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# MINUTES

**JUNE 14, 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, and Terry Hedlund. Commissioner Joseph Johnson was not in attendance. Also in attendance were Town Administrator Roe O'Donnell, Town Clerk / Tax Collector Emily Hurd, Town Attorney Edward Bartholomew, Police Chief Daren Kirts, Assistant Fire Chief Justin Graney, 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 Hedlund and was seconded by Commissioner Wiggins. The motion passed unanimously.

The first item on the Agenda were Public Hearings. The first Public Hearing was for the Proposed Budget for FY 2018/2019 with a Tax Rate of \$.66. Mayor Flowers called the Public Hearing to order at 7:01pm. As there were no comments, Mayor Flowers closed the Public Hearing at 7:02pm.

The second Public Hearing was for a Request to Rezone 101 and 111 E Persimmon Street from Residential Single Family (RS) to Main Street Business District (MSBD) by Pacific Development LLC. Mayor Flowers called the Public Hearing to order at 7:02pm.

Jessica Stapleton, 107 Jared Way, Louisburg, wanted to express concerns about additional traffic at the intersection near her business, The Hair Vault. She noted the upcoming Main Street Improvements Project would add crosswalks but she still had concerns about safety. Ms. Stapleton stated the entire block would now be commercial. She wondered if a stop light at the railroad tracks would be beneficial. Ms. Stapleton stated that accidents happen often at that intersection and extra traffic was a huge concern for her.

Another resident had questions not concerning the Public Hearing and was asked to hold off until Citizen's Comments.

As there were no more comments, Mayor Flowers closed the Public Hearing at 7:07pm.

The next item on the agenda was citizens' comments. Attorney Bartholomew wanted to remind the public they would be limited to five minutes to allow time for everyone to be heard.

Susie Foster, 209 Spring Park Way, Wake Forest, stated she started Suzanna's Antiques about nine months ago and the first six months felt very nice and simple which was welcoming. Recently, she has had several matters come up with the Town and has met with O'Donnell and/or Clark on each matter as they came up. Ms. Foster explained she received a Warning Citation concerning clutter at her Antique Shop, which was violating the Ordinance. She stated she was extremely disappointed as she felt that she keeps a clean and orderly business. Ms. Foster stated she was surprised about the notice and met with O'Donnell and Clark, who helped her work out some things. She stated she wanted to let the entire community know that she felt extremely picked on, as it was unnecessary, since she didn't feel it was cluttered. Ms. Foster stated it was explained to her that items looked like they were just sitting around but she explained that she replaced items as they sold, for example she would replace one of the mantles with another after she sells one. She stated she feels like her business is a huge asset to the community. Ms. Foster noted the Warning Citation made her feel overwhelmed and uncomfortable. She apologized if she was a little cluttered though it was not her intention.

Ms. Foster also wanted clarification on the Main Street Improvement Project. She stated she would like to see the crosswalk closer to the railroad tracks, if at all possible. Ms. Foster stated she understood parking spaces may be lost in the process. She stated there was a lot of input by the community and then she heard differently afterwards. Mayor Flowers noted the Main Street Improvements Project's plans are about 75% and they will have another open hearing for public comments soon.

Brenda Wade, 119 E Winston Street, stated that she knows Ms. Foster from Raleigh. She stated that when Ms. Foster moved to Youngsville it brightened up the area, including the addition of the coffee shop and ice cream shop. Ms. Wade stated it has a really small town flair and she loves it. She noted the outside storage helped show the type of business that Ms. Foster runs. Ms. Wade explained having items outside make people think about what may be inside. She stated she thinks it looks good outside. Ms. Wade noted that Ms. Foster will have a Christmas Festival with music and snacks at her location. She noted she was on Ms. Foster's side.

Ms. Wade also wanted to mention the noise complaints against Wine and Beer 101. She noted the business has brought socialization to the downtown area and is bringing people together in the community. Ms. Wade stated that she loves this little town and wants to keep it safe, so she understands about having rules for zoning.

Ms. Stapleton, 107 Jared Way, Louisburg, expressed concerns about a new business going into 118 E Main Street, the Yacht Club. She noted the Planning Board did not address open consumption in the common area. Ms. Stapleton also expressed concerns that teenagers would try to go into the Yacht Club and wanted to know how the business would monitor them, especially with a sandwich shop and ice cream shop so close. She

noted that we have already lost one landmark due to a drunk driving incident in our town so she wanted to know what would be the protocol on that.

Ms. Stapleton did want to note that she loved Wine and Beer 101 and they go there frequently. She stated they handle themselves very well. Ms. Staple stated Suzanna's Antiques was great and was extremely excited for the businesses we have. She reiterated her concern that there were so many children around the ice cream shop, with the rules and regulations that were requested for Wine and Beer 101, and with the Yacht Club being just a strict bar, what kind of image that will put off being behind an ice cream shop for our children.

Doug Buttram, 116 E Winston Street, stated he has heard negative feedback about Youngsville from small businesses. He noted that during a conversation concerning the hodge podge of buildings in various stages of disrepair and occupancy, the man told him the best thing to happen to Youngsville would be to bulldoze downtown because of the way it looked. Mr. Buttram noted several buildings have been in terrible disrepair and vacant for many years. He stated that when businesses come in that are willing to take on these buildings / facilities, he felt the Town should help facilitate, and not frustrate, that for them. Mr. Buttram stated the Town should provide guidance in a respectful way to keep good relations. He stated Youngsville has a bad history for economic growth and used the Industrial Park, or what is left of it, as an example. Mr. Buttram stated the Industrial Park from over twenty years ago was mismanaged with taxation and being annexed to the point where every occupant left. He stated some of these buildings have sat empty for almost twenty years. Mr. Buttram noted the traffic was still terrible, which was not the fault of the businesses. He stated it will only get worse with the new developments, especially without a bypass in the near future. Mr. Buttram noted people used the back roads to bypass Main Street and felt Youngsville needed to get NC DOT on board to facilitate the bypass. He stated the Town needs to help people that want to start businesses, welcome them, and facilitate growth to help make Youngsville a place to be proud of. Mr. Buttram noted there was a citizen that purchased property who has yet to build on the land and felt that citizen needed help as well. He stated his point was that we needed to help these people do what they need to do in order to make a good living in this town and make it a place we don't want bulldozed so we can be proud of Youngsville.

Laura Buttram, 116 E Winston Street, agreed with everything her husband just said. She also wanted to add they walked every night and saw violations everywhere. Mrs. Buttram listed several violations that she has noticed and felt had been overlooked by the Town but yet she felt that Suzanna's Antiques was being picked on.

Mrs. Buttram also noted they went to Wine and Beer 101 every weekend for the fellowship. She did note the music was a little loud and felt that the Town should let the owners know what decibel levels they need to adhere to in order to help tone down the volume. Mrs. Buttram stated that she has to wear cotton balls in her ears when she is up there so it doesn't hurt her hearing because the bands are loud. She reiterated that the Town needed to let them know what is acceptable in a way they can measure it so they can have outside music. Mrs. Buttram stated it gets pretty crowded inside, especially in

the summer, so it's nice to be able to go outside and have a band on the patio. She stated she understood some of the neighbors complained and agreed the volume did need to be toned down a little bit.

Amy Karlgut, owner of Wine and Beer 101, wanted to follow up the discussion from last month's meeting about the bands and Noise Ordinance. She agreed it was hard to hear, which was why they wanted to move the music outside. Ms. Karlgut noted she had hand-mailed notices about the summer festivals to all of the neighboring property owners within a thousand feet. She noted there were no complaints from the June concert on the first Saturday of June. Ms. Karlgut reminded the Board that the bands were willing to manage the level of their music. She stated Officers Kimball and Zuniga came out to measure the decibel level, however, she had asked to be involved when they did and had not been notified. Ms. Karlgut stated she wanted to know when it was recorded as well as the address where the readings were taken. She also noted the first time it was done was at the gate in their parking lot instead of where the complaints had been filed. Ms. Karlgut wanted to make sure they were able continue their summer series in July, August, and September.

Carolyn Palmer, 318 N Nassau Street, wanted to discuss the budget but since the Public Hearing had already been closed, she was unable to speak. However, the Board did answer her question, noting the tax rate would remain the same as last year.

Jonathan Nichols, 45 Old Spur Road, wanted to thank the Board for their work in the community. He stated he has lived in the area for six months and has three small children. Mr. Nichols explained the reason they moved here is because Youngsville has a lot of potential and he wanted to introduce himself, as well as become more involved and give back to the community. He stated he wanted to make sure that Youngsville takes a proactive approach to accommodate the growth, be business friendly and be family oriented. Mr. Nichols reiterated he wanted to get involved in his community and he sees the value that communities like Youngsville have. He stated that he felt we have a lot of potential and we are at a crossroads with the new surge of growth and he reiterated that he wanted to make sure we are being proactive for that growth. Mr. Nichols thanked the Board and noted he appreciated all they do.

Robert Woessner, 103 Bayberry Lane, noted he has been a citizen of Franklin County since the mid 1990's. He noted Youngsville has never had a destination spot like Wine and Beer 101, which gives people a reason to stop in Youngsville. Mr. Woessner stated he enjoyed the music and adult conversations. He noted Wine and Beer 101 is a wonderful addition to the town and they care about the people. Mr. Woessner explained that he is a sound engineer so he understands. He stated traffic was louder than the music and noted the location of the bands was ideal. Mr. Woessner stated he didn't feel the music could really affect the neighborhood because of that. He reiterated he enjoyed going to Wine and Beer 101 and felt they were an asset to Youngsville.

Linda Benkin, 209 E Winston Street, stated she has lived in Youngsville for six years and she supports the music at Wine and Beer 101 as well. She agreed the music was loud at times but it makes a huge difference now that it has been moved outside. Ms. Benkin

also mentioned the traffic noise was high as well. She stated Wine and Beer 101 inspired people to come to Youngsville and is a huge social factor in this town. Ms. Benkin stated she felt Wine and Beer 101 was helping to bring Youngsville back to life.

Ms. Benkin also wanted to support Suzanna's Antiques. She noted it was not as junky as the Red Barn was. Ms. Benkin felt the shop was set up nice and orderly, as well as being kept neat and clean. She mentioned the coffee shop was also adorable and helped to bring in business to Youngsville. Ms. Benkin felt the Board and Staff should support these businesses.

Brian Tozer, 115 E Franklin Street, moved to Youngsville for the small town feel. He noted the lack of signage for emergency services, as well as signage for pedestrian crossings.

Mr. Tozer stated Ms. Foster had helped him with charity drives. He noted he and his girlfriend have refurbished several items from her shop. Mr. Tozer stated Youngsville has character and flair about it and he can't wait to see what happens. He stated he understood there were rules and regulations, along with decibel levels. Mr. Tozer stated he loved Wine and Beer 101 also. They have helped him with charity events as well. He felt the Town needed to take care of the businesses in town, as they are the heart of Youngsville. Mr. Tozer stated it was a pleasure to live in Youngsville.

The next item on the agenda was the Financial Report. O'Donnell noted the finances looked to be in good shape and above what we expected.

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

- i. Minutes from the Board Meeting on May 10, 2018
- ii. Minutes from the Budget Work Session on May 8, 2018
- iii. Tax Collector's Report
- iv. Police Department Report
- v. Youngsville Fire Department Report
- vi. Resolution amending the Town of Youngsville's Schedule of Fees and Penalties
- vii. Adopt contract to audit accounts with Winston, Williams, Creech, Evans, and Co. LLP
- viii. \$250 donation to the Youngsville Fall Festival (Kiwanis Club)
- ix. Tax Release for Modern Upholstery for 2012 – 2014 business personal property totaling \$13.92
- x. Capital Project Ordinance

**MOTION: TO APPROVE THE CONSENT AGENDA AS PRESENTED**

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

The next item on the agenda was Old Business. The first item under Old Business was to adopt the proposed Budget for FY 2018/2019 with a Tax Rate of \$.66. Commissioner Wiggins noted there was not a tax increase and Mayor Flowers agreed that it was staying the same as last year.

**MOTION: TO ADOPT THE PROPOSED BUDGET FOR FY 2018/2109 WITH A TAX RATE OF \$.66**

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

The second item under Old Business was a request to rezone property located at 101 and 111 E Persimmon Street from RS to MSBD by Pacific Development LLC.

**MOTION: TO ACCEPT THE PLANNING BOARD'S RECOMMENDED PLAN CONSISTENCY STATEMENT AND RECOMMEND THE APPROVAL OF THE REQUESTED REZONING OF THE APPLICANT'S PROPERTY FROM RS TO MSBD BECAUSE: (1) THE ZONING MAP AMENDMENT IS A LOGICAL EXTENSION OF THE MSBD DISTRICT CONSISTENT WITH THE BUSINESS DEVELOPMENT PATTERNS ALONG THIS PORTION OF THE DOWNTOWN BUSINESS DISTRICT AND (2) CONSISTENT WITH THE GOALS OF THE LAND USE PLAN AND THE ENVISION YOUNGSVILLE REPORT.**

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

The next item on the agenda was New Business. The first item under New Business was a discussion on revising 312.4.3 of the Zoning Ordinance concerning awning colors in the Main Street Business District (MSBD). Clark noted these restrictions were added to the Zoning Ordinance about a decade ago. With the current activity on Main Street, these restrictions were very limiting. He stated this Ordinance had been looked at a couple of years ago but no movement had been made. Clark recommended removing all of 312.4.3 which restricts color and style of awnings in the MSBD. He explained the original idea had been to establish a theme for downtown but without restrictions on other things, such as paint color, it made no sense to keep these restrictions. Mayor Flowers stated he liked the idea and both Commissioners Hedlund and Redd agreed. After a brief discussion, it was decided to have the Public Hearing on August 9<sup>th</sup> to give Staff enough time to get the paperwork in order.

**MOTION: TO SCHEDULE A PUBLIC HEARING FOR AUGUST 9, 2018 TO HEAR COMMENTS FROM THE PUBLIC ON THE PROPOSED REPEAL OF ZONING ORDINANCE 312.4.3**

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

The second item under New Business was 1<sup>st</sup> Call Towing and Recovery. Clark explained there was a violation of the Home Occupation Ordinance due to type of wreckers that are being kept in a residential neighborhood and has requested some relief following a Violation Notice. The problem comes from wreckers not being considered basic automobiles, they are considered commercial vehicles. He stated Mr. Creager had met with Staff to see how to move forward. Because zoning enforcement has begun and the appeal process has expired, the only other option would be for a Conditional Use Permit that would go before the Board of Adjustment, which includes testimony and evidence. Concerns are that this statement could be construed as ex parte communication and violate the rules of Board of Adjustment Hearings. O'Donnell explained this meant the Board could listen tonight but everything mentioned tonight would have to be disregarded during a Board of Adjustment Hearing.

Chris Creager, 106 W Franklin Street, explained he was part owner of a towing company, 1<sup>st</sup> Call Towing and Recovery. Mr. Creager asked for clarification on what he could say and O'Donnell explained what was allowed and what would have to be disregarded if the situation came before the Board of Adjustment. However, if a text amendment was requested, then it would not go before the Board of Adjustment so comments made tonight would be fine. Mr. Creager explained he didn't think he was in violation of the Ordinance as the term automobile was not well defined and should be abided by the way it was written. O'Donnell stated he felt a Variance from the Board of Adjustment was the best course of action for Mr. Creager based on this information he just provided. Attorney Bartholomew explained how the Board of Adjustment (a judicial body) worked as compared to the Board of Commissioners (a legislative body). Mr. Creager expressed concerns about accruing fines while waiting for a Board of Adjustment Hearing. Clark stated Mr. Creager needed to meet with them as soon as possible so they could look at options and decide where to go from there. He stated fines could be suspended during the application process if an application has been filed.

The third item under New Business was a presentation by Logan Harrison on creating a Youth Advisory Board (YAB). Mr. Harrison stated YABs were nice to have and he felt it was past time for one in Youngsville. He explained the YAB would have a Chair, Vice-Chair, and Treasurer/Secretary, along with the members. There would also be subcommittees and activities, such as outreach programs, recruiting, projects, etc. Mr. Harrison stated Youngsville needed a Board to serve the youth of the area and address their issues. He explained the YAB would apply for grants. Part of their community service programs included backpacks for school children, cops and kids, bikes, etc. Mr. Harrison explained they would shadow the local government. He noted this would help raise active voters.

Mayor Flowers asked who would be members and Mr. Harrison explained the age group would be High School, grades 9-12. Mayor Flowers agreed the YAB was needed but expressed concerns that not everyone was as motivated as Mr. Harrison. He asked if interest would continue after initial group graduated and Mr. Harrison explained they would actively recruit to keep the YAB going as members' age out. Mr. Harrison felt the YAB could be life changing. Mayor Flowers asked if this would be open to all High

Schools and Mr. Harrison stated yes. Mr. Harrison explained there would be an initial fee to join to help cover the startup costs. He explained they want to get involved and have a presence.

O'Donnell stated there were two types of ways the YAB could be formed. The first was a subsidy of the Town Board, for example the Planning Board. They would be advisory to the Board of Commissioners, bylaws would be set by the Board of Commissioners and members would be appointed by the Board of Commissioners. The terms would be rotating. After the YAB was appointed, they would then elect the Chair themselves. The second type would have the blessing of the Board of Commissioners but would not be a subsidy Board chartered by the Town. Mr. Harrison stated the YAB would be service based with advisory capacity. They would solve problems in the community but would also advise the Board of Commissioners. O'Donnell stated he would like to have a more thorough conversation in a better setting. Mayor Flowers stated they would set up a meeting with Mr. Harrison to get more in depth on the creation of the YAB.

The next item on the agenda was Closed Session. Mayor Flowers stated that the Board did need to go into Closed Session. General Statute 143-318.10(e) to prevent the disclosure of information that is made privilege or confidential and General Statutes 143-318-11(a) to discuss real property purchase, contracts, or leases.

**MOTION: TO GO INTO CLOSED SESSION TO DISCUSS THE DISCLOSURE OF INFORMATION THAT IS MADE PRIVILEGE OR CONFIDENTIAL AND TO DISCUSS REAL PROPERTY PURCHASE, CONTRACTS, OR LEASES**

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

The Board of Commissioners went into Closed Session at 8:00pm and came out at 8:13pm. Mayor Flowers stated action was taken on item 9A but no action was taken on item 9B. Attorney Bartholomew explained 9A concerned releasing minutes from previous closed sessions. He stated some Closed Session minutes are still unavailable due to their content still being confidential. Closed Session minutes that were released were June 9, 2017, August 10, 2017, and November 9, 2017.

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 wanted to thank everyone for their help on the Budget.

O'Donnell informed the Board that the Pay and Classification Study was ongoing. He noted all of the questionnaires had been turned in and Mr. Reece is ready to begin the interview phase.

O'Donnell stated the Comprehensive Development Plan is approximately one third completed.

O'Donnell stated he received an email from Holt Kornegay of the Franklin County Library, concerning volunteers needed for the Library Development Plan. He noted they would like for the Board to nominate or identify a volunteer / member. O'Donnell stated that it could be a Commissioner or resident of the Youngsville area. He asked that names be brought either to the meeting next month or emailed to him.

O'Donnell reminded the Board he had asked NC DOT to study the 5-Points Intersection. He stated that NC DOT informed him there is a possibility they would pay for the installation of turn lanes at that intersection. O'Donnell explained they may be eligible for a mobility project due to the safety problems at 5-Points. He noted this could mean the improvements would be covered 100% by NC DOT and not cost the Town. O'Donnell stated the Town would need to donate right-of-way at the ABC Store, which would be helpful for them to receive funding. He stated another update would be available in August.

Commissioner Redd wanted to follow up on complaints about the trash at the Wilco on Main Street. She also noted it was happening at the basketball court at Luddy Park. Clark noted that Eudy has spoken with them concerning keeping up with the trash as it accumulates. He stated they are cleaning the trash up regularly but it continues to fall out of vehicles or gets blown onto their property. Clark noted he had walked the Wilco and it had been mostly clean.

Commissioner Redd stated they have delivered sixty five Welcome Wagon bags to new residents. She also noted that Faith Baptist Church also gives them to new members of their church which helps to spread the information to residents outside of town limits.

Commissioner Hedlund stated the Kiwanis Club would be cleaning Highway 96 and S Cross Street tomorrow. He noted the new date for the Fall Festival was September 29<sup>th</sup>, from 9am to 3pm. Commissioner Hedlund asked that Commissioner Redd add information to the town Facebook page concerning NC Art Museum's event on September 15<sup>th</sup>.

Clark stated they have received concerns about storm water at the intersection of US 1A South and Camille Circle. He stated they have contacted NC DOT maintenance and the developer concerning the problem and will continue to monitor the situation.

Clark explained the new statewide rules concerning development fees for water and sewer systems. He stated this went before the Franklin County Board of Commissioners for the best way to collect these fees. Clark explained the new fees would be exclusively used for improvements in the water and sewer systems. Local improvements include a new pump station in the Youngsville area and a new water tower in the Cedar Creek area. Clark stated these fees will help support the needs of the new developments. He noted that everyone, including developers were in support of these fees. Clark explained this fees would not affect current residents, but would help with long range planning.

Clark noted there was a lot of activity and development, including the downtown area. He stated some of the upcoming plans depended on the water and sewer allocations, which gives more time for planning.

Chief Kirts informed the Board he had tried to contact Ms. Karlgut concerning the decibel testing and was unable to get in contact with her, so the officers did move forward with the testing. He explained noise from vehicle traffic was not the same as amplified sound, which is what the Ordinance is concerned with. Chief Kirts also noted that all of the people that spoke in favor of Wine and Beer 101 did not live close enough to be in hearing distance of the music. He explained he had looked into other towns, both large and small, and noted that we were in line with them, though some of the towns had a lower range than we did. Chief Kirts stated there were no complaints since the initial ones.

Assistant Fire Chief Graney wanted to remind the Board and attendees they are accepting volunteers.

Assistant Fire Chief Graney stated they have received their State Fire Inspection results, which were great. He noted they dropped one level to ISO 4, which will entice more businesses to the Youngsville area. Assistant Fire Chief Graney noted the residential rates would remain the same. There was a press release in the Board packets.

Assistant Fire Chief Graney noted the Ordinances that refer to the Youngsville Fire Department were outdated. O'Donnell explained that Staff was in the process of reviewing and revising the Ordinances. He invited Assistant Fire Chief Graney to the next meeting to discuss the proposed changes.

Mayor Flowers noted the 8U All Stars were underway. He stated Parks and Recreation would be hosting a basketball camp.

Hurd reminded the Board that Ethics training was now available for those newly re-elected. She stated she would purchase the webinar in mid-July and get the information to the Board.

Chief Kirts stated the Maintenance Department was keeping up and so far nothing else had broken down.

The meeting adjourned at 8:34pm.