

TOWN OF YADKINVILLE
BOARD OF COMMISSIONERS
MONTHLY MEETING MINUTES
LOCATION: COMMISSIONERS CHAMBERS
213 VAN BUREN STREET
YADKINVILLE, NC
MONDAY, SEPTEMBER 11, 2017

OFFICIALS PRESENT:

Mayor Eddie Norman
Commissioners:
 Betty Driver
 Tony Hall
 Chris Matthews
 Monta Davis-Oliver
 Scott Winebarger-ABSENT

STAFF PRESENT:

Town Manager: Perry Williams
Public Works Director: Perry Williams
Town Clerk: Shelia Weathers
Chief of Police: Tim Parks
Finance Officer: Dina Reavis
Planning Advisor: Richard Smith

Town Attorney Ben Harding

Quorum requirements met – meeting proceeded.

PUBLIC HEARING(S)

Mayor Norman opened the public hearings at 5:45 p.m. The purpose of the hearings are to consider requests for two Zoning Text Amendments (ZTA-2014-02 and ZTA-2017-03) and Zoning Map Amendment ZMA-2017-03 to the Town of Yadkinville's Zoning Ordinance.

5:45 p.m.: Zoning Text Amendment (ZTA-2017-02)

Planning Advisor Richard Smith provided the Board of Commissioners with an analysis on the proposed zoning text amendment. He noted the changes and amendments to the Zoning Ordinances, Article F, Table of Uses, and Section 9-3-109 R-O Residential-Office District, to *add banks and finance companies as a conditional use in the R-O (Residential Office) Zoning District*. Such use would be permitted with the issuance of Conditional Use Permit by the Board of Adjustment or as part of an R-O Conditional Zoning District. The R-O District corresponds with the Medium Intensity land designation of the Future Land Use Map in the Comprehensive Plan.

Mr. Smith reported that the Planning Board heard the request on July 17, 2017 and recommended approval unanimously. Planning Advisor Richard Smith advised that based on the request being consistent with the Future Land Use Map land use designations in the Comprehensive Plan and the intent of the R-O Zoning district, staff recommends approval of Zoning Text Amendment 2017-ZTA-02 as presented.

5:50 p.m.: Zoning Text Amendment (ZTA-2017-03)

Planning Advisor Richard Smith provided the Board of Commissioners with an analysis on the proposed Zoning Text Amendment. The staff request this Zoning Text Amendment to modify the Town of Yadkinville Code of Ordinances, Article E, Section 9-3-91 to *add a provision permitting monument signs for non-residential uses in the R-O (Residential Office) Zoning District.*

Mr. Smith provided the requirements for signs needing a zoning permit along with policy issues. He identified certain guidelines that the Planning Board would follow concerning zoning amendments to achieve a favorable recommendation. The R-O Zoning District corresponds to the Medium Density land designation of the Future Land Use Map in the Comprehensive Plan. Including a provision for monument signs fits the intent of both the R-O District intent, and the Medium Intensity land use designation. Limiting the size and type of sign will ensure that the impact on adjacent residential areas are kept to a minimum. Mr. Smith reported that the Planning Board unanimously recommended approval of this text amendment at their August 21, 2017 meeting. Based on the request being consistent with the Future Land Use Map land use designations in the Comprehensive Plan and the intent of the R-O Zoning district, staff recommends approval of Zoning Text Amendment 2017-ZTA-03 as presented.

5:55 p.m.: Zoning Map Amendment (ZMA-2017-03)

Planning Advisor Richard Smith presented an overview of the plans for the Carolina Farm Credit request to rezone properties (2.33 acres) owned by Laura Sheek, the other owned by Randy Stanley, Shirley Stanley and others from R-20 (Rural Residential) to R-O CD (Residential Office Conditional District). The property is located at the northwestern corner of U.S. Highway 601 near Agricultural Way. He stated that the rezoning request from R-20 to R-O CD, if developed according to the submitted conceptual site plan, would be consistent with the goals and growth strategies of the Town of Yadkinville's Comprehensive Plan, adopted by the Town Board.

The R-O District corresponds with the Medium Intensity land designation of the Future Land Use Map in the Comprehensive Plan. Banks and finance companies fit the intent of both the R-O District intent, and the Medium Intensity land use designation. Some of the areas with the Medium Intensity Designation may be appropriate for this use. Allowing it as a "Conditional Use" allows the Town to evaluate the appropriateness of the proposed bank and finance company location case-by-case basis, as a Conditional Zoning District approved legislatively by the Town Board of Commissioners.

Carolina Farm Credit would be a conditional district rezoning if approved use for that property. Carolina Farm Credit indicated that they have outgrown their existing site and require a bigger building. Mr. Smith stated the conditions that Carolina Farm Credit agreed to as part of this conditional rezoning include:

- Access to the property will be provided on Agricultural Way only. No direct access will be provided to the site on Highway 601.

- The sign for this business will be limited to a ground or monument sign with no LED features (with Board approval of Text Amendment ZTA-2017-03).
- The proposed dumpster will be surrounded and screened by the installation of an opaque fence of compatible material and design to the primary structure.
- No drive thru window will be provided for this facility.
- Transportation improvements will be coordinated with NCDOT, Northwood Baptist Church and the Agricultural Center (Yadkin County). NCDOT has indicated that the applicants and Northwood Baptist Church will be responsible for constructing the turn lanes required by the 2014 Traffic Impact Analysis (TIA) written by Davenport.

Planning Advisor Richard Smith requested the Board take action following review of the proposed text amendment either by; approval, approval with changes, denial or deferral. He further stated the staff recommends approval of Zoning Map Amendment (ZMA-2017-03) based on the request is consistent with the Future Land Use Plan use designations in the Comprehensive Plan and the intent of the R-O Zoning District.

Attorney Greg Matthews introduced himself and thanked the Board for their time. He asked for approval of the rezoning request by Carolina Farm Credit.

With no further comments, Mayor Norman closed the Public Hearing at 5:59 p.m.

1. CALL TO ORDER

The regular meeting was called to order by Mayor Norman at 5:59 p.m.

2. INVOCATION

Mayor Norman asked the public to join the Board of Commissioners and him in a moment of silence in remembrance of 9-11. He followed with the invocation.

3. PUBLIC COMMENTS

With no one present wishing to speak, the public comments portion of the meeting was closed.

4. APPROVAL OF MINUTES

Commissioner Chris Matthews made a motion to approve the minutes as presented (listed below). Commissioner Tony Hall seconded the motion and the motion passed unanimously.

Vote: 4/0

- August 3, 2017 Board of Commissioner and Tourism Development Authority Special Called Meeting Minutes
- August 7, 2017 Regular Meeting Minutes
- August 7, 2017 Closed Session Minutes

5. ACTION ON PUBLIC HEARING(S) *(Attachment #1)*

Commissioner Monta Davis-Oliver made a motion to approve Zoning Text Amendment (ZTA-2017-02) to the Town of Yadkinville's Zoning Ordinance and finds that the requested change is consistent with the Town's Zoning Ordinance's purpose in promoting orderly growth and development in Yadkinville and surrounding area. Commissioner Betty Driver seconded the motion and the motion passed unanimously.

Vote: 4/0

Commissioner Chris Matthews made a motion approve Zoning Text Amendment (ZTA-2017-03) to add monument signage to the Town of Yadkinville's Zoning Ordinance and finds that the requested change is consistent with the Town's Zoning Ordinance's purpose in promoting orderly growth and development in Yadkinville and surrounding area. Commissioner Monta Davis-Oliver seconded the motion and the motion passed unanimously.

Vote: 4/0

Commissioner Monta Davis-Oliver made a motion to approve Zoning Map Amendment (ZMA-2017-03) to rezone 2.23 acres from R-20 Rural Residential Zoning District to R-O CD (Residential Office Conditional Zoning District) to the Town of Yadkinville's Zoning Ordinance and finds that the requested change is consistent with the Town's Zoning Ordinance's purpose in promoting orderly growth and development in Yadkinville and surrounding area. Commissioner Chris Matthews seconded the motion and the motion passed unanimously.

Vote: 4/0

6. CONSENT AGENDA (ITEM(S) #1) *(Attachment #2)*

Mr. Williams presented the consent agenda items #1-#3 for the Board's consideration.

- Budget Amendments #3 and #4 – Police Department totaling \$451
- Invoices (4) totaling \$133,798.61
- Utility Billing Write-Off's (3) totaling \$62.09

Commissioner Tony Hall made a motion to approve the items as submitted on the consent agenda. The motion was seconded by Commissioner Chris Matthews and the motion passed unanimously.

Vote: 4/0

7. ROSE PROPERTY ASSESSMENT – Presenter Geologist Mark Brown with Withers & Ravenel

Town Manager Perry Williams introduced Mark Brown Geologist with Withers & Ravenel. At the Board of Commissioner's request, Mr. Brown was present to answer questions about the Rose property. Mayor Norman informed the Town Board contamination remains on the property. Mr. Brown stated that he started investigating the Rose property six months ago. He indicated his concern about the location of the underground storage tanks, which lead to the Schmidt investigation. Geologist Mark Brown iterated that Mr. Alex McGilvary, L.G., who performed the cleanup, has done everything required by the State. The N.C. Department of Environmental Quality reclassified the site as a low, as stipulated under Title 15A NCAC 2L.0406. The rank of

the property went from a high to low risk. Mr. Brown advised that small remnants of contamination remain on the property, which required the State to issue a Notice of Residual Petroleum (NORP) attached to the deed causing land-use restrictions. These documents are filed in the property chain of title at the register of deeds office, and serve to inform current and future property owners that residual contamination exists at the property and to specify how the property can safely be used.

After additional research on the property documents, Mr. Brown discovered an alternative land use restriction, which limited the use of their property so that contact with the residual contamination could be avoided. It was suggested that the contaminated portion of the parcel be “cut-out,” and possibly serve as a parking lot pending State approval. With that being said, Mr. Brown reiterated that if the town presently elected to purchase the land, a Notice of Residual Petroleum (NORP) would remain with the deed. His suggestion was to delay purchasing until the land was cleaner, to eliminate the NORP and State land-use restrictions. Mr. Brown stated that when the land is clean, or meets state standards, a “No Further Action” determination will be filed accompanied by a “No Further Action” letter. He summarized that the property would never completely have a true “clean bill of health,” but an NFA was possible. No Further Action decisions can also be rescinded with further remediation required if new information reveals that a site poses an unacceptable risk or if land-use controls have been compromised.

Mr. Harding inquired about the steps needed to make the property as clean as possible. Mr. Brown suggested the addition of two or more monitoring wells to track the contamination and ensure that it is not migrating to another area. The cost of the additional wells could cost approximately \$10,000 for both. After some discussion about the cost and reimbursement from the State, Town Attorney Ben Harding noted the most cost effective answer was to eliminate the contaminated area as discussed earlier. According to Mr. Brown, the area is twenty feet by thirty-five feet long and thirteen feet deep. He further suggested extending the area by ten feet on each side. After some discussion, the Board of Commissioners deferred their decision until a later date.

The Board of Commissioners expressed appreciation and gratitude for the very articulate information Mr. Brown provided them.

8. FIRE CHIEF’S REPORT

Chief Jody Doss presented a contract from the fire department. Mayor requested that the Town Board discuss the matter in “Close Session” due to legalities. Chief Doss noted the insurance inspector would be visiting the Fire Department in two weeks to inspect the trucks and equipment.

9. POLICE CHIEF’S REPORT

Chief Tim Parks submitted his monthly statistical report to the Board of Commissioners.

10. PUBLIC WORKS DIRECTOR’S REPORT

The Town Manager had nothing to report.

11. MANAGER'S REPORT

- **Introduction of New Employee Alex Myrick:**
Perry Williams introduced new employee, Ms. Alex Myrick, to the board. Mr. Williams stated that she was doing a great job.
- **Main Street Sidewalk Project Quotes (Attachment #3):**
Town Manager Perry Williams apprised the pricing on the Main Street sidewalk price totaling \$145,490.50. Mr. Williams requested that the Town Board approve moving \$30,000 from the Special Appropriation Fund (monies appropriated to complete the other side) into General Fund to balance out the additional \$112,000 spent on construction. Mr. Williams stated that he hopes to start construction in sections within the week.

Commissioner Tony Hall made a motion to approve the transfer of \$30,000 from the Special Appropriations Fund to the General Fund. The motion was seconded by Chris Matthews, and the motion passed unanimously.
Vote 4/0

- **Highway 601 Sewer Line Extension/Carolina Farm Credit:**
Mr. Williams requested that the Town Board give direction on the Highway 601 sewer line extension location, upon the recent rezoning of the property for Carolina Farm Credit. The Town's engineering firm provided three (3) quotes:
 - **East Side** with a maximum 15-foot depth, total cost \$127,000 to \$135,000 with approximately 1,000 feet down the road.
 - **West Side** with a maximum 15-foot depth, total cost \$50,000 to \$110,000 with approximately 850 feet down the road.
 - **West Side** with a 10-foot depth, total cost \$86,000 to \$90,000 with approximately 750 feet down the road.

The estimates were for the right side (east side) of the road if the extension is to run past Carolina Farm Credit. Mr. Williams noted that this area has growth potential towards 601 North. He stated that the project will be paid out from the Water and Sewer General Fund.

Commissioner Chris Matthews made a motion to proceed with the extension of the sewer line on the right-hand side (east side) of 601 North. The motion was seconded by Commissioner Tony Hall and the motion passed unanimously.
Vote 4/0

- **Colton R. Overcash, District Representative Visit:**
Town Manager Perry Williams apprised the Town Board that he and Planning Advisor Richard Smith met with Mr. Colton Overcash, a representative from the office of Virginia Foxx, U.S. Representative from the 5th Congressional District. Mr. Overcash was interested in the Town's future projects and needs. Mr. Williams stated it was an informative meeting. Mr. Overcash asked that the Town

compile a “wants and needs” list and forward to his office. Mr. Smith stated that he made Mr. Overcash aware of the Downtown WiFi Grant application.

- **2017-18 Leaf Pick Up Schedule:**
Mr. Williams presented the 2017-18 Leaf Pickup Schedule. The Town Board agreed on the dates.
- **The Resource Ribbon Cutting – September 19, 2017 at 12:00 p.m:**
Mr. Williams reminded the Board about the Resource Ribbon Cutting Tuesday, September 19th at 12:00 p.m.
- **Yadkin County Annual Industry Appreciation Reception – September 28, 2017 at 6:00 p.m.:**
Mr. Williams reminded the Board about Yadkin County Annual Industry Appreciation Reception Thursday, September 29th beginning at 5:30 p.m. at the Tractor Museum.
- **Yadkin Wellness & Massage Ribbon Cutting – September 29, 2017 at 12:00 p.m.**
Mr. Williams reminded the Board regarding the Yadkin Wellness & Massage Ribbon Cutting on Friday, September 29th at 12:00 p.m.

12. COMMISSIONER COMMENTS

Commissioner Tony Hall:

- Tony inquired on the Post Office parking lot’s condition. Mayor Norman indicated that the owner Mr. Heffner had the authority to improve the parking lot.

Commissioner Chris Matthews:

- Stated that Bucannon St. has several small potholes that need to be fix.

Commissioner Monta Davis-Oliver:

- Thanked Police Chief Tim Parks and his officers for their quick response to recent events.

CLOSE SESSION

Commissioner Monta Davis-Oliver made a motion to go into “Closed Session” at 6:53 p.m. pursuant to N.C.G.S 143.318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and N.C.G.S 143.318.11(a)(5)(i) the price and other materials, terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease Commissioner Chris Matthews seconded the motion and the motion passed unanimously.

Vote: 4/0

Commissioner Chris Matthews made a motion to come out of "Closed Session" at 7:38 p.m. Commissioner Monta Davis-Oliver seconded the motion and the motion passed unanimously.

Vote: 4/0

13. ADJOURNMENT

With no further business to discuss, Commissioner Chris Matthews motioned for the meeting be adjourned. Commissioner Monta Davis-Oliver seconded the motion, and the motion was approved unanimously. The meeting adjourned at approximately 7:38 p.m.

Vote: 4/0

A handwritten signature in black ink, appearing to read "Eddie Norman", written over a horizontal line.

Eddie Norman, Mayor

A handwritten signature in black ink, appearing to read "Shelia B. Weathers", written over a horizontal line.

Shelia B. Weathers, Town Clerk