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# MINUTES

**APRIL 13, 2017**

**7:00 PM**

## REGULAR MEETING

### YOUNGSVILLE COMMUNITY HOUSE

Mayor Fonzie Flowers called the Board Meeting of the Town of Youngsville Board of Commissioners to order at 7:00pm. Commissioner Hedlund gave the invocation. In attendance were Commissioners Graham Stallings, Catherine Redd, Larry Wiggins, Joseph Johnson and Terry Hedlund. Also in attendance were Town Administrator Bill Tatum, Town Clerk / Tax Collector Emily Hurd, Police Chief Daren Kirts, Town Attorney Joseph Olivieri, and Planning / Zoning Administrators Bob Clark and Don Belk. Representatives from the Wake Weekly and the Franklin Times were also present.

The first item on the agenda was citizens' comments. There were no comments.

The next item on the agenda was the Financial Report. There were no comments.

The next item on the agenda was the approval of the Consent Agenda. The Consent Agenda consisted of approval of the minutes from the Board Meeting on March 9, 2017, the Tax Collector's Report, the Police Department Report and the Youngsville Fire Department Report. Also included on the Consent Agenda was a Resolution to update the contact information with the ABC Commission. Tax releases for Ryerson, Inc. for tax years 2012 through 2016 were also included on the Consent Agenda as they had been double billed. There were two appointments on the Consent Agenda; Samuel K Hardwick to the Youngsville ABC Board and Hank Lindwall to the Youngsville Planning Board. Budget Amendment 2017-07 was also included on the Consent Agenda.

#### **MOTION: TO APPROVE THE CONSENT AGENDA**

The motion was made by Commissioner Redd and was seconded by Commissioner Hedlund. It passed unanimously.

The next item on the agenda was Old Business. The first item under Old Business was to reschedule the Public Hearing for the request from Holden Development LLC under the Development Enhancement Policy to May 11, 2017. Clark explained that they had missed the deadline for advertisement and would like to continue it to the next Board Meeting.

#### **MOTION: TO RESCHEDULE THE PUBLIC HEARING FOR THE REQUEST FROM HOLDEN DEVELOPMENT LLC UNDER THE DEVELOPMENT ENHANCEMENT POLICY TO MAY 11, 2017**

The motion was made by Commissioner Wiggins and was seconded by Commissioner Redd. The motion passed unanimously.

The second item under Old Business was an update on the Youngsville Woman's Club Museum Request. Chief Kirts stated that the Committee had met to further discuss their options. He stated that he felt that the best option would be for the Museum to be attached to the Youngsville Library. Chief Kirts asked that this item be tabled until more research and contact with Franklin County can be made. He stated that after the Budget for the 2017/2018 FY was adopted, we would also be in a better position to see how the Town stands financially. Commissioner Redd asked what the time frame would be for the Woman's Club to go through Franklin County and Chief Kirts stated that it would have to be worked out with the Woman's Club. Attorney Olivieri stated that he had reached out to Holt Kornegay at Franklin County Libraries and would continue to gather information if the Board wished him to. Mayor Flowers stated that attaching to the Youngsville Library did make the most sense and we would continue to work on it. Chief Kirts stated that he didn't think continuing to use the church building was feasible if they wished to expand. When asked, Chief Kirts stated that he would inform the Woman's Club of the decision.

**MOTION: TO TABLE THE DISCUSSION OF THE YOUNGSVILLE WOMAN'S CLUB REQUEST INDEFINATELY**

The motion was made by Commissioner Redd and was seconded by Commissioner Wiggins. The motion passed unanimously.

The third item under Old Business was to continue the discussion of accepting the contract with Kimley-Horn to perform the preliminary engineering and design for the Main Street Improvements Project. As the representatives from Kimley-Horn were not in attendance at this time, Mayor Flowers stated that we would return to this item later in the agenda.

The next item on the agenda was New Business. The first item under New Business was a discussion of an offer by Clarence Howard Rudd to donate property located at 120 W Pine Street. Tatum stated that Mr. Rudd owed over \$800 in past due taxes and he wanted to donate the property in lieu of the taxes. He stated that in his opinion, the property wasn't any good to the Town as it was a substandard lot. Attorney Olivieri stated that the previous gift of land by Mr. Greene was useful for future growth. Any donation of land would require an environmental study and title search which could cost a couple hundred dollars. He explained that it was up to the Board if they wanted to accept the donation of land but he wanted to make sure they were aware of the costs involved. Mayor Flowers asked for clarification on the size and location of the lot and Hurd explained where the lot was located and expressed how small the lot was. Clark added that there would be some challenges to be able to build on that property. Commissioner Wiggins asked if there was a possibility of it be recombined with other properties and Hurd explained that none of the adjoining property owners have expressed any interest in purchasing it. She stated that she had looked into it before attempting any tax foreclosure on the property. Hurd stated that on top of the existing past due taxes, any fees from the tax foreclosure would

also attach as a lien to the property. She stated that since there was no interest in purchasing the property, doing a tax foreclosure sale would only add more fees, cost the Town extra money, and we would still end up with a piece of property that we couldn't use. Commissioner Hedlund agreed that the Town didn't have any need for the property. Hurd stated that it wasn't really useful as even a pocket park based on location. She explained that there was only one house on that street though Bayberry Lane was close by. Commissioner Wiggins noted that it wouldn't be able to connect to the Mitchell Park. Hurd also noted the cost of taking out the trees if we did decide to do anything with it. Commissioner Wiggins asked if the Town could place a lien on the property and Hurd stated that there was already a tax lien on the property. Hurd explained that if we did a tax foreclosure sale on the property, it would wipe out the lien for the past due taxes as well as the costs of the tax foreclosure sale. Attorney Olivieri explained that all of the reasons that the Town doesn't want to accept the property are the same reasons that it wouldn't sell at tax foreclosure. Hurd did state that it would be cheaper to take it as a gift than it would be to foreclose on the property. She stated that the owners of the rental property beside this property have no interest in purchasing that property to expand their yard at this time.

**MOTION: TO DECLINE THE OFFER OF PROPERTY LOCATED AT 120 W PINE STREET BY CLARENCE HOWARD RUDD**

The motion was made by Commissioner Hedlund and was seconded by Commissioner Redd. The motion passed unanimously.

The second item under New Business was to set a Public Hearing for May 11, 2017 for a Rezoning Request by Curtis White for 2842 Cedar Creek Road.

**MOTION: TO SET A PUBLIC HEARING FOR MAY 11, 2017 FOR THE REZONING REQUEST BY CURTIS WHITE FOR PROPERTY LOCATED AT 2842 CEDAR CREEK ROAD**

The motion was made by Commissioner Wiggins and was seconded by Commissioner Johnson. The motion passed unanimously.

The third item under New Business was to discuss needed repairs on S Nassau Street near the intersection of Highway 96. As Chief Kirts had to step out for an emergency, Mayor Flowers stated that we would come back to this item.

The fourth item under New Business was a discussion and possible action regarding the regulation of outdoor gun ranges. Belk explained that he had been asked to look into possible changes to the Zoning Ordinance to address outdoor gun ranges. He stated that, after some research and looking at other ordinances, he had come up with some proposed changes. Belk read through the proposed changes, which included some housekeeping items such as changing "Board of Commissioners" to "Board of Adjustments". He stated that the changes also included indoor gun ranges and he read through those proposed changes as well. Belk explained that he was presenting two options to the Board; first, the proposed changes to the Zoning Ordinance and second, was an Ordinance for a

moratorium on gun ranges. He explained that the moratorium would last for sixty days and give them extra time to research and update the proposed changes if the Board needed more information. Belk stated that Attorney Olivieri has reviewed both options and Attorney Olivieri stated that the basic issue is that we don't have anything in our current Zoning Ordinance that states you can't install a gun range. Attorney Olivieri explained that the Moratorium would give sixty days for more research. He stated that one of the neighboring towns had this issue come before their Board and we want to have rules and regulations in place in case it comes before our Board. Attorney Olivieri reminded the Board that they had been approached a few years ago concerning an indoor gun range. He stated that our current Zoning Ordinance lacks clarity on the subject. Mayor Flowers stated that the proposed changes were more detailed than what was already on record. Belk agreed and stated that both options would need a Public Hearing. Clark stated that if the Moratorium was approved, then it would start after the Board Meeting it was approved at. He reiterated that both items would need a Public Hearing.

Commissioner Stallings stated that if the lots were restricted to a minimum of ten acres, that wouldn't leave many parcels of land and Belk explained that there were quite a few tracts of land that big in our ETJ that could be viable. Both Belk and Clark explained that this could bring in money for some of the property owners in our ETJ.

**MOTION: TO SET A PUBLIC HEARING FOR MAY 11, 2017 FOR PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE REGARDING REGULATION OF INDOOR AND OUTDOOR GUN RANGES**

The motion was made by Commissioner Redd and was seconded by Commissioner Wiggins. The motion passed unanimously.

**MOTION: TO SET A PUBLIC HEARING FOR MAY 11, 2017 FOR A PROPOSED ORDINANCE ESTABLISHING A MORATORIUM ON THE DEVELOPMENT OF INDOOR AND OUTDOOR GUN RANGES.**

The motion was made by Commissioner Wiggins and was seconded by Commissioner Stallings. The motion passed unanimously.

As Chief Kirts had returned, the Board revisited the third item under New Business, a discussion of repairs on S Nassau Street, near the intersection of Highway 96. Chief Kirts stated that the pipe under the road was sinking and creating overflow in the ditch. He stated that this was a necessary repair as it was getting bad. Chief Kirts explained that the location was the intersection of S Nassau Street and Highway 96, which is a highly traveled cut-through. He stated that making the repairs now would avoid major problems in the near future. When asked, Chief Kirts clarified that the proposed bid was \$19,320 and it would be covered by Powell Bill. Mayor Flowers asked if Oakes Grading had mentioned a time frame and Chief Kirts stated not at this time. Commissioner Redd asked if we had more than one estimate and Chief Kirts explained that he only had the one from Oakes Grading, who always won the bidding process but he could get more if

the Board wanted. Tatum stated that it was hard to get the larger companies to bid on the smaller projects that we had.

**MOTION: TO ACCEPT THE PROPOSED BID FOR REPAIRS ON S NASSAU STREET NEAR THE INTERSECTION OF HIGHWAY 96**

The motion was made by Commissioner Wiggins and was seconded by Commissioner Johnson. The motion passed unanimously.

The fifth item under New Business was a report from the Tax Collector on 2016 unpaid real property taxes as required by GS 105-369(A). Hurd stated that the packets included a copy of the tax lien advertisement for real property. She explained that notices were sent out earlier this month and seven payments have been received. Hurd stated that she expects more payments based on phone calls that she had received. She stated that she would send the advertisement to the Franklin Times on Friday, April 21<sup>st</sup> to be advertised on Thursday, April 27<sup>th</sup>. Any payments made after April 21<sup>st</sup> will show up on the advertisement. Hurd stated that she had included a list of personal property taxes, which do not get advertisements. She stated that she has received payments on those accounts as well.

The sixth item under New Business was to order the advertisement of 2016 unpaid real property tax.

**MOTION: TO ORDER THE ADVERTISEMENT OF 2016 UNPAID REAL PROPERTY TAX**

The motion was made by Commissioner Hedlund and was seconded by Commissioner Wiggins. The motion passed unanimously.

As the representatives from Kimely-Horn were now in attendance, the Board revisited the third item under Old Business, to continue the discussion of acceptance of the contract with Kimley-Horn to perform the preliminary engineering and design for the Main Street Improvements Project. Belk explained that they have been in discussion with Kimley-Horn to finalize the engineering contract for the Project. He stated that there was a differential between the initial amount authorized by NC DOT and the cost estimate. Belk stated that after a discussion with NC DOT, they found the cost estimate to be reasonable and appropriate within their guidelines. He stated that the goal was to not exceed the \$632,500 overall project budget. Belk stated that a meeting between Kimley-Horn, Tatum, Mayor Flowers, Belk, Clark and the Town Engineer had occurred last week.

Jeffrey Moore, Kimely-Horn, explained the process and stated that they are looking to keep the project under budget. He stated that the biggest portion of the budget was construction. Mr. Moore stated that the development portion falls within our price. He stated that they would keep the costs in check during the entire project. Mr. Moore stated that they will stir up interest in the project with the contractors, make sure they are aware of the scope of the project, so that there will be no surprises on the day bids are opened.

He gave a few examples of similar work they did in the area, including Wake Forest. Mr. Moore stated that NC DOT would be resurfacing Main Street around February 2018, which would help cover some of the original project costs, including marking the crosswalks and parking spots. This will help save money that can be spent in other areas.

Commissioner Hedlund wanted to confirm that \$632,500 was a firm number and Mr. Moore stated that it was. Commissioner Hedlund wanted to know how long it would take to complete and Mr. Moore stated about ten months to design the project, including gaining the agreements from CSX for the railroad, approximately three months for the bidding process and six to eight months for the construction portion. When asked, Belk clarified that the resurfacing of Main Street would be in 2019 instead of 2018 and Mr. Moore stated that it would give plenty of time to complete the project. Mayor Flowers wanted to clarify that construction would start as early as next April and Belk stated yes. Clark stated that they would coordinate with NC DOT about the time frame of both projects. He explained that NC DOT held off on the repaving for us to complete this project. Clark stated that they were checking to see if NC DOT will include the full improvements that are being designed in their project, so they won't just replace what is there but expand the marking to cover the newer items in the design. He stated that they were also planning on doing a high grade improvement on the railroad crossing which has been backed up some due to the High Speed Railroad. Clark explained that they still needed to coordinate with the railroad company.

Commissioner Stallings asked how traffic would be handled during the project and how it would affect the businesses. Mr. Moore explained that during the construction phase, they would be working in sections and would work with the affected business owners so that they can maintain their business throughout the construction process. He stated that they would have ramps that are ADA compliant to cross over affected areas and would do some of the work when businesses were closed, if possible. Mr. Moore stated that they would accommodate the businesses and would have good communication with them throughout the project.

Belk explained that we needed to authorize Staff to enter into a contract with Kimley-Horn for \$148,372 and have the Mayor sign it after NC DOT has reviewed and approved it, which would only take a few days. Once we have approval from NC DOT, then we can sign the contract and move forward.

**MOTION: TO ENTER INTO A CONTRACT WITH KIMLEY-HORN TO PERFORM THE PRELIMINARY ENGINEERING AND DESIGN FOR THE MAIN STREET IMPROVEMENTS PROJECT IN THE AMOUNT OF \$148,372**

The motion was made by Commissioner Hedlund and was seconded by Commissioner Redd. The motion passed unanimously.

The next item on the agenda was Closed Session (if necessary). Mayor Flowers stated that the Board needed to go into Closed Session to discuss personnel. The Board went

into Closed Session at 7:58pm and came out at 8:07pm. Mayor Flowers stated that they discussed personnel but no action was taken.

The next item on the agenda was Committee Updates.

Policy / Ordinance Committee – There were no comments.

Finance Committee – Tatum stated that they were working on the Budget.

Capital Improvement Committee – There were no comments.

Comprehensive Development Committee – There were no comments.

The next item on the agenda was Reports and Other Business. Mayor Flowers opened the floor to Matt Winslow, who missed Citizen's Comments. Mr. Winslow stated that Senator Richard Burr would be receiving an award on April 18<sup>th</sup> and he wished to invite the Board to attend. As security was an issue, the Youngsville Police Department had been asked to help and Chief Kirts had everything ready for that event.

Mayor Flowers stated that he had attended the Grand Opening for 4 Fosters Candle Co, 127 E Main Street, Suite 300, last Saturday.

Mayor Flowers stated that this would be the last meeting that Belk would attend, as he was leaving N\*Focus to work for the NC Department of Commerce. He expressed his appreciation for all of the hard work that Belk had done for Youngsville. Belk stated that it had been a true pleasure. Commissioner Redd also expressed her thanks to Belk and stated that the NC Department of Commerce was lucky to have him. Belk stated that he loved Youngsville and working with us had been both exciting and rewarding. He stated that he came at a time when Envision Youngsville had sparked growth and they were able to move forward because of that. Belk reiterated how exciting it was for Youngsville during this time of growth and expansion and that it was truly rewarding. He stated that the staff was wonderful to work with. Belk expressed his gratitude to the Board and all of the employees of Youngsville. He stated that Franklin County would be in his coverage area with the NC Department of Commerce so he would still be working with Youngsville in some capacity.

Commissioner Stallings stated that the new Town Hall / Police Department was a nice facility. He stated that the Wine and Beer 101 shop looked great as well and seemed to have a lot of customers.

Commissioner Hedlund wanted to verify the date and time for the Open House for the new Town Hall / Police Department. It will be held on May 18<sup>th</sup> from 5-7pm. Commissioner Hedlund stated that the Sheriff's deputies would be providing a whole pig and Chief Kirts stated that they would also bring the sides.

Commissioner Hedlund wanted to remind the Board that Tuesday was Town Service Day and they would be cleaning up Highway 96 from 1A North to FoodLion. He stated that

Faith Baptist Church did a good job on their area. Commissioner Hedlund stated that they would meet at Town Hall at 9am and he had all of the equipment.

Clark stated that he too appreciated all of the hard work that Belk had done and that it was a pleasure working with him. He stated that NC Department of Commerce was a good resource and we should reach out to them more often. Clark stated that Andy Thomas would start next week and that he had a lot of experience, including work with subdivisions.

Clark wanted to mention that the Water / Sewer Allocation Policy from Franklin County Public Utilities (FCPU) is in the process of having some text amendments. He stated that they have provisions that he and Thomas will be looking at more closely. Clark stated that one provision states that residential subdivisions may have a maximum allocation for fifty homes per year. He stated that is not necessarily a problem at this time but it may in future developments. Clark stated that they will follow up on those changes.

Belk stated that the Franklin County Cooperative Extension was doing a feasibility study for a Farmer's Market. He stated that they were working on gathering data and asked that the Board help to spread the word.

As Assistant Fire Chief Graney was not in attendance, Mayor Flowers read the Youngsville Fire Department Report.

Mayor Flowers stated that Opening Day for the Youngsville Parks and Recreation Spring Baseball would be held on April 29<sup>th</sup>. He stated that there would be bounce houses and movie night.

Hurd stated that the Taco Bell would have their Grand Opening on Monday at 11am.

The meeting adjourned at 8:24pm.