

MINUTES – JANUARY 20, 2015

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, Revels, Owen, Pleasants, and Dean were present. Ben Baxley, Town Manager, and Laurie Yarbrough, Town Clerk, were present. Town Attorney Doug Hoy, Police Chief Ron Parrish, Public Works Director Rob Elliott, Benny Leach, and several Abbey Glen residents were present.

Public Comments

No public comments.

Approval of Agenda

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

Ordinance to Amend the Gibsonville Development Ordinance with Respect to Zoning, Planning & Development on Electronic Sweepstakes Operation – Public Hearing

Mayor Williams stated this public hearing was continued at the last meeting. He stated this was to consider a zoning ordinance text amendment that would address electronic sweepstakes operations in the Town's Central Business (CB) zoning district.

Benny Leach with Sherry's on Main thanked the Police Chief for what had happened on the establishments in town last week. He stated he would like to reemphasize his feelings and stood behind what he said at the last board meeting. He stated he was glad parking was more available. He stated he hoped the board would make a unanimous vote to no longer allow these businesses in the Town of Gibsonville.

Mayor Williams asked Mr. Leach what was the feeling in the community whether they be allowed or not.

Mr. Leach stated he had talked with a few people and they thought it was a good thing they were gone but some disagree when the State allows the N.C. Lottery. He stated he had not really talked with anyone that wanted them here.

Doug Hoy, Town Attorney, stated the Board had an obligation to follow the laws of North Carolina. He stated the State had a case law that rules these businesses not legal and found that a crime was committed by running these establishments. He stated this was continued whether to outlaw in the downtown business district and no privilege license would be issued for electronic sweepstakes operations. He stated the decision before the board was to modify the ordinance with respect to these type operations.

Mayor Williams asked the Town Attorney did he have a concern with not allowing these businesses in certain zoning districts.

Mr. Hoy stated yes, he had a concern in doing this because there was a State ruling these type businesses were illegal.

Alderman Shepherd asked what if the board sent this back to the Planning Board to look at all districts.

Mr. Hoy stated they could send this back to the Planning Board for further study.

Alderwoman Revels stated if they band these businesses from the commercial district they would not be allowed anywhere in the Town of Gibsonville; this is what she understood.

Alderman Shepherd agreed, if limit in the commercial district they would not be allowed in LB, GB, HB, or SC zoning districts.

Mr. Hoy recommended the board ask the Planning Board to take a comprehensive look at the ordinance and come back with a recommendation.

Alderman Shepherd, seconded by Alderman Owen, made a motion this be continued until the March 2, 2015 meeting to have the Planning Board take a comprehensive look at the ordinance and come back with a recommendation. The motion passed unanimously.

Discussion of Request by Abbey Glen Condominium Homeowners Association

Mayor Williams stated at the last meeting the board asked the Town Attorney to prepare a Hold Harmless Agreement between the Town of Gibsonville and the Abbey Glen Condominium Homeowners Association. He asked Dale Adkins with the Abbey Glen Condominium Homeowners Association to speak.

Dale Adkins, President of the Abbey Glen Condominium Homeowners Association, stated he did receive a draft of the Hold Harmless Agreement. He stated they were requesting two changes to the agreement. He stated a concern with the language as provided covered a hold harmless for any and all damages arising in any manner related to garbage pickup. He stated that could include a garbage truck hitting fire hydrants, vehicles, house, pedestrians, etc. He asked that the language in the sentence defining damages and the sentence transferring of the Town's legal costs to the Association be clearly limited to damages to the streets and curbs as communicated verbally to them by the Mayor. He stated he was not sure what a Corporate Resolution should look like, but he thought it should reference only the authority which he would be the one to sign the agreement on behalf of the Association. He stated he was uncomfortable with stating "all of the individual unit owners"; he thought it could be interpreted in several ways. He recommended replacing the wording with "I do hereby attest and confirm that I am the President of the Abbey Glen Condominium Homeowner's Association Inc. and thereby authorize and empower to enter into contract and agreements on behalf of the Association as referenced in our Declarations and Bylaws".

Mayor Williams asked did the HOA have 100% of the homeowner's agreeing with what was being requested.

Mr. Adkins stated the HOA board represented the homeowners and operated as the Board of Aldermen. He estimated 150 homeowners were aware. He stated the homeowners of Abbey Glen knew the bylaws and how they were setup.

Doug Hoy, Town Attorney, stated he was asked to draft a Hold Harmless Agreement in respect to garbage collection in Abbey Glen. He made the following points: HOA was owner, not future owner; he questioned had HOA recorded final plat or deeds; these were private streets, questioned speed and parking enforcement by police department; referenced letter from AWCK and their concerns and agreement for access; if any utilities under the streets, they could be damaged; questioned if there had been notice to all homeowners in Abbey Glen in reference to the request; questioned pledge of security of association and who had the authority to act on part of the board; in reference to a incorporated resolution, who would represent their board, all individuals of corporation?; and what if the HOA resolved, who would be the contact then.

Mr. Adkins recommended their board sit down with the town representatives and answer the town's questions.

Mayor Williams asked that town staff, Town Attorney, and the Abbey Glen HOA sit down, discuss these concerns and come to an agreement; then bring back at the February 2, 2015 meeting. He asked that they do what is best for the community.

Alderman Shepherd explained the board was trying to protect the town.

Mr. Adkins stated they had not asked the HOA's attorney to review the agreement; maybe they should involve their attorney.

Alderman Shepherd, seconded by Alderman Owen, made a motion this request be continued until the February 2, 2015 meeting.

Consideration of Approval of Engineering Firm to Assist with the 2015 Town of Gibsonville Sanitary Sewer Rehabilitation Project

Ben Baxley, Town Manager, stated at the December 15, 2014 meeting the board directed staff to send out qualification statements for the sewer evaluation and rehabilitation project. He stated the Town received qualification statements from two engineering firms. He stated the selection team, consisting of the Town Manager, Public Works Director, and Finance Officer, determined that AWCK was the best qualified firm and recommended AWCK as the firm to assist with the sewer project.

Alderman Shepherd, seconded Alderman Owen, made a motion to approve AWCK to assist with the 2015 Town sanitary sewer rehabilitation project. The motion passed unanimously.

FY 2013-2014 Audit Presentation

Mayor Williams stated Jim Winston with Winston, Williams, Creech, Evans, & Co. would be at the February 2, 2015 meeting to present the FY 2013-2014 Town of Gibsonville Audit & FY 2013-2014 Housing Authority Audit.

Discussion of Municipal Vehicle Tax for Public Transportation

Ben Baxley, Town Manager, stated at the last meeting the board set a public hearing for the February 2, 2015 meeting to consider an Ordinance to create and levy a municipal vehicle tax for public transportation. He stated Mike Nunn with public transportation with the City of Burlington would be at the meeting to answer questions and give additional information. He explained this would levy a \$5.00 tax on each vehicle that is owned by a resident of Gibsonville effective July 1, 2015.

Alderman Owen stated a concern with the request for an additional \$10,000 in funding for the public transportation. He stated he felt they should drop out.

Alderman Pleasants asked had this been publicized; he had not heard but from one resident about this.

Mr. Baxley stated the public hearing would be advertised.

Mayor Williams stated he had heard from several senior citizens that were in favor of it. He stated he felt the town needed to provide this service; the board needed to look at this.

Alderman Owen stated a concern that the Town of Elon did not join and he felt the bus should not go through Elon.

Mayor stated there would not be a stop in Elon.

Alderman Shepherd stated he was disappointed that other municipalities did not participate.

Mayor Willimas stated the figures were estimates on the study that was done. He stated that 80% of the cost would come from the federal government.

Alderman Dean stated he had not seen the route but he did not think that this would benefit the people in Gibsonville. He stated a concern with the vehicle tax that was being proposed.

Mayor Williams recommended board members go out and speak with the citizens to see what they think about this.

Alderman Dean stated he thought the town should flip the bill and not raise taxes; he was against the vehicle tax.

Alderwoman Revels stated if the town did not do vehicle tax now, it could not be done later.

Mr. Baxley stated yes; but there was something called general purpose they could look into.

Mayor Williams stated they would still have to put in the \$35,000 each year and it could increase. He stated area town officials and Police Chiefs met this week at a public forum in the City of Burlington. He stated one thing he wanted to point out was to have good services the town had to be willing to pay for them.

Resolution for the Declaration of Surplus Personal Property and Authorizing the Sale by Electronic Auction

Mayor Williams stated staff would be requesting board approval of a Resolution to sell surplus items on Gov Deals. The Resolution was to be presented at the February 2, 2015 meeting.

Reports

a. Manager

Ben Baxley, Town Manager, stated the Board of Alderman Retreat would be February 28, 2015 from 8:00 am to 12:00 noon at the Gibsonville Fire Department. He stated the NCLM meeting was January 26, 2015 at Lake MacIntosh; topic was "Future Finance for N.C. Municipalities". He stated the Town was having a Pay & Classification Study done by the MAPS Group and a representative from MAPS Group would like to present their study to the board in May 2015. He asked the board to consider having the MAPS Group presentation at the May 4, 2015 meeting; would last about one and a half hours; and then have the regular meeting for May on May 11, 2015.

b. Mayor

Mayor Williams commended the Police Chief on the recent activity and the professional manner in which it was handled.

Alderman Shepherd, seconded by Alderman Owen, made a motion to adjourn. The motion passed unanimously. The meeting adjourned at 8:00 pm.

Mayor

Attest:

Town Clerk