

MINUTES
LOUISBURG TOWN COUNCIL
DECEMBER 20, 2021

The Town Council met on Monday, December 20, 2021 at 7:30 PM at the Town's Operations Center. Mayor Karl Pernell and Council Members Chris Neal, Emma Stewart, Boyd Sturges, Mark Russell, Betty Wright and Tom Clancy were present.

Following the roll call, Town Finance Director Sean Medlin gave the invocation.

ADOPTION OF THE AGENDA

Mayor Pernell called for a motion to adopt the agenda. A motion was made by Council Member Stewart with a second by Council Member Clancy. Motion passed without objection.

ADOTION OF THE MINUTES

Mayor Pernell called for a motion on the minutes following their review by Council. Council Member Clancy made a motion to approve the minutes as presented, with a second by Council Member Sturges. The motion passed without objection.

PRESENTATION OF AWARD

Mayor Pernell rose to speak expressing his gratitude to the members of Council and the citizens of the Town for their support over the years, and wished his best to the new Council in their efforts. Following the Mayor's remarks, Mr. Jonathan Franklin, Town Administrator rose to present a commemorative gavel to Mayor Pernell. After the presentation of the gavel, Carolyn Patterson, Town Clerk presented him with an award on behalf of the Town for his years of service and expressed her enjoyment in working with him these many years. At which point, Council Member Struges then rose and presented the Mayor with the Governor's order awarding Mayor Pernell the Order of Long Leaf Pine, reading aloud the order. Following his remarks, Council Member Stewart rose and offered congratulatory remarks to the Mayor for his service, and stated that in appreciation for that service, Council has prepared a resolution naming the Town's Public Safety Building as the "Karl T. Pernell Public Safety Complex". At which point a motion was made by Council Member Stewart with a second by Council Member Struges to approve **R-2021-42** so naming the complex. The motion passed without objection.

SWEARING IN OF MAYOR AND COUNCIL MEMBERS

In his final act, Mayor Pernell recognized Council Member Neal to be sworn in as Mayor. Council Member Neal was then administered the oath of office as the new Mayor by District Court Judge Adam Keith. Mayor Neal offered a brief set of remarks expressing his gratitude for his election as Mayor and expressed his goals for moving the Town ahead in the new year. Following his oath of office, Council Members Wright and Clancy along with Ms. Silka Stein were sworn in as Council Members by Judge Keith.

APPROVAL OF COUNCIL VACANCY

Following their oath, Mayor Neal recommended to Council that Ms. Dalita Woods be nominated to fill the vacant Council seat. Council Member Wright made a motion making the nomination with the motion failing for lack of a second. In turn, Council Member Stein nominated Mr. Robert Dickerson. A second was made by Council Member Russell. The motion passed with Council Members Clancy, Russell, Stein, Stewart voting yes while Council Member Wright voted no. Mr. Dickerson who was in the audience stepped forward and was sworn by Judge Keith. With a full Council seated, a motion by Council Member Clancy was made nominating Council Member Wright as Mayor Pro Tem with a second by Council Member Russell. Motion passed without objection.

GRANT PRESENTATION – NC REPRESENTATIVE WINSLOW

Mayor Neal then recognized Mr. Franklin for Agenda Item 4, who asked that NC Representative Matthew Winslow to approach Council for the presentation. Rep. Winslow announced that the Town of Louisburg was a recipient of a direct appropriation by the NC General Assembly in the amount of \$700,000 for its use toward Depot Hill. Mr. Franklin and Mayor Neal expressed the Town's gratitude for this appropriation.

PUBLIC HEARINGS

The Mayor called for a motion to open the Public Hearing portion of the agenda. A motion was made by Council Member Clancy with a second by Council Member Russell. Mayor Neal recognized Mr. Slayter, Town Planning Director to introduce Agenda Items A to G.

Mr. Slayter began by explaining that the ordinance amendments addressed in Items A through D all relate to recent changes in state law decriminalizing land use regulations and instituting a civil penalty of \$250 per day for each violation. The Mayor asked for public comment for Item A, **Ordinance 2021-O-14**. No public comment was made. The following motion was made by Council Member Clancy with a second by Council Member Russell, as follows: *"I move that this text amendment be approved as the text change recommended by the Planning Board is found to be consistent with the Louisburg Comprehensive Plan as it furthers the Plan's implementation, ensures the Ordinance is compliant with state law and promotes the public good through protecting public safety and welfare against undesirable uses."* The motion passed without objection.

Item B, **Ordinance 2021-O-15**, no public comment was made. A motion was made by Council Member Russell with a second by Council Member Clancy to approve. The motion passed without objection.

Item C, **Ordinance 2021-O-16**, no public comment was made. A motion was made by Council Member Russell with a second by Council Member Clancy to approve. The motion passed without objection.

Item D, **Ordinance 2021-O-17**, no public comment was made. A motion was made by Council Member Russell with a second by Council Member Clancy to approve. The motion passed without objection.

Item E, **Ordinance 2021-O-18**, no public comment was made. The following motion was made by Council Member Stewart with a second by Council Member Russell, as follows: *"I move that this text amendment be approved as the text change recommended by the Planning Board is found to be consistent with the Louisburg Comprehensive Plan as it expands the commercial opportunities Downtown, furthers the redevelopment of Downtown by decreasing vacant office space and provides a needed custom medical service."* The motion passed without objection.

Item F, **Ordinance 2021-O-19**, Mr. Felix Allen expressed his concern that this rezoning may be construed as spot zoning. In response, Mr. Slayter replied that it was not spot zoning as this action was consistent with Town's Comprehensive Plan and furthers the Town's stated goals for redeveloping Depot Hill. After this exchange, the following motion was made by Council Member Stewart with a second by Council Member Stein, as follows: *"I move that the parcels identified by Franklin County Tax ID Numbers 016356, 018199, 018932, 026094 and 026121 be approved for rezoning from Heavy Industrial (I-2) to Downtown Business (B-1) given the findings for this request are consistent with the Louisburg Comprehensive Plan and because this area is shown to be developed as a commercial use in accordance with the Town's economic needs, and moreover to be found reasonable as this will result in a more logical and orderly development pattern."* The motion passed without objection.

Item G, **Special Use Permit for Lot 8**, Commerce Park, Mr. Slayter explained to Council that this action by Council falls under a quasi-judicial hearing process for which Council must adhere to special rules regarding the conduct of the hearing. He then outlined for the Council what steps, and in what order, the hearing is to be conducted. In response to his comments, Mayor Neal asked for Mr. Slayter, Mr. Franklin (representing the Town) and Mr. Charles Hoy (representing Merchant Metals) to stand and be sworn in. No other parties of interest were present. The oath was administered by the Mayor after which Mr. Slayter presented the case.

Mr. Slayter began by reviewing the application by Merchant Metals for a Special Use Permit for a contractor's office with outdoor storage. After Mr. Slayter concluded his remarks, the Mayor asked Council if they had any questions of him. No questions were asked. The Mayor then asked if the Applicant had any questions, and later if any Parties of Interest had questions of Mr. Slayter. No questions were asked. At this point, the Mayor asked if the Applicant had any statement for Council regarding the application. Mr. Hoy gave a short overview of the project emphasizing several of the elements Mr. Slayter had covered. After his remarks the Mayor asked if Mr. Slayter wished to cross-examine the Applicant. He replied no. He then asked if any Parties of Interest wished to cross-examine. Mr. Franklin replied no. The Mayor then asked if any Parties of Interest wished to speak to the application. No one stood up to speak. At this point, the Mayor asked for a motion to close the proceedings for testimony and allow discussion by Council. A motion was made by Council Member Clancy with a second by Council

Member Wright to close testimony. Then Council Member Clancy made a motion to accept the Staff Report and all testimony as part of the record. A second was made by Council Member Stewart. Motion passed without objection. Several Council members expressed support of the project at which point, Council Member Clancy made a motion to accept the Findings of Fact as the basis for Council's decision. Council Member Clancy cited the Findings for the record:

- 1) Merchant Metals, a national fencing manufacturer and distributor has made an offer to purchase a 6.25 acre parcel known as Lot 8, Commerce Park.*
- 2) The Town of Louisburg is the sole owner of Commerce Park.*
- 3) According to the Applicant, they seek to construct a 21,000 square foot building with an outdoor storage yard as an accessory use to the building.*
- 4) The site plan as submitted complies with the Town's Zoning Ordinance.*
- 5) The site plan as submitted complies with the Commerce Park's Restrictive Covenants.*
- 6) According to the Applicant, the proposed use is expected to employ 10 employees.*
- 7) According to the Applicant, the building as proposed will house minor fabrication and assembly activities as well as office space.*
- 8) The Town will provide an interim access from T. Kemp Drive until Utility Drive is constructed.*
- 9) According to Applicant, they will secure all state permits prior to occupation of the building.*
- 10) According to the Applicant, there will be no excessive noise, light, dust, vibration or other spillover effects that will go beyond the property line.*

A second to Council Member Clancy's motion was given by Council Member Russell. The motion passed without objection. Then a motion was made by Council Member Clancy to approve the Special Use Permit as submitted. A second was made by Council Member Wright. The motion was passed by without objection. Lastly, a motion was made by Council Member Clancy to issue the Order of Approval with a second by Council Member Russell. No objection was made. The motion passed.

RESOLUTION LOT 8 SITE PLAN

The Mayor recognized Mr. Slayter to introduce this item. Mr. Slayter reviewed the provisions of the Commerce Park's restrictive covenants. Following Mr. Slayter's remarks, Council Member Clancy made a motion to approve **Resolution 2021-43** with a second by Council Member Wright. Motion passed without objection.

RESOLUTION FOR GREENHILL ANNEXATION

The Mayor recognized Mr. Slayter to introduce this item. Mr. Slayter informed the Council that an error was recently identified in the legal description of the Resolution and asked that this item be tabled until next month. A motion by Council Member Clancy with a second by Council Member Wright to table was made and approved without objection.

RESOLUTION FOR COMMERCE PARK ANNEXATION

The Mayor recognized Mr. Slayter to introduce this item. Mr. Slayter informed Council that this is the first step to initiate the process of annexing Commerce Park which is adjacent to the Town's municipal limits. He indicated that the Town needed to accomplish this to facilitate continued development of the Park. A motion was made by Council Member Clancy with a second by Council Member Stein to approve **Resolution 2021-44**. Motion passed without objection.

RESOLUTION FOR AUTHORIZING USE OF FUNDS FOR POLICE COMPUTER EQUIPMENT

The Mayor recognized Mr. Franklin to introduce this item. Mr. Franklin informed the Council of the needs of the Police Department regarding replacement of obsolete equipment. He requested authorization for the expenditure of funds from the Coronavirus Local Fiscal Recovery Funds to purchase this equipment such that the cost not exceed \$15,000. A motion was made by Council Member Clancy with a second by Council Member Dickerson to approve **Resolution 2021-45**. Motion passed without objection.

RESOLUTION TO ACCEPT DONATED PROPERTY

The Mayor recognized Mr. Franklin to introduce this item. Mr. Franklin gave Council a history of the parcel citing a desire on part of the Town to seek its donation given its former historical use as a water supply but now as a potential location for a park or green space. He indicated the owner was now disposed toward make such a donation. After some discussion and concerns over title to the property, a motion was made by Council Member Clancy with a second by Council Member Stein to table the matter until February 2022. Motion passed without objection.

RESOLUTION TO DECLARE AND DISPOSE OF SURPLUS PROPERTY

The Mayor recognized Mr. Franklin to introduce this item. He briefed the Council on the on-going housing revitalization efforts along Kenmore Avenue, stating that the return of this property to the private market was another step toward that goal. A motion was made by Council Member Clancy with a second Council Member Wright to approve **Resolution 21-46**. The motion passed without objection.

APPROVAL OF GOLDLEAF FOUNDATION GRANT AWARD

The Mayor recognized Mr. Franklin to introduce this item. Mr. Franklin briefed the Council on the Town's application to the Golden Leaf Foundation for funding to improve Commerce Park. He noted that the Town was awarded \$252,720 by Golden Leaf and that the funds would be used to advance the development of the Park through additional grading and clearing. Council took this briefing for information.

ADMINISTRATOR'S REPORT

Mr. Franklin reviewed the report for Council. No additional comments were received. Council took this item for information.

MAYOR'S REPORT

Mayor reiterated his goals and desires for his tenure and thanked everyone for attending the meeting.

POLICE & FIRE REPORT

Council took this item for information.

PUBLIC COMMENT

The Mayor opened the meeting for public comment. Mr. Johnny Clifton rose and spoke to Council seeking assistance with annexation along Fox Park Road due to concerns over costs of utilities and with trying to obtain natural gas.

Ms. Connie Jo Hutchinson rose and expressed her concerns over the continued mask mandate for attending Council meetings and asked Council to rescind that requirement. She then requested that the agenda packets that Council receives be placed on the website or made available in advance of the Council meeting because the Agenda itself provides little information on the background of the agenda items. She also asked what steps the Town took in securing bids for surplus property and how notice of when it sells surplus property was provided. Council Member Clancy responded that the Town publishes the notice in the Franklin Times. Ms. Hutchinson asked if the Town would place such notices on the Town's website.

In the closing minute of Public Comment, Mayor Neal announced Council will meet on January 10th and discussed changing Council regular meeting date from the third Monday of the month to the second Monday of the month. No action was taken. In response to the announcement, Ms. Hutchinson protested that this change would conflict with the regular meeting date and time of the School Board.

ADJOURNMENT

Council Member Stewart made a motion to adjourn with Council Member Clancy giving a second. Motion passed without objection.

Submitted



Philip Slayter, Acting Clerk to Council