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MINUTES

MARCH 10, 2011

REGULAR MEETING

Mayor Samuel Hardwick called the Regular Meeting of the Town of Youngsville Board of Commissioners to order at 7:28 pm immediately after the Public Hearing. Mayor Hardwick gave invocation. In attendance were Commissioners Catherine Redd, Graham Stallings, Marvin Roberts, Leelan Woodlief and Joseph Johnson. Also in attendance were Town/Zoning Administrator Brenda Robbins, Town Clerk / Tax Collector Emily Hurd, Administrative Assistant Kathryn Tucker, Town Attorney Pete Tomlinson, and Chief Daren Kirts. Representatives from The Franklin Times and The Wake Weekly were also present.

The first item on the agenda was citizen's comments. Alexander Wojtalik asked about the results of the Recycling Survey and Hurd stated that the Board would get into that during Old Business.

The next item on the agenda was the financial report. There was no comment.

The next item on the agenda was the approval of the Consent Agenda.

MOTION: TO APPROVE THE CONSENT AGENDA

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

The next item on the agenda was New Business. The first item under New Business was the Petition for Zoning Amendment for David B Moss for property located on East Winston Street. Robbins stated that he was wishing to rezone from Residential Single Family (RSF) to Mixed Use (MU) and that he had received a Favorable Recommendation from the Planning Board with a correction for the property that is adjacent to East Winston Street to remain RSF.

MOTION: TO DENY THE PETITION FOR ZONING AMENDMENT FROM DAVID B MOSS FOR PROPERTY LOCATED ON EAST WINSTON STREET

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

The second item under New Business was a discussion of Application for Special Event by Brian Garff and Geoff Huguey. Robbins stated that both were in attendance for any questions. She stated that the Board had the information with the Application for an event called "Haunted Forest". She explained that they already had everything in order, had spoken with Randy Likens and the Fire Marshall. They would be running this event from September 30th until November 5th. There would be open 15 nights total. Robbins

explained that this would take place on property owned by James Moss on Cedar Creek Road. Commissioner Redd asked about staff and they explained that it would be mostly volunteers for the people scaring, however, there would be paid staff such as security (off duty officers) and managers. There would be at least two off duty officers, one on duty cruiser and would also be someone there with first responder training. Mr. Garff stated that every employee, including volunteers, would have a background check. He explained that there would be about 50 total employees with about 35 being volunteers. He stated that this was a for-profit operation but some of the money would go to a local charity as well. Mayor Hardwick stated that this would be outside of city limits and would be the jurisdiction of Franklin County Sheriff's Office. Commissioner Stallings asked about the traffic and they explained that they were expecting around 600 cars over a four hour period, breaking down to no more than 60 cars an hour. They would also have something helping the cars to park. Mr. Garff stated that they would be starting late enough at night to be after rush hour so that would help as well. Mr. Huguely stated that they already had a traffic pattern laid out that would help get traffic in and out efficiently. Commissioner Stallings asked about concessions and they stated that there would be things like canned soda and chips but nothing prepared on site. Commissioner Stallings asked about litter and they stated that the volunteers would help clean up the area but Commissioner Stallings was also concerned about the traffic that would be coming through town and they said they would look into cleaning up even further down the road towards town. Commissioner Woodlief asked about the liability and they stated that they were covered with a two million dollar umbrella with a 1 million dollar per occurrence. This also came with a no fault policy. Anything that happens will be covered. Mr. Garff explained that there were over 2000 haunted attractions each year. He stated that he's known people that have been doing this type of business for 17 years and have watched how it's done. Commissioner Stallings asked when they would start the set up and Mr. Garff stated that they would be working all summer to get this set up once the hay in the field has been cut. Mayor Hardwick stated that he had attended the Clayton Fear Farm and that it was a lot of fun. Mr. Garff stated that they would use the natural terrain to help with the haunted walks. There would be a bonfire, which they have already spoken to the Fire Marshall about, which will be surrounded to make it safe. He did state that this was not aimed at children under 10 years old. They explained that the presence of the police makes a big difference. The Clayton Fear Farm had some problems when they first started but adding off duty officers, the problems had pretty much gone away or are handled quickly. Managers will be patrolling the parking area, which will not have any frighteners, so that area will be well under control. The police officers will be by the entrance with radios. There will be enough lighting to make things safe and secure in the parking area. No drugs, smoking, or firearms will be allowed. Each person will have to sign a waiver that protects both parties and lets them know that if rules are broken, they will be escorted out of the event. The cost per person will be around \$13.00 to \$15.00 each. Commissioner Redd stated that she felt this was a good idea that would bring people to Youngsville. Chief Kirts wanted to make sure that Mr. Garff and Mr. Huguely understood that the only off duty officers with arresting power was the Franklin County Sheriff's Office and Youngsville Police Department. When asked if his officers would work, he stated that it was up to the officers.

**MOTION: TO APPROVE THE APPLICATION FOR SPECIAL EVENT –
BRIAN GARFF AND GEOFF HUGUELY**

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

The third item under New Business was the Report from the Tax Collector. Hurd stated that there was over eleven thousand dollars still due though several people had promised to bring in payments before the Tax Liens were advertised on March 30th.

The fourth item under New Business was the Order of Advertisement of 2010 Unpaid Real Property Taxes as Required by GS 105-369(A).

MOTION: TO APPROVE THE ORDER OF ADVERTISEMENT OF 2010 UNPAID PROPERTY TAXES AS REQUIRED BY G.S. 105-369(A)

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

The next item on the agenda was Old Business. The first item under Old Business was to continue the discussion on the Revised Ordinance for Animals. Robbins stated that this was presented last month and was tabled to make some changes. Robbins stated that she and Commissioner Stallings had worked on this and the changes were marked in blue and red. This would limit 5 dogs per house. The exceptions to this would be kennels and veterinary hospitals as allowed by the Zoning Ordinance. Robbins also stated that there some minor changes in wording. Also, it now states that the Chief of Police will make all attempts to capture but once that fails the Franklin County Animal Control will be contacted for assistance. Commissioner Roberts asked if Robbins had checked with other towns and Robbins stated that Franklinton and Bunn had no limits and Louisburg has a limit of 5 dogs. She also stated that she thought Wake Forest had no limit.

Commissioner Stallings stated that he had no problem abstaining from this vote since he was the Franklin County Animal Control Officer. Commissioner Johnson asked if the dogs would be grandfathered and was told no. Mayor Hardwick and Commissioner Redd asked if this included AKC Breeders and Robbins stated that it could be changed to include that if needed. Commissioner Redd asked about cats and Robbins stated that it was very difficult to track cats but anytime there was a complaint about a stray cat, they were trapped and taken to the Franklin County Animal Control. Commissioner Redd asked about the chickens since it was not shown on this ordinance and Robbins explained that since there were to be no changes to that, only the portions about dogs were shown on the paperwork being discussed. The chickens were listed under Ordinance 8.304.

Amy Dean stated that she was a breeder of Great Danes and was very unhappy about the limitations that were being discussed or the fact that people in town did not know it was being brought before the Board at all. She passed out some information from the AKC about laws that limit amounts of dogs allowed. Mrs. Dean stated that she knew that 5 dogs sounded like a lot but when breeding, it was not really that many. She stated that she was not a big breeder, that they only had 2 litters a year. Limiting the dogs that she could have would put her in a bad spot trying to raise Champions. She has two champions at this time only one of her six dogs is not a show dog. Putting this limitation would squash her career goal of being a judge for these Championships. She explained the rules and regulations required for being a judge and that included having bred a certain number of litters and having a certain number of dogs winning shows. She stated that her dogs were an investment. Her breeding stock has their health certified and sells

for around \$1500 to \$2500. Some Great Danes can be sold for around \$6000 if they have the right kind of coat. She stated that there were tests that had to be passed, fees that had to be paid. She explained that she has put quite a bit of money into this business. She stated that if this limitation passed, she would not be able to breed her dogs to different blood lines again. The life expectancy of a Great Dane is around 5 years but her dogs have a tendency to live up to 12 years. By the time one of them passed away to allow for another, the one she wished to breed them to would be too old for breeding. When purchasing her home, Mrs. Dean stated that had asked if there were limits and was told no at the time. She explained that Raleigh had fees for licensing and that could be an option for Youngsville as well. When she moved here, she liked that it was a dog friendly community. She stated that she has invested money in a good quality high fence that can contain her dogs. Mrs. Dean stated that if she couldn't breed her dogs, she may have to move out of town. She stated that she did not want to do that because they like the community, her kids like the community. Mrs. Dean stated that she understood this came about because of one person in town who was said to have anywhere between 4 to 20 dogs. She stated that just because of one irresponsible person, others should not have to pay the price. Mrs. Dean stated that when she did some research about the area, she found that there were a lot of kennels and training centers in the area. There is one agility center outside of town that had AKC events with lots of people being drawn to the Youngsville area. The people that she has spoken with are concerned about the limitations as well, even though they are outside of city limits and this would not affect them. They stated they were concerned this would become another Cary. Mayor Hardwick stated that Youngsville would not become like Cary. Mrs. Dean stated again that this limitation would affect her AKC judging license since she would no longer be able to fulfill her requirements. She stated that she knew of people that would be happy to come and talk to the Commissioners to find easier ways to enforce issues with dog owners. She requested the Board to consider putting off these limitations considering the impact it could create. Mayor Hardwick stated that he appreciated how well maintained her dogs are as opposed to others he has seen. Commissioner Redd stated that she appreciated her coming to the Board Meeting to voice her opinions and concerns. Commissioner Redd stated that she loved having all the people come tonight to let the Board know how much they loved the Youngsville Community and the Board was here to help. Mayor Hardwick thanked Mrs. Dean for coming. Robbins stated that only Ordinances 8.301 through 8.305 were being changed, no changes were being made to 8.306.

MOTION: TO TABLE THE DISCUSSION OF THE REVISED ORDINANCE – ANIMALS FOR ONE MONTH

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

The second item under Old Business was to continue the discussion of the Application of Rural Center Grant for Johnson's Farmers Market Restaurant. Robbins stated that she had not heard from Mr. or Mrs. Johnson concerning this grant application. Mayor Hardwick stated that maybe it should be taken off of the agenda until we do hear back from them.

MOTION: TO REMOVE THE DISCUSSION OF THE APPLICATION FOR RURAL CENTER GRANT – JOHNSON’S FARMERS MARKET RESTAURANT.

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

The third item under Old Business was to continue the discussion of the Road System. Robbins stated that this had been brought before the Board months ago but had been put off until March so that the Board could see if there were any repairs needed after the winter. She stated that there was \$34,158.89 in the account. Robbins stated that the Board needed to decide where to spend the money, either on repaving/repairing the roads or on sidewalks. She stated that there would be no pedestrian/bicycle route grant this year. Commissioner Johnson stated that there was nothing in front of CAMPO at this time for those types of projects. Robbins explained that the Safe Routes to School grant had been brought up before. This would cover putting in a sidewalk from N College Street to 5 Points, then from 5 Points to the School. The funding for this type of grant was based on population. In order to even start the grant process, a plan would need to be made, costing around \$25,000 - \$31,000. DOT would only reimburse for \$24,800 of that cost. Even if the cost of the plan was lower, it still did not guarantee the awarding of the grant and could possibly be money wasted. Commissioner Redd stated that she loved the idea but it was a lot of money. Robbins stated that the Town could still apply without the plan if need be. Robbins stated that all Commissioners had been given a list for Capital Improvement for streets in October when this was first brought before the Board. Mayor Hardwick stated that there were some roads that needed work. Robbins stated that each Commissioner has been assigned an area of town that she suggests they ride through and bring any suggestions of repairs or sidewalks that need to be addressed. Robbins explained that there were some pot holes that needed repairs but would have to wait until the weather was warm enough for the asphalt. Commissioner Redd stated that she would love to see more sidewalks. Mayor Hardwick stated that when riding through their areas, the Commissioners should take their Capital Improvement list and go through for the next meeting.

MOTION: TO TABLE THE DISCUSSION OF THE ROAD SYSTEM FOR 1 MONTH.

The motion was made by Commissioner Woodlief and was seconded by Commissioner Stallings. It passed unanimously. Robbins asked them to bring any suggestions for sidewalks as well.

The fourth item under Old Business was to continue the discussion of Recycling. Robbins stated that out of 520 surveys sent out, only 50 were returned. The results were 27 yes, 12 no, 10 don't care, and 1 don't recycle (because their nephew takes it off for them but did not say where the nephew took the recycling). Mayor Hardwick stated that this was strictly for keeping the recycle bin, there would be no curbside recycling due to the costs involved. Commissioner Redd stated that if we kept the recycling bin it needed to be dumped more often. Hurd stated that she had increased the schedule but Commissioner Redd stated that it did not seem to help. She stated that it was an eyesore but would hate to remove it. Mayor Hardwick stated that there was recycling available

down the road at the convenience center located on Park Avenue. Commissioner Redd stated that the recycling would have to be sorted and she had a lot to recycle. She stated that they were looking at putting a Farmer's Market in that area and they will be blocking the street. She stated that if the container was overflowing, it would look bad. Mayor Hardwick explained that the main reason for getting that was when we got rid of curbside recycling; the Board thought this would help. He stated that people from outside of city limits helped to keep this overflowing even though Youngsville residents were paying for it. Commissioner Johnson stated that the gravel did make the area looked well and was more convenient than the mud that was hindering people. Mayor Hardwick stated that if Waste Industries could put it back in the same area every time would help.

Commissioner Johnson stated that what ends up happening is that people come by and see it full, they will go on by it and just stop doing it altogether. Commissioner Stallings stated that he would like to see more gravel. When asked about costs, Robbins explained that Waste Industries has just bought out its' main competition. Robbins stated that it could be tabled again while the Board considered the results of the survey.

MOTION: TO TABLE THE DISCUSSION OF RECYCLING FOR 1 MONTH

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

The next item on the agenda was Executive Session (if necessary). Mayor Hardwick stated that there was no reason to go into Executive Session and asked for a motion to bypass.

MOTION: TO BYPASS EXECUTIVE SESSION

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

The next item on the agenda was Reports and Other Business. Mayor Hardwick stated that the Planning Session on March 8th was well attended and the Board received some good feedback from the citizens. He stated that we could move towards future work sessions. Mayor Hardwick thanked the people for coming to the meeting to voice their concerns.

Robbins stated that the garbage day has been moved from Wednesday to Tuesday. Waste Industries has bought out Shaw Sanitation and in an effort to consolidate all of the customers and minimize the routes, they had to switch our days. Robbins stated that both she and Hurd had spoken with Lee Bodenhamer from Waste Industries. She stated that postcards were mailed out to all of the residents and Waste Industries had agreed to pay for the postage. Also, Waste Industries would be putting notices in the roll carts as well.

Robbins stated that the Business Expo would be held on March 17th from 4-8pm at the Youngsville Armory.

Commissioner Redd stated that she and Michelle Price had been working on getting a Farmer's Market for Youngsville. Letters would be sent to local farmers. This would be hosted by BABY (Building a Better Youngsville) and would be nonprofit with any

proceeds going back to YABA. She stated that she had included an informational packet with the agendas for the Board to take a look at. She stated that it would be located on N.E. Railroad Street by the recycling bin. They would be closing off the street and the Farmer's Market would also include crafts as well. People would be allowed from any county. She stated that Wake Forest Farmer's Market was no longer taking new vendors but did have a waiting list. Commissioner Redd stated that they would have banners that would be put up on the poles and hopefully people heading to the ballgames or soccer games would stop by. April 16th would be 1st weekend they would be open. The Farmer's Market would run from April through October from 8am – noon. Ms. Price stated that they would be starting small.

The meeting adjourned at 8:27 pm.