



Town of Youngsville

Board of Commissioners
P. O. Box 190 / 134 US 1A South
Youngsville, NC 27596
(919) 925-3401 – Town Hall / (919) 925-3402 – Fax
CustomerService@TownofYoungsville.org
www.townofyoungsville.org

MINUTES BOARD OF COMMISSIONERS

JULY 9, 2020
7:00PM

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 Cat Redd, Terry Hedlund, Larry Wiggins, and Joseph Johnson (teleconference). Commissioner Scott Brame was not in attendance. Others in attendance were Town Administrator Phillip Cordeiro, Town Clerk / Tax Collector Emily Hurd, Planning and Zoning Administrator Erin Klinger, Police Chief J.W. Whitley, Finance Officer Kari Patton-Motluck, Attorney Daniel Hartzog, Parks and Recreation Director Andrew Smith and Public Works Supervisor Randy Smith.

MOTION: TO APPROVE THE AGENDA AS SUBMITTED

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

The next item on the agenda was citizens' comments. Due to the social distancing restriction for the COVID-19 Virus, citizens attended via web/teleconference. As Scott Turner had not yet called in, he was allowed time later in the meeting.

The next item on the agenda was the Financial Report. Patton-Motluck stated there was nothing significant to report.

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

- Minutes from the Regular Board Meeting – June 11, 2020
- Tax Collector's Report
- Police Department Report
- Planning and Zoning Report

MOTION: TO APPROVE THE CONSENT AGENDA

The motion was made by Commissioner Hedlund 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 to continue the discussion on the request to update the Noise Ordinance by the Victorian Youngsville. Mayor Flowers thanked Cordeiro for the information presented, including the map. Cordeiro explained the information included in the map.

Commissioner Hedlund stated he was good with the information Cordeiro collected and Commissioner Redd was pleased with how many responses they received. Commissioner Wiggins expressed concerns about the number of responses from people that did not live in town. Cordeiro stated he could refine the map if needed and separate the town votes from those in the county. He noted there was an overwhelming support of extending hours on weekends. Including votes from county residents, it was twelve to one in favor of extending the hours, inside of town limits was two to one in favor. Cordeiro stated he would provide more detail via email.

Mayor Flowers stated it was good to see how people outside of town would weigh in, especially concerning how they would visit the town. Commissioner Wiggins noted they didn't have to sleep here.

Commissioner Hedlund clarified the current ordinance had a 9pm cutoff and Cordeiro stated that was correct. Commissioner Wiggins stated the Town was currently not enforcing it. Chief Whitley explained the officers were given a directive this week, for either a complaint or observation, to take a decibel reading to get base lines from residences so they can notify the business owners of any violations. This information will be compared with incident reports so they can get a good idea of the number of violations / complaints. Officers will utilize the decibel meter in order to get real data. When asked, Chief Whitley stated they started this week.

Cordeiro noted that unless a citizen made a formal complaint, there was nothing the Town could do about it. He stated there was a lot they can do moving forward to make sure Officers have this on their checklist for observation. Cordeiro stated they will also solicit feedback from the community, so that when violations are occurring, they report it. Commissioner Wiggins expressed concerns about afterhours calls to 911. He stated citizens were being told they didn't take those types of calls. Chief Whitley stated this was the first he was hearing of this problem and noted he would investigate.

Commissioner Hedlund stated the data supported extending the amplified sound until 10pm on Fridays and Saturdays. Support for 11pm was also substantial. Cordeiro stated he would break the information down further to eliminate those outside of town limits.

Mayor Flowers noted they should set a Public Hearing before any changes were made. Cordeiro stated they could hold a Public Hearing to encourage feedback but would need

one for the changes, once they have been proposed. Mayor Flowers noted there was already a lot of feedback. Commissioner Redd wanted to clarify the Board would have to continue discussing the changes and be decisive on the proposed changes, then have the Public Hearing after that or could they have a Public Hearing for more input, then at the following meeting they could make the changes. Cordeiro explained the Public Hearing would require letting the citizens know what changes were proposed. If the Board wished to move forward with a Public Hearing next month, they could direct him to draft the proposed changes. Commissioner Redd worried about the two-month timeframe. Cordeiro noted that if the Public Hearing has been satisfied, the Board can adopt the proposed changes during the Board Meeting unless they wanted to change the proposed amendments. If changes were made, then another Public Hearing would be required. Attorney Hartzog noted adopting the proposed changes the same day would require a higher percentage of votes. Commissioner Wiggins inquired about hosting events during the pandemic and Cordeiro explained several vendors that are stakeholders in this change are exempt from the restrictions of gatherings, such as weddings. Attorney Hartzog stated he didn't think a change like the one proposed would require a Public Hearing. However, if it is a controversial subject, Public Hearings are encouraged. Cordeiro asked the he investigate and get back with him. Cordeiro agreed the Public Hearing may not be necessary but were encouraged for subject matters such as this. Mayor Flowers stated it was good to allow people to have the opportunity to sound off and express their concerns.

Commissioner Hedlund asked if the Public Hearing would have to be held by teleconference and Cordeiro stated it would, based on current mandates. This may change after July 24th. Cordeiro stated he has not received negative feedback over the virtual meetings but noted engaging in person is different than over the phone. Commissioner Redd stated she would like to have a Public Hearing next month. Cordeiro stated he would draft the language for 10pm on weekends.

MOTION: DIRECT TOWN ADMINISTRATOR TO DRAFT PROPOSED AMENDMENT TO NOISE ORDINANCE ALLOWING TO 10PM ON WEEKENDS AND SCHEDULE A PUBLIC HEARING FOR AUGUST 13, 2020

The motion was made by Commissioner Redd and was seconded by Commissioner Hedlund. The motion passed with three ayes and one nay from Commissioner Wiggins.

Scott Turner was permitted to speak for his scheduled Citizens' Comments. Mr. Turner thanked the Board for allowing him to speak. His concern was the Noise Ordinance regarding construction noises. The Noise Ordinance allowed for construction on weekdays from 7am to 8pm and on weekends from 8am to 6pm. Mr. Turner felt this was too much, especially with people now working from home and students taking classes at home. He felt this was hard on the community, especially on weekends. Mr. Turner requested the Board revisit the Noise Ordinance regarding construction considering the pandemic.

Mayor Flowers thanked Mr. Turner for his time. Cordeiro clarified Mr. Turner took issue with the time frames for construction noise as the construction was bothering him and his family. Mr. Turner's proposed modifications were 7am to 5pm on weekdays and 9am to

5pm on Saturdays. Commissioner Redd inquired if this would include decks and Cordeiro stated yes. Commissioner Redd clarified these changes would require a similar process as the request by the Victorian Youngsville and Cordeiro stated that was correct. Attorney Hartzog explained, other than zoning, most ordinance changes do not require a Public Hearing. However, most Boards hold Public Hearings to get feedback before making changes to the ordinances.

Concerns were expressed about limiting one person's rights for another. Commissioner Hedlund remembered when they had updated the Noise Ordinance, updating the allowable hours for construction. As it has been some time since the changes, it might be time to revisit this. Mayor Flowers noted during the summer, the heat was almost unbearable, so he understood having an earlier start time. Commissioner Hedlund wondered if they should change the hours to seasonal.

It was noted Mr. Turner lived in Patterson Woods. Commissioner Wiggins stated he has seen construction companies start as early as 6:30am. Cordeiro noted people are perturbed but we never get formal complaints that allow enforcement procedures. Commissioner Wiggins stated the construction doesn't bother most people unless it gets loud.

Mayor Flowers asked if the Board wanted to act or think on it and discuss it at their next Board Meeting. Commissioner Hedlund stated he wanted more time to think on it. He also wanted to wait to discuss the situation further when everyone was in attendance. Cordeiro stated he would reach out to people in the development community to see if Mr. Turner's proposed changes would adversely affect their business. Mayor Flowers noted that builders were contracted to build these homes within a specified amount of time, noting that weather could also be a factor. He agreed the construction shouldn't start earlier than the allotted time frame but there wasn't a lot the Town could do if the violations weren't reported. Commissioner Redd stated she was not interested in making changes at this time. The Board decided to discuss this further next month.

The next item on the agenda was New Business. The first item under New Business was the 2019 Tax Collector's Settlement Report. Hurd stated the Settlement Report was a yearly summary of tax collections for FYE 2020.

The first Report is the Preliminary Settlement Report. This includes a list of persons still owing both real and personal property tax for 2019.

The second Report is the "Settlement for Current Taxes for FY 2019/2020" that includes all charges (billing, interest, penalties, etc.) and credits (payments, releases, past due taxes, etc.) to the Tax Collector.

The third Report is the "Settlement for Delinquent Taxes for Tax Years 1998 – 2018". This also includes charges and credits to the Tax Collector for all the delinquent accounts from previous tax years. Included in the credits on this Report is the principal amount of taxes determined to be insolvent and allowed as credits by the Board. There is an attached list that contains delinquent personal property taxes that have been due for over five years and are owed by deceased taxpayers, businesses that are no longer in business,

or taxpayers that no longer own the personal property that was taxed. The taxes are not liens upon real estate. There is a Resolution approving the Settlement with the Tax Collector for Insolvents that will need to be adopted as well.

Hurd noted that just because a tax is listed on the Insolvent list does not mean that she cannot collect it if the opportunity arises. If she happens to find someone on this list and can contact them to collect the money, she will. Hurd noted this happened with Debt Setoff earlier this year.

Hurd stated the total 2019 Taxes placed in her hands were \$1,536,059.49. Credits include payments totaling \$1,526,840.76, releases totaling \$604.50, outstanding 2019 real property taxes totaling 8,055.47 and outstanding 2019 personal property totaling \$558.76.

Hurd stated prior year's delinquent taxes included \$105,895.19 placed in her hands. Credits include payments totaling \$82,812.50, releases totaling \$215.69, outstanding real and personal property taxes in the amount of \$21,759.84 and insolvent taxes totaling \$1,107.16. Hurd explained there was a list of insolvents, including the year and reason they are considered uncollectable.

Hurd stated there was a Resolution to approve the Settlement with the Tax Collector for insolvents. She explained the Order of Collection was needed for her to bill the 2020 taxes. Hurd stated that she was working on balancing a preliminary tax scroll but has not yet received the billing tax scroll.

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

The motion was made by Commissioner Hedlund and was seconded by Commissioner Redd. Commissioner Redd noted Hurd was doing an amazing job. The motion passed unanimously.

The second item under New Business was the Order of Collection.

MOTION: APPROVE THE ORDER OF COLLECTION

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

The third item under New Business was a presentation of Annexation Petition 2020-2 from Franklin McLeod for 104 Tarboro Road. Hurd stated the property was five acres located beside the Dollar General. It will be considered a satellite annexation. As they wish to develop the property, Franklin McLeod had to petition for voluntary annexation based on current policy.

The fourth item under New Business was a Resolution directing the Town Clerk to investigate Annexation Petition 2020-2 from Franklin McLeod for 104 Tarboro Road.

MOTION: APPROVE RESOLUTION DIRECTING TOWN CLERK TO INVESTIGATE ANNEXATION PETITION 2020-2 – FRANKLIN MCLEOD – 104 TARBORO ROAD

The motion was made by Commissioner Hedlund and was seconded by Commissioner Wiggins. The motion passed unanimously. Commissioner Wiggins inquired about the property and Klinger explained it would be a self-storage facility. She explained the Board had approved their high-density watershed permit a few months ago. When asked, Klinger stated this was a new facility and not an expansion of the facility across the street.

The fifth item under New Business was the presentation of the Certificate of Sufficiency for Annexation Petition 2020-2 from Franklin McLeod for 104 Tarboro Road. Hurd stated she received the annexation petition in a timely manner and was able to move forward with her investigation. As everything was in order, she was able to present the Certificate of Sufficiency.

The sixth item under New Business was a Resolution fixing the date of the Public Hearing on the question of annexation pursuant to G.S. 160A-31 for Annexation Petition 2020-2 from Franklin McLeod for 104 Tarboro Road. Hurd stated the Public Hearing would be held during the August 13th Board Meeting.

MOTION: APPROVE THE RESOLUTION FIXING THE DATE OF THE PUBLIC HEARING ON THE QUESTION OF ANNEXATION - ANNEXATION PETITION 2020-2 - FRANKLIN MCLEOD - 104 TARBORO ROAD

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

The next item on the agenda was Reports and Other Business. Mayor Flowers stated he was ready for the pandemic to be over so everything will get back to normal. He stated the new Keys to the City look great.

Cordeiro stated everything was going well with the new Public Works facility. He noted the design is almost complete and has been turned over to the engineer for construction plans to be drawn. The Town has received environmental approval from the Army Corp of Engineers, and they are still waiting on approval from the State. Cordeiro expected the steel to arrive in late September or early October. They should be able to break ground around the same time. He stated work should be completed by late January or early February.

Cordeiro stated he was still in negotiations with NC DOT for the Main Street Improvements Project (MSIP) for an agreement to reimburse the Town within our set timeframe. This will help the Town proceed as quickly as possible.

Cordeiro summarized Staff was preparing to amend the amplified sounds for 10pm and the Public Hearing would be scheduled for next month.

Cordeiro stated the Town added a new Fleet Mechanic, Dyron Kearny, to staff. Mr. Kearny has already saved the Town money in repairs and felt he would be a good member of the Town team. Cordeiro stated the Police Department has been recruiting as well. They will select for their Administrative Specialist soon out of a high-quality pool of applicants. The Police Officer position also has high-quality candidates. Cordeiro stated they still needed to complete some background information. He noted the competitive compensation, as well as dedicating necessary resources, has helped in the recruiting process. Cordeiro stated these efforts have been appreciated.

Commissioner Hedlund noted there was a pothole across from the one he previously mentioned. He noted NC DOT had repaired the one at the stoplight. Cordeiro stated he continues to work with NC DOT. He noted the new fiscal year had just begun, which may net better results. Commissioner Hedlund stated both potholes were very deep.

Commissioner Hedlund asked for updates on the new building on SW Railroad Street, which is supposed to be an antique store. Klinger stated they were working on getting their final inspections. Commissioner Redd noted one of the owners had been on site earlier in the day. Klinger explained there were some problems with the stormwater drainage as the contractor had installed it on the neighboring property. She stated they were in the process of getting that corrected.

Commissioner Wiggins noted the owners had come before the Board of Adjustment for permission to conduct their business out of their home on Main Street for approximately eighteen months. He stated it has been four years and the materials are still stacked up around their house. Commissioner Wiggins stated they are running a cleaner at least one or two morning each week. Cordeiro asked for clarification on the locations. Mayor Flowers asked Cordeiro and Hurd to investigate. Commissioner Wiggins stated they had added a substantial storage building behind their house. He noted they also have material stored on the old Town Hall property that has been there for years. Klinger stated the storage building was permitted. Commissioner Wiggins stated they have started filling the building with materials.

Commissioner Redd stated Chief Whitley was doing a great job. Everything seems to be going good here in Youngsville. She was happy the Town was able to hire a Fleet Manager. Commissioner Redd stated she has two new neighbors, noting the number of new people moving to Youngsville.

Commissioner Hedlund thanked Mayor Flowers and Jim Moss for their help on the road cleanup a couple of weeks ago. They totaled twenty-eight bags during an extremely hot day. Commissioner Redd thanked everyone for their help in keeping the roads of Youngsville clean. Commissioner Hedlund stated he may need more help soon.

Commissioner Hedlund noted East Woods of Patterson was having the remaining portion of sidewalks installed, which will run the length of Blue Heron Drive.

Klinger read the Planning Report into the record. During June, there were 14 permit applications and 14 permits were issued; six for new homes, four for accessory structures, two for new signs, one for a business upfit and one for a sewer line replacement. There were two site plan submittals; one for a new business (Coolwick Warehouse) at 80 Weathers Street and one for an expansion for Wake Electric at 228 Park Avenue. Three Certificates of Compliance were issued.

Over 50 new signs were identified via the expenditure of eight staff hours during focused sign sweeps. Over 40 illegal signs were immediately removed by town staff during those sweeps. Two notice of violations were mailed for illegal signs. Both were mailed to LGI Homes for off-premises signage; one at US #1 and Holden Road and the other just west of US 1A on Holden Road. The first notice has a correction date of July 13th and the second has a correction date of July 24th. Penalties will be assessed for any illegal signage placed by this company moving forward.

A notice of violation was issued for pallets left in the right of way at 321 N Nassau Street. This violation has been remedied. Two notices of violation were issued for trash and debris with a deadline of July 10th to have the violation removed. A notice of violation was also issued for a junk vehicle with a remediation date of July 10th.

Klinger noted there will be text amendments coming soon regarding the Youngsville Development Ordinance (YDO). She explained Rick Flowe had mentioned these during the YDO process.

Chief Whitley read the Police Department Report into the record. The Youngsville Police Department recorded 422 calls for service during the month of June compared to 277 calls during the same month last year. Of those 287 calls for service, 19 reports were taken, and 117 citations were written. Chief Whitley noted there was not a rise in crime in Youngsville, these numbers just reflect a change in the way they must report to the Federal Government.

During June 2020 the Youngsville Police Department investigated 12 motor vehicle collisions as compared to 13 in the same month last year. There were two hit and runs reported. There were two minor injuries reported this month.

Our agency’s traffic safety initiative continued through June with the following enforcement actions taken between June 25 and July 1, 2020.

Speeding >15mph	10
Speeding <15mph	11
Stop Sign Violations	5
Turn Sign Violations	1
No Operator's License	3
Driving While License Revoked	1
Window Tint	1
Expired Registration	1
Total Enforcement Actions	33

There has been a notable decrease in observed violations on our side streets during this campaign, which resulted in officers expanding their efforts to include our primary points of ingress and egress through town.

A geographic breakdown of posted speed limit violations included:

- Holden Road – Officers issued 10 speeding citations and 18 written warnings for speeding. The highest observed speed was 58 MPH.
- NC 96 Highway/S Nassau Street (coming into town) – Officers issued 5 speeding citations and 18 written warnings. The highest observed speed was 53 MPH.
- Youngsville Blvd – Officers issued 3 speeding citations and 18 written warnings. The highest observed speed was 55 MPH

Our participation in community events has been significantly impacted by the Governor's Executive Orders regarding social distancing and public gatherings due to Covid-19; however, our agency's vision to build community trust and partnerships through professional policing has remained constant. Officers have continued to actively visit local businesses to promote community policing as a means of building partnerships and crime prevention.

We are currently scheduled to hold our first National Night Out event on October 4, 2020. National Night Out is a program that partners business owners, citizens and law enforcement to enhance those relationships and promote community interaction. The evening will provide an opportunity for open communication between all involved as well as several fun and educational events.

Officers completed Situational Awareness/ Subject Control training at Wake technical Community College's law enforcement training facility. The course provided officers with highly realistic scenario-based training which focused on the proper application of use of force and de-escalation tactics to mitigate the use of force.

Mayor Flowers noted the change in the town limits sign by Holden Creek Preserve had decreased the speed further out. He inquired if there would be period of leniency and Chief Whitley stated the Officers were issuing warning tickets with the intention to advise when they will start issuing citations.

Commissioner Hedlund expressed concerns about the change in speed on US 1A South heading towards Wake Forest. The change in speed is not properly posted. Commissioner Wiggins clarified the area of concern and Cordeiro stated he would contact NC DOT.

Chief Whitley stated they did stop a man that was going 85MPH heading out of town. This man was arrested later, including other offenses. Mayor Flowers stated the people did speed a lot around here and it was dangerous. Commissioner Wiggins noted N Nassau Street was another high-speed area. He felt that most of them were coming from

the business in that area. Commissioners Wiggins and Hedlund stated they have noticed a decrease in speeders due to the enforcement action of the Police Department.

A Smith stated Kickball Season started this week and noted the first day was a success. He stated they partnered with Chargrill for concessions and it went very well. Isreal Meadows has been contracted to take over regular concessions.

A Smith stated he was working on rescheduling pickle ball classes. He hoped to have these started in August. He stated Fall Baseball registration will start the week of July 20th. They plan on doing adult baseball for the first time. When asked, A Smith stated there was no baseball going at this time. Commissioner Hedlund noted the hills at the Luddy Park were hard to maintain and felt it would make sense to hire a company that has better equipment due to the angle of the hill. R Smith stated it was not easy to maintain. Cordeiro stated he would get with R Smith regarding necessary equipment as he agreed we did not want staff doing anything unsafe.

Mayor Flowers inquired about the basketball courts. A Smith stated the new lights were included in the budget and he was working on getting the gates installed.

R Smith stated their new hire, Dyron Kearney, had 25 years' experience as a mechanic, with numerous certifications. Kearney also has his commercial driver's license (CDL) for heavy equipment. He has been able to help address urgent needs for the Public Works facility and will be instrumental in developing that building. Mr. Kearney was able to save the Town money today on mower repairs that would have cost approximately \$350. He is a very good local speaker and has a lot of potential.

R Smith stated the new uniforms will be a lighter grey, button-up shirt. They do have t-shirts coming in for warmer weather. R Smith stated they will be easily recognizable.

The next item on the agenda was Closed Session. Mayor Flowers stated there was no need for the Board to go into Closed Session.

The meeting adjourned at 8:08pm upon a motion made by Commissioner Wiggins, seconded by Commissioner Hedlund, and approved unanimously.