

TOWN OF YADKINVILLE  
BOARD OF COMMISSIONERS  
MONTHLY MEETING MINUTES  
LOCATION: COMMISSIONERS CHAMBERS  
213 VAN BUREN STREET  
YADKINVILLE, NC  
FEBRUARY 2, 2015

**OFFICIALS PRESENT:**

Mayor Pro Tem Eddie Norman  
Commissioner Betty Driver  
Commissioner Tony Hall  
Commissioner Monta Davis-Oliver  
Commissioner Kelly Oliver

**STAFF PRESENT:**

Town Manager: Christopher Ong  
Town Clerk: Carmen Headen  
Chief of Police: Tim Parks  
Public Works Director: Perry Williams  
Finance Officer: Dina Reavis

**OFFICIALS ABSENT:**

Mayor Hubert Gregory

**PUBLIC HEARINGS**

At approximately 6:55 p.m., Mayor Pro Tem Eddie Norman opened the public hearing, calling on Town Manager Christopher Ong to give an overview of the hearing. Mr. Ong explained the purpose of the hearing was to consider a request from petitioners Thomas and Mary Jo Dorsett to rezone a 1 acre portion of an undeveloped property (PIN# 5816 (09) 15-2551) located off of Woodlyn Drive from the M-1 (Light Industrial) Zoning District to the B-2 (Highway Business) Zoning District. Mr. Ong reported that the surrounding zoning districts are M-1 with B-2 contiguous to the west with no issue of spot zoning. Mr. Ong reported that the request was heard by the Planning Board on December 22, 2014, where it was recommended unanimously for approval. Mr. Ong further stated that all statutory requirements for public notification had been satisfied and at this time public comments could be taken regarding the rezoning request. No one in the public wished to comment on the rezoning request. Town Attorney Ben Harding spoke to the Board and recommended approval of the request.

**CALL TO ORDER**

The regular meeting was called to order by Mayor Pro Tem Norman at approximately 6:57 p.m.

**INVOCATION**

Mayor Pro Tem Norman offered the invocation.

**ACTION FROM PUBLIC HEARINGS**

It was the consensus of the Board to amend the meeting agenda to move into the action from public hearing portion of the meeting.

Commissioner Tony Hall made a motion to approve the rezoning request for the property located off of Woodlyn Drive from M-1 to B-2. The motion to approve the rezoning was seconded by Commissioner Kelly Oliver and passed unanimously.

Vote: 5/0

### **PUBLIC COMMENTS**

Pacer Sheets from the USDA addressed the Board regarding a stream restoration project for a portion of Swisher Creek, stating that they would like the Board to consider an exception to the Town development rules to allow Kenneth Hauser to drill a well for agricultural purposes only. Mr. Sheets stated that the purpose of the restoration project is to stop the creek from further erosion and clean the waters of excessive sedimentation and bacteria, and that part of the project would involve fencing out the cattle from entering the creek. Mr. Sheets stated that the surrounding property owners were good with the restoration project. Mayor Pro Tem Norman stated that the problem was Mr. Hauser's property was in the Town's ETJ, and that a town waterline ran along the property which requires hooking on according to the town's development policies. Commissioner Monta Davis-Oliver suggested amending the zoning language to define agricultural areas. Mayor Pro Tem Norman suggested rewording the existing town ordinances to allow wells for agricultural purposes in addition to public water when public water runs along agricultural lands. Commissioner Davis-Oliver asked why the USDA would not pay for a water tap and only for a well to be drilled. Mr. Sheets responded that the USDA used to pay for taps and that the biggest reason for stopping was because of the big drought several years ago and that a lot of towns now have ordinances that address drought conditions and water restrictions. Public Works Director Perry Williams opined that the ordinances dealing with agricultural land would have to be re-worded carefully because of the fact that public water runs across a lot of undeveloped and large parcels of land. Mr. Williams suggested using environmental conditions to determine if a well would be permitted. After further discussion, Commissioner Davis-Oliver made a motion to direct Perry Williams and Christopher Ong to reword the ordinances to allow for drilling the well on the property. Commissioner Hall seconded the motion. Mayor Pro Tem Norman explained to everyone that the motion directing the drafting of such policy would not allow the well to move forward tonight. Commissioner Betty Driver asked what the Board could do to resolve the issue from both sides. Mayor Pro Tem Norman explained that the Board could approve the drilling of the well, but that it would be stepping away from established policies and procedures that were put in place by the Town. After further discussion, Town Attorney Ben Harding was consulted on this issue. Attorney Harding supported the Board in not wanting to go against policy that was already in place and advised Mr. Sheets to report back to his board that the Town is looking at a policy revision. Mayor Pro Tem Norman called the earlier motion made by Commissioner Davis-Oliver and seconded to a vote. The motion passed unanimously (5-0). Mayor Pro Tem Norman asked if there was a motion for the well to be drilled immediately. Commissioner Hall made the motion. After consulting with the Town Attorney, Commissioner Hall withdrew his motion in support of Commissioner Davis Oliver's original motion. Mayor Pro Tem Norman suggested to Mr. Sheets that he go back and report that the Town is in the process of looking at the feasibility of amending its ordinances to allow for agricultural wells in similar situations. Mr. Sheets then told the Board about Senate Bill 676 which states that towns in North Carolina cannot have an ordinance that prevents a landowner

from drilling a well that is not for potable water. The Board referred interpretation of Senate Bill 676 to the Town Attorney.

#### **APPROVAL OF MINUTES**

Commissioner Davis-Oliver made a motion to approve both the regular monthly meeting minutes and closed session meeting minutes from January 5, 2015. Commissioner Kelly Oliver seconded the motion and it passed unanimously.

Vote: 5/0

#### **REQUEST TO SET PUBLIC HEARINGS**

A public hearing was set for Monday, March 2, 2015 at 6:55 p.m. at the Yadkinville Town Hall regarding a request from petitioner David L. Pressly to rezone property located at 320 Willow Street (PIN# 5817-1710-3974 and 5817-1710-6535) from the R-10 (Neighborhood Residential) Zoning District to the B-2 (Highway Business) Zoning District.

#### **PRESENTATION-PRESSLY DEVELOPMENT PROPOSED APARTMENT COMMUNITY FOR ELDERLY "THE CADENCE"**

Mr. David Pressley addressed the Board regarding a multi-family housing development that he was proposing for downtown Yadkinville off of Willow Street. Mr. Pressly described his project as being a three-story, sixty-two (62) 1 and 2 bedroom apartment units designed for an aging Yadkinville population between 55 and 85 years of age. Mr. Pressley stated that some of his tenants would be on social security and some on disability with incomes ranging from \$1,800 to \$3,000 a month. Mr. Pressley explained that most of his financing would be from the USDA RD program, and some would come from North Carolina state housing credits and he would take tenants on disability with other state type support. Mr. Pressly reported that "The Cadence" would be a private development with no other rent subsidies. Mr. Pressly described the design features of the proposed development, stating that it was in accordance with the downtown development, land development and pedestrian plans. Mr. Pressly told the Board that the building cost would be approximately \$5.5 million with 60% of that cost going to building materials. Mr. Pressly estimated that the first year of construction would bring in around \$200,000 in retail sales tax. Mr. Pressly estimated that the buildings would generate approximately \$20,000 in property tax and \$30,000 in property tax annually to Yadkinville and Yadkin County respectively. Mr. Pressly estimated that the 12-15 month construction phase would employ roughly 200 people off and on one. Once built, the development would employ two people--one for leasing and management and one for maintenance. Mayor Pro Tem Norman asked who owned the land. Mr. Pressly replied that Loretta Parker owned the land and he has agreed to purchase the 9 +/- acre property from her. Mr. Pressly stated that the land is currently zoned R-10 and he is asking the Board to rezone the property to R8-A to allow for the construction of multi-family units on the parcel. Commissioner Oliver asked Mr. Pressley if he had a website with his other developments on it to which he replied no. Commissioner Davis-Oliver asked for confirmation that the units would be private pay with no rent subsidies. Mr. Pressly confirmed this, adding that some residents will have social security and some will have a Section 8 contract. Mr. Pressly stated that many of the mobility-impaired residents would be on some type of disability. Mr. Pressley continued that with the pressures of the

budget on the state of North Carolina--who cares for a lot of these people—to get them out of institutions and into living independently in apartments is a lot cheaper than housing them in a home or institution. Commissioner Davis-Oliver followed up by asking Mr. Pressly if--by stating that the state was pushing to get people out of facilities--the apartments were going to be to house those who were in mental health institutions to get them back into the community. Mr. Pressly responded in the negative, that he was talking about people with mobility-based, physical disabilities not intellectual disabilities. Commissioner Driver asked if the property adjoins the Garrison property to which Mr. Ong responded that it did touch the property line.

#### **CONSENT AGENDA (Items 1-6)**

Mr. Ong presented the consent agenda for the Board's consideration, stating that there were invoices for the following:

- Don Adams \$7,900.00 clean sand out of creek at intake/bush hogging at the reservoir.
- Synagro \$18,132.23 for land application from the Water Treatment and Waste Water Treatment Plants.
- Yadtel \$13,194.08 for the second and final installment of the computer and server purchases made this year for Administration; Water/Sewer Administration; Water Plant; Sewer; and Water/Sewer Operations.

Mr. Ong presented a supplemental agreement between the Town and NCDOT in the amount of \$145,000, stating that agreement was related to an additional funding request made by the Town Manager made through the State Transportation Board to compensate for what he believed was insufficient budgeting by DOT for drainage on the EB-5529 N. Lee Avenue sidewalk construction project. Mr. Ong stated that the request was approved by the state and is attached on the consent agenda because it requires local government approval. Next, Mr. Ong presented a Capital Project Ordinance for Project EB-5529 which lays out the terms of the financing of the sidewalk project as the project was believed to cost in the ballpark of \$630,790.00. Mr. Ong explained that of the \$630,790.00, \$545,000 is available to be funded from Transportation Enhancement Funds and \$85,790 to be appropriated from the Town's General Fund for the non-reimbursable expenses, namely the acquisition of right-of-way which has to be certified and approved by the state. The Ordinance also contains a 15% contingency budgeted in for overruns in cost. Mr. Ong presented the following to budget amendments:

- Budget amendment #10 for Project EB-5529 to appropriate \$20,144 from General Fund balance into the Capital Project to bring the Town's budget up to \$85,790.
- Budget Amendment #11 for Project EB-5529 to budget \$630,790 in revenues and expenditures.

Mr. Ong presented the Board with a budget development calendar which lays out the proposed schedule for the upcoming budget season. Mr. Ong pointed out two proposed workshop dates in April—Friday April 10<sup>th</sup> at noon and Friday the 24<sup>th</sup> at noon.

Mr. Ong presented a Resolution of Support that was needed to accompany the previously submitted Bicycle and Pedestrian Planning grant application.

Commissioner Kelly Oliver made a motion to approve the consent agenda. The motion was seconded by Commissioner Monta Davis-Oliver and passed unanimously.

Vote: 5/0

#### **FIRE CHIEF'S REPORT**

Fire Chief Bryan Southard presented the Town Council with a monthly statistical report. Chief Southard reported on the Davis house, that they were waiting on the College before they could burn it.

#### **POLICE CHIEF'S REPORT**

Police Chief Tim Parks did not have anything, but requested to come back in closed session with a report.

#### **PUBLIC WORKS DIRECTOR'S REPORT**

Public Works Director Perry Williams gave an update on the Emergency Action Plan for the reservoir, reporting that the state had sent a letter back in December requiring all communities with a high-hazard dam to submit a registered map of the floodplain area. Mr. Williams continued that he had heard back from the state last Friday that the map from Schnabel Engineering that the Town already has is sufficient so the Town will not have to pay an engineer to make and certify a new map which saved the Town up to \$10,000.

#### **MANAGER'S REPORT**

Mr. Ong reported that he would be out of town from February 4-6 at the North Carolina City and County Manager's Association Winter Seminar. Mr. Ong reported that he inter-local water contract between the town and county for operation and maintenance of the Highway 601 waterline is expiring this month. Mr. Ong stated that he had met with the County Manager several times and proposed looking at a committee meeting this month with a couple of commissioners and staff from the Town and County to explore options and come back to the full Board in March with a recommendation moving forward. It was the pleasure of the Board for Mayor Gregory, Mayor Pro Tem Norman and Commissioner Davis-Oliver to represent the Town at the meeting along with the Town Manager and Public Works Director. Mayor Pro Tem Norman reported that he had spoken with County Commissioner Chairman Kevin Austin and the County was wanting the Town to take over the waterline, which is something that the Town really needs to consider the pros and cons of this for the future of the Town.

#### **COMMISSIONER COMMENTS**

Commissioner Davis-Oliver thanked Mr. Williams and Chief Parks and their staff for their quick response in taking care of several important issues during the last month.

Attorney Harding advised that he needed to meet with the Board in Closed Session.

#### **CLOSED SESSION**

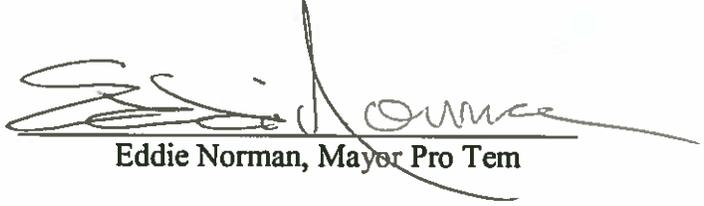
Commissioner Norman made a motion to go into closed session at 7:54 p.m. under NCGS 143-318.11(a) (9)(3). Commissioner Davis Oliver seconded the motion.

Vote: 5/0

**ADJOURMENT**

With no further business to be discussed, Commissioner Norman moved that the meeting be adjourned. Commissioner Davis-Oliver seconded the motion and the motion was approved unanimously. The meeting adjourned at approximately 8:00 p.m.

Vote: 5/0



Eddie Norman, Mayor Pro Tem



Shelia Weathers, Interim Town Clerk