

Town of Youngsville  
P. O. Box 190  
134 US 1A South  
Youngsville, NC 27596  
(919) 556-5073  
Fax (919) 556-0995  
Townyngs@townofyoungsville.org

# MINUTES

**JULY 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 Administrator Bob Clark. A representative from the Franklin Times was also present.

The first item on the agenda was a Public Hearing on the proposed text amendments to the Zoning Ordinance concerning indoor and outdoor gun ranges. Mayor Flowers opened the Public Hearing at 7:01pm. There were no comments from the public. The Public Hearing was concluded at 7:02pm.

The next item on the agenda was a Public Hearing on the revised Fee Schedule for Zoning. Mayor Flowers opened the Public Hearing at 7:02pm. There was no comment from the public. The Public Hearing was concluded at 7:02pm.

The next item on the agenda was a Public Hearing on the future plans for the property of the old Town Hall and Police Department on N Cross Street. Jim Moss, N College Street, encouraged the Board to get an appraisal for the buildings as it would be good to have. Mr. Moss stated that he would like to see the old Town Hall building restored as an old fire station that could house the museum as well as the fire truck from the 1960's that the Youngsville Fire Department is having restored. He stated that the old Police Department could be torn down for extra parking or it could be sold and renovated. There were no other comments from the public. The Public Hearing was concluded at 7:04pm.

The next item on the agenda was citizens' comments. FC Winston, Highway 96, explained to the Board that there was an issue concerning Hampton Downs installing a sidewalk that extends onto his property. There seems to be some question as to whether this is a public right of way or not. Mr. Winston expressed concerns that he could be liable for any accidents that happen on the portion of the sidewalk that extends onto his property. He stated that the Board of Adjustments, in 2014, gave Hampton Downs permission to install a sidewalk but this sidewalk is not located where it was originally supposed to be installed. Mr. Winston stated that the sidewalk runs along a dead end street. He stated that he didn't think that Hampton Downs had done everything in the manner they were told at the Board of Adjustment meeting. Attorney Olivieri scanned

copies of the letters Mr. Winston had from the Hampton Downs' Attorney. He explained that any type of litigation would need to be discussed during Closed Session. Mr. Winston made a reference to the Town taking over his private property and quoted the Fifth Amendment. He thanked the Board for their time.

Rodney Bowen, SE Railroad Street, wanted to thank Chief Kirts for his help on repairing some of the drainage problems that he has had for years. He stated that Chief Kirts did more in one week than the Town has done in years. Mr. Bowen explained that he has storm water that drains onto his property from the Post Office and that he recently met with the owners of the property where the Post Office is located. He stated that he is still getting some run off but not as severe as previous problems. Mr. Bowen explained that he has invested a considerable amount of money to fix the drainage problem and it was never enough.

Mr. Bowen also wanted to discuss the rumors that new owners want to turn 123 SE Railroad Street into a commercial business. He stated that he owned the property on the corner across from it and he didn't feel that it was right to bring commercial that far into a residential area. Mr. Bowen stated that he would not have moved into this area if he knew it would become commercial. He stated that he could not tolerate any more. Mr. Bowen reiterated that he appreciated everything Chief Kirts did for him.

Mayor Flowers asked Mr. Bowen how long he had owned the home and Mr. Bowen stated ten years. Mayor Flowers asked when he first came to the Town with the drainage problem and Mr. Bowen stated about four or five years ago. Mr. Bowen explained that he tried everything to keep the water from flooding his house.

Jerry Branch, SE Railroad Street, stated that he is a retired general contractor and loves it here. He stated that it really is his "home town" now. He also wanted to express concerns that the house at 123 SE Railroad Street would be rezoned to commercial. Mr. Branch stated that he purchased his home to retire in. He expects to stay in that home for the remainder of his life and does not wish to see commercial come this far into a residential neighborhood, especially in an area where people have fixed up their homes. Mr. Branch wanted to ask the Board to take this into consideration when making their decision. Attorney Olivieri asked if the Town had received an application and Clark stated that we did for the vacant lot on SE Railroad Street.

The next item on the agenda was the Financial Report. Jim Winston of Winston, Williams, Creech, Evans and Company LLC presented the Audit for FYE 2016. He handed out copies of the Audit Report to the Board. Mr. Winston gave a breakdown of revenues, of which 55% came from Ad Valorem Taxes. He stated that actual revenues for FYE 2016 was \$1,725,282. Mr. Winston also gave a breakdown on expenditures, of which 40% was general government and 36% was public safety. He stated that actual expenditures for FYE 2016 was 2,273,905. Mr. Winston stated that our available Fund Balance had grown from -1.36% in FYE 2011 to 88.09% FYE 2016, which is over the state average. He stated that Tatum had done a great job. He stated that the Fund Balance was \$1,299,294 and the Cash Balance was \$1,249,352. Mr. Winston stated that the Tax Collection Rate was down to 98.06% from 98.97%, which was in line with the

state average. He stated that Youngsville has had great results starting from FYE 2011 and are getting better every year.

Mayor Flowers stated that he was very happy with these results. Tatum wanted to remind the Board that next year's Audit will show the money spent on renovating Town Hall. He wanted to reiterate to the Board to keep adding to the Fund Balance, especially considering the mortgage for the new building has an adjustable rate. Tatum stated that we are paying off the mortgage quickly with additional payments from the ABC Store profits. He stated that the system we have now is running good and the Town should be fine as long as we stay on track. Mayor Flowers stated that Tatum has done a commendable job, as well as keeping everything transparent. Mr. Winston agreed that Tatum was doing a great job.

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 June 8, 2017, minutes from the Work Session on June 12, 2017, and the minutes from the Work Sessions on July 10, 2017. Also included on the Consent Agenda was the Tax Collector's Report, the Police Department Report and the Youngsville Fire Department Report. A Resolution updating the designated Planning, Zoning, and Subdivision Administrators and Codes Enforcement Officers was also included in the Consent Agenda along with the Audit Contract for FYE 2017 for Winston, Williams, Creech, Evans and Company LLC. Other items included on the Consent Agenda include Budget Amendment 2017-10 and Powell Bill Budget Amendment 2017-01.

**MOTION: TO APPROVE THE CONSENT AGENDA**

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

The next item on the agenda was Old Business. The first item under Old Business was a discussion on the request from Holden Development LLC under the Development Enhancement Policy. Attorney Olivieri stated that they were still working on getting this finalized. He explained that the legislation looks to have been settled and we need to match our Policy with the legislation.

**MOTION: TO TABLE THE DISCUSSION ON THE REQUEST FROM HOLDEN DEVELOPMENT LLC UNDER THE DEVELOPMENT ENHANCEMENT POLICY TO AUGUST 10, 2017**

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

The second item under Old Business was to continue the discussion about possible action regarding the regulation of indoor and outdoor gun ranges. Clark stated that he wanted to present two options to the Board. Both options ban outdoor gun ranges, though one has an exception for turkey shoots. As there is not a universal definition or standard for turkey shoots, there was a lot of room for misinterpretation. Neither option applies to

hunting activities as regulated by the state, and private landowners and their family and guests, not to exceed ten individuals at one time. Clark stated that they gathered information from Chief Kirts as well as the Planning Board.

Commissioner Hedlund wanted to clarify which option would allow for the Kiwanis Club to continue to have their scheduled turkey shoot in November. Clark explained that the first option allowed turkey shoots in the ETJ at any location. The second option prevented turkey shoots in the ETJ with the exception of Panic Point. As Panic Point has a previously issued Special Use Permit, they will continue to be allowed to have turkey shoots at their location. It would be considered a legal non-conforming use.

Commissioner Redd asked how many turkey shoots did Youngsville have each year and Clark stated that there was not that many. The Kiwanis Club did one for a month each year and on occasion another organization would have one located elsewhere in our ETJ.

Commissioner Johnson asked what Staff was recommending and Clark stated that both Staff and Chief Kirts were recommending the second option considering the proximity to residential areas. When asked, Clark explained that there was no difference in both options concerning indoor gun ranges. Clark noted that the owner of the gun shop, Patriot Shooting Sports, was also against allowing outdoor gun ranges in our ETJ.

**MOTION: TO ADOPT THE UPDATED ZONING ORDINANCE ALLOWING INDOOR GUN RANGES BUT DISALLOWING ALL OUTDOOR GUN RANGES, INCLUDING TURKEY SHOOTS. HUNTING ACTIVITIES AS REGULATED BY THE STATE AND PRIVATE LANDOWNERS AND THEIR FAMILY AND GUESTS, NOT TO EXCEED TEN INDIVIDUALS AT ONE TIME, ARE ALLOWED**

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

The third item under Old Business was to continue the discussion, and to possibly take action on the revised fee schedule for zoning. Clark explained that there were a few changes such as raising the fee for a text or subdivision from \$300 to \$500, raising the fee for an appeal from \$250 to \$300 with the option of waiving the fee should the applicant win their appeal, and establishing a fee of \$100 for consultation beyond one hour. Clark explained that these fees were in line with other local towns and Franklin County's fees. When asked, Clark explained that if the Town had to bring in a consultant, such as an engineer, then those costs would be reimbursed to the Town. He explained that the consultation fee would apply to people who use an extraordinary amount of time with Staff, especially for projects that never get started. Mayor Flowers stated that it made good sense to cover the costs so that the tax payers didn't have to. These fees would become effective on August 1, 2017. When asked, Clark clarified that the consultation fee would be due regardless of whether the project was viable or not. Clark explained that people come in to meet with Staff concerning conceptual ideas, sometimes more than once. He stated that the costs are adding up. Mayor Flowers noted that the fees are consistent with others and were not excessive and Clark agreed.

**MOTION: TO ADOPT THE REVISED FEE SCHEDULE FOR ZONING AS PRESENTED WITH AN EFFECTIVE DATE OF AUGUST 1, 2017**

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

The fourth item under Old Business was to continue the discussion on the future plans for the old Town Hall and Police Department on N Cross Street. Mayor Flowers stated that he had hoped for more citizens to come in and tell the Board their thoughts on the matter. He stated that parking for Main Street was crucial and this could help. The options are to keep the buildings and land, tear down the buildings to make room for parking, or sell the buildings and have public parking in the back. Commissioner Wiggins stated that he was still waiting on quotes for the cost of tearing down the buildings. Commissioner Hedlund stated that this could be our last opportunity for parking and Mayor Flowers agreed. Mayor Flowers summed up the discussion from the July 10<sup>th</sup> Work Session and he reiterated the three options that the Board came up with that night. He stated that selling all of the buildings and property was not feasible and we would lose a lot of parking. Mayor Flowers stated that another option was to keep the buildings and use the back lot for parking but renovating those buildings would put us back where we started from. He stated that tearing down the buildings for parking was the final option and seemed to be the most viable.

When asked, Attorney Olivieri explained that the Town would have to go through the bidding process to sell the property. He stated that we would also need to make sure that there was a good title to the land. Commissioner Hedlund wondered how much parking the lot could provide as it looks like you could get a substantial amount. Attorney Olivieri explained that if we sold just the buildings, then we would need to make sure to get easements to reach the shop and back parking lots. He stated that a surveyor would need to record those easements and any subdivision of property between the buildings and parking. Commissioner Hedlund stated that he felt we needed more information and Mayor Flowers agreed, stating that we needed to know what all of the costs involved were going to be.

Chief Kirts reminded the Board that the electricity for the shop was located in the building for the old Police Department. He stated that it would cost approximately \$3,000 to move the connections to the shop.

Mayor Flowers asked the Board if they wanted to finish this conversation next month, when more information was available. Commissioner Redd stated that we needed a survey to see how much parking would be available to see if it was worth the money to tear down the buildings. Hurd stated that if the buildings remained standing, parking in the back lot would consist of an area close to what the Boondocks currently has. Commissioner Redd stated that she agreed with Mr. Moss and felt that the Town needed to get an appraisal for the property so that we can better make a decision on if it would be worth selling the buildings. Chief Kirts explained to the Board that there were ceiling tiles falling in at the old Town Hall and it now floods during rains. He stated that the

Police Department building could be saved but the fact the old Town Hall is falling down was the whole reason we moved. Commissioner Johnson stated that he didn't think we should fix the buildings. Attorney Olivieri stated that an appraisal would help the Board figure out which was a better solution, selling the buildings or tearing them down to use the land. Mayor Flowers stated that we would not be getting rid of the extra land in the back, the main question is to keep, sell, or tear down the buildings.

Commissioner Johnson expressed concerns that the shop would be landlocked if we sold the other two buildings, though it would be more feasible to keep the Police Department if we needed to keep a building.

Tatum stated that if the buildings were sold, someone could renovate them to make decent office space or even retail. Chief Kirts stated that it would need to be completely gutted but the structure is good.

After a brief conversation the Board decided to continue the discussion until next month.

**MOTION: TO CONTINUE THE DISCUSSION ON FUTURE PLANS FOR THE PROPERTY OF THE OLD TOWN HALL AND POLICE DEPARTMENT – N CROSS STREET**

The motion was made by Commissioner Johnson and was seconded by Commissioner Hedlund. After another brief conversation concerning appraisals, the motion passed with four ayes and one nay vote by Commissioner Redd.

The next item on the agenda was New Business. The first item under New Business was the Tax Collector's Settlement Report for FY 2016 / 2017. Hurd briefly read through the report. She explained that the Settlement Report showed all taxes, fees, and interest billed for current and past due taxes as well as all monies collected by the Tax Collector. Hurd stated that she kept the list of insolvents from last year and incorporated this year's insolvents. She explained that the Board would need to adopt the Resolution approving the Tax Settlement Report with the updated insolvent list. Hurd stated that the Board would also need to Order the Collection of 2017 Taxes as well.

The second item under New Business was to adopt the Resolution approving the Settlement with the Tax Collector for insolvents.

**MOTION: ADOPT THE RESOLUTION APPROVING THE SETTLEMENT WITH THE TAX COLLECTOR FOR INSOLVENTS**

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

The third item under New Business was to order the collection for 2017 taxes.

**MOTION: TO ORDER THE COLLECTION FOR 2017 TAXES**

The motion was made by Commissioner Hedlund and was seconded by Commissioner Wiggins. 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 and potential litigation.

**MOTION: TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL AND POTENTIAL LITIGATION**

The motion was made by Commissioner Johnson and was seconded by Commissioner Redd. The Board went into Closed Session at 8:08pm and came out at 8:47pm. Attorney Olivieri stated that they went into Closed Session to discuss personnel and the Board resolved to hire Roe O'Donnell through N\*Focus as proposed to serve as Town Manager. Attorney Olivieri stated that no action was taken regarding the potential litigation.

The next item on the agenda was Committee Updates.

Policy / Ordinance Committee – There were no comments.

Finance Committee – There were no comments.

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 stated that QDR would be at McDonald's on July 21<sup>st</sup> from 5:30-10am. He stated that he would be out of town but it would be nice for everyone that could to show up and speak about Youngsville.

Mayor Flowers wanted to remind the Board that the Kerr-Tar COG would have its Annual Awards Ceremony on September 28<sup>th</sup> and Board members needed to RSVP by September 12<sup>th</sup> if they are going.

Commissioner Hedlund stated that the Kiwanis Club would host the Fall Festival on September 23<sup>rd</sup>. He stated that they would need help with setup on September 22<sup>nd</sup>. Commissioner Hedlund stated that the Kiwanis Club would also host their Annual Turkey Shoot Fundraiser at Panic Point on Cedar Creek Road on November 4<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup> and 25<sup>th</sup> from 6-10pm. He stated that they needed prizes, in the \$25 range, to be donated.

Clark stated that the agreement with Kimely-Horn for the Main Street Improvements Project has been executed. He stated that letters have been sent out to notify the business owners that a survey would be conducted soon. Clark stated that within the next few weeks, Staff would walk the Project area along with Mayor Flowers, Commissioner Hedlund, DOT, and the project engineers. He explained that we received the contract with CSX for a right of way entry to do the Project work around the tracks. He stated

that there was a fee involved that was already built into the Project budget. Clark explained that he needed for the Board to authorize the Mayor to sign the agreement so that we can move on to the next step in the Project.

**MOTION: TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT WITH CSX RAILROAD CONCERNING THE MAIN STREET IMPROVEMENT PROJECT**

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

Clark stated that we have received a rezoning application for a vacant lot on SE Railroad Street. He explained that the owner wants to turn that vacant property into a parking lot so it needs to be rezoned from Residential to Main Street Business District (MSBD). Clark stated that it will go before the Planning Board on August 1<sup>st</sup> and a Public Hearing for the Board of Commissioners on August 10<sup>th</sup>. When asked, Clark explained that if the Board does rezone it to MSBD, then they cannot limit the lot to just parking. He stated that anything that is allowed in the MSBD could be put on that lot as long as it meets the requirements. Clark stated that Staff does recommend approval.

Assistant Fire Chief Graney stated that calls are still increasing. He wanted to thank Assistant Chief Thomas, Mayor Flowers, and all other Youngsville staff that assisted with the tribute to Dillon Baldrige. Assistant Fire Chief Graney stated that it was put together on short notice but it was well done.

Assistant Fire Chief Graney also wanted to thank the Town for mowing the cemetery before the funeral of a member of the Youngsville Fire Department. He stated that it looked good.

Assistant Fire Chief Graney stated that Mr. Moss had mentioned the fire truck from the 1960's. He stated that it still needs some work but it's looking great.

Mayor Flowers stated that both the Youngsville Fire Department and Youngsville Police Department do great things daily but honoring a fallen hero was especially moving. He stated that seeing the American Flag hanging over Youngsville Boulevard was wonderful. Mayor Flowers agreed that the planning was done in a short time frame but the tribute flowed seamlessly. He thanked everyone for their help.

Commissioner Johnson stated that both All-Star teams went to tournament. He stated that the 8U have won their games and are continuing on. Commissioner Johnson stated that the 10U won their sectionals but are now out of the tournament.

Commissioner Johnson stated that fall baseball registration would start soon and that Nash was doing a great job.

Hurd stated that we have had some complaints about door-to-door sales. She explained that no one has come in for their permit and therefore, they are not allowed to sell within



town limits at this time. Hurd explained that the Police Department is aware of the situation and would keep an eye out. She stated that the Ordinance Committee is also aware that there is not a time frame for door-to-door sales in the Town Ordinance.

Hurd stated that Town offices were closed on Tuesday, July 4<sup>th</sup>. This caused some confusion as it was also garbage day. She explained that Waste Industries did run on July 4<sup>th</sup> but a lot of people did not put their garbage out assuming otherwise. Hurd stated that Waste Industries has given the option of giving phone numbers to them so that they can do automatic calls notifying customers of changes in service, such as holidays and inclimate weather. After a brief discussion, it was decided to give the customers the option to sign up for this service.

Hurd stated that Franklin County Tax Office will start working on the Tax Scroll around July 18<sup>th</sup>. She stated that she hoped to have it shortly thereafter to mail tax bills.

Chief Kirts stated that repairs will start on S Nassau Street next week and the repairs on Corano Lane will start the last week in July. He stated that the new roof and doors on the shop have been installed.

The meeting adjourned at 9:07pm.