

## MINUTES – JANUARY 7, 2019

The Board of Aldermen of the Town of Gibsonville met at 7:00 pm for a regular meeting in the Town Hall. The meeting was called to order by Mayor Williams. Aldermen, Owen, Pleasants, Dean, and O'Toole were present. Ben Baxley, Town Manager, and Laurie Yarbrough, Town Clerk, were present. Police Chief Ron Parrish, Public Works Director Rob Elliott, Fire Chief James Todd, Planning Director Brandon Parker, Town Attorney Doug Hoy, Recreation Director Mike Dupree, Craig Hopkins with Gibson & Company; Frissell Dr. residents, Paul Holst and Zack Trame with Frissell Holdings, LLC; Ryan Moffitt, Attorney representing Frissell Holdings, LLC; and several Lindley Park citizens were in attendance.

### Invocation

Alderman Owen gave the invocation.

### Public Comments

Shirley Pearson, Burlington Ave. resident, asked that the annexation of Frissell Dr. be approved.

Joe Orzechowski of 311 Cape Fear Way asked that the cul-de-sac on Cape Fear Way not be used.

Chance Kesiah of 109 Frissell Dr. asked why was developer only annexing part of Frissell Dr. and why were they being granted permanent egress and regress to Frissell Dr. She stated the road agreement asked that the developer only have five co's; she stated this was a mistake. She stated the developer should be required to put a bond out in front of the co's; this would give the town security. She stated the water and sewer agreement was vague; who brings this to the property. She stated the road agreement was detrimental to the Frissell Dr. property owners.

Mayor Williams stated this was public comments; they had three minutes. He explained a public hearing gave each side twenty minutes.

Gary McRoberts of 214 Cape Fear Way stated he had looked at the Gibsonville Development Ordinance 2001-2021. He referred to section 5.4b protect neighbors concerns and section 5.4b5 who compensates property owners for loss of land.

Katherine Stinson of 121 Cape Fear Way stated based on the information she had received; they plan on cutting through the cul-de-sac. She stated concerns with traffic and asked the board to take this into consideration.

Mayor Williams stated the board had already taken this into consideration; the developer would not be coming through the cul-de-sac in Lindley Park.

Lauren Allen, Frissell Dr. resident, stated concerns with construction traffic damaging Frissell Dr. She asked who would maintain the 60' right of way and would there be another lane to use. She stated a concern with only annexing part of Frissell Dr. She asked the board to vote no.

### Approval of Agenda

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve the agenda. The motion passed unanimously.

### Approval of Minutes

Alderman Owen, seconded by Alderman O'Toole, made a motion to approve the minutes of December 3, 2018. The motion passed unanimously.

### FY 2018 Audit Presentation

Craig Hopkins with Gibson & Company, Town Auditor, presented the FY 2018 Town of Gibsonville Audit & the FY 2018 Housing Authority Audit for fiscal year ending June 30, 2018. He stated this was an unqualified opinion. He highlighted the audit stating the total net position increased by \$990,692; ending fund balance was \$3,373,300 with a net decrease of \$113,042 (\$1,776,603 was available for spending; unassigned fund balance); Water & Sewer net cash operations was \$735,000; and tax collection rate was 98.61%. He stated there were no issues found; no compliance issues.

Mayor Williams asked had the audit been before the Local Government Commission.

Mr. Hopkins stated yes and approved by the LGC.

Mayor Williams asked was there anything they needed to look for down the road.

Mr. Hopkins stated looks like the town is doing well; the board was looking at the Town's financials strong. He stated there was efficient and good internal control.

### **FY 2019 Audit Contracts Approval**

Ben Baxley, Town Manager, presented the FY 2019 Town Audit Contract & the FY 2019 Housing Authority Audit Contract from Gibson & Company. He stated there was 3% increase from last year. He recommended approval of the contracts.

Alderman Owen, seconded by Alderman Pleasants, made a motion to award the FY 2019 Town Audit Contract & the FY 2019 Housing Authority Audit Contract to Gibson & Company. The motion passed unanimously.

### **Discussion of Frissell Dr. Road Improvement Agreement**

Ben Baxley, Town Manager, stated the Board had asked the Town Attorney and the Frissell Holdings Attorney to prepare a Road Agreement for Frissell Dr. He stated the Board had received a copy of the agreement.

Mayor Williams asked for comments from the Board.

Alderman Owen, seconded by Alderman Shepherd, made a motion to approve the Frissell Dr. Road Improvement Agreement. The motion passed unanimously.

Mayor Williams read an article that was recently in the Times News titled Cities, County cannot stop growth, freedom.

### **Ordinance to Extend the Corporate Limits – 115 Frissell Dr. – Public Hearing**

Mayor Williams stated this was a public hearing; he opened for board comments.

Ben Baxley, Town Manager, stated Frissell Holdings had submitted a new petition for annexation to include an additional piece of property. The Board had approved the Sufficiency of the Petition and set the Public Hearing date for January 7, 2019. At the last meeting this was continued until the January 7, 2019 meeting for the attorneys to prepare a road agreement and give everyone time to review the road agreement. He stated this was a Public Hearing to consider the Ordinance to Extend the Corporate Limits of 115 Frissell Dr.

Mayor Williams stated the town never considered opening the Lindley Park Estates cul-de-sac.

Ryan Moffit with Vernon Law Firm stated he was representing his client Frissell Holdings LLC. He stated his client had petitioned the town for annexation of 115 Frissell Dr. He stated Cape Fear Way cul-de-sac would remain a cul-de-sac; they were not taking action to open the cul-de-sac. He stated a concern with the width of Frissell Dr. with construction traffic. He stated his client had the right to access his property. He stated Frissell Dr. was 60' wide approved by Guilford County in 1967; there was plenty of room. He stated all property owners on Frissell Dr. had easement rights; egress and regress. He stated Frissell Holdings LLC hired his firm in December 2017; in April 2018 they met with Frissell Dr. property owners, town staff, and adjoining property owners. He stated they were proposing 34 single family residents with a 70' lot width; which was similar to surrounding properties. He stated NCDOT had agreed to accept Frissell Dr. into the NCDOT system. He stated he and the town attorney were directed by the board to prepare a road agreement; which they worked on from September to December 2018; this was presented and approved this date. He stated it was his client's obligation to improve Frissell Dr. to DOT requirements. He asked the board to consider approval of their request for annexation of 115 Frissell Dr.

Mayor Williams questioned five c.o.'s being required without road being built.

Mr. Moffit stated this was the NCDOT standards; they require five c.o.'s for DOT to accept the road system.

Zack Trame, builder with Frissell Holdings LLC, stated they had been in business for four years in Alamance and Guilford County. He stated they had added \$500,000 to the tax base in Alamance County and the City of Burlington. He stated they built single family and multifamily and had 22 employees that lived in Alamance and Guilford Counties; they were local. He stated they wanted to be good stewards and

great neighbors.

Bryan Beasher of 125 Frissell Dr. stated he was an adjacent property owner and asked the board to vote no to the annexation request. He stated the road agreement did not address turn lanes on Hwy. 70.

Ben Flora of 135 Frissell Dr. asked the board to vote no on the annexation. He asked why on a portion of Frissell Dr. being annexed. He stated the town should request a performance bond before construction began. He stated US 70 would be a problem; there needed to be four lanes.

Lauren Allen of 135 Frissell Dr. stated a portion of Frissell Dr. in front of her property was being left out of annexation. She stated a concern with the property not perking. She stated the Frissell Dr. property owners had a maintenance agreement. She asked the board to vote no.

Chance Keziah of 109 Frissell Dr. asked why did road agreement say five c.o.'s. She asked why would the town not secure a bond before construction started. She asked who would fix the road if the asphalt got torn up.

Bryan Logan of 120 Cape Fear Dr. stated he was against the annexation. He asked for what was best for their community.

Adrianus Vandergiesen of 124 Cape Fear Dr. stated he was against the annexation; it did not fit the neighborhood.

Mr. Moffit stated the c.o.'s were standard for DOT. He stated Frissell Dr. was in Guilford County and they would submit improvements to Guilford County Planning Department. He stated both attorney's had talked with Guilford County Planning and the plan would have to go through Guilford County plan approval with their Planning Dept. and the Town of Gibsonville as well. He stated this was an opportunity for the property to look like Carson Farms, Lindley Park, and Walnut Crossing subdivisions. He asked the board to approve the annexation and consider the request to rezone the property.

Mrs. Keziah stated the Town of Gibsonville did not have a site plan.

Alderman Pleasants stated this would have to go through the Town of Gibsonville plan review and with Guilford County on the road.

Mr. Moffitt stated there was no site plan; the town and the developer had come to an agreement with the site plan if it came to that point. He stated the developer did not own Frissell Dr.; several property owners have rights. He stated road improvements will be made to NCDOT standards and will be a State road in the Town of Gibsonville; will conform with Gibsonville development standards and ordinances.

Alderman Shepherd, seconded by Alderman Owen, made a motion to close the public hearing. The motion passed unanimously.

Alderman Owen made a motion to approve the Ordinance to Extend the Corporate Limits for 115 Frissell Dr.

The motion died for lack of a second.

Mayor Williams stated the motion to annex died for lack of a second; it was over for the board.

### **Ordinance on Short Term Rentals – Public Hearing**

Ben Baxley, Town Manager stated Town staff was directed to draft an ordinance with regulations for short term rentals. The draft amended the ordinance by adding the use to the Definitions, Permitted Use Schedule, and Developmental Standards for Individual Uses. The Planning Board recommended approval by a 4 to 0 vote. He stated staff recommended approval. He stated this was a Public Hearing to consider approval of the Ordinance on Short Term Rentals and approval of the Statement of Consistency.

Alderman Shepherd, seconded by Alderman Pleasants, made a motion to open the public hearing. The motion passed unanimously.

Mayor Williams opened the Public Hearing

Alderman Shepherd, seconded by Alderman Owen, made a motion to close the Public Hearing. The motion passed unanimously.

Alderman Pleasants, seconded by Alderman Owen, made a motion to approve the Ordinance on Short Term Rentals. The motion passed unanimously.

**AN ORDINANCE TO AMEND THE GIBSONVILLE DEVELOPMENT ORDINANCE WITH RESPECT TO ZONING, PLANNING & DEVELOPMENT ON SHORT TERM RENTALS**

**WHEREAS**, the current development ordinance was duly adopted 1 April 1991; and

**WHEREAS**, during the course of routine interpretation and application the need arises to revise the ordinance, or to correct or clarify certain ambiguities and inconsistencies contained within the text of the ordinance; and

**WHEREAS**, pursuant to development ordinance, proper procedure was made to add Short Term Rentals to Section 2-2.7 General, Table 4-3-1 in Permitted Use Schedule, and Section 6-4 in Developmental Standards to the development ordinance; and

**WHEREAS**, pursuant to development ordinance and statutory requirements, the Town of Gibsonville made due public notification and advertisement of the ordinance amendment; and

**WHEREAS**, after consideration in a public hearing at their regular November meeting, the Gibsonville Planning Board voted unanimous 4-0 to approve the proposed ordinance amendment; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN FOR THE TOWN OF GIBSONVILLE:** that the Gibsonville Development Ordinance be amended by adding Short Term Rental to the Development Ordinance, which shall be fully incorporated therein.

Adopted this 7<sup>th</sup> day of January, 2019.

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Mayor

Attest:

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Town Clerk

**Ordinance Amendment to Home Occupations– Public Hearing**

Ben Baxley, Town Manager stated the proposed amendment to the Home Occupations Ordinance was to remove the “including renting of rooms” from the current Ordinance. The Planning Board recommended approval by a 4 to 0 vote. He stated staff recommended approval. He stated this was a Public Hearing to consider the Ordinance Amendment to Home Occupation and approval of the Statement of Consistency.

Alderman Shepherd, seconded by Alderman Pleasants, made a motion to open the public hearing. The motion passed unanimously.

Mayor Williams opened the Public Hearing

Alderman Shepherd, seconded by Alderman Pleasants, made a motion to close the Public Hearing. The motion passed unanimously.

Alderman Pleasants, seconded by Alderman Owen, made a motion to approve the Ordinance Amendment to Home Occupations. The motion passed unanimously.

**AN ORDINANCE TO AMEND THE GIBSONVILLE DEVELOPMENT ORDINANCE WITH RESPECT TO ZONING, PLANNING & DEVELOPMENT ON HOME OCCUPATIONS**

**WHEREAS**, the current development ordinance was duly adopted 1 April 1991; and

**WHEREAS**, during the course of routine interpretation and application the need arises to revise the ordinance, or to correct or clarify certain ambiguities and inconsistencies contained within the text of the ordinance; and

**WHEREAS**, pursuant to development ordinance, proper procedure was made to remove “including renting of rooms” under Home Occupations from Table 4-3-1 in Permitted Use Schedule, and Section 6-4 in Developmental Standards to the development ordinance; and

**WHEREAS**, pursuant to development ordinance and statutory requirements, the Town of Gibsonville made due public notification and advertisement of the ordinance amendment; and

**WHEREAS**, after consideration in a public hearing at their regular November meeting, the Gibsonville Planning Board voted unanimous 4-0 to approve the proposed ordinance amendment; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN FOR THE TOWN OF GIBSONVILLE:** that the Gibsonville Development Ordinance be amended by removing “including renting of rooms” under Home Occupations from Development Ordinance, which shall be fully incorporated therein.

Adopted this 7<sup>th</sup> day of January 2019.

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Mayor

Attest:

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Town Clerk

**FY 2019 Budget Ordinance Amendment #4**

Ben Baxley, Town Manager, stated FY 2019 Budget Ordinance Amendment #4 was to account for insurance proceeds and the GMA Empty Stocking Fund donation to the Police Department. He stated staff recommended approval of the FY 2019 Budget Ordinance Amendment #4.

Alderman Pleasants, seconded by Alderman Owen, made a motion to approve FY 2019 Budget Ordinance Amendment #4. The motion passed unanimously.

**TOWN OF GIBSONVILLE, NORTH CAROLINA  
2019 BUDGET ORDINANCE AMENDMENT #4**

BE IT ORDAINED by the Board of Aldermen of the Town of Gibsonville, North Carolina, a meeting was held this the 7th day of January, 2019 that the following fund revenues and departmental expenditures together with certain restrictions and authorizations be amended.

**SECTION I. GENERAL FUND**

<b>Anticipated Revenues</b>	<b>FY 2019</b>	<b>Amendment</b>	<b>FY 2019</b>
	<u><b>Current Budget</b></u>	<u><b>Increase/Decrease</b></u>	<u><b>Revised Budget</b></u>
Taxes, Current Year	2,795,000	-	2,795,000
Taxes, Prior Years	24,450	-	24,450
Motor Vehicle Tax	330,000	-	330,000
Penalties & Interest	10,000	-	10,000
Cemetery	12,000	-	12,000
		-	

Recreation	76,000		76,000
Sanitation Service Charge	288,000	-	288,000
Interest on Investments	8,000	-	8,000
Fire District Tax (Guilford)	14,400	-	14,400
Library	2,294	-	2,294
Transfer Perpetual Care	2,700	-	2,700
Sale of Fixed Assets	5,000	-	5,000
Guilford County Funds	55,500	-	55,500
Code Enforcement/Planning	8,000	-	8,000
Brush/White Goods Pickup Fees	1,500	-	1,500
<i>Miscellaneous</i>	<i>27,711</i>	<i>500</i>	<i>28,211</i>
GHA	2,340	-	2,340
Stormwater Fee	30,000	-	30,000
Solid Waste Disposal Tax	4,700	-	4,700
Intangible: Sales Tax (Alamance Co.)	875,000	-	875,000
Intangible: Sales Tax (Guilford Co.)	460,000	-	460,000
Utility Franchise	390,000	-	390,000
Beer & Wine	30,000	-	30,000
Federal Drug Funds	71,032	-	71,032
Powell Bill Funds	189,000	-	189,000
Loan Proceeds	37,933	-	37,933
<i>Insurance Proceeds</i>	<i>-</i>	<i>2,610</i>	<i>2,610</i>
Appropriated General Fund Balance	688,221	-	688,221
Approv'd Fund Balance - Powell Bill	205,000	-	205,000
Approv'd Revitalization Grant	<u>115,119</u>	<u>-</u>	<u>115,119</u>
<b><i>Total Anticipated Revenues</i></b>	<b><u>6,758,900</u></b>	<b><u>3,110</u></b>	<b><u>6,762,010</u></b>

**Authorized Expenditures**

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Governing Board	69,516	-	69,516

<i>Administration</i>	1,255,197	<b>2,610</b>	1,257,807
<i>Police</i>	1,891,765	<b>500</b>	1,892,265
Fire	980,590	-	980,590
Public Works Administration	199,308	-	199,308
<i>Streets</i>	835,442	-	835,442
<i>Powell Bill</i>	312,100	-	312,100
Sanitation	347,050	-	347,050
Recreation	651,234	-	651,234
Library	148,528	-	148,528
Cemetery	18,170	-	18,170
Contingency	50,000	-	50,000
<b>Total Authorized Expenditures</b>	<b>6,758,900</b>	<b>3,110</b>	<b>6,762,010</b>
	0		0

**SECTION II. WATER & SEWER**

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<b>Anticipated W&amp;S Revenues</b>			
<b><u>Water Revenues</u></b>			
Water Service Fees	840,748	-	840,748
Tapping Fees	450	-	450
Meter Setting	10,000	-	10,000
Reconnection Fees	40,000	-	40,000
Loan Proceeds	37,933	-	37,933
Miscellaneous Revenues	13,644	-	13,644
Internet Convenience Fees	7,000	-	7,000
Retained Earnings Appropriation	147,000	-	147,000
<b>Total Anticipated Water Revenues</b>	<b>1,096,775</b>	<b>-</b>	<b>1,096,775</b>
<b><u>Sewer Revenues</u></b>			
Sewer Service Fees	2,103,033	-	2,103,033
Tapping Fees	550	-	550
Meter Setting	10,000	-	10,000
Reconnection Fees	40,000	-	40,000
Loan Proceeds	112,933	-	112,933
Miscellaneous Revenues	13,644	-	13,644
		-	

Internet Convenience Fees	7,000		7,000
<i>Insurance Proceeds</i>	<u>5,491</u>	<u>4,263</u>	<u>9,754</u>
<b>Total Anticipated Sewer Revenues</b>	<u>2,292,651</u>	<u>4,263</u>	<u>2,296,914</u>
<b>Total Anticipated W&amp;S Revenues</b>	<u>3,389,426</u>	<u>4,263</u>	<u>3,393,689</u>
<b>Authorized W&amp;S Expenditures</b>			
<b>Water Expenditure</b>	1,096,775	-	1,096,775
<b>Sewer Expenditures</b>	2,292,651	4,263	2,296,914
<b>Total Authorized Expenditures</b>	<u>3,389,426</u>	<u>4,263</u>	<u>3,393,689</u>
	-	-	-
<b>SECTION III. PERPETUAL CARE FUND</b>			
<b>Anticipated Revenues</b>	2,700	-	2,700
<b>Authorized Expenditures</b>	2,700	-	2,700
	-	-	-

**SECTION IV. TAX RATE ESTABLISHED**

An ad valorem tax rate of \$0.53 per \$100 at full valuation is hereby established as the official tax rate for the Town of Gibsonville for the fiscal year 2019. This rate is based on a total valuation of property of \$612,181,228 and an estimated collection rate of 97.25%.

**SECTION V.**

Charges for services and fees by Town Departments are levied in the amounts set forth in the Fee Schedule (See Attachment A).

**SECTION VI. SPECIAL AUTHORIZATION - BUDGET OFFICER**

- A.** Budget Officer shall be authorized to reallocate departmental appropriations among various object of expenditures as he believes necessary.
- B.** The Budget Officer shall be authorized to effect interdepartmental transfers, in the same fund, not to exceed 10% of the appropriated monies for the department whose allocations is reduced. Notation of all such transfers shall be made to the Board on the next succeeding Financial Report.
- C.** He may make interfund loans for a period of not more than 60 days.
- D.** Interfund transfers, established in the budget document may be accomplished without recourse to the Board.

**SECTION VII. RESTRICTION - BUDGET OFFICER**

- A.** Interfund transfer of monies, except as noted in Section VI. Shall be accomplished by the Board authorization only.
- B.** The utilization of any contingency appropriations shall be accomplished only with Board authorization.

**SECTION VIII. UTILIZATION OF BUDGET ORDINANCE**

This Ordinance Amendment and the Budget Document shall be the basis of the financial plan for the Gibsonville Municipal Government during the 2019 fiscal year. The Budget Officer shall administer the budget and shall insure that operating officials are provided guidance and sufficient details to implement their appropriate portion of the budget. The accounting section shall establish records which are consonance with the Budget and this Ordinance and the appropriate statute of the State of North Carolina.

**Amended this the 7th day of January, 2019.**

**Attest:**

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**Mayor**

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**Town Clerk**

**Tax Releases**

<u>Acct#</u>	<u>Name</u>	<u>Value Reduced</u>	<u>New Value</u>	<u>Actual Taxes</u>	<u>Release \$</u>
37252	Dotty Aguirre	29,348	29,348	155.55	155.54 elderly exempt (refund)
668363	SMI PROPERTIES	2336	0	0	12.38
668363	SMI PROPERTIES	4,987	0	0	26.43
668363	SMI PROPERTIES	22,312	0	0	118.25
457611	SHUGART ENT.	1,658	0	0	8.79
623549	COL GREGORY	50,000	0	0	265.00

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve the tax releases. The motion passed unanimously.

**Reports**

**a. Manager**

Ben Baxley, Town Manager, stated Town offices would be closed on January 21, 2019 for the Martin Luther King holiday. He asked the board to think about a date in February for the board’s annual retreat.

**b. Mayor**

Mayor Williams stated there would not be an agenda meeting in January.

Alderman Shepherd, seconded by Alderman Owen, made a motion to adjourn. The motion passed unanimously. The meeting adjourned at 8:45 pm.

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Mayor

Attest:

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Town Clerk