

MINUTES – September 5, 2023

The Board of Aldermen of the Town of Gibsonville met at 7:00pm for a special meeting in the Gibsonville Town Hall. The meeting was called to order by Mayor Williams. Alderpersons Shepherd, Owen, Crisp, Dean, and Fanelli were present. Ben Baxley, Town Manager, Gina Griffeth, Town Clerk, Bob Giles, Town Attorney, James Todd, Fire Chief, Ron Parrish, Police Chief, Lt. BJ Korn, Rob Elliot, Public Works Director, Ricky Wade, Assistant Public Works Director, and Troy King, Utility Superintendent, were present. There were several members of the public present. The board meeting was live streamed on Facebook and available via landline for those unable to attend.

Mayor Williams called the meeting to order and lead the invocation and pledge of allegiance.

Public Comments

Carolyn Johnson spoke regarding her water bill. She requested an explanation as to why her bill goes up every year. She stated that she is having to pay for water that she is not utilizing due to the Town's minimum 1500 gallons that are billed each month.

Mayor Williams and Ben Baxley both stated that there is a minimum in place to maintain the system.

Rob Elliott stated that maintaining the system requires flushing the lines and hydrants. This water is not sent through a meter and, therefore, must be accounted for in some way.

Barbara Young of 820 Piedmont Avenue spoke regarding the annexation and rezoning of Alamance County Parcel 110110 and overall town growth. She expressed concerns over grading, a creek running through the property, and heavy equipment damaging roots and leading to dead trees. She stated that she expressed the same concerns at the Planning Board meeting.

Wanda Small spoke as a representative of the Gibsonville Merchants Association. She updated the board on upcoming events in the months of September and October.

Approval of Agenda

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

Approval of Minutes

Alderman Crisp, seconded by Alderman Owen, made a motion to approve the minutes of August 21, 2023. The motion passed unanimously.

Prav Karandikar – Toasty Kettlyst Toastoberfest Follow-up Discussion

Prav Karandikar, owner of the Toasty Kettlyst Brewery, spoke at the last meeting regarding a ToastOberfest event downtown on October 7th from 3-7pm. He briefly went back over his requests for Police and Public Works assistance.

Alderman Owen confirmed that alcohol will be confined to the closed off portion of Lewis Street.

Alderman Shepherd stated that hanging banners may be an issue as the Fall Festival banners will likely already be up.

Mayor Williams asked Town Attorney Bob Giles to give his opinion.

Town Attorney Bob Giles stated that a special insurance policy in place with the Town named as an extra insured should cover any liability. He does not see how the town could be held liable when the town isn't the one serving the beer.

Alderman Shepherd stated that he does not have any issue with the event but would like to approve these on a case by cases basis after evaluating this event and the expenses involved.

Rob Elliott of Public Works stated that they are willing to help but need direction from the board. They anticipate needing an hour and a half each for setup and take down. The banners would be an additional 15-20 minutes.

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve this endeavor and in the future take it on a case-by-case basis. The motion passed 4-1 with Alderman Dean opposed.

Public Hearing - Annexation petition – Alamance County Parcel 110110

Property owners Charles Neill and Ann Neill Hager have submitted a petition requesting annexation. The property is Alamance County Parcel 110110 consisting of approximately 17.8 acres. The clerk has certified the sufficiency of the petition.

Alderman Shepherd, seconded by Alderwoman Fanelli, made a motion to open the public hearing. The motion passed unanimously.

Sara Shirley of Kimley-Horn Engineering, Durham NC, was present as well as representatives of BRD Land & Investment. She stated that it is their intent to meet town, local, and state standards. They are requesting to down zone the land from PUD to RM-8.

Alderman Shepherd, seconded by Alderwoman Fanelli, made a motion to close the public hearing. The motion passed unanimously.

Alderman Shepherd, seconded by Alderwoman Fanelli, made a motion to annex Alamance County Parcel 110110. The motion passed unanimously.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GIBSONVILLE, NORTH CAROLINA

Annex. Ordinance 2023-2

WHEREAS, the Gibsonville Board of Aldermen has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Gibsonville Board of Aldermen has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 129 W Main Street at 7pm on September 5, 2023, after due notice by publication on August 26th and September 2nd, 2023; and

WHEREAS, the Gibsonville Board of Aldermen finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Gibsonville, North Carolina that:

Section 1. By the virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the Town of Gibsonville as of September 5, 2023:

**Piedmont Avenue
Alamance County Parcel #110110
17.8 acres
Alamance County Register of Deeds Book 3661, Page 249**

Section 2. Upon and after September 5th, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Gibsonville and shall be entitled to the same privileges and benefits as other parts of the Town of Gibsonville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Gibsonville shall cause to be recorded in the office of the Register of Deeds of Guilford County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Guilford County Board of Elections, as required by G.S. 163-288.1.

Adopted this 5th day of September, 2023.

Mayor

ATTEST:

Town Clerk

Public hearing – Rezoning request – Alamance County Parcel 110110

Property owners Charles Neill and Ann Neill Hager have requested to rezone Alamance County Parcel 110110 consisting of approximately 17.8 acres from PUD to RM-8. The purpose of the rezoning is to allow for

construction of townhomes. The Planning Board considered this item at their August 17th meeting and voted 3-1 to approve the rezoning.

Alderman Shepherd, seconded by Alderwoman Fanelli, made a motion to open the public hearing. The motion passed unanimously.

Sara Shirley of Kimley-Horn Engineering stated she had the same comments as before and is available to answer any questions if needed.

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

Alderman Shepherd, seconded by Alderman Owen, made a motion to approve the rezoning request for Alamance County Parcel 110110 and to approve the plan consistency statement and statement of reasonableness. The motion passed unanimously.

AN ORDINANCE TO AMEND THE GIBSONVILLE ZONING MAP BY REZONING THE PROPERTY OF CHARLES & ANN NEILL FROM PUD TO RM-8

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 is identified as Alamance County parcel 110110, located on Piedmont Ave., is owned by Charles & Ann Neill; and

WHEREAS, pursuant to development ordinance, proper application was made by the property owner to rezone 17.8 acres from PUD to RM-8; 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 August meeting, the Gibsonville Planning Board made a recommendation to approve the rezoning request by a 3-1 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 PUD to RM-8, which shall be fully incorporated therein.

Adopted this 5th day of September 2023.

Mayor

Attest: _____

Plan Consistency Statement and Statement of Reasonableness

In accordance with NCGS 160D-605, the Board of Aldermen shall approve a Plan Consistency Statement and a Statement of Reasonableness when adopting or rejecting a zoning map amendment.

Staff Recommendation: Staff recommends that the Board of Aldermen approve the Plan Consistency Statement and Statement of Reasonableness for Piedmont Avenue (Alamance County Parcel # 110110) zoning map amendment (rezoning) request as stated below:

Property at Piedmont Avenue (Alamance County Parcel # 110110) is owned by Charles Neill and Ann Neill Hager, and the rezoning request is to rezone 17.8 acres from PUD to RM-8.

THE BOARD OF ALDERMEN OF THE TOWN OF GIBSONVILLE HEREBY STATES:

PLAN CONSISTENCY STATEMENT AND STATEMENT OF RESONABLNESS:

The proposed zoning amendment is consistent with the Town of Gibsonville Land Development Plan 2040 because:

1. It is consistent with the goal, objective, and strategies included in Section 4.4 Residential Development;
2. This anticipated development advances the goal of Section 4.4 Residential Development which is to preserve, enhance, and create satisfying living environments that create and maintain strong neighborhoods and Objective 4.4A: Encourage the continued viability of single-family homes as a major housing source, while allowing other forms of housing such as accessory dwelling units, multi-family, and retirement communities; and
3. The proposed RM-8 (Multi-Family Residential District) zoning district is consistent with the “Residential (Med-High Density)” designation for the property on the Town’s Future Land Use Map.

The proposed zoning amendment is reasonable and in the public interest because it supports the Town of Gibsonville Land Development Plan 2040 policies above, as well as for the following reasons:

1. Consistency with Surrounding Area: The proposed development will be a higher density than the surrounding areas as it will be used for townhome residential purposes. Other land uses in the surrounding areas are single family homes to the east, west, and south of the property and vacant to the north.
2. Benefits and Detriment to the Community: The proposed amendment would provide a residential opportunity for residents and increase the tax base.
3. Relationship of Proposed Development to Currently-Allowed Development: This property currently is zoned PUD (Planned Unit Development District) and the purpose of this district is to provide for creation of well thought-out environments through the application of flexible and diversified land development standards. The PUD is intended to encourage the application of new techniques and technology to residential, commercial, office, and industrial use which will result in a more comprehensive development arrangement with lasting function and appeal.
Rezoning the property as proposed to RM-8 is consistent to the future land use map and it furthers the policies, goals, and objectives in Section 4.4 Residential Development. The adjoining properties are zoned PUD and AG.
4. Other Public Interests Supported: The proposed amendment improves consistency with the long range plan by providing needed residential opportunities and improves the tax base by allowing residential development and is therefore in the public interest.

Approved this the 5th day of September, 2023.

Leonard Williams
Mayor

Date

Reports

Town Manager – Ben Baxley reminded the board of the upcoming food truck rodeo and concert on September 16th. The band will be Sweet Tea and the Biscuits. The HWY 61 waterline project is getting closer to completion and paving will hopefully begin at the end of September.

Mayor – Mayor Williams stated that he has received complaints regarding an overgrown ditch between 711 and 713 Burlington Avenue as well as grass/leaves/yard debris being dumped on the street far ahead of scheduled pickup. He asked the Town Manager to pass the ditch issue on to the Planning Director.

Board Members – Alderman Dean reiterated his concern over town liability during the Toastoberfest.

Alderman Shepherd, seconded by Alderman Owen, made a motion to adjourn. The motion passed unanimously. The meeting adjourned at 8:09.

Mayor

Attest: Town Clerk