# TOWN OF HUDSON REGULAR MEETING

December 19, 2017

#### In Attendance:

Members Present: Mayor Janet Winkler, Commissioners: Larry Chapman, Tony Colvard, Ann Smith, Carl Wagner and Bill Warren, Commissioners – Elect: Jonathan Greer, Barry Mitchell and Rick Shew

Others Present: Town Manager, Rebecca Bentley, Police Officer/Detective, Richard Blevins, Chief of Police, Andy Day, Town Clerk, Tammy Swanson and Town Attorney, Carroll Tuttle

#### Call to Order:

Mayor Janet Winkler called the December meeting to order, and welcomed the audience to the meeting. Janet then asked Commissioner Carl Wagner to lead the audience in the Pledge of Allegiance and opening prayer.

# Discuss/Adjust Agenda:

Janet presented the December agenda, and requested the following change:

Add: Item 10(a) – Request Surplus and Sale of Government Vehicle

Motion: (Bill Warren/Larry Chapman) to approve the agenda as amended. Unanimously approved.

# Approval of Minutes:

Motion: (Ann Smith/Larry Chapman) to approve the minutes from the November 21, 2017 Meeting and the December 11, 2017 Personnel Committee Meeting as presented. Unanimously approved.

# Financial Report:

Rebecca presented the financial report for the month of November, along with the revenue and expense statements for the month. The reports were presented as follows:

#### TOWN OF HUDSON MONTHLY FINANCIAL REPORT - NOVEMBER 2017

	Current Month*		Last Month**	
SUMMARY OF CASH ACCOUNTS				
Cash/Checking	\$	437,709	\$	594,717
NC Capital Management Trust		1,212,587	\$	1,145,530
CD - Capital Bank		101,358	\$	101,358
CD - First Citizens Bank		101,196	\$	101,196
	\$	1,852,850	\$	1,942,801

	BUDO	3ET 2017-18	CITIVITY IIS MONTH	ACTIVITY TO DATE	BALANCE	%
REVENUES	\$	3,027,544	\$ 123,300	\$ 1,379,906	\$ 1,647,638	45.57
EXPENDITURES	\$	3,027,544	\$ 255,893	\$ 1,165,930	\$ 1,861,613	38.51

#### NOTES:

- 1 Property tax bills were mailed mid-August. The majority of property tax and solid waste collections occur during November through January.
- Three month lag in sales tax distribution. The first monthly distribution for FY 2018 is reflected in the October report. Sales Tax revenue is 2.75% increase over this time 2017.
- 3 Most state-shared revenues are distributed quarterly. The first distribution for Powell Bill has been received.
- 4 Majority of annual insurance premiums paid in July.
  - Does not reflect monthly adjusting entries
     \*\*Reflects Monthly Closing Entries

12/13/17 Fiscal Year: 2018 14:30:35 Fiscal Month Range: 5-5 (U2)		TOWN OF HUDS Revenue State Period Ending: Nover 10 GENERAL FU	<b>ment</b> nber 30, 2017	Selected Department (ALL) All Departments		
Account Description	Account No	Estimated Revenue	Activity This Period	Revenue To Date	Uncollected To Date	% Collected
TOTAL LOCAL TAXES	10-310-3004	1,202,100.00	39,253.25	862,194.74	339,905.26	71.72
CABLE TV FRANCHISE FEES	10-320-3215	36,500.00	0.00	125.74	36,374.26	0.34
BEER/WINE TAX	10-320-3310	17,250.00	0.00	0.004	17,250.00	0.00
TOTAL SALES TAX	10-320-3221	870,200.00	67,057.86	208,434.11	661,765,89	23.95
TOTAL UTILITY FRANCHISE TAX	10-330-3324	206,000.00	0.00	-10,103.77	216,103.77	<b>-4</b> .90
RESTRICTED INGOVERNMENTAL	10-340-3316	277,903.00	1,191.81	99,852.26	178,050.74	35.93
TOTAL PERMITS & FEES	10-350-3100	134,700.00	5,582.19	108,220.72	26,479.28	80.34
RECREATION REVENUES	10-360-6310	75,300.00	5,317.90	33,981.22	41,318.78	45.12
LEASE REVENUE HUB	10-360-6000	33,600.00	2,800.00	14,000.00	19,600.00	41.66
HUB REVENUE	10-360-7000	94,700.00	2,097.00	60,112.65	34,587.35	63.47
SALES	10-370-6310	0.00	0.00	25.00	-25,00	0.00
GEN FUND INVESTMENT EARNINGS	10-380-3831	3,000.00	0.00	3,063.76	-63.76	102.12
CELL TOWER REVENUE	10-380-3834	18,332.00	0.00	0.00	18,332.00	0.00
FUND BALANCE APPROPRIATION	10-390-3990	57,959.00	0.00	0.00	57,959.00	0.00
TOTAL FUND (10) GENERAL FUND		3,027,544.00	123,300.01	1,379,906.43	1,647,637.57	45.57

			OF HUDSON			Department	Page 1
12/13/17 Fiscal Year:		umbrances &			(ALL) A	II Departments	
14:54:18 Fiscal Month Range:	5-5		ling: November 30	, 2017			
(U2) 10 GENERAL FUND							
Account Description	Account No	Budget Amount	Activity This Period	Expenditure Year to Date	Encumbrance Year to Date	Unecumbered Balance	% Spent
TOTAL GOVERNING BOARD	10-410-1020	25,179.00	81.61	6,866.30	0.00	18,312.70	27.27
TOTAL ADMINISTRATION	10-420-1020	200,613.00	30,471.88	100,641.18	0.00	99,971.82	50.16
TOTAL FINANCE	10-440-1020	148,170.00	9,190.98	70,199.48	0.00	77,970.52	47.37
TOTAL TAX COLLECTION	10-460-1020	81,132.00	7,347.38	34,848.53	0.00	46,283.47	42.95
TOTAL LEGAL	10-470-1044	12,000.00	-1,663.60	5,343.51	0.00	6,656.49	44.52
TOTAL PLANNING	10-490-1020	49,500.00	17,477.15	17,916.35	0.00	31,583.65	36.19
TOTAL LAW ENFORCEMENT	10-510-1020	933,399.00	60,427.65	349,149.21	0.00	584,249.79	37.40
TOTAL RESOURCE OFFICER	10-511-1020	156,903.00	12,551.67	69,320.22	0.00	87,582.78	44.18
TOTAL PUBLIC WORKS	10-550-1020	94,975.00	6,163.98	33,763.87	0.00	61,211.13	35.55
TOTAL STREET	10-560-1020	263,964.00	19,170.54	102,971.36	0.00	160,992.64	39.00
TOTAL POWELL BILL	10-570-1020	178,959.00	16,546.06	39,226.07	0.00	139,732.93	21.91
TOTAL SANITATION	10-580-2110	130,620.00	10,236.82	42,725.29	0.00	87,894.71	32.70
TOTAL LANDSCAPING	10-600-1020	58,693.00	4,579.77	20,712.37	0.00	37,980.63	35.28
TOTAL PARKS & RECREATION	10-620-1020	377,090.00	33,295.99	149,352.78	0.00	227,737.22	39.60
TOTAL CULTURAL	10-621-2610	35,300.00	0.00	14,750.00	0.00	20,550.00	41.78
PRINTING-HUB	10-630-2120	0.00	0.00	125.00	0.00	-125.00	0.00
TOTAL HUB	10-630-1020	171,012.00	9,572.78	70,041.40	0.00	100,970.60	40.95
TOTAL DINNER THEATRE	10-635-2334	58,082.00	20,442.55	37,976.86	0.00	20,105.14	65.38
TOTAL DEBT SERVICE	10-640-4800	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL CONTINGENCY	10-660-5900	51,953.00	0.00	0.00	0.00	51,953.00	0.00
TOTAL FUND (10) GENERAL F	FUND	3,027,544.00	255,893.21	1,165,929.78	0.00	1,861,614.22	38.51

Public Hearing: Amend Town Code of Ordinances-Peddling & Soliciting at Private Residences:

# Motion: (Larry Chapman/Carl Wagner) to open the floor for public hearing. Unanimously approved.

Police Chief, Andy Day, stated that the Town's ordinance pertaining to a special permit or peddler's license needs to be updated. Chief Day explained that according to the ordinance, the only background check associated with issuing a special permit is for the Town Clerk to check for an ID and include a copy of the ID with the permit. Chief Day stated that in this day and time, a more thorough background check needs to be conducted before an individual is released with the Town's approval to go door-to-door in the community. Chief Day added that since the Town Clerk has no way of conducting background checks, the authority for issuing the special permits needs to be transferred to the Police Department, where a proper background check could be conducted.

Chief Day stated that he reviewed ordinances from different towns, and found that not only did a requirement for a background check need to be added, but other information and requirements need to be added to the ordinance as well. Chief Day presented the following amended ordinance.

#### **ARTICLE 5**

#### **Peddling and soliciting at Private Residences**

# Section 10.33 Permit required.

It shall be unlawful for any person, firm or corporation, without first obtaining a permit as hereinafter provided, to go in or upon or permit its representatives to go in or upon any private residence or premises in the Town as solicitor, peddler, hawker, itinerant merchant or transit vendor of merchandise, not having been requested or invited so to do by the occupants of said private residence or having secured their permission so to do for the purpose of soliciting orders for the sale of goods, wares, periodicals or merchandise, or for the purpose of distributing, disposing of, peddling or hawking the same.

#### Section 10.34 Application for permit.

Any person, firm or corporation desiring to engage in the business or practices referred to in Section 10.33 hereof shall file with the Chief of Police an application for a permit to do so. The application shall be in writing, and shall show the applicant's name, age, current address and his place of residence and nature of employment during the preceding year, the address and nature of business of his employer or principal, if any, and shall specify in detail the goods, wares, periodicals or other merchandise to be offered for sale. The applicant shall also furnish, at the time of filing his application, a photograph made within one year of the date of the application. The applicant shall also give the Chief of Police, at the time of filing of the application such other information requested as may be of assistance in passing upon the qualifications of the applicant. If the application is filed by an employer there shall also be filed a separate application for each solicitor giving the information set forth above as to the qualifications of the solicitor and the same shall be signed and sworn by each solicitor and a separate permit shall be issued for each applicant.

# Section 10.35 Issuance of permit, possession and exhibition.

If, upon investigation reasonably made, the Chief of Police or his Designee ascertains and determines that the applicant for a permit, as herein required, is a person of good moral character and proposes to engage in a lawful commercial or professional enterprise, the Chief of Police or his Designee shall issue to him a permit to engage in such business which permit shall contain substantially the information set forth, in his application and to which shall be attached the applicant's photograph. Such permit shall be carried at all times by the applicant to whom issued when soliciting or canvassing in the Town and shall be exhibited by such applicant whenever requested to do so by any police officer or any person solicited. A record of such permit shall be kept on file in the Police Department. The issuance or denial of said permit shall take no less than twenty four (24) hours or longer than ten (10) days from the time of application

#### Section 10.36 Refusal of Permit

If the Chief of Police or his Designee shall, upon investigation, determine that the applicant is not a person of good moral character and that he does not propose to engage in a lawful commercial or professional enterprise during hours reasonably convenient for the occupants of residences, he shall refuse to issue the said permit. If the application meets all of the following standards, it shall be approved and a permit shall be issued. If not, the application shall be denied.

- 1) The application is complete and does not contain false information;
- 2) The persons proposing to engage in the peddling, soliciting;
- 3) The location and time of the proposed peddling, soliciting would not endanger the safety and welfare of the peddlers, solicitors or their customers;
- 4) Neither the applicant for a peddler, solicitor permit, nor the peddler, solicitor shall have been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, a controlled substance trafficking or sales offense or any violent acts against persons or property, such conviction being entered within the five years preceding the date of application; nor shall they have been released from incarceration for such offense within one year preceding the date of application.
- 5) Neither the applicant, the peddler, the solicitor, shall be a person against whom a judgment based upon, or a criminal conviction for fraud, forging, theft, uttering, deceit or misrepresentation has been entered within the five years preceding the date of application; nor shall they have been released from incarceration for such offense within one year preceding the date of application.
- 6) Neither the applicant for a peddler, solicitor, nor the peddler, or solicitor shall have been convicted of a felony violation involving murder, rape, manslaughter, robbery, or assault, such conviction being entered within the ten years preceding the date of application; nor shall they have been released from incarceration for such offense within one year preceding the date of application.
- 7) A person's admitting guilt to actions that would constitute an offense listed above with a deferred prosecution, first offender program, or diversion program shall count as a conviction unless and until the charges are dismissed. If the charges are not dismissed, but result in prosecution, the results of the prosecution are determinative of the person's status for issuance or denial of a permit.
- 8) Neither the applicant, nor the peddler, solicitor shall be a person registered as a sex offender with the state, any other state or a federal agency or have been convicted of crimes of a like nature involving moral turpitude;
- 9) There is proof as to the authority of the applicant to serve as an agent to the principal; and
- 10) The applicant shall not have been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the Chief of Police or his Designee that the reasons for such earlier denial no longer exist.
- 11) The Hudson Police Department is authorized to obtain criminal histories from the North Carolina State Bureau of Investigation and the Division of Criminal Information Network ("SBI/DCI") and "CJLEADS" for the purpose of determining whether to grant or deny an application.
- 12) The Hudson Police Department will utilize the information obtained from the DCI Network to, and only to, process background checks to determine whether to grant or deny a permit.

In the case of denial, the Chief of Police's denial and the reasons for denial shall be noted on the application, and the applicant shall be notified that his application is denied and that no permit shall be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

#### **Section 10.37 Prohibited Acts**

- a) No person shall engage in peddling or soliciting at residences between the hours of 8:00 p.m. and 9:00 a.m.
- b) No person while peddling or soliciting shall enter upon any premises in the town where the owner or occupant or person legally in charge of the premises has posted a sign bearing the words "No Peddlers," "No Solicitors," "No Trespassing," or words of similar import or indicated similar instructions orally.
- c) It shall be unlawful for any person holding a permit to be aggressive, threatening or intimidating to any person for the purpose of peddling or soliciting.
- d) It shall be unlawful for any person holding a permit to fail to display the permit or photo identification submitted as part of the application process, upon demand of a police officer, while engaged in peddling, soliciting in the Town. Failure to do so is presumptive evidence that the person does not possess a valid permit.

- e) Peddling or soliciting from rights-of-way is prohibited in accordance with G. S. 20-175(b).
- f) Any continuous amplified sound or music utilized by a peddler, solicitor is prohibited.

# Section 10.38 Appeal from the refusal to issue permit.

Upon the refusal of the Chief of Police or his

Designee to grant a permit a hereinbefore required, the applicant thereafter may appeal to the Board and if the Board shall be satisfied that the applicant and his proposed business and hours of work meet the requirements herein set forth, it shall direct the Chief of Police or his Designee to issue the said permit, otherwise the same shall be refused.

#### Section 10.39 Duration and renewal.

The Chief of Police shall determine from the application and from such facts as may be developed in connection with such application the period for which such permit shall be approved and granted, provided, however, that such period shall in no case exceed ninety (90) days. Upon the expiration of the permit the Chief of Police or his Designee may, upon application filed in the form and giving the information required in the original application, renew and extend such permit for additional periods not to exceed 90 days.

#### Section 10.40 Transferability.

No permit approved and issued as herein provided shall be transferable.

### Section 10.41 Revocation of permit.

If it should thereafter appear that the facts set forth in the applicant's application are untrue or if the applicant is thereafter convicted of a crime involving moral turpitude, or other listed offenses, or if he engages in business other than as set forth in his permit or fails to utilize the same in good faith and for the purpose issued, the said permit shall be revoked by the Chief of Police or his Designee and from the revocation the application may, if he desires, appeal to the Board.

# Section 10.42 Exceptions.

The provisions of this Article shall not apply to the sale or solicitation of farm or dairy products by the producer or to organizations or representatives of organizations organized and operated exclusively for educational, benevolent, religious, fraternal, charitable or civic purposes and not operating for profit and where such solicitation or sales are made without remuneration to the solicitor unless such actions are prohibited by general statute.

Chief Day stated that he also wanted the Board to consider adding a fee of \$20 to \$25 for the permit for the time spent by the Department in running the background check.

Carroll Tuttle stated that fees charged by a governmental agency should be reasonable and are not expected to cover the cost of the time spent in performing the service. Carroll commented that \$25 should be considered a reasonable amount for this service.

# **Close Public Hearing:**

Motion: (Larry Chapman/Ann Smith) to close the public hearing. Unanimously approved.

Motion: (Larry Chapman/Bill Warren) to approve the amendments to Article 5 of the Town Code of Ordinances as presented by Chief Day, and to approve a \$25 fee to be charged for the services. Unanimously approved.

# Comments from Retiring Commissioners:

Janet stated that we've come to the time in the meeting to recognize our outgoing Board Members. Janet thanked both Tony Colvard and Carl Wagner for their years of service to the Town and the community.

She stated that both of these men have dedicated a lot of their time and talents to making Hudson a better place to live and work. Janet commented that we are grateful for the service of both of these men.

Janet presented framed pictures of one of the Hudson Town signs coming into the Town Limits to both Tony and Carl. Janet commented that she hoped the picture would serve as a reminder that our door is always open to them and their leadership and guidance.

Tony Colvard talked about the number of years he was involved in some capacity with the Town. He stated that in 1973 he served with the Hudson Fire Department, then he served a number of years with the Hudson Police Department, serving a great deal of that time as Police Chief. Then in 2009, he became a Town Commissioner. Tony commented that he had seen Hudson grow in a positive way over the years, and he was glad to be involved with that growth.

Carl Wagner thanked Janet for her kind words, and for the beautiful picture. Mr. Wagner stated that he moved to Hudson in 1955, and he became a Town Commissioner in 1989. He stated that he had enjoyed working with the Board and staff, and he will be available to help with projects as needed in the future.

Administer Oaths of Office to Newly Elected Board of Commissioners members: Janet Winkler, Mayor; Jonathan Greer, Commissioner; Barry Mitchell, Commissioner; Rick Shew, Commissioner:

Kim Clark, Caldwell County Clerk of Superior Court, administered the Oath of Office of Mayor to Janet Winkler. Mayor Winkler was elected to another 2-year term, ending in 2019.

Kim then administered the Oaths of Office of Commissioners to Jonathan Greer, Barry Mitchell and Rick Shew. These new Commissioners were elected to a 4-year term, ending in 2021.

Janet extended a welcome to the new Board Members.

# Election of Mayor Pro Tem:

Motion: (Ann Smith/Larry Chapman) to elect Bill Warren to continue to serve as Mayor Pro Tem for the Board. Unanimously approved.

Bill agreed to continue to serve as Mayor Pro Tem.

# Committee Assignments:

Janet discussed the committee assignments, plus assignments for Town representation in other capacities. She presented the following assignments.

### Committees CH (Chairman)

Finance Janet Winkler, CH All Board Members	Public Works Larry Chapman, CH Jonathan Greer Bill Warren	Public Safety Ann Smith, CH Larry Chapman Barry Mitchell	Railroad Committee Janet Winkler
<u>Personnel</u> Larry Chapman, CH Barry Mitchell Rick Shew	Recreation Larry Chapman, CH Barry Mitchell Rick Shew	HUB Committee Bill Warren, CH Larry Chapman Ann Smith	Sales Tax Reinvestment Committee Janet Winkler

PlanningSt. Beautification/Landscape.Ann Smith, CHAnn Smith, CHJonathan GreerJonathan GreerBill WarrenRick Shew

<u>WPCOG Representatives:</u>
Larry Chapman, Policy Board
Jonathan Greer, Alternate

TAC Member Jonathan Greer

Janet asked that the Board Members review the committees, and let her know if there are questions or problems with the assignments.

Janet stated that there will be state training sessions in the very near future for the newly elected officials, and we are also planning some training workshops to bring everyone up-to-date on grant programs, etc. that are available for the Town. We will also be discussing the direction the Board would like to see the Town grow in the future.

# Comprehensive Economic Development Strategy (CEDS) Presentation:

Janet introduced Mr. Anthony Starr, Executive Director of the Western Piedmont Council of Governments (WPCOG). Janet commented that Anthony and the WPCOG have been wonderful friends of the Town over the years, and we feel very fortunate to have them working for us.

Anthony discussed some of the work done by the WPCOG and by the CEDS Committee. Anthony explained that CEDS stands for Comprehensive Economic Development Strategy, which provides a regional framework to identify economic opportunities, challenges and goals. The current CEDS was approved in 2012, and is to be updated every 5 years, which is this year. Anthony stated that the Policy Board appointed the 15-member CEDS Committee in November, with the members coming from different employment groups, age groups and ethnic backgrounds. Anthony reviewed some of the changes that have been experienced with the CEDS workforce, and he stated that although we have not had explosive growth like Charlotte, we have experienced moderate, good growth.

Ann commended Anthony and the WPCOG for a job well done.

Anthony stated that he appreciates the good working relationship with the Hudson Boards and staff.

#### NCLM Resolution for Carl Henderson:

Janet stated that she is proud to have the honor to present this resolution from the League of Municipalities honoring the memory of Carl Henderson. Carl worked for the Town for  $38 \frac{1}{2}$  years, and he basically was Hudson. Carl not only knew things like where all the water/sewer lines were, but he knew the people of the Town and their families. Sadly, Carl passed away May  $28^{th}$  of this year.

Janet presented the following resolution.

Resolution

of th

North Carolina League of Municipalities

WHEREAS, the North Carolina League of Municipalities notes with sadness the death of Carl Vilas Henderson who faithfully served the Town of Hudson for 38 years and 7 months; and

WHEREAS, Carl Vilas Henderson made significant
contributions to the Town of Hudson
and its residents and contributed to the
advancement of excellence in municipal government;

NOW, THEREFORE, BE IT RESOLVED by the membership
of the North Carolina League of Municipalities,
expresses their sorrow at the passing of
Carl Vilas Henderson, former
Public Works Director of the Town of Hudson, who made lasting contributions to
municipal government and whose memory we are proud to honor.

BE IT FURTHER RESOLVED that this resolution be made a part of the permanent records of the North Carolina League of Municipalities and that copies be forwarded to the family of Carl Vilas Henderson

and to the Town of Hudson.

ROBERT S. MATHENY, PRESIDENT

PAUL A. MEYER, EXECUTIVE DIRECTOR



A copy of the resolution will be forwarded to Carl's family.

Request Surplus and Sale of Government Vehicle:

Rebecca requested that one of our Town pickup trucks, a 2000 Chevrolet Silverado used at Redwood Park, be declared surplus and sold on Govdeals. Rebecca stated that the pickup truck has a blown head gasket,

and is no longer of any use to the Town. Rebecca stated that at this time, the truck is not drivable, and will have to be hauled away from the lot.

Motion: (Bill Warren/Larry Chapman) to declare the 2000 Chevrolet Silverado from the Recreation Department surplus to be sold on Govdeals as requested. Unanimously approved.

Descriptio	n of Surplus Item:				
Item:	2000 Chevrolet Silverado 1500 Reg. Cab Long Bed 4W				
Make/Brand:	Chevrolet	Model:	Silverado 1500		
VIN/Serial:	1GCEK14WXYE168490	Model Year:	2000		
Meter:	140,000 Miles	Title Restrictions:	Not Applicable		

# Public Comment & Informal Discussion:

- **Holiday Garbage Schedule** Rebecca reviewed the garbage collection schedule for Republic Services for the Christmas week: Wednesday collection will be on Thursday, and Friday collection will be on Saturday.
- **Hudson Offices Holiday Schedule** Rebecca stated that the Town's holiday schedule is the same as the State's holiday schedule we will be closed Monday, Dec. 25<sup>th</sup> Wednesday, Dec. 27<sup>th</sup> for New Year's we will be closed Monday, January 1<sup>st</sup>.
- Employee Retiring at End of Year Rebecca stated that Police Secretary, Joan Duncan, will be retiring at the end of the year with 29 years of service, and a luncheon has been schedule for December 29<sup>th</sup> in her honor. Rebecca invited the Board Members to the luncheon.
- Training for Newly Elected Board Members Rebecca discussed some of the training
  opportunities coming up in the near future for our newly elected members.

A 1					
Aď	$\sim$	irn	m	$\triangle$ r	ኅ†∙
$\neg u$	IUι	וווע		ᄗ	11.

Motion: (Larry Chapman/Ann Smith) to adjourn the meeting. Unanimously approved.

\_\_\_\_\_

Tamra T. Swanson, Town Clerk