

MINUTES – OCTOBER 3, 2016

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, Revels, Dean, and Pleasants were present. Ben Baxley, Town Manager, and Laurie Yarbrough, Town Clerk, were present. Public Works Director Rob Elliott, Police Chief Ron Parrish, Town Attorney Doug Hoy, Mr. and Mrs. Roger Troutman, Planning Director Brandon Parker, Fire Chief Tony Roof, William Mabe, and several citizens were in attendance.

Invocation – Alderman Pleasants

Mayor Williams gave the invocation.

Public Comments

William Mabe stated this was the third meeting he had attended where the Board was talking about the golf carts on town streets and the liability. He asked what would be the difference from a tractor or a lawn mower on the street. He did not understand the liability. He stated he had heard only three people say they were opposed to the golf carts being on the streets; only town officers were speaking against this. He stated if this passed, he did not think Elon should be exempt from this Ordinance.

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 Pleasants, made a motion to approve the minutes of September 6, 2016. The motion passed unanimously.

Ordinance Amendment to Chapter 115 Peddlers & Solicitors – Public Hearing

Mayor Williams stated this was a public hearing to consider an Ordinance Amendment to Chapter 115 Peddlers & Solicitors.

Ben Baxley, Town Manager, stated at the last meeting the Board set a Public Hearing to consider an Ordinance Amendment to Chapter 115 Peddlers & Solicitors. He stated the Amendment removed Town Clerk and replaced it with the “Town Manager or his/her designee”, added additional language to Section 115.02 Application for Permit, and added Section 115.09 Refusing to Leave, Section 115.10 Entrance to Premises Restricted, and Section 115.11 Hours of Operation. The Town Attorney had reviewed the Ordinance Amendment. He stated the purpose of this Amendment was to strengthen the current Ordinance.

Mayor Williams asked would peddlers and solicitors need a permit.

Mr. Baxley stated there would be a process to submit a permit and review.

Mayor Williams asked the Town Attorney for his opinion, stating the Town Attorney had questioned it being unconstitutional earlier.

Doug Hoy, Town Attorney, stated this would okay it would not over step; they were just strengthening the current Ordinance.

Alderman Shepherd, seconded by Alderwoman Revels, made a motion to open the Public Hearing. The motion passed unanimously.

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

Alderman Shepherd, seconded by Alderman Pleasants, made a motion to approve the Ordinance Amendment to Chapter 115 Peddlers & Solicitors. The motion passed unanimously.

ORDINANCE TO AMEND THE GIBSONVILLE CODE OF ORDINANCES, CHAPTER 115: PEDDLERS AND SOLICITORS

WHEREAS, the current Code of Ordinances was re-codified in 2013; and

WHEREAS, during the course of interpretation the need arises from time to time to revise the current ordinance to better clarify the intent; and

WHEREAS, CHAPTER 115: PEDDLERS AND SOLICITORS references the Town Clerk as the designee to issue permits; and

WHEREAS, staff recommends remove Town Clerk and replace with” the Town Manager or his/her designee.”, throughout the Ordinance: and

WHEREAS, in Section 115.02 Application for Permit, states “...The applicant shall also give the Town Clerk at the time of the filing of the application such other information requested as may be assistance in passing upon the qualification of the applicant.” Staff recommends adding..., including but not limited to a current national criminal background check.”; and

WHEREAS, staff recommends adding the following sections:

Section 115.09 Refusing to Leave. Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises, shall be deemed guilty of a misdemeanor.

Section 115.10 Entrance to Premises Restricted. It shall be unlawful for any peddler to enter upon any private premises when such premises are posted with a sign stating “No Peddlers Allowed or “No Solicitations Allowed” or other words to such effect.

Section 115.11 Hours of Operation. It shall be unlawful for any peddler to engage in the business of peddling within the Town between the hours of one-half hour before sunset and 9:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

WHEREAS, a public hearing was advertised and a public hearing was held at a regular Board of Aldermen meeting on October 3, 2016 and

NOW, THEREFORE, BE IT ORDAIND by the Board of Alderman of the Town of Gibsonville: that the Gibsonville Code of Ordinances, CHAPTER 115: PEDDLERS AND SOLICITORS be amended as recommended by staff.

Adopted this the 3rd day of October, 2016.

Mayor

Attest:

Town Clerk

Discussion of Golf Carts on Town Streets – Continued

Mayor Williams stated the golf cart discussion was continued at the last meeting.

Alderman Pleasants stated he had asked at the last meeting that everyone look at the draft Ordinance and highlight areas. He stated he recommended must be 16 years of age and must have head lights, tail lights, turn signals, seatbelts, and parking brake light. He stated he understood three Board members were good with the way it was.

Alderman Owen stated he agreed with lights but recommended go a year without requiring liability insurance.

Alderman Dean stated change 18 to 16 years of age, agreed with liability insurance and seatbelts; he was not sure about the headlights.

Alderman Pleasants asked legally if a golf cart was in an accident, what would make the golf cart owner responsible.

Doug Hoy, Town Attorney, stated if the Town permitted golf carts on the streets then the Town could be negligent and responsible; insurance was important.

Ron Parrish, Police Chief, stated he had done some research and there was not a lot out there on golf carts and allowing them on streets. He stated golf carts could not be classified as a vehicle per say and were not crash

worthy according to the Insurance Institute. He stated he referred to studies on golf cart injuries; golf carts did not have the safety measures like vehicles. He stated whatever the Board did the Police Department would enforce it; this would impact the Police Department.

Mayor Williams stated he has heard the Police Department was over loaded, if this was approved they would need additional help.

Alderman Dean stated it was not like they would have a hundred golf carts around.

Mayor Williams stated it was not in affect yet.

Alderwoman Revels asked would the Ordinance allow golf carts on State streets.

Alderman Pleasants stated no, just on Town streets.

Doug Hoy, Town Attorney, stated the Board needed to look at the overall picture; how many people know what is a State road in town. He stated they need to talk about liability; if town inspected, certified, and permitted the golf cart and it was not done properly the Town could be responsible and could get sued.

Roger Troutman, Whitesell St. resident, stated if the Town adopted this, would Elon still be allowed to come into Town and would they not have to comply with the rules.

Police Chief Parrish stated he had asked the Elon Police Chief about the golf carts and he was not aware of any coming into Town; he had not seen one.

Alderwoman Revels stated she thought the Board should leave it alone if it was not in violation.

Alderman Pleasants asked if the person has insurance or not, is the Town liable.

Mr. Hoy stated State law pre-empts the Town's laws; if the Town did inspections and certified, that is where the liability insurance would come in.

Alderwoman Revels, seconded by Alderman Shepherd, made a motion not to move forward and go back to the way it was. The motion died by a 3 to 2 vote against.

Alderman Owen, seconded by Alderman Pleasants, made a motion to move forward. The motion passed by a 3 to 2 vote.

Ben Baxley, Town Manager, stated he would incorporate the recommendations into the draft Ordinance.

Police Chief Parrish stated if the Board took any of the safety features out of the Ordinance, they would be making a mistake.

Mayor Williams asked the Town Manager to get with the Police Chief; the Police Chief was the Safety Officer of the Town. He asked the Town Manager to put an Ordinance together and the Board would set a Public Hearing; the public would be allowed to speak on this at the November meeting.

Approval of Ellen Dr. Drainage Project

Three property owners on Ellen Dr. have approached the Town about a failing drainage line that the Town installed in the early 90's; without an easement. The Town has received three quotes to replace the line and resolve the issue for long term; including acquiring easements. The total cost of the project is \$25,000.

FY 2016-2017 Budget Ordinance Amendment #2

This amendment is needed to cover the Ellen Dr. project and insurance proceeds received from a damaged police vehicle. See attached memo.

Tax Releases