

**Madison Board of Aldermen
Regular Meeting
Madison Municipal Building
August 13, 2024
6:00 p.m.**

Members Present: Mayor William Phillips
Alderman Alan Hensley
Alderman Virginia Hoover
Alderman Tom Rogers
Alderman Michael Scales
Alderman Micky Silvers

Members Absent: Alderman Matt Bullins

Staff Present:

Town Manager: Amy Roberts
Town Attorney: Michael Cassidy
Police Chief: Richard Hester
Finance Director: Tina West
Fire Chief: Jim Ritchey
Public Works Director: Josh Shuler
Town Clerk: Daniel Bare

Others Present:

Sergeant Eric Gann & Family Members/Fellow Officers
Charles Mernard
Dawn Vallieres, PTRC

Call to Order

Items 1A & B: Moment of Silence & Pledge of Allegiance

Mayor Phillips called the meeting to order at 6:00 p.m. Mayor Phillips called for a Moment of Silence after which he asked that everyone stand for the Pledge of Allegiance.

Item 2: Approval of Agenda for August 13, 2024

MOTION, by Alderman Rogers, seconded by Alderman Hoover, to approve the August 13, 2024 Agenda, as presented. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

Item 3: Swearing in of Sergeant Eric Gann

Mayor Phillips swore in Sergeant Eric Gann to the Madison Police Department and welcomed him to the Town.

Item 4: Public Comments

Charles Mernard stated that Madison's Christmas parade is scheduled for December 14th at 1:00 pm and applications will be available at the Mayodan Fire Department, Mayodan Town Hall, and the M-M Recreation Department.

Item 5: Consideration of Approval of Consent Agenda:

MOTION, by Alderman Hoover, seconded by Alderman Hensley, to approve the Consent Agenda including minutes from July 11, 2024 and the Budget Report ending July 31, 2024. Ayes: Aldermen

Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

Item 6A: Madison-Mayodan Greenway Study Presentation

Dawn Vallieres, PTRC, gave a short presentation on the Madison-Mayodan Greenway Study, detailing what the potential cost and timeline would be if the Study moves forward as presented.

Item 6B: Call for Public Hearing on Rezoning Request for Properties Located on Dalton Street from R-8 to M-2

MOTION, by Alderman Hensley, seconded by Alderman Silvers, to call for a public hearing to be held on September 12, 2024 at 6:00 pm regarding the rezoning request for Dalton Street from R-8 to M-2. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

Item 6C: Confirmation of Abatement Cost

MOTION, by Alderman Rogers, seconded by Alderman Scales, to confirm the abatement cost for properties located at 225 N. Market Street and 806 Ridge Street in the amount of \$200.00 each. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

Item 6D: Discussion & Consideration of Opening Prayer at Meetings

The Mayor led a short discussion on adding prayer in place of a moment of silence at the beginning of Board of Aldermen meetings.

MOTION, by Alderman Silvers, seconded by Alderman Hensley, to approve the Policy Regarding Invocations at Regular Meetings of the Board of Aldermen. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

**POLICY REGARDING INVOCATIONS AT
REGULAR MEETINGS OF THE BOARD OF ALDERMEN**

WHEREAS, The Board of Aldermen of the Town of Madison (“the Board”) is an elected legislative and deliberative public body, serving citizens of Madison, Rockingham County, North Carolina; and

WHEREAS, the Board wishes to solemnize its proceedings by allowing for an invocation at the beginning of each Regular Meeting, for benefit and blessing of the Board of Aldermen; and

WHEREAS, the Board desires to adopt this formal, written policy to clarify and codify its invocation practices; and

WHEREAS, the country’s Founders recognized that all individuals possess certain rights that cannot be awarded, surrendered, nor corrupted by human power, and the Founders explicitly attributed the origin of these, inalienable rights, to a Creator, which rights ultimately ensure the self-government manifest in deliberative bodies, upon which the Board desires to invoke divine guidance and blessing; and

WHEREAS, in *Marsh v. Chambers*, 463 U.S. 783 (1983) the United States Supreme Court validated the Nebraska Legislature’s practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, “The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom.” *Id.* at 786; and

WHEREAS, in *Town of Greece v. Galloway*, 134 S. Ct. 1811, 2014 WL 1757828 (May 5, 2014), the United States Supreme Court validated opening prayers at meetings of the Town Board finding that “legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society.” *Id.* at *7; and

WHEREAS, the Board desires to avail itself of the Supreme Court’s recognition that it is constitutionally permissible for a public body to “invoke divine guidance” on its work; and

WHEREAS, the Supreme Court has clarified that opening invocations are “meant to lend gravity to the occasion and reflect values long part of the Nation’s heritage” and should not show over time “that the invocations denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.” *Town of Greece*, 2014 WL 1757828, at *11; and

WHEREAS, the Board is not establishing a policy that defines the constitutional limits for permissible public invocations; rather this Board of Aldermen intends to adopt guidelines that are consistent with the guidance provided by several courts (including North Carolina Fourth Circuit Court of Appeals, specifically *Lund vs. Rowan County*, North Carolina, 863 F. 3d 268 (4th Cir. 2017)) that have considered validity of public invocations; and

WHEREAS, numerous courts have approved an invocation practice that incorporates a neutral system to invite religious leaders from the local community and/or volunteers to provide an invocation before public meetings; and

WHEREAS, the Board intends to adopt a policy that does not proselytize or advance any particular faith, or show any purposeful preference of one religious view to the exclusion of others by not permitting the faith of the person offering the invocation to be considered when extending an invitation or scheduling participation; and

WHEREAS, the Board believes that clergy that serve the local community are peculiarly suited through training, tradition, and public service to petition for divine guidance upon the deliberations of the Board of Alderman and to accomplish the Board’s objective to solemnize public occasions, express confidence in the future, and to encourage the recognition of what is worthy of appreciation in society; and

WHEREAS, the Board accepts as binding the applicability of general principles of law and all the rights and obligations afforded under the United States and North Carolina State Constitutions and statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Madison hereby adopts the following written policy regarding opening invocations before Regular Meetings of the Board, to wit:

1. It is the intent of the Board to allow a private citizen to solemnize the proceedings of the Board of Aldermen. It is the policy of the Board to allow for an invocation, which may include a prayer, a reflective moment of silence, or a short solemnizing message, to be offered before its meetings for the benefit of the Board of Aldermen to accommodate the spiritual needs of the public officials.
2. No member of the Board or any employee of the Town or any other person in attendance at the meeting shall be required to participate in any prayer that is offered and such decision shall have no impact on the ability of the person to actively participate in the business of the Board.
3. No member of the Board or any employee of the Town will direct the public to stand, bow or in any way participate in the prayers; make public note of a person’s presence or absence, attention or inattention during the invocation; or indicate that decisions of the Board will in any way be influenced by a person’s acquiescence in the prayer opportunity.
4. The invocation shall be voluntarily delivered by an appointed representative of a Religious Groups “List” for the Board. To ensure that such person (the “invocation speaker”) is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according to the following procedure:
 - a. The Town Manager or Town Clerk shall compile a database list of the assemblies with an established presence in the Town that regularly meet for the primary purpose of sharing a religious perspective (herein referred to as a religious group).
 - b. The list shall be compiled by using reasonable efforts, including research from the Internet, to identify all “churches”, “synagogues”, “congregations”, “temples”, “mosques” or other religious groups and assemblies in the Town. All religious assemblies with an established presence in the Town are eligible to be included in the list, and any such religious assembly can confirm its inclusion by specific written request to the Clerk.
 - c. The policy is intended to be and shall be applied in a way that is all-inclusive of every diverse religious assembly serving the citizens of the Town. The List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community’s religious leaders, who may themselves choose whether to respond to the Board’s invitation and participate. Should a question arise as to the authenticity of a religious assembly, the Manager or the Clerk shall refer to criteria used by the Internal Revenue Service in its determination of those organizations that would legitimately qualify for I.R.C. § 501(c)(3) tax-exempt status.
 - d. The List shall also include any religious assembly located outside the Town of Madison if such assembly is regularly attended by at least one resident of the Town of Madison and such resident requests inclusion of the assembly by specific written communication to the Manager or Clerk.
 - e. The List shall be updated, by reasonable efforts by the Manager or Clerk in January of each calendar year

and the Manager or Clerk shall mail or email, if possible an invitation addressed to the “religious leader” of each entry on the List, as follows:

Dear Religious Leader,

The Board of Alderman of the Town of Madison makes it a policy to invite members of the clergy or religious representatives in the Town of Madison to voluntarily offer an invocation before the beginning of its Regular Meetings, for the benefit and blessing of the Board of Aldermen. As a representative of one of the religious congregations with an established presence serving the local community you are eligible to offer this important service at an upcoming meeting of the Board of Aldermen.

If you are willing to assist the Board of Aldermen in this regard, please send a written reply at your earliest convenience to the Clerk via email or to the address included on this letterhead. Representatives are scheduled on a first-come, first-serve basis. The anticipated dates of the Board of Aldermen scheduled Regular Meetings for the upcoming year are listed in the following attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect, the Board of Aldermen requests only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.

On behalf of the Board of Alderman of the Town of Madison, I thank you in advance for considering this invitation.

- f. The respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.
 - g. In the event an eligible representative of a religious group serving the local community believes that the Manager or the Clerk has not complied with the terms of this policy, the representative has the right to have the matter reviewed by the Board.
5. No invocation speaker shall receive compensation for his or her service.
 6. No guidelines or limitations shall be issued regarding an invocation’s content, except that the Board shall request by the language of this policy that no invocation should proselytize or advance any faith or disparage the religious faith or non-religious views of others.
 7. The Manager or the Clerk shall make every reasonable effort to ensure a variety of eligible invocation speakers are scheduled for the Board’s Regular meetings.
 8. Neither the Board nor the Manager or the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.
 9. This policy is not intended and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board’s preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the Board’s respect for the diversity of religious denominations and faiths represented and practiced among the citizens of the Town of Madison.
 10. This Policy may be rescinded at any time by the Board of Aldermen with the option to revert to a moment of silence.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this policy shall become effective immediately upon adoption by the Board of Aldermen.

Adopted this the **13th** day of **August, 2024**.

ATTEST:

William Phillips, Mayor

Daniel Bare, Town Clerk

Item 6E: Discussion & Consideration of Amendment to Town Charter for Mayor Term of Office & Resolution Requesting Local Bill to Change Term

Mayor Phillips led a short discussion on the limitations of a two-year term limit for Mayors and how beneficial it would be to increase that limit to four years.

MOTION, by Alderman Rogers, seconded by Alderman Silvers, to approve an Ordinance Amending Article III, Section 3.3 of the Charter of the Town of Madison, North Carolina, as well as a Resolution Requesting the North Carolina General Assembly Consider a Local Bill to Amend the Charter of the Town of Madison to Extend the Mayor Term Limits. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

STATE OF NORTH CAROLINA
TOWN OF MADISON

**AN ORDINANCE AMENDING ARTICLE III,
SECTION 3.3 OF THE CHARTER OF THE
TOWN OF MADISON, NORTH CAROLINA**

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman of the Town of Madison, North Carolina, that the Charter the Town of Madison be amended, as follows:

CHARTER

Article III. **MAYOR AND BOARD OF ALDERMEN**

§ 3.3 Terms; qualifications; filing of vacancies in office

- a) The members of the board of aldermen shall serve for terms of four years, and the Mayor shall serve for a term of ~~two~~ **four years**, beginning the day and hour of the organizational meeting following the election as established by ordinance in accordance with this Charter; they shall serve until their successors are elected and they qualify. Following the 2005 municipal election, six members shall be elected. The three highest persons receiving the highest numbers of votes shall receive four-year terms, and the three persons receiving the next highest number of votes shall receive two-year terms. In 2007 and biennially thereafter, three members shall be elected for four-year terms. **Beginning in the 2025 biennial election, the Mayor shall be elected for a term of four-years.**
- b) No person shall be eligible to be a candidate or be elected as mayor or as a member of the board of aldermen or to serve in such capacity, unless he is a resident and a qualified voter of the town.
- c) In the event a vacancy occurs in the office of mayor or alderman, the board shall by majority vote appoint some qualified person to fill the same for the remainder of the unexpired term. (Ord. 2004-4, passed 7-8-2004)

Adopted by the Board of Aldermen of the Town of Madison this **13th** day of **August, 2024.**

William Phillips, Mayor

ATTEST:

Daniel Bare, Town Clerk

**A RESOLUTION REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY
CONSIDER A LOCAL BILL TO AMEND THE CHARTER OF THE TOWN OF MADISON TO EXTEND THE
MAYOR TERM LIMITS**

WHEREAS, North Carolina General Statute §160A-66 states that unless otherwise provided by its charter, each city shall be governed by a mayor and a council of three members, who shall be elected from the city at large for terms of two years; and,

WHEREAS, North Carolina General Statute 160A-101 grants authority for modification of form of government including terms of office for members of Council, number of members of Council and selection of Mayor; and,

WHEREAS, In 2004, the Board recommended amending its Charter to establish staggered four-year terms for the Board of Aldermen and approval was granted by the North Carolina General Assembly and effective with the 2005 Election; and

WHEREAS, North Carolina General Statute 160A-101(8) allows a Mayor to be elected by qualified voters of the city for a term of not less than two years nor more than four years; and,

WHEREAS, the Town of Madison officially approved an amendment to Article III, Section 3.3 of the Charter changing the Mayor’s term of office from a two-year term to four-year term beginning with the 2025 biennial election.

NOW, THEREFORE BE IT RESOLVED, that the Board of Aldermen of the Town of Madison do hereby officially request approval of the Charter amendment changing the Mayor’s term of office from a two-year term to a four-year term beginning with the 2025 biennial election.

Adopted this the **13th** day of **August, 2024**.

ATTEST:

William Phillips, Mayor

Daniel Bare, Town Clerk

Item 6F: Consideration of Resolution Requesting a Local Bill to Remove the 10% Satellite Annexation Cap

MOTION, by Alderman Silvers, seconded by Alderman Hoover, to approve a Resolution Requesting the North Carolina General Assembly Consider a Local Bill to Address the Area Limitations for Satellite Annexations for the Town of Madison. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

A RESOLUTION REQUESTING THE NORTH CAROLINA GENERAL ASSEMBLY CONSIDER A LOCAL BILL TO ADDRESS THE AREA LIMITATIONS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF MADISON

WHEREAS, North Carolina General Statute 160A-58.1 allows for satellite annexation of a noncontiguous area subject to specific requirements including 160-A-58.1(b)(5) that states the area within the proposed satellite corporate limits when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city; and,

WHEREAS, the Town of Madison currently is at approximately eight percent (8.0%) of the ten percent (10%) maximum permitted under G.S. S 160A-58.1; and,

WHEREAS, the goal of the Board of Aldermen is to expand our corporate limits by making good faith efforts to accommodate voluntary requests for annexation into the Town of Madison when the owners of real property properly submit a petition for satellite annexation for property that is not contiguous to the town's primary corporate limits; and,

WHEREAS, the Town of Madison is currently limited in considering requests for voluntary satellite annexation as the addition of territory into the municipality's satellite corporate limits would result in the total area within Madison's satellite corporate limits exceeding the maximum percentage of the area within the primary corporate limits permitted by G.S. 160A- 58.1 and,

WHEREAS, the Town of Madison will only consider voluntary satellite annexation requests where it can provide similar services to that in primary corporate limits and is not obligated by this resolution or the approval of the cap removal to approve any such request for satellite annexation.

NOW, THEREFORE BE IT RESOLVED, that the Board of Aldermen of the Town of Madison do hereby officially request removal of the 10% cap on satellite annexation and be included in subdivision exemption as specified in NCGS S 160A-58.1 (b)(5).

Adopted this the 13th day of August, 2024.

ATTEST:

William Phillips, Mayor

Daniel Bare, Town Clerk

Item 6G: Discussion on Sewer Capacity & Annexation for Property on NC 704

The Town Manager led a discussion regarding sewer capacity & the completion of a large upcoming apartment complex on NC 704 that will be erected after the annexation of said property.

MOTION, by Alderman Silvers, seconded by Alderman Rogers, to approve the needed additional sewer capacity upon full annexation. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

Item 6H: Discussion & Consideration of Changes to Vacation Days & Longevity Pay

The Town Manager led a discussion on improving the current policies surrounding vacation days, longevity pay, and personal days for the Town’s employees.

MOTION, by Alderman Silvers, Seconded by Alderman Scales, to increase vacation days earned by first year employees from five days a year to ten days a year, to increase the longevity pay cap from \$1500.00 to \$3000.00, and to give employees one eight-hour personal day per year to be used by the employee at their discretion. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

Item 7: Budget Amendment: Budget Amendment No. 1

MOTION, by Alderman Rogers, seconded by Alderman Hensley, to approve Budget Amendment No. 1 as requested. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion Carried.

To: Honorable Mayor and Board of Aldermen
From: Tina West, Finance Director
Date: August 8, 2024
Subject: Budget Amendment No. 1

We respectfully request to amend the 2024-2025 budget as follows:

Entry 1: Increase	10-5300-551	Expenses- Police Department Supplies	10,000.00
Entry 2: Increase	10-5400-551	Expenses- Fire Department Supplies	10,000.00
Entry 3: Increase	10-5740-551	Expenses- Street Department Supplies	10,000.00
Entry 4: Increase	10-4641-000	Revenues- Donations – Nancy Penn	(30,000.00)
Entry 5: Increase	10-5400-551	Expenses- Fire Department - Supplies	430.00
Entry 6: Increase	10-4641-000	Revenues- Donations – Harold Waldruff Memorial	(430.00)

Total Fund 10

The Purpose of this Amendment is to Amend the Budget by Recording:

Entries 1 – 4 Donations to the Police, Fire, and Street Department from Nancy Penn
Entries 5 – 6 Misc. memorial contributions (Harold Waldruff) to Madison Fire Department.

Item 8: Board & Committee Appointments: Board of Adjustment

MOTION, by Alderman Rogers, seconded by Alderman Hensley, to reappoint Shirley Martin and appoint Kelly Hawkins for three-year terms as a members of the Board of Adjustment. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

Items 9A & B: Manager/Mayor Comments & Announcement

Town Manager Amy Roberts stated that filming for the Town’s commercial was completed on August 13 and it features local “actresses.” Ms. Roberts then notified the Board of her acceptance to Leadership Rockingham County, which means she will be out of the office on the second Wednesday of every month from September of 2024 to April of 2025. The Mayor then notified the Board that the Chamber Coffee will be held at Skin Joy, 1514 W Academy Street at 8:00 am. and Town offices will be closed on September 2 for Labor day.

Item 10: Adjournment

MOTION, by Alderman Silvers, seconded by Alderman Scales, to adjourn the meeting. Ayes: Aldermen Hensley, Hoover, Rogers, Scales, Silvers and Mayor Phillips. Nays: None. Motion carried.

ATTEST:

Daniel Bare, Town Clerk

William Phillips, Mayor