:

A motion was made by Mayor Pro-Tem Jackie Lacy and seconded by Councilmember Tommy Holmes to adjourn. Motion carried unanimously.

The meeting adjourned at 8:19 p.m.

BRENDA W. THORNE, DEPUTY CLERK