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MINUTES

MAY 10, 2018

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 invocation. In attendance were Commissioners Graham Stallings, Catherine Redd, Larry Wiggins, Joseph Johnson and Terry Hedlund. Also in attendance were Town Administrator Roe O'Donnell, Town Clerk / Tax Collector Emily Hurd, Town Attorney Edward Bartholomew, Police Chief Daren Kirts, and Planning / Zoning Administrator Bob Clark. Representatives from the Wake Weekly and the Franklin Times were also present.

MOTION: TO APPROVE THE AGENDA AS PRESENTED

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

The next item on the agenda was citizens' comments. Amy Karlgut, owner/operator from Wine and Beer 101, spoke concerning noise complaints against her business from the bands that they have outside. She stated after looking into the Ordinance, quite a few normal activities break the law. Ms. Karlgut stated anything above a normal conversation will break the decibel level set in the Ordinance. She stated the Ordinance allows higher volumes from 9am through 9pm and requested that be extended to 10pm, since they have music outside until then.

Commissioner Stallings asked for clarification on her request and Ms. Karlgut explained she wasn't sure if it made the best sense to have the decibel level actually change so much as allowing noise, sound, life, and music until a respectable time. She stated she was not looking to ruffle the feathers of her neighbors and did not wish to make anyone uncomfortable in their own home. However, they are growing and will only get busier, so she requested that the Ordinance be extended to 10pm, only on Fridays and Saturdays when they have live music outdoors. Ms. Karlgut stated it would not be all summer long, they will move inside once it gets too hot to stay out on the patio.

Commissioner Redd asked Chief Kirts what his thoughts were and Chief Kirts explained he has received complaints from citizens in the area concerning the music, both live and speakers. He stated one citizen was very upset, as it had changed his life inside of his home. Chief Kirts stated it was not just the hours, but the amplification. He could not make any suggestions but asked the Board not to take this lightly. Chief Kirts reminded the Board that this Ordinance was updated recently because of these types of problems.

When asked, Chief Kirts clarified that parties at the Armory on 1A South were interrupting the neighboring properties with amplified sound.

Commissioner Redd asked how this compared to Cross and Main Events Center and Chief Kirts stated that he did not receive complaints concerning that business. Commissioner Redd stated she was surprised, as it can be heard a block away very clearly. Chief Kirts stated it may have to do with how close the homes are to Wine and Beer 101 and that the music at Cross and Main Events Center was not outside.

Ms. Karlgut wanted to clarify that there were no speakers outside of the property. She stated she has spoken with the bands as well, to help keep the volume down and the bands were all very receptive to the idea of lowering the volume of the music.

O'Donnell asked if the Board would like for Staff to evaluate the situation and the Ordinance and Mayor Flowers stated yes, but noted that it was written this way for a reason. Mayor Flowers stated he hoped we could find a happy medium.

Commissioner Redd asked if restrictions had been placed on Wine and Beer 101 and Chief Kirts stated he had not. He stated he was hoping to solve this situation before taking action.

Ms. Karlgut explained she looked at the upcoming schedule and they do have larger bands that will be outside. She stated she filled out the amplified sound (Special Events Permit) permit so that she would not be putting paperwork on Chief Kirts every week. Ms. Karlgut explained Wine and Beer 101 will have a series of concerts this summer to draw more business to downtown Youngsville, the first Saturday of each month; June, July, August and September. She explained they will close the front parking lot and put a stage there, like they did for Oktoberfest and Grand Opening celebrations. Ms. Karlgut stated it would be one band, 7pm-10pm.

Even though he asked for her to fill out a Special Events Permit for her next event, Chief Kirts stated he didn't think this issue could be solved with the Special Events Permits, as this was not their intended function. O'Donnell suggested that Staff could look into making exceptions to the Ordinance, such as for summer months. Chief Kirts stated he just needs to know what to tell the citizens when they call in. Attorney Bartholomew stated that Louisburg has started doing something similar and he could look into their Ordinances. Chief Kirts stated this will be an ongoing issue as other businesses move into town and Commissioner Redd agreed.

MOTION: TO DIRECT STAFF TO RESEARCH POSSIBLE AMENDMENTS TO THE NOISE ORDINANCE

The motion was made by Commissioner Hedlund and was seconded by Commissioner Redd. The motion passed unanimously. Attorney Bartholomew stated 50 decibels was indeed low, as it was talking volume. Chief Kirts stated that our Ordinance was not far off from other towns.

The next item on the agenda was the Financial Report. O'Donnell noted that everything seemed to be in order on the Budget.

The next item on the agenda was the approval of the Consent Agenda. The Consent Agenda consisted of the minutes from the Board Meeting on April 12, 2018, the Tax Collector's Report, the Police Department Report, and the Youngsville Fire Department Report.

MOTION: TO APPROVE THE CONSENT AGENDA AS PRESENTED

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

The next item on the agenda was Old Business. There was no Old Business.

The next item on the agenda was New Business. The first item under New Business was to schedule a Public Hearing for the Proposed FY 2018/2019 Budget on June 14, 2018.

MOTION: TO SCHEDULE A PUBLIC HEARING FOR JUNE 14, 2018 TO HEAR COMMENTS FROM THE PUBLIC ON THE FY 2018/2019 BUDGET, WITH A TAX RATE OF \$.66

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

The second item under New Business was to schedule a Public Hearing for a Request to Rezone 101 and 111 E Persimmon Street by Pacific Development for June 14, 2018

MOTION: TO SCHEDULE A PUBLIC HEARING FOR JUNE 14, 2018 FOR A REQUEST TO REZONE 101 AND 111 E PERSIMMON STREET BY PACIFIC DEVELOPMENT

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

The third item under New Business was to schedule a Board of Adjustment for June 7, 2018. When asked, Clark clarified there would be three cases before the Board. He noted we were getting more cases which was making it harder to stick to the quarterly schedule. Clark explained one of the cases was tied into the sewer allocations. After a brief discussion, it was decided that June 12, 2018 was a better date for attendance.

MOTION: TO SCHEDULE A BOARD OF ADJUSTMENT HEARING ON JUNE 12, 2018

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. Mayor Flowers stated that the Board did not need to go into Closed Session.

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 noted he had attended the Annual YFD Ceremony in April.

Mayor Flowers wanted to congratulate Commissioner Johnson for his outstanding job in coaching. The Cedar Creek Middle School baseball team went undefeated during the season and did very well during tournaments. Mayor Flowers noted that Commissioner Johnson was a positive influence on the team members.

O'Donnell stated NC DOT has completed their survey of the 5-Points intersection and are working on the design. He hoped to have a cost estimate by next month's Board Meeting.

O'Donnell noted that new development is still strong. He had Fleming compare housing permits and noted that we have twenty two as of the end of April and had twenty four last year.

O'Donnell stated he and Commissioner Hedlund had attended a Solid Waste Advisory Board Meeting concerning littering. He noted that some initiatives had been mentioned and were worth looking more into.

O'Donnell reminded the Board that he would be on vacation in Ireland for the next three weeks and would be back on June 6th. He noted he could be reached by email if he was needed.

Commissioner Wiggins stated he had received a petition from residents that he wanted to put before the Board. The petition concerned vehicle noise, mostly in early mornings and late evenings. Commissioner Wiggins read the petition.

Dear Youngsville Board of Commissioners

We are citizens who live within the jurisdiction of the Town of Youngsville. Within the past few months, there has been an increase of vehicles traveling our neighborhoods that are causing excessive and unnecessary noise. The noise begins in early morning as well

as late evening. As a result, we as well as senior citizens in our community are unable to live and rest peacefully. We respectfully request that this matter be looked into and hopefully loud muffler noises can be eliminated. Your help will be greatly appreciated.

Mayor Flowers asked Chief Kirts if he could look into this matter and Chief Kirts explained that they have been writing citations. Unless it is a faulty muffler, they cannot issue a citation, especially for factory installed mufflers. Chief Kirts explained it was a grey area. He noted the Police Department had not received calls concerning this matter. Chief Kirts explained the citizens needed to call the Police Department so the individuals can be caught in the act. He stated there were not many Statute laws that covered noise from mufflers. Chief Kirts noted they would have more information after the citations they have written go to court. He reiterated that the citizens needed to call into the Police Department so the situation can be handled at the time of violation.

Commissioner Wiggins asked if the officers on patrol had noticed the problem. When asked, Commissioner Wiggins clarified in the Pine Street area of town, as well as Winston Street. Commissioner Wiggins noted that he just wanted to bring it to everyone's attention.

Mayor Flowers asked for recommendations, such as having the residents call in when the violations were happening. Commissioner Wiggins noted there was one muffler that could be heard all over town. Chief Kirts noted the Police Officers can't fix what they don't know. He reiterated again that residents needed to alert the Police Department when the issue is occurring.

O'Donnell recommended contacting the person who started the petition and have them let the people who signed the petition know to either alert the Police Department or to record the time and place of occurrences so the Police Department can try to be on scene. He noted we only have two officers on duty and they can't be everywhere at once. O'Donnell noted Number 13 on the petition had been very specific which was helpful. He stated he would be happy to discuss this with the petitioners and have them call when the problems occur. Mayor Flowers agreed that a concentrated area would be helpful to the officers.

Chief Kirts reminded the Board again that mufflers were a grey area and the officers were doing the best they can. If they can get a call / complaint then they would have probable cause to stop the vehicle in question to see if it was a factory installed muffler.

Mayor Flowers asked that Commissioner Wiggins get in touch with the petitioners to have them start calling in for a more effective solution. O'Donnell stated good police work needs the aid of the community. He stated the residents need to be aware and call in so that we can properly look into the situation. Mayor Flowers agreed this was the most logical step.

Commissioner Johnson agreed the traffic on East Winston Street was horrible. He noted it was being used as a cut-through and speeding was really bad. Commissioner Johnson agreed that our officers were stretched thin.

Commissioner Hedlund also wanted to mention the Solid Waste Task Force meeting that he had attended with O'Donnell. He noted they had discussed areas of prevention. Commissioner Hedlund noted the Kiwanis Club had recently cleaned their road, which was down to fourteen bags, compared to the fifty one bags from last time. He stated the Kiwanis Club has changed their schedule to clean the roadways more often.

Commissioner Hedlund noted the Kiwanis Club Yard Sale would be this Saturday at the Youngsville Baptist Church. He stated the Fall Festival would be held on September 15th.

Clark noted the Planning Board will meet on May 15th. He noted they were meeting late as they were waiting for final approvals for Laurel Oaks, Phase 2.

Clark stated with all of the rain, they has been some storm water runoff issues at some of the construction sites. He stated they will be following up with the developers.

Clark stated he had a conference call with Jeff Moore for an update on the Main Street Improvements Project. There were concerns on whether full or partial easements were needed. Clark stated they would be working more on plans next month. O'Donnell noted that project was being done to fit the budget. Clark stated the comments made by the public added more detail. When asked, Clark stated they were at 75% plans. O'Donnell explained we were at a good place to decide what can and cannot be done within our budget. Clark stated Jeff Moore would get back with him. Mayor Flowers asked if there would be another public meeting and Clark stated yes.

Attorney Bartholomew stated he was looking into options concerning the sale of the old Town Hall / Police Department. He noted they were all complicated. Attorney Bartholomew noted the Board needed to figure out which portion they wanted to keep and which portion to sell. He stated there were three options that he hoped to bring before the Board in June. Attorney Bartholomew stated he has been doing research at the Clerk's office. He noted the options he chose would be budget friendly and protect the Town.

Chief Kirts went over the statistics from the Police Department Report. He noted they issued 196 citations that included 267 charges. The traffic officer alone issued 86 citations. Chief Kirts noted about 90% of the citations were for speeding, at least fifteen miles over the speed limit, and mostly on the side streets. He explained the Police Department was running campaigns in areas of town. Last month was Winston Street, this month was Nassau Street. Chief Kirts stated there were no answers to all of the traffic problems Youngsville has. He stated his officers were doing everything possible. Chief Kirts stated they have reduced the amount of warning tickets and give out citations instead, as people were not paying attention to the warning tickets. He also noted issues with people running red lights / stop signs. Chief Kirts reiterated they are doing what they can as best they can. They have tried parking patrol cars in problem areas but that does not seem to work in the long run. Chief Kirts stated there was a lot of traffic cutting through our side streets. He stated they keep Youngsville as safe, if not safer, than other

towns. Commissioner Johnson noted he hears it every night and Chief Kirts agreed that people are speeding on Winston Street, over the railroad tracks, and are running the three way stop sign.

Chief Kirts stated complaints against officers was up because of the increase in citations but thankfully the body cameras have helped to prove there was no wrong doing on our officer's part.

Commissioner Wiggins wanted to note that he was passing along the comments, not criticizing the Police Department. Chief Kirts stated he understood but wanted the Board to know they do what they can. He stated he would look into the complaints but it would be easier if the residents called at the time of the incident.

Commissioner Wiggins noted he had also heard complaints the Police Department was pulling over too many people and Chief Kirts noted that several in-town residents have received citations. Mayor Flowers noted that if they were disobeying traffic laws, then the officers needed to cite them. Chief Kirts noted they have cut back on seatbelt tickets as they have bigger problems. He reiterated again they have monthly campaigns in areas that have major problems and that mufflers were in a grey area at this time. O'Donnell asked if the problem was defective mufflers and Chief Kirts stated they have issued citations for vehicles with no mufflers. Chief Kirts mentioned it was not a bother or a problem if citizens called in, it was their job to take those calls and help fix the problems.

Chief Kirts mentioned Wine and Beer 101 had spoken earlier concerning their noise complaint. He explained he had requested for Ms. Karlgut to fill out a Special Events Permit for the upcoming weekend but she had handed him approximately five. Chief Kirts noted these types of events are not what this permit is designed for and he would not be able to sign off on them, not for regular business activities. When asked, Chief Kirts stated there was not a lot of wiggle room. He noted it was comparable to other towns. Chief Kirts stated this issue needed attention quickly.

Attorney Bartholomew wanted to note he had noticed a vast increase in tickets from the Youngsville over any other town. He stated they were doing a good job enforcing the law. Attorney Bartholomew stated he likes working with Youngsville officers as they are respectful and competent.

As Assistant Chief Graney was not in attendance, Mayor Flowers read the YFD Report. He noted there was still an ongoing issue with burning inside of town limits and Chief Kirts was working with the YFD on this matter.

Chief Kirts stated the Maintenance Department has caught up on mowing. He stated the two workers that we have are very good.

The meeting adjourned at 7:54pm.