

*Lillington Board of Commissioners
April 13, 2021*

Regular Board Meeting of the Town Board of the Town of Lillington, Tuesday, April 13, 2021 at 6:00 p.m. at the Lillington Town Hall (102 E. Front Street), Lillington, North Carolina.

Board Members Present: Mayor Glenn McFadden
Mayor Pro Tempore Marshall Page
Commissioner Rupert Langdon
Commissioner Neil McPhail
Commissioner Dianne Johnson

Board Members Absent: Commissioner Time Stephens

Staff Present: Joseph Jeffries, Town Manager
Lisa Young, Assistant Town Manager
Alicia Gregory, Management Analyst/Town Clerk
Frank Powers, Police Chief
William Baker, Parks & Recreation
John Bethune, Fire Chief
Josh Perry, Planning & Inspections
Tony Buzzard, Town Attorney

Call to Order & Welcome: Mayor Glenn McFadden called the meeting to order and welcomed those in attendance at 6:00 pm.

Mayor McFadden proceeded to announce the sad passing of Commissioner Tim Stephens last night, April 12, 2021. He was a great Commissioner and the Town of Lillington is forever grateful for his contributions to bettering his community.

Invocation: Commissioner Page held the invocation.

Agenda Consideration: Mayor Glenn McFadden presented the agenda for consideration by Town Board. Commissioner Page moved to approve the agenda as presented. The motion was seconded by Commissioner Johnson and approved unanimously. (Minute Book Notation: Agenda is on file at Lillington Town Hall).

Public Comment: Mayor Glenn McFadden inquired as to whether anyone wished to address the Town Board.

Judy Rogers, 304 Community Road, Lillington, was recognized to address the Board. Ms. Rogers thanked the Board for allowing Food Trucks in Lillington. She then read a letter from Mr. Larry Alexander expressing his concern for Food Truck signage. Ms. Rogers expresses many of the same concerns as Mr. Alexander and requests that the Board consider allowing Food Trucks to publish signage on the medians and corners of roadways. Ms. Rogers states that she believes Food Trucks increase business for local restaurants and shops. She felt that signage for Food Trucks would not hinder the brick and mortar businesses. Ms. Rogers states that

approximately 22 businesses currently have signage throughout Lillington and she would like the same opportunity to advertise for her Food Truck.

Curtis Marsh, 1410 South 4th St, Lillington, was recognized to address the Board. Mr. Marsh expressed concerns surrounding the cement plant located at 304 E McNeill Street. He explains that his property has been devalued due to the negative externalities of the cement plant. He further states that, from his knowledge, he believes the plant is conducting business without a permit and outside of Town regulations. Mr. Marsh lists numerous concerns caused by the cement plant including: multiple trees cut down and left to lay on his personal property; chemical erosion on the side of his house that faces the plant; powder and dust consistently filling the air; water flooding onto personal property; erosion of personal property caused by the flooding water; exacerbated health issues; lack of ‘danger’, ‘keep out’, etc signage to prevent injury of children living in the area; and excavating on personal property. Mr. Marsh explains that he attempted to address these issues 7 years ago with the Board, yet nothing has been done. Mr. Marsh argues that no one should have to live under those circumstances and once again pleads with the Town to utilize their resources to help resolve the issues at the cement plant.

There were no other speakers signed up for public comment.

Consent Agenda: Commissioner Langdon moved that the consent agenda items be approved as submitted to the Board. The motion was seconded by Commissioner McPhail and the consent agenda items were approved unanimously:

- Item #1**
Approval of Work Session Minutes from March 8, 2021 Minutes were approved.
- Item #2**
Approval of Closed Session Minutes from March 8, 2021 Minutes were approved.
- Item #3**
Approval of Regular Session Minutes from March 9, 2021 Minutes were approved.
- Item #4**
Approval of Closed Session Minutes from March 9, 2021 Minutes were approved.
- Item #5**
Approval of FY20-21 Budget Amendment #10 Amendment was approved.
- Item #6**
Approval of an Agreement Between the Town of Lillington and Temple Grading and Construction Company Inc. for the West Duncan Street Drainage Replacement – 2021 Agreement was approved.
- Item #7**
Approval of Amendment No. 2 to Agreement for Professional Engineering Services with Hiram J. Marziano, PE Amendment was approved.
- Item #8**
Renewal Contract Between the Town of Lillington and Rodney Ellen for Property Acquisition Renewal was approved.
- Item #9**
Approval of an Agreement Between East Coast Pyrotechnics, INC, and the Town of Lillington Agreement was approved.

PUBLIC HEARING

Item #10 Public Hearing on the Consideration of Establishing an Annexation Agreement Between the Town of Lillington, North Carolina and the Town of Angier, North Carolina

Mayor McFadden opened the Public Hearing at 6:11 pm.

Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory presented the Board with an Annexation Agreement between the Town of Lillington, North Carolina and the Town of Angier, North Carolina. Ms. Gregory stated the Town of Lillington has received petitions from several property owners for annexation into the Town of Lillington. She explained that after investigation, the properties did not meet the noncontiguous distance requirement and were slightly closer to the Town of Angier. Ms. Gregory explains that in accordance with §160A-58.1(b)(2), a Town may annex a noncontiguous area that does not meet the standards set out by entering into an annexation agreement. She states that in further accordance with §160A Article 4A, Part 6, two or more cities are authorized to enter into a binding agreement regarding future annexations in order to enhance orderly planning by municipalities. She lastly explains that the Town of Angier has approved the agreement last month and approval of the agreement by the Board would permit the Town of Lillington to continue with annexation proceedings for properties listed in the agreement.

With no additional comments, Mayor McFadden closed the Public Hearing at 6:12 pm.

Item #10A Consideration of Approval of An Ordinance Establishing an Annexation Agreement Between the Town of Lillington, North Carolina and the Town of Angier, North Carolina

A motion was made by Commissioner Langdon to approve the Ordinance Establishing an Annexation Agreement Between the Town of Lillington, North Carolina and the Town of Angier, North Carolina. The motion was seconded by Commissioner Johnson and approved unanimously.

Item #11 Public Hearing on the Question of Annexation of the Noncontiguous Satellite Area PIN#: 0662-34-1818.000 & 0662-24-9062.000 Case Number ANX-21-05 (LaRue Powell)

Mayor McFadden opened the public hearing at 6:13 pm.

Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory stated the Town of Lillington received a petition under §160A-58.1 for satellite annexation. The Town Board by Resolution directed the Town Clerk to investigate the sufficiency of the petition. In accordance with §160A-58.2 the Town Board called a Public Hearing for the question of annexation for a 31.83-acres being PIN #0662-34-1818.000 & 0662-24-9062.000 Case Number ANX-21-05.

With no additional comments, Mayor McFadden closed the Public Hearing at 6:14 pm

Item #11A Consideration of Approval of An Ordinance to Extend the Corporate Limits of the Town of Lillington (LaRue Powell)

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A motion was made by Commissioner Johnson to approve the Ordinance to Extend the Corporate Limits of the Town of Lillington (LaRue Powell). The motion was seconded by Commissioner Page and approved unanimously.

Item #12 Public Hearing on the Question of Zoning Assignment for Newly Incorporated City Limits (LaRue Powell)

Mayor McFadden opened the public hearing at 6:16 pm.

Mayor McFadden recognized Josh Perry, Planning and Inspections. Mr. Perry stated staff received an application for a zoning assignment for the newly annexed tracts being the 30.8 acres located off of NC Hwy 210N being PIN# 0662-34-1818.000 and 0662-24-9062.000. The applicant is proposing a Conditional Residential Mixed-Use CD-RMX zoning assignment.

Site Description: Site is currently Agricultural and wooded tracts fronting on NC Hwy 210 N. The 30.8-acre tracts will have access to Harnett Regional Water and Town of Lillington Sewer. The surrounding land uses are Single Family Residential and Schools.

Proposed Zoning:

Applicant is proposing a Conditional District RMX Zoning District with plans of 225-unit Townhome Development with the following conditions.

Conditions:

- Maximum Density shall be 8 units/ acre
- Maximum units per building shall be 7
- House entrances for units with front facing single-car garages must have covered porch or stoop area leading to the front door
- There shall be one roof element such as a gable for each unit and one vertical break for each building of more than 3 units
- Garage door must have windows, decorative details or carriage-style adornments on them
- On corner lots, the side elevation facing the public street shall contain at least two decorative elements such as but not limited to: Windows, Recessed window, Decorative window, Trim around the windows, Decorative brick/stone, Decorative trim, Decorative shake, Decorative air vents on gable, Decorative gable, Decorative cornice, Column, Portico, Dormer
- A varied color palette shall be utilized on homes throughout the subdivision to include a minimum of two-color families for siding. Other elements such as the front door, trim, and shutters shall be permitted to be accent colors complementing the siding color

Evaluation:

The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the Zoning Assignment outweigh any potential inconvenience or harm to the community.

REASONING: The requested zoning assignment to Conditional District Residential Mixed-Use CD-RMX will not have a negative impact on the community as it is similar in nature to existing uses within this area.

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The requested zoning assignment is compatible with the existing Land Use Classification.
REASONING: The requested zoning district is not compatible with this area's land use classification due to the plan not addressing new annexations that would have then been outside of the city limits at the time of its adoption.

The proposal does enhance or maintain the public health, safety and general welfare.
REASONING: The requested Zoning Assignment to Conditional District Residential Mixed-Use CD-RMX would maintain or enhance the public health, safety, and general welfare due to area's existing Single Family Residential and Agricultural land uses.

Planning Board Recommendation:

The Planning Board reviewed this at their February 15th Planning Board meeting and unanimously recommend APPROVAL to the Lillington Board of Commissioners.

With no additional comments, Mayor McFadden closed the Public Hearing at 6:19 pm.

Item #12A Consideration of Approval of an Ordinance to Apply the Lillington Zoning Ordinance to the Newly Incorporated City Limits

A motion was made by Commissioner Page, that as stated in the evaluation, the requested rezoning to CONDITIONAL RESIDENTIAL MIXED-USE CD-RMX is compatible with Town of Lillington regulatory documents and would not have an unreasonable impact on the surrounding community based on the uses in this area as well as the Town's Land Use Plan designation for this area. Therefore, the ordinance for the rezoning request be APPROVED. The motion was seconded by Commissioner McPhail and approved unanimously.

Item #13 Public Hearing for Temporary Street Closure of McKinney Parkway and Alexander Drive for the Run for FUNds HCAEOP Scholarship 5K Walk/Run

Mayor McFadden opened the public hearing at 6:21 pm.

Mayor McFadden recognized Josh Perry, Planning & Inspections. Mr. Perry explains the Harnett County Association of Education Office Professionals is requesting to close McKinney Parkway and Alexander Drive Saturday, May 1, 2021 from 7:00 a.m. to 12:00 p.m., for the Run for FUNds HCAEOP Scholarship 5K Walk/ Run.

With no additional comments, Mayor McFadden closed the Public Hearing at 6:22 pm.

Item #13A Consideration of Temporary Street Closure of McKinney Parkway and Alexander Drive for the Run for FUNds HCAEOP Scholarship 5K Walk/Run

A motion was made by Commissioner Johnson to approve the Temporary Street Closure of McKinney Parkway and Alexander Drive for the Run for FUNds HCAEOP Scholarship 5K Walk/Run. The motion was seconded by Commissioner Page and approved unanimously.

NEW BUSINESS

Item #14 Consideration of Resolution Directing the Town Clerk to Investigate a Non-Contiguous Satellite Annexation Petition Received Under General Statute §160A-58.1 from Jerry Thomas Blanchard Jr. & Brantley Joseph Blanchard Sr.

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Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory stated for your Consideration is a Resolution Directing the Town Clerk to Investigate a Non-Contiguous Satellite Annexation Petition Received Under General Statute §160A-58.1 from Jerry Thomas Blanchard Jr. & Brantley Joseph Blanchard Sr. The Annexation Petition was received on March 22, 2021. The non-contiguous annexation of 24.49 acres of the property identified as PIN #: 0661-02-3738.000 located at 83 Tripp Road situated in the County of Harnett.

A motion was made by Commissioner Page to approve the Resolution Directing the Town Clerk to Investigate a Non-Contiguous Satellite Annexation Petition Received Under General Statute §160A-58.1 from Jerry Thomas Blanchard Jr. & Brantley Joseph Blanchard Sr. The motion was seconded by Commissioner McPhail.

For the Record:

The Town Clerk does hereby certify an investigation has been completed of the petition for the non-contiguous annexation of 24.49 acres of the property identified as PIN #: 0661-02-3738.000 located at 83 Tripp Road situated in the County of Harnett. The petition is attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

Following no additional comments, the motion was approved unanimously.

Item #15 Consideration of Resolution Fixing Date of Public Hearing for May 11, 2021, on Question of Annexation, Pursuant to General Statute §160A-58.1 from as Requested by Jerry Thomas Blanchard Jr. & Brantley Joseph Blanchard Sr. for Property Identified as PIN #: 0661-02-3738.000

Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory stated for your Consideration is a Resolution Fixing Date of Public Hearing on Question of Annexation, Pursuant to G.S. §160A-58.1 as Requested by Jerry Thomas Blanchard Jr. & Brantley Joseph Blanchard Sr. for Property Identified as PIN #: 0661-02-3738.000 on May 11, 2021 at 6:00pm.

A motion was made by Commissioner Page to approve the Resolution Fixing Date of Public Hearing on Question of Annexation, Pursuant to G.S. §160A-58.1 as Requested by Jerry Thomas Blanchard Jr. & Brantley Joseph Blanchard Sr. for Property Identified as PIN #: 0661-02-3738.000. The motion was seconded by Commissioner Johnson and approved unanimously.

Item #16 Consideration of Resolution Directing the Town Clerk to Investigate a Non-Contiguous Satellite Annexation Petition Received Under General Statute §160A-58.1 from Fred E. Matthews, Jr.

Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory stated for your Consideration is a Resolution Directing the Town Clerk to Investigate a Non-Contiguous Satellite Annexation Petition Received Under General Statute §160A-58.1 Fred E. Matthews, Jr. The Annexation Petition was received on April 5, 2021. The non-contiguous annexation of 25.832 acres of the property identified as PIN #: 0661-29-8122.000 located at 103 Dry Creek Road situated in the County of Harnett.

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A motion was made by Commissioner Johnson to approve the Resolution Directing the Town Clerk to Investigate a Non-Contiguous Satellite Annexation Petition Received Under General Statute §160A-58.1 from Fred E. Matthews, Jr. The motion was seconded by Commissioner Page.

For the Record:

The Town Clerk does hereby certify an investigation has been completed of the petition for the non-contiguous annexation of 25.832 acres of the property identified as PIN #: 0661-29-8122.000 located at 103 Dry Creek Road situated in the County of Harnett. The petition is attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

Following no additional comments, the motion was approved unanimously.

Item #17 Consideration of Resolution Fixing Date of Public Hearing for May 11, 2021, on Question of Annexation, Pursuant to General Statute §160A-58.1 from as Requested by Fred E. Matthews, Jr. for Property Identified as PIN #: 0661-29-8122.000

Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory stated for your Consideration is a Resolution Fixing Date of Public Hearing on Question of Annexation, Pursuant to G.S. §160A-58.1 as Requested by Fred E. Matthews, Jr. for Property Identified as PIN #: 0661-29-8122.000 on May 11, 2021 at 6:00pm.

A motion was made by Commissioner Page to approve the Resolution Fixing Date of Public Hearing on Question of Annexation, Pursuant to G.S. §160A-58.1 as Requested by Fred E. Matthews, Jr. for Property Identified as PIN #: 0661-29-8122.000. The motion was seconded by Commissioner Langdon and approved unanimously.

Item #18 Consideration of Senior Citizens Advisory Board Appointments

Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory explains that per Section 32.65 of the Lillington Code of Ordinances; the Senior Advisory Board currently has two (2) available positions. Michael Osborne and Toni Spry have requested to be appointment to the Senior Citizens Advisory Board. The Town Clerk has received no other applications for consideration of appointment.

A motion was made by Commissioner Langdon to appoint Michael Osborne and Toni Spry's to the Lillington Senior Advisory Board. The motion was seconded by Commissioner Page and approved unanimously.

Item #19 Recommendation of the FY 2021-2022 Tax Rate for the Flatwoods Rural Fire District

Mayor McFadden recognized Lisa Young, Assistant Town Manager. Ms. Young explains the Town of Lillington provides Fire Protection Services to the Flatwoods Rural Fire District through a contract with Harnett County. As the contract provider, the Town is required to recommend a proposed tax rate annually to the Harnett County Board of Commissioners for consideration to adequately provide services. Town staff is recommending a tax rate of \$0.12 per

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\$100.00 of property valuation for FY2021-2022. This tax rate is the same as the three, previous fiscal years.

A motion was made by Commissioner Langdon to approve the Recommendation of the FY 2021-2022 Tax Rate for the Flatwoods Rural Fire District. The motion was seconded by Commissioner Johnson and unanimously approved.

Item #20 Consideration of a Resolution Authorizing the Application and Enforcement of the Harnett County Ordinance for the Civil Enforcement of North Carolina General Statute §20-217 in the Town of Lillington

Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory explains that for your consideration is a Resolution Authorizing the Application and Enforcement of the Harnett County Ordinance for Civil Enforcement of North Carolina General Statute §20-217 in the Town of Lillington pursuant to North Carolina General Statute §153A-122 and §153A-246. Safety cameras on Harnett County school buses and subsequent violation citations are to be installed and enforced by BusPatrol, a third-party vendor on behalf of the County. The safety cameras have not yet been installed. Harnett County ensures communication with the Town of Lillington throughout the implementation and enforcement process. Absent approval of Resolution FY 2021-20, enforcement of Harnett County school bus cameras will not take place within Lillington town limits.

Mayor McFadden asked Mr. Buzzard if there was any risk the Town could be held liable for issued citations in the future.

Mr. Buzzard stated that he does not believe the Town could be held liable due to the fact that Harnett County has assumed full responsibility for the development and enforcement of the process.

A motion was made by Commissioner Johnson to approve the Resolution Authorizing the Application and Enforcement of the Harnett County Ordinance for the Civil Enforcement of North Carolina General Statute §20-217 in the Town of Lillington. The motion was seconded by Commissioner McPhail and unanimously approved.

Non-Agenda Items: Prior to entering Closed Session, Mayor Glenn McFadden inquired as to whether there were any non-agenda items that should be addressed by Town Board members or staff.

Commissioner Page stated the funeral service for Commissioner Stephens would take place at 11 am on Friday, April 16, 2021, at Summerville Presbyterian Church.

Commissioner Langdon stated that he and Commissioner Stephens did not always agree on everything, but he believes we can all agree the Town of Lillington lost a concerned and good citizen yesterday.

Mayor McFadden thanked Ms. Bryant for feeding the Town of Lillington's staff the week before. He also thanked Mr. Babb for providing lunch tickets to the staff a few days prior. Mayor

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McFadden noted that the staff is always appreciative when citizens contribute back. Mayor McFadden also ensured that the Town is doing everything they can, and within their legal power, to resolve the cement plant issues. Finally, he stated the Town imposes the same signage regulations on all business and attempts to regulate signage as best as possible. Just because signs are posted, does not mean they are allowed to be posted.

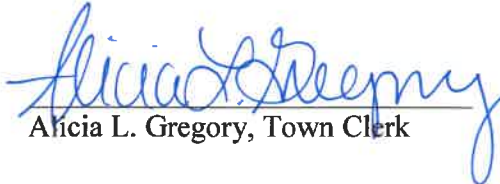
There were no additional comments.

Item #21 Closed Session to Meet per §143-318.11(a)(3) & §143-318.11(a)(5)

A motion was made by Commissioner Langdon to enter Closed Session per §143-318.11(a)(3) & §143-318.11(a)(5). The motion was seconded by Commissioner Page and unanimously approved.

Adjournment: The meeting adjourned following the unanimous approval of a motion by Commissioner Johnson and a second by Commissioner Page.

Attest:


Alicia L. Gregory, Town Clerk




Glenn McFadden, Mayor