

MINUTES – AUGUST 6, 2018

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. Alderpersons Shepherd, Owen, Dean, O'Toole, and Pleasants were present. Ben Baxley, Town Manager, and Laurie Yarbrough, Town Clerk, were present. Police Chief Ron Parrish, Fire Chief James Todd, Public Works Director Rob Elliott, Planning Director Brandon Parker, Town Attorney Doug Hoy, John & David Williams, Librarian Jessica Arnold, Josh Johnson with AWCK, Joe Kupiec with CDI Builders, Shawn Dowell, several citizens, and several Sullivan Ct. residents were in attendance.

Invocation

Alderman Pleasants stated Pastor Ricky Cox would give the invocation.

Pastor Ricky Cox gave the invocation.

Mayor Williams led the Pledge of Allegiance.

Public Comment

Shirley Pearson, Burlington Ave. resident, stated Gibsonville was a safe place to live. She asked the Board to approve the rezoning of the 115 Frissell Dr. and 962 Burlington Ave.; the town needed more housing.

Approval of Agenda

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

Mayor Williams stated the property owners of 115 Frissell Dr. had asked that the Ordinance to Extend Corporate Limits and the Public Hearing for Rezoning of 115 Frissell Dr. be continued until the August 20, 2018 meeting. Also, he asked that the Elon/Gibsonville Annexation Line Agreement Discussion be continued until the September meeting.

Alderman Shepherd, seconded by Alderman Owen, made a motion to continue the following items: Ordinance to Extend Corporate Limits and the Public Hearing for Rezoning of 115 Frissell Dr. be continued until the August 20, 2018 meeting; and the Elon/Gibsonville Annexation Line Agreement Discussion be continued until the September meeting. The motion passed unanimously.

Approval of Minutes

Alderman Owen, seconded by Alderman Pleasants, made a motion to approve the minutes of July 2, 2018 and June 16, 2018. The motion passed unanimously.

Ordinance to Extend Corporate Limits – 115 Frissell Dr. - Public Hearing

Mayor Williams stated the property owner requested the Board continue the Public Hearing on the annexation of 115 Frissell Dr. until the August 20, 2018 meeting.

Public Hearings

a. Rezoning 962 Burlington Ave.

Mayor Williams state this was a public hearing, each side would have twenty minutes to speak.

Ben Baxley, Town Manager, stated John & David Williams are requesting the rezoning of their property at 962 Burlington Ave. from RS-20 to CU-RM-8. He stated the Planning Board voted 3 to 2 to approve the rezoning. He stated staff recommended approval of the rezoning and the Statement of Consistency.

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

Joe Kupiec with CDI Builders and the developer and builder of the proposed property; stated he would like to create a twin home/townhome development. He stated he was a custom home builder. He stated this would be low maintenance development with a HOA.

Alderman O'Toole asked did he have a mock up on the property.

Mr. Kupiec stated he was working on one but was waiting to complete it after this step was approved. He stated the home would be one story and one and a half story with a garage.

Mayor Williams asked when would this be done and how many homes would there be.

Mr. Kupiec stated the plan had 55 townhomes; depending on the topography he could not go over 55 per site plan.

Alderman O'Toole asked what about the entrance facade.

Mr. Kupiec stated it would be a nice entrance; quality built.

Alderman O'Toole asked would there be one entry way.

Mr. Kupiec stated technically there would be two; one off Cook Rd. and one off Burlington Ave.

Alderman O'Toole asked about the width of the streets; his concern was public safety.

Mr. Kupiec stated the streets would be to the Town of Gibsonville standards.

Alderman Pleasants referenced lots 36, 27, & 16 being stubbed off streets.

Mr. Kupiec stated yes.

Alderman Pleasants stated these lots looked close to the homes on Sullivan Ct.; a buffer was there but would he leave the woods.

Mr. Kupiec stated the town required a 15' buffer but they would have a 20' landscaped buffer.

Doug Hoy, Town Attorney, asked what would be the price of the homes.

Mr. Kupiec stated high \$200,000 to low \$300,000.

Shawn Dowell of 223 Burlington Ave., real estate developer, and served on several town committees; stated the town was limited on low density development. He stated the Town needed to use it, if they had the space. He stated infrastructure was a good reason to accept this project; it was a good transition from single family, to townhomes, to the existing apartments. He stated this would increase the tax base.

Grant Fox of 212 Sullivan Ct. stated he was not opposed to the development; he would like the conditions to be more favorable to residential. He stated his number one concern was the 20' setback; he was asking for a 50' setback. He stated the existing homes were 50' and this would allow for a landscape buffer. He stated they would like for the developer to leave some of the trees in the buffer. He stated the conditional use included a buffer, site plan, and list of conditions. He asked what was the minimum size of the homes.

Mr. Kupiec stated 1600 s.f.

Mr. Fox stated 1600 s.f. was reasonable. He stated there was nothing in the conditional use that would prevent them from changing anything. He questioned the rezoning before being annexed. He stated the map did not show two exits and entrances.

Mr. Baxley stated the rezoning and annexation was not an issue, it met town requirements; the board would be setting the public hearing for the annexation tonight.

Kathy King, Sullivan Ct. resident, questioned rezoning and not annexing at the same time. She stated this was a 16 acres site with 55 townhomes planned on three parcels. She stated a third of the property could not be developed because of a stream and ponds on the property. She questioned the sewer station being able to handle additional sewer flow.

Dan Branick, Sullivan Ct. resident, questioned the side yard not being truly a conditional use zoning; need to show in words not just on a map.

Mr. Kupiec stated there was a newer map that showed the two entrances; one off Cook Rd. and one off Burlington Ave.

Alderman Shepherd asked if they went with a 50' buffer, what would be the down side.

Stated 50' buffer was not feasible; they would lose a number of townhomes.

Alderman Pleasants asked how many.

Stated they would lose a significant amount of the project.

Alderman Pleasants asked the Public Works Director if there would be a sewer issue.

Rob Elliott, Public Works Director, stated there would not be an issue with the sewer.

Josh Johnson with AWCK stated the sewer outfall ran from Sullivan Ct. and was already there; there would not be a problem.

Grant Fox stated the 50' buffer would cause the developer to lose three units in his calculations.

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

Alderman Shepherd stated the Planning Board heard the request and recommended approval of the rezoning. He stated the developer had made concessions from the original plan from the concerns of area residents.

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve the rezoning of 962 Burlington Ave.; rezone from RS-20 to CU-RM-8. The motion passed by a 4 to 1 vote.

AN ORDINANCE TO AMEND THE GIBSONVILLE ZONING MAP BY REZONING THE PROPERTY OF JOHN & DAVID WILLIAMS FROM RS-20 TO CU-RM-8

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, the property identified on the Alamance County parcels 108807, 108808, 108809 located at 962 Burlington Ave., is owned by John & David Williams; and

WHEREAS, pursuant to development ordinance, proper application was made by the property owner to rezone 11.5 total acres from RS-20 to CU-RM-8; and

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

WHEREAS, after consideration in a public hearing at their regular July meeting, the Gibsonville Planning Board made a recommendation to approve the rezoning request by unanimous 3-2 vote; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN FOR THE TOWN OF GIBSONVILLE: that the Gibsonville Zoning Map be amended by rezoning the above-referenced property from RS-20 to CU-RM-8, which shall be fully incorporated therein.

Adopted this 6th day of August, 2018.

Mayor

Attest:

Town Clerk

b. Ordinance Amendment on Portable Storage Units

Ben Baxley, Town Manager, stated the Board had asked that staff research portable storage unit regulations. Staff prepared a draft ordinance for the Board's review at the last meeting. He stated the Ordinance added the use in the definitions section, Permitted Use Schedule, and in the Developmental Standards for Individual Uses. He stated the Planning Board voted unanimously to approve the Ordinance Amendment. He stated this was a Public Hearing.

Alderman Pleasants, seconded by Alderman Shepherd, made a motion to approve the Ordinance Amendment on Portable Storage Units. The motion Passed unanimously.

AN ORDINANCE TO AMEND THE GIBSONVILLE DEVELOPMENT ORDINANCE WITH RESPECT TO ZONING, PLANNING & DEVELOPMENT ON PORTABLE STORAGE UNITS

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 Portable Storage Unit 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 July meeting, the Gibsonville Planning Board voted unanimous 5-0 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 Portable Storage Unit to the Development Ordinance, which shall be fully incorporated therein.

Adopted this 6th day of August 2018.

Mayor

Attest:

Town Clerk

Set Public Hearing for Annexation - 962 Burlington Ave.

Ben Baxley, Town Manager, stated John & David Williams, the owners of the property at 962 Burlington Ave. had requested the 10.75 acres be annexed; this was the back part of their property (the front part was already in the town limits). He stated the request to annex was continued at the February 6, 2018 meeting for the developer to make revisions to the rezoning request. The annexation petition was presented and accepted at the January 22, 2018 meeting; but fixing the date of public hearing for the annexation was continued at the February 6, 2018 meeting. He stated staff recommended setting the public hearing for the annexation for the regular meeting in September.

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve the Resolution Fixing Date of Public Hearing of Annexation of the property at 962 Burlington Ave. owned by John & David Williams for the September 20, 2018 meeting. The motion passed unanimously.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, petition requesting annexation of the area described herein has been received; and

WHEREAS, the Board of Aldermen of the Town of Gibsonville has by Resolution directed the Town Manager to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Manager as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Gibsonville, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at Town Hall at 7:00 pm on the 10th day of September, 2018.

Section 2. The area proposed for annexation is described as follows:

Property identified as Alamance County Parcel Id 108808, owned by John & David Williams; being property located at 962 Burlington Ave.

Section 3. Notice of said Public Hearing shall be published in the Times News, a newspaper having general circulation in the Town of Gibsonville, at least ten days prior to the date of said Public Hearing.

Adopted this the 6th day of August, 2018.

Mayor

Attest:

Town Clerk

Set Public Hearing for Rezoning of 115 Frissell Dr.

Mayor Williams stated the property owner had requested the Board continue the Public Hearing on the rezoning of 115 Frissell Dr. until the August 20, 2018 meeting.

Elon/Gibsonville Annexation Line Agreement Discussion

Mayor Williams stated staff, Alderman Pleasants, Alderman O’Toole, Josh Johnson with AWCK, Town of Elon Board members, and staff met to work out a possible location of an annexation line between Gibsonville and Elon. He stated this would be continued until the September 10, 2018 meeting.

Declaration of Official Intent to Reimburse

Ben Baxley, Town Manager, stated the declaration of official intent to reimburse was a formality that was required in order for the Town to be reimbursed for the purchase of Public Works equipment (truck, excavator, and sewer camera).

Alderman Owen, seconded by Alderman O’Toole, made a motion to approve the Declaration of Official Intent to Reimburse. The motion passed unanimously.

**TOWN OF GIBSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the Town of Gibsonville, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") 1. Main Line Sewer Camera, 2. Mini Excavator, and 3. One Ton Service Truck.

2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$205,000.00.

4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 6th day of August, 2018.

Mayor

Attest:

Town Clerk

Resolution to Exempt Town Hall Annex Alterations

Ben Baxley, Town Manager, stated the Town was looking at making alterations to the building next to Town Hall that the Town owned. He stated this was required for the Town to be exempt from architectural services if a project is below \$50,000; per G.S. 143-64.31. He recommended approval of the Resolution.

Alderman Shepherd, seconded by Alderman Pleasants, made a motion to approve the Resolution to Exempt Town Hall Annex Alterations. The motion passed unanimously.

RESOLUTION TO EXEMPT TOWN HALL ANNEX ALTERATIONS

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee; and

WHEREAS, the Town proposes to enter into one contract for design services for work on the Town Hall Annex Alterations; and

WHEREAS, G.S. 143-64.32 authorizes units of local governments to exempt contracts for design services from the qualifications-based selection requirement of 143-64.31 if estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF GIBSONVILLE RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

Adopted this 6th day August, 2018.

Mayor

Attest:

Town Clerk

FY 2019 Budget Ordinance Amendment #1

Ben Baxley, Town Manager, stated the FY 2019 Budget Ordinance Amendment #1 was needed to account for fundraising/book sale money for the Gibsonville Public Library (\$294), to reallocate Downtown Revitalization Grant funding (\$55,119), to reallocate funding for the railroad corridor fence (\$8,500), and to fund the Town Hall Annex Rear Parking Improvements project (\$8,000).

Alderman Owen, seconded by Alderman O’Toole, made a motion to approve the FY 2019 Budget Ordinance Amendment #1. The motion passed unanimously.

**TOWN OF GIBSONVILLE, NORTH CAROLINA
2019 BUDGET ORDINANCE AMENDMENT #1**

BE IT ORDAINED by the Board of Aldermen of the Town of Gibsonville, North Carolina, a meeting was held this the 6th day of August, 2018 that the following fund revenues and departmental expenditures together with certain restrictions and authorizations be amended.

SECTION I. GENERAL FUND

	FY 2019		FY 2019
Anticipated Revenues	<u>Current</u>	Amendment	<u>Revised</u>
	<u>Budget</u>	<u>Increase/Decrease</u>	<u>Budget</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
<i>Library</i>	<i>2,000</i>	<i>294</i>	<i>2,294</i>
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
Miscellaneous	22,416	-	22,416
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
Powell Bill Funds	189,000	-	189,000
Loan Proceeds	37,933	-	37,933
<i>Appropriated General Fund Balance</i>	<i>586,721</i>	<i>16,500</i>	<i>603,221</i>
Appro'd Fund Balance - Powell Bill	175,000	-	175,000
<i>Appro'd Revitalization Grant</i>	<u><i>60,000</i></u>	<u><i>55,119</i></u>	<u><i>115,119</i></u>
<i>Total Anticipated Revenues</i>	<u><i>6,495,660</i></u>	<u><i>71,913</i></u>	<u><i>6,567,573</i></u>

Authorized Expenditures

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Governing Board	69,516	-	69,516
<i>Administration</i>	<i>1,183,578</i>	<i>71,619</i>	<i>1,255,197</i>

Police	1,815,438	-	1,815,438
Fire	980,590	-	980,590
Public Works Administration	199,308	-	199,308
Streets	750,442	-	750,442
Powell Bill	282,100	-	282,100
Sanitation	347,050	-	347,050
Recreation	651,234	-	651,234
<i>Library</i>	<i>148,234</i>	294	<i>148,528</i>
Cemetery	18,170	-	18,170
Contingency	50,000	-	50,000
Total Authorized Expenditures	6,495,660	71,913	6,567,573

SECTION II. WATER & SEWER

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Anticipated W&S Revenues			
<u>Water Revenues</u>			
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
Total Anticipated Water Revenues	1,096,775	-	1,096,775
<u>Sewer Revenues</u>			
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

	-9-		
Internet Convenience Fees	7,000	-	7,000
Total Anticipated Sewer Revenues	2,287,160	-	2,287,160
Total Anticipated W&S Revenues	3,383,935	-	3,383,935
Authorized W&S Expenditures			
Water Expenditure	1,096,775	-	1,096,775
Sewer Expenditures	2,287,160	-	2,287,160
Total Authorized Expenditures	3,383,935	-	3,383,935
SECTION III. PERPETUAL CARE FUND			
Anticipated Revenues	2,700	-	2,700
Authorized Expenditures	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.

-9-

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.

