

**Regular Meeting**  
Town of Cooleemee  
August 18, 2014 6:00 pm  
Minutes

In attendance were Mayor Lynn Rumley, Commissioners Jean Snead, Brad Waller, Scott Vogler, Tommy Daywalt. Town Clerk John Chandler was absent.

Mayor Lynn Rumley called the meeting to order.

Invocation: Mayor Rumley

Mayor led us all in the Pledge to the US Flag.

Motion made by Commissioner Daywalt to amend the Agenda by adding the amending of ordinance 50 Trash Cans to be 8A and the Ordinance for the front yards 93-15 as 8B

Seconded by Commissioner Vogler

Vote was unanimous.

Motion made by Commissioner Daywalt to adopt the Agenda as amended, which includes the Consent Agenda.

Seconded by Commissioner Vogler

Vote was unanimous.

**Public Comment:** Tronia Gibson reported that as a street leader in the Junction Road area that she had notified her area of information. Unfortunately someone said she was creating trouble among the citizens. She publicly wanted people to know she was sorry if she had offended anyone.

The Mayor skipped to 8A for the next item to be discussed instead of going to item 8.

The Town Ordinance on Trash Cans and when the can have to be brought back in is a 24 hour turn around. The proposed addition to this ordinance is to be able to place a \$50.00 fine if the cans are not returned within the 24 hour period. The code enforcement officer can issue the \$50.00 fine.

A copy of the Ordinance Amending Chapter 50 is attached to these minutes.

Motion made by Commissioner Daywalt that the Ordinance Amending Chapter 50 be approved.

Seconded by Commissioner Snead.

Vote was unanimous.

Commissioner Vogler read an email from town attorney Jeff Morris where Morris questions the Board on where may a property owner store his lawnmower and gasoline can. He questions if the owner can place them under a carport. His suggestion was to allow the storage of a lawnmower and gas can under the carport. Such discussion continued

Motion made by Commissioner Snead to approve an Ordinance Amending Chapter 93 of the Code of Ordinances.

Seconded by Commissioner Vogler

Vote was unanimous.

A copy of the Ordinance Amending Chapter 93 is attached to these minutes.

Motion was made by Commissioner Vogler to let the finances of the ABC Board Town Sign Project be administered by the Town Clerk using the Town's banking account.

Seconded by Commissioner Snead.

Vote was unanimous.

Commissioner Vogler reported a drainage problem on Davie St. and he submitted quotes on the cost.

Motion made by Commissioner Daywalt to approve work needed on Davie Street.

Seconded by Commissioner Vogler.

Vote was unanimous.

Motion made by Commissioner Vogler to approve a Resolution to lower speed limit on Marginal Street from 35 miles per hour to 25 miles per hour.

Seconded by Commissioner Snead

Vote was unanimous.

A copy of the Resolution to lower speed limit on Marginal to 25 miles per hour.

August 25th at 7:00 was set for the workshop on Fence Ordinance.

The Mayor reported on the Mill Project. We have been put on the National Register of Historic Places. Our tax credits need to be qualified by the end of the year in order to be awarded them.

Commissioner Vogler reported on the ATM machine. Location will be in between the Town sign and the corner of the building. It will probably be two to three months before completion.

Commissioner Daywalt said the mobile unit at the Church of God is not tied down properly. The skirting around the building is not in compliance with County Code. He said a person who was asked to do the electrical work would not do it because it was not tied down.

Motion made by Commissioner Vogler to adjourn.

Seconded by Commissioner Snead

Vote was unanimous.

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Mayor, Lynn Rumley

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Clerk, John Chandler

## **DRAFT WITH REVISIONS IN RED**

### **WEEDS AND REFUSE**

#### **§93.15 UNCONTROLLED WEEDS AND ACCUMULATION OF REFUSE A NUISANCE.**

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance: trees or shrubbery that shall interfere with or endanger the use of the streets, interfere with or obscure illumination of street lights, obscure sight distance or create a traffic hazard, interfere with the visibility of any traffic-control device or sign, obstruct or impair the free passage of pedestrians on sidewalks or other town or state rights-of-way at a vertical clearance of less than seven feet, or endanger the life, health, safety, or property of the public;

(A) Any weeds or other vegetation having an overall height of more than 12 inches above the surrounding ground provided that the following shall not be considered to be part of the condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.

(B) Any trees or shrubbery that shall interfere with or endanger the use of the public streets, interfere with or obscure illumination of street lights, obscure sight distance or create a traffic hazard, interfere with the visibility of any traffic-control device or sign, obstruct or impair the free passage of pedestrians on sidewalks or other town or state right-of-ways at a vertical clearance of less than seven feet or endanger the life, health, safety, or property of the public;

(C) Any accumulation of rubbish, trash, or junk, **in yards or on front porches**, causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind, which is or may be dangerous or prejudicial to the public health **and general welfare. These include, but are not limited to**, mattresses, boxes, paper, garbage, trash **such as cans, bottles and similar items**, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature.

(D) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind, which is or may be dangerous or prejudicial to the public health **in yards or on front porches**;

(E) Open storage, **in yards or on front porch**, of any abandoned ice box, refrigerator, stoves **or any other household appliances, household items unrelated to reasonable outdoor porch activity, broken glass, or building materials not approved by the Town Code Enforcement officer for an upcoming construction project do be accomplished within a reasonable time period**, building material rubbish or similar items;

(F) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department;

(G) Accumulation in an open place of hazardous or toxic materials and chemicals;

(H) ~~An open place of concentration of~~ **Open storage or accumulation on front porches** of automobile tires and tubes, **engine blocks or other automotive parts of any kind, no storage of gasoline, kerosene or outdoor cooking grills of any type, lawn mowers, chain saws and other power lawn care tools, exercise equipment such as weight benches and bar bells, no large trash receptacles such as those used for curb-side garbage pick-up or recycling bins**;

(I) **Hazards such as laundry clothes lines or dog runs may not be installed in front yards or on front porches; wood used for indoor fireplaces or heating systems will be seasonally limited on front porches to a pile of split logs, 3 feet long 2 feet high and 30 inches deep stacked at one end of the porch from October 1 through May 1;**

(J) Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the **Code Enforcement Officer** ~~or his designee~~ can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises;

(J) Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water;

(K) Nuisance vehicle: A vehicle on public or private property that is determined and declared to be health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation which exceeds eight (8) inches in height; or
- (3) In a condition allowing the collection of pools or ponds of water; or
- (4) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
- (5) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
- (6) So situated or located that there is a danger of it falling or turning over; or
- (7) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
- (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass.

(L) The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners, **indoor carpet** or other like items.

Penalty, see §93.99

(Ord. passed 3-13-89; Am. Ord. passed 10-19-04; Am. Ord. passed 8-15-06)4 4

***I HAVE NOT DONE ANYTHING WITH THIS ORDINANCE BELOW***

§93.16 COMPLAINT;  
INVESTIGATION REQUIRED.

The Code Administrator, upon notice from any person of the possible existence of any of the conditions described in §93.15, shall cause to be made by the appropriate County Health Department official, or town official, investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared above in §93.15.

(Ord. passed 3-13-89)

§93.17 COMPLAINT AND NOTICE  
OF VIOLATION.

(A) When any condition in violation of this section is found to exist, the Code Administrator, or such person as may be designated by the Town Board, shall give notice to the owner of the premises to abate or remove such conditions within ten days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten days, the town may proceed to correct the same as authorized by this section.

Further, if a violation is determined to be a repeat offense, (any additional violation of the same nature, on the same property, with the same owner, within 180 days of the previous warning citation) the code officer will abate the violation without further notice to the owner and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be

collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

(B) Service of such notice shall be any one of the following methods:

(1) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is

over the age of 16 years and a member of the family of the owner;

(2) By depositing the notice in the United States Postal Office addressed to the owner at his or her last known address with postage prepaid thereon;

(3) By posting and keeping posted, for ten days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by subsection (1) or (2) above.

(Ord. passed 3-13-89)

§93.18 FAILURE TO ABATE;  
ABATEMENT BY TOWN.

If the owner of any property fails to comply with a notice given pursuant to this section, within ten days after the service of such notice, he or she shall be subject to prosecution for violation of this section in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town Board may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property

and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Penalty, see §93.99 (Ord. passed 3-13-89)

**§93.19 PROCEDURE IS ALTERNATIVE.**

Nothing in this Article nor any of its provisions shall be construed to impair or limit in any way the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws. In addition to the remedies provided for herein, any violation of the terms

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of this Article shall subject the violator to the penalties and remedies, either criminal or civil or both, as set forth in Section 10.99 of the Code of the Town of Cooleemee.

(Am. Ord. passed 10-19-04)

**§93.20 DUTY OF PROPERTY OWNER OR OCCUPANT.**

It shall be the duty of every person occupying, owning, or having control of property abutting on a street or highway right-of-way that utilizes a portion of unused street or highway right-of-way as a yard or any other use to maintain said right-of-way in the same character and manner as the abutting use.

**§93.99 PENALTY.**

Any person, firm or corporation who violates any provision of this chapter shall be subject to the penalties as set forth in Section 10.99, however, no notice of violation is required to be issued and a civil citation may be issued immediately to the violator.

(Ord. passed 3-13-89; Am. Ord



## *Town of Cooleemee*

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Lynn Rumley - Mayor  
Tommy Daywalt - *Public Safety Comm.*  
Scott Vogler - *Public Works Comm.*  
Jean Snead - *Zoning & Planning Comm.*  
Brad Waller - *Community Relations Comm.*  
John Chandler - *Town Clerk/Finance Officer*

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### Resolution

#### **Cooleemee Town Board of Commissioners**

#### **Resolution to Reduce Speed Limit on Marginal Street, Cooleemee, N.C.**

Whereas, the Town of Cooleemee has received reports of automobiles speeding on Marginal Street where there are many children, school, playground, walkers and bicyclist who are crossing the road to Town recreational facilities.

Whereas, there is a blind curve at a frequented intersection onto Marginal Street.

Whereas, this street has constant traffic of tractor-trailer trucks and numerous residential home driveway entrances.

Whereas, the Town of Cooleemee has a very small Police Department making it difficult to police the traffic routinely.

Be it resolved that the Cooleemee Town Board of Commissioners voted and passed this resolution at the Regular Board Meeting on August 18, 2014, to make a formal request to the Department of Transportation to lower the speed limit on Marginal Street from 35 MPH to 25MPH.

Adopted this 18th day of August, 2014

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Town Clerk

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Mayor