

Regular Board Meeting of the Town Board of the Town of Lillington, Tuesday, September 15, 2020 at 6:00 p.m. held virtually through ZOOM

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

Staff Present: Joseph Jeffries, Town Manager
Lisa Young, Assistant Town Manager
Alicia Gregory, Management Analyst/Town Clerk
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.

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).

The Board was polled and approved the Consideration of the Agenda unanimously.

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

There were no 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 Page and the Board was polled and the consent agenda items were approved unanimously:

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| Item #1 | Work Session Minutes from August 10, 2020 | Minutes were approved. |
| Item #2 | Closed Session Minutes from August 10, 2020 | Minutes were approved. |
| Item #3 | Regular Meeting Minutes from August 11, 2020 | Minutes were approved. |
| Item #4 | Special Meeting Minutes from September 1, 2020 | Minutes were approved. |

Item #5

FY20-21 Budget Amendment #2

Amendment was approved.

Item #6

2020 Asset Inventory and Assessment, Sewer Project Agreement for Professional Services

Agreement was approved.

Item #7

2020 Asset Inventory and Assessment, Water Project Agreement for Professional Services

Agreement was approved.

Item #8

Golden Leaf Revised Grantee Acknowledgement and Agreement

Agreement was approved.

Item #9

Amendment No.1 to Agreement for Professional Engineering Services with Hiram J. Marziano

Agreement was approved.

PUBLIC HEARING

Item #10 Public Hearing on the Question of Annexation of the Contiguous Area PIN#: 0660-19-2201.000 Case Number ANX-21-01

Mayor McFadden opened the Public Hearing at 6:06 p.m.

Mayor McFadden recognized Alicia Gregory, Management Analyst/Town Clerk. Ms. Gregory stated the Town of Lillington received a petition under §160A-31 for contiguous annexation. The Town Board by Resolution directed the Town Clerk to investigate the sufficiency of the petition. In accordance with §160A-31 the Town Board called a Public Hearing for the question of annexation for a 1.23-acres being PIN #0660-19-2201.000 Case Number ANX-21-01.

Mayor McFadden polled the Board of Commissioners and there were no additional questions.

As there were no other speakers, the Public Hearing was closed at 6:07 p.m.

Item #11 Public Hearing on the Question of Zoning Assignment for Newly Incorporated City Limits

Mayor McFadden opened the Public Hearing at 6:08 p.m.

Mayor McFadden recognized Josh Perry, Planning & Inspections. Mr. Perry explained the applicant is proposing a RS10 Zoning District with plans of single family residential home. This would allow the applicant to tie into the Town of Lillington sewer.

Evaluation:

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

REASONING: The requested zoning assignment to Residential Single Family RS10 will not have a negative impact on the community as it is similar in nature to existing uses within this area.

The requested zoning assignment is compatible with the existing Land Use Classification.

REASONING: The requested zoning district is compatible with this area's land use classification of Single Family Residential and Agricultural Farm land.

The proposal does enhance or maintain the public health, safety and general welfare.

REASONING: The requested rezoning to Residential Single Family RS10 would maintain or enhance the public health, safety, and general welfare due to area's existing multi-family apartments.

Mayor McFadden polled the Board of Commissioners and there were no additional questions.

As there were no other speakers, the Public Hearing was closed at 6:09 p.m.

Item #12 Public Hearing on Consideration of a Rezoning Request from O/S Office Services To RMF Residential Multi Family for a 1.7-Acre Tract PIN#: 0660-09-1769.000

Mayor McFadden opened the Public Hearing at 6:10 p.m.

Mayor McFadden recognized Josh Perry, Planning & Inspections. Mr. Perry explained Town staff has received a Rezoning Application from George Womble (J.E. Womble and Sons Construction) to rezone the property on N Main Street, being PIN#0660-09-1769.000, from O/S, Office/Services to RMF, Residential Multi-family. Site is currently vacant with approximately 400ft of street frontage on N Main Street/NC 210 N.

Evaluation:

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

REASONING: The requested zoning change to RMF, Residential Multi-Family will not have a negative impact on the community as it is similar in nature to existing uses within this area.

The requested zoning district is not compatible with the 2015 Future Land Use Map.

REASONING: The requested zoning district is compatible with this area's land use classification of Residential Multi-family, Major Institutional, Townhouse/Condo Residential, and Medical (Commercial).

The proposal does enhance or maintain the public health, safety, and general welfare.

REASONING: The requested rezoning to Residential Multi-family would maintain or enhance the public health, safety, and general welfare due to area's existing multi-family apartments.

Commissioner Stephens questioned why the Town went through all the trouble of creating a plan if the Town wasn't going to use it to make decisions. He believed it was a lot of money and effort to just disregard it.

Mr. Perry explained that this rezoning was in align with the original plan that was approved for apartments.

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Mayor McFadden explained that during the creation of the Land Use Plan this particular property was effected by a rezoning that the property owner did not request. During Land Use Planning Process, properties which were located in close proximity to certain things during the planning process, were changed to that zoning and that is what happened with this particular property.

Commissioner Stephens stated he felt there was no point in creating a Land Use Plan if we are not going to follow it. That we could of spent that money on something else.

Mayor McFadden stated he understood where he was coming from.

Mayor McFadden polled the Board of Commissioners and there were no additional questions.

As there were no other speakers, the Public Hearing was closed at 6:17 p.m.

Item #13 Public Hearing on Consideration of Text Amendment to Article XI Business Regulations Chapter 116 Food Truck Regulations of the Lillington Code of Ordinances
Mayor McFadden opened the Public Hearing at 6:18 p.m.

Mayor McFadden recognized Josh Perry, Planning & Inspections. Mr. Perry stated as directed by the Lillington Board of Commissioners staff has prepared two proposed ordinances to address food trucks in the corporate limits. He explained that currently the Town does not have an ordinance to address food trucks. One Ordinance would allow food trucks with regulations, the other would only allow food trucks by special event.

Commissioner Page explained that he at first was in favor of food trucks but he now has reservations about food trucks in the corporate limits. He wants to ensure that all issues that could arise are addressed in the ordinance.

Commissioner Stephens asked if this ordinance would create an even competition with brick and mortar businesses. He felt they need to pay as much as normal restaurants to operate.

Mr. Perry explained there would be fees associated with food trucks.

Mr. Jeffries, Town Manager, explained that they have a user fee of fifty dollars per event. In addition, they would also pay sales tax just like brick and mortar business.

Mayor McFadden explained that there are many more regulations and expenses for brick and mortar businesses, but he said it was up to the Board to determine how they feel about the ordinances.

Mayor McFadden requested staff to present the difference between regulations of brick and mortar restaurants and food trucks.

Mayor McFadden polled the Board of Commissioners and there were no additional questions.

As there were no other speakers, the Public Hearing was closed at 6:24 p.m.

Item #14 Public Hearing on Consideration of Text Amendment to Article IX General Regulations Chapter 90 Animal Control of the Town of Lillington’s Code of Ordinances
Mayor McFadden opened the Public Hearing at 6:25 p.m.

Mayor McFadden recognized Josh Perry, Planning & Inspections. Mr. Perry explained that presented for you tonight is a proposed text amendment to Chapter 90 Animal Control that would allow horses in the corporate limits in RS 20 and RR zoning districts. This would be limited to parcels of land that have a minimum of 10 acres. In addition, all agricultural guidelines would also be required. The Planning Board has reviewed the proposed amendment and recommended approval.

Commissioner McPhail asked who would be responsible of making sure these requirements are met.

Mr. Jeffries explained this would be regulated by Harnett County Animal Control.

Commissioner Langdon asked who would be responsible for regulating barn facilities.

Mr. Jeffries explained the Town of Lillington would require North Carolina State Building Codes to be met.

Commissioner Page asked if they would be required to go through Building Inspections.

Mr. Jeffries stated yes and their zoning permit would have to be in alignment with the Unified Development Ordinance.

Mayor McFadden polled the Board of Commissioners and there were no additional questions.

As there were no other speakers, the Public Hearing was closed at 6:30 p.m.

NEW BUSINESS

Item #15 Consideration of Board of Adjustment Appointments

Mayor McFadden recognized Alicia Gregory, Town Clerk. Mrs. Gregory stated Per Section 7-01-6 of the Lillington Unified Development Ordinance; the Board of Adjustment has two (2) vacancies open for appointment. The vacancies are for two (2) ETJ representatives and one (1) ETJ alternate representative. The terms are for three (3) years from September 2020 – September 2023.

The proposed reappointment terms are as follows:

Name	Address	Proposed Term
Judy Bethune	187 Barnes Ave.	September 2020 - September 2023
Janice Arnold	164 Riverside Hills Pond	September 2020 - September 2023

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Ms. Gregory stated since these applicants are in the ETJ the Lillington Board of Commissioners would need to recommend the applicants for appointment to the Harnett County Board of Commissioners to serve as the two (2) ETJ representatives on the Lillington Board of Adjustment.

A recommendation was made by Commissioner Langdon to appointment of Judy Bethune and Janice Arnold to the Lillington Board of Adjustment to serve as the ETJ members. The recommendation was seconded by Commissioner Johnson.

Commissioner Johnson asked if there was one more vacancy on the Board of Adjustment.

Ms. Gregory stated it was an alternate seat.

Commissioner Stephens asked if these applicants were on any other Boards.

Ms. Gregory explained they currently serve on the Lillington Planning Board.

Commissioner Stephens explained that he was not in favor of having them serve on both boards. He felt that having just a few people serving on multiple different boards was bad government. He felt with all the people in town there should have been more individuals interested.

Ms. Gregory explained that she advertised these vacancies and did not receive any other applications.

Commissioner Stephens stated that this was going to give an elite group all the ability to make decisions, and it was unfair and un-American. He suggested paying individuals serving on these boards.

Mayor McFadden explained that these are ETJ members and not actual citizens of the Town and that we do not get much interest in serving on advisory boards. He explained to Commissioner Stephens that we advertised these vacancies as we do all our advisory board vacancies.

Commissioner Stephens stated that his whole point was this is an issue larger than these two appointments. He stated the reason he wanted to be on the Board was because he wanted the government to be run by the people, not just one person or a group of elite people.

Commissioner Langdon asked what was the alternative to not recommending these appointments.

Mayor McFadden stated we could not recommend and re-advertise again but we legally have to have a Board of Adjustment.

Commissioner Langdon then stated he did not want anyone serving on an advisory board that we had to force to join the Board.

Mayor McFadden stated he agreed.

Commissioner Stephens stated he did not want anyone serving on a board that served on a bunch of other Boards.

The Board was polled and Commissioner Stephens did not recommend the two ETJ members. All other Board members recommended appointment. Vote 4-1.

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 Jesus Leon

Mayor McFadden recognized Alicia Gregory, Town Clerk. Mrs. Gregory stated a petition for annexation for property identified as PIN #: 0558-96-9735.000, 0568-06-1481.000, 0558-95-7869.000, 0568-05-3943.000, 0558-95-9554.000 was submitted in accordance with § 160A-58.1 by property owners September 8, 2020. 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 Jesus Leon.

Sufficiency statement was reviewed by the Lillington Board of Commissioners and accepted.

A motion was made by Commissioner Page to approve Resolution Directing the Town Clerk to Investigate a Non-Contiguous Satellite Annexation Petition Received Under General Statute §160A-58.1 from Jesus Leon. The motion was seconded by Commissioner Johnson and the Board was polled and the resolution was approved unanimously.

Item #17 Consideration of Resolution Fixing Date of Public Hearing on Question of Annexation, Pursuant to G.S. §160A-58.1 as Requested by Jesus Leon for Property Located at US 401 South Identified as PIN #: 0558-96-9735.000, 0568-06-1481.000, 0558-95-7869.000, 0568-05-3943.000, 0558-95-9554.000

Mayor McFadden recognized Alicia Gregory, Town Clerk. Ms. Gregory presented a Resolution Fixing Date of Public Hearing on Question of Annexation, Pursuant to G.S. §160A-58.2. Property identified as PIN #: 0558-96-9735.000, 0568-06-1481.000, 0558-95-7869.000, 0568-05-3943.000, 0558-95-9554.000. The Public Hearing on the question of annexation of the non-contiguous area described will be held virtually through ZOOM, at 6:00 p.m. or shortly thereafter, on the 13th day of October, 2020

A motion was made by Commissioner Langdon to approve Resolution Fixing Date of Public Hearing on Question of Annexation, Pursuant to G.S. §160A-58.1 as Requested by Jesus Leon for Property Located at US 401 South Identified as PIN #: 0558-96-9735.000, 0568-06-1481.000, 0558-95-7869.000, 0568-05-3943.000, 0558-95-9554.000. The motion was seconded by Commissioner Page and the Board was polled and the resolution was approved unanimously.

Item #18 Consideration of Resolution for the Lillington Baptist Church Commemorating the One Hundred Fiftieth Anniversary

Mayor McFadden recognized Alicia Gregory, Town Clerk. Ms. Gregory stated for your Consideration is a Resolution for the Lillington Baptist Church Commemorating the One Hundred Fiftieth Anniversary.

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Mayor McFadden read aloud the Resolution in its entirety.

A motion was made by Commissioner McPhail to approve the Resolution for the Lillington Baptist Church Commemorating the One Hundred Fiftieth Anniversary. The motion was seconded by Commissioner Page and the Board was polled and the resolution was approved unanimously.

Non-Agenda Items: 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 asked how much longer we would be holding our meetings virtually.

Mayor McFadden stated as soon as the Governor lifts the regulations.

Commissioner Page asked how other towns were doing their meetings in person.

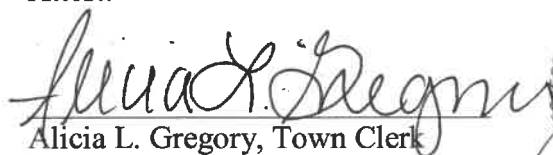
Mayor McFadden stated he was unsure.

There were no additional comments.

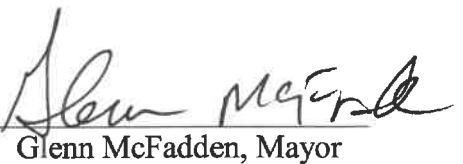
Adjournment: The meeting was recessed to Thursday, September 17, 2020, at 8:30 a.m. following the unanimous approval of a motion by Commissioner Johnson and a second by Commissioner Langdon.

The Board was polled and the meeting was recessed.

Attest:


Alicia L. Gregory, Town Clerk




Glenn McFadden, Mayor