

## MINUTES – OCTOBER 5, 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, and Pleasants were present. Ben Baxley, Town Manager, and Laurie Yarbrough, Town Clerk, were present. Town Attorney Doug Hoy, Police Chief Ron Parrish, Ricky Wade with Public Works, Planning Director Brandon Parker, Fire Chief Tony Roof, Candidate Joel Isley, Candidate Steve Harrison, and several Elon University students were in attendance. Mayor Williams gave the Invocation, led by the Pledge of Allegiance.

### Public Comments

No public comments.

### 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 Alderwoman Revels, made a motion to approve the minutes of September 8, 2015 and September 21, 2015. The motion passed unanimously.

### Public Hearings

Mayor Williams stated the following were public hearings.

#### a. Rezoning Request – Kenneth Marley

Ben Baxley, Town Manager, stated Kenneth Marley was requesting to rezone the property located at 108 Eugene St., Guilford Co. Parcel # 0102476. The request was to rezone the property from GB to CB for the purpose of allowing “Motor Vehicle Sales” in the proposed location. He stated the property met all the dimensional requirements for the CB zoning district, and was consistent with the surrounding commercial zonings; the surrounding properties were zoned CB, GB, and LI. He stated all the adjoining property owners had been notified and the property had been posted and advertised. He stated the Planning Board voted 5 to 0 to approve the rezoning. He stated staff was recommending approval of the Ordinance.

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

Alderman Owen, seconded by Alderman Shepherd, made a motion the rezoning be approved from GB to CB for 108 Eugene St. The motion passed unanimously.

Mr. Baxley stated the Statement of Consistency and Reasonableness for Ken B. Marley Rezoning needed to be considered stating approve or deny Option A or Option B. He stated this rezoning request was consistent with the Comprehensive Plan (Land Development Plan).

Alderman Owen, seconded by Alderman Shepherd, made a motion to approve the Statement of Consistency and Reasonableness that Option A be approved and Option B be denied. The motion passed unanimously.

### AN ORDINANCE TO AMEND THE GIBSONVILLE ZONING MAP BY REZONING THE PROPERTY OF KENNETH MARLEY FROM GB TO CB

**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 Guilford County parcel 8835989167 located at 108 Eugene St., is owned by Kenneth Marley; and

**WHEREAS**, pursuant to development ordinance, proper application was made by the property owner to rezone 0.13 acres from GB to CB; 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 September meeting, the Gibsonville Planning Board made a recommendation to approve the rezoning request by unanimous 5-0 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 GB to CB, which shall be fully incorporated therein.

Adopted this 5<sup>th</sup> day of October, 2015.

---

**Mayor**

**Attest:**

---

Town Clerk

**b. Ordinance to Amend 9-5.3 for Board of Adjustment**

Ben Baxley, Town Manager, stated the Planning Department was requesting an Ordinance Amendment to Section 9-5.3 of the Gibsonville Ordinance. The proposed Amendment was for the Membership for the Board of Adjustment that would allow the Planning Board to also serve as the Board of Adjustment. The members of the existing Board of Adjustment terms had expired, and the Planning Dept. has been unsuccessful in finding new members. He stated the Planning Board had received training in Quasi-Judicial hearings from the PTCOG. The proposed Amendment was considered at a public hearing of the Planning Board on September 29<sup>th</sup>. The Planning Board approved the Ordinance Amendment by a 5 to 0 vote. Staff is recommending approval of the Ordinance Amendment. This is a Public Hearing set by the Board of Aldermen.

Mayor Williams asked the Town Manager to explain what the Board of Adjustment did.

Mr. Baxley stated the Board of Adjustment would hear requests for variances and appeals to the planning administration.

Mayor Williams stated the proposal was not to have a separate Board of Adjustment Board. He stated they did not get a lot of Board of Adjustment requests.

Mr. Baxley stated the terms of the Board of Adjustment members had expired; 3 year terms.

Mayor Williams asked when was the last time the Board of Adjustment had met.

Brandon Parker, Planning Director, stated he had been with the Town eleven years and they had not met since he had been the Planning Director.

Alderwoman Revels asked did they have alternate members on the Planning Board.

Mr. Baxley stated yes. He stated this would change the Ordinance to allow the Planning Board to act as the Board of Adjustment.

Alderman Shepherd, seconded by Alderman Owen, 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 to Amend 9-5.3 for Board of Adjustment. The motion passed unanimously.

Mayor Williams stated Alderman Dean was not present but the Ordinance Amendment passed by an unanimous vote.

**AN ORDINANCE TO AMEND THE GIBSONVILLE DEVELOPMENT ORDINANCE WITH RESPECT TO ZONING, PLANNING & DEVELOPMENT ON BOARD OF ADJUSTMENT MEMBERSHIP**

**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 amend section 9-5.3 Membership of the Board of Adjustment, to allow the Planning Board be assigned the responsibilities of the Board of Adjustment; 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 September 29<sup>th</sup> meeting, the Gibsonville Planning Board voted 6-0 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 revising section 9-5.3 Membership for the Board of Adjustment, which shall be fully incorporated therein.

Adopted this 5<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
**Mayor**

**Attest:**

\_\_\_\_\_  
Town Clerk

**Main Street Sidewalk Lighting Project**

Ben Baxley, Town Manager, stated this project was to place an additional 10 decorative lights on the North side of Main Street; from Centre Stage to the Post Office. He stated this was part of the downtown revitalization process. He stated the estimated cost to the Town would be less than \$50,000; this would be a Capital Improvement project; plus an additional monthly charge of \$214 on the Town’s Duke Energy bill. The project was estimated to begin in the Spring/Summer of 2016. He stated the Town had received concerns from the community about the need of additional lighting on this side of Main Street . He presented a map of the proposed project. He recommended approval of the concept of the project in order to bid the project out.

Alderman Owen, seconded by Alderman Shepherd, made a motion that the concept be approved and go out for bids to bring back to board for approval. The motion passed unanimously.

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

Ben Baxley, Town Manager, stated staff was requesting board approval of a Resolution to sell the following surplus items: 3 drawer dresser, DVD/paperback rack, podium, 2 card catalogs, 2 sanitizer dispensers, 2 wooden shelves, and metal school desk. He recommended approval of the Resolution for the Declaration of Surplus Personal Property and Authorizing the Sale by Electronic Public Auction.

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve the Resolution for the Declaration of Surplus Personal Property and Authorizing the Sale by Electronic Public Auction. The motion passed unanimously.

**RESOLUTION FOR THE DECLARATION OF SURPLUS PERSONAL PROPERTY AND AUTHORIZING THE SALE BY ELECTRONIC PUBLIC AUCTION**

**WHEREAS**, G.S. 160A-270 allows the Gibsonville Board of Aldermen to sell personal property at public auction upon adoption of a resolution authorizing the approval officer to dispose of property at public auction;

**WHEREAS**, the following property is no longer needed for any governmental use by the Town of Gibsonville:

3 drawer dresser, DVD/paperback rack, podium, 2 card catalogs, 2 sanitizer dispensers, 2 wooden shelves, and metal school desk

WHEREAS, it is the intent of the Town to sell items by electronic public auction at [www.govdeals.com](http://www.govdeals.com) beginning 8:00 a.m. October 12, 2015 and ending at 8:00 p.m., October 19, 2015;

WHEREAS, be it resolved, by the Gibsonville Board of Aldermen that the Town Manager is authorized to sell by electronic auction at [www.govdeals.com](http://www.govdeals.com) beginning at 8:00 a.m., October 12, 2015 and ending at 8:00 p.m., October 19, 2015;

WHEREAS, items to be sold as is, all sales final;

NOW, THEREFORE BE IT RESOLVED, that the Board of Aldermen hereby declares said property as surplus and authorizes the Town Manager to sell said property at electronic public auction to the highest bidder.

This the 5th day of October, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

**Reports**

**a. Manager**

Ben Baxley, Town Manager, stated the 28<sup>th</sup> Annual Fall Festival would be October 10, 2015; they were looking for volunteers. He stated the new Librarian, Jessica Arnold, had been rearranging and cleaning out at the Library. He stated the LGC would be considering the Town’s application for the Springwood waterline project this week; he would update the board as soon as he heard from the LGC. He stated Kathleen Rose with Rose Associates would give her report at the November 2, 2015 board meeting. He stated the next Public Transit meeting would be October 13, 2015 at 5:30 pm.

**b. Mayor**

Mayor Williams asked the Town Manager to check with the LGC to make sure the Town did not have to be present when the met on the application. He stated the N.C. League meeting would begin Sunday. He stated the Alamance County Commissioners would meet today to discuss being part of the Public Transit. He stated he was concerned with the transit system going in to Graham; if so they should pay something.

Steve Harrison asked if Graham fell through would it affect the Gibsonville route.

Mayor Williams stated no.

Alderman Pleasants recommended sending out a call about there being two polling locations.

Mr. Baxley asked if a board member would like to do the message.

Alderman Shepherd, seconded by Alderman Owen, made a motion to adjourn. The motion passed unanimously. The meeting adjourned at 7:33 pm.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk