

MINUTES OF THE WHITSETT TOWN COUNCIL
October 10, 2017
Whitsett Town Hall Building

PUBLIC HEARING

A public hearing was held at 7:00 p.m., Tuesday, October 10, 2017, at the Whitsett Town Hall. The following members of the Town Council were present: Mayor Richard Fennell, Council Members Jerry Rice, Cindy Wheeler, and Lee Greeson. Absent was Mayor Pro Tem Andy Brown.

Also present were Town Administrator Ken Jacobs, Planning Board Chairman Bob Maccia, *The Alamance News* reporter Tomas Murawski, and three additional residents.

Mayor Richard Fennell asked Council Member Jerry Rice to offer an invocation. Mayor Fennell then made a motion to officially open the October public hearing; motion seconded by Council Member Jerry Rice. Following the unanimous vote of Council members present, Mayor Fennell declared the hearing in session.

Mayor Fennell stated that the two items open for discussion and public comment during the hearing would be: (1) a variance for 6605 Burlington Road self-storage facility, and (2) proposed modifications to the schedule of development processing fees and violation penalties. Mayor Fennell added that item (1) was a procedural technicality that had been inadvertently overlooked almost 15 years ago.

Preview copies of the documents were available for the public after publication of the hearing notice in a newspaper of general circulation, as well as at the hearing. All of the documents were provided to the members of the Town Council in their advance packets.

1. Variance for 6605 Burlington Road Self-Storage Facility

A copy of the variance application submitted by Kevin Sasser for the above facility had been provided to Council members, along with the Planning Board's Findings of Fact with its recommendations for Council action. Mayor Fennell invited Town Administrator Ken Jacobs to the floor to offer background on past circumstances, and would then follow up with opening the floor for public comment on the matter.

Town Administrator Jacobs explained that back in 2003 when the mini-warehouse operation was first conceived and a rezoning applied for to accommodate plans, ordinance conditions were developed that read the lot size shall be a minimum of two (2) acres and a maximum of five (5) acres.

It was later discovered that for the project to conform to Town-required setbacks, acquisition of $\frac{3}{4}$ acre would be necessary, but this add would then not comply with the maximum 5-acre standard. An exception, i.e., variance, therefore, should have been applied for and granted. And, although the Planning Board and the Town Council discussions concurred in the added acreage at that time, no official record that a formal action had been taken could be found at Town Hall.

Remediation for this oversight would be to now apply for a variance to square away records, which could retroactively be approved by Council; and moving forward—notably with recent new ownership of the facility—files would be complete and accurate.

Mayor Fennell asked for any comments from the public, and no one from the audience asked to be acknowledged.

2. Proposed Modifications to Development Fees and Violation Penalties

Town Administrator Jacobs remained on the floor to explain proposed changes to the Town's fee schedule, stating that for development processing fees, certain areas needed an increase, a decrease or a charge to begin. Jacobs stated that the proposed modifications had been presented to the Planning Board with its full support for effecting changes.

The current \$15.00 charge for a Development Clearance Certificate (DCC), which had never been hiked, would increase to \$20.00. A sign permit fee, now nonexistent, would be imposed at \$50.00, which would be in line with most municipalities. For rezoning applications, a differentiation should be considered: (1) for a straightforward rezoning the fee would decrease from \$750.00 to \$500.00, and (2) a rezoning with conditional use would remain at \$750.00, as well as for an appeal.

Town Administrator Jacobs stated that some new water system policies had been discussed and approved in June in conjunction with the adoption of the new operating budget for 2017-2018. These included increased tap fees, increased water rates, and a late payment fee of \$5.00 if payment were received later than the set term of net 20 from invoice date. Although the rate increase and late fee had been approved in June, both would not be implemented until the upcoming October billing cycle.

In addition, two customers having had water service cut off for two months of nonpayment, became cause for the disconnect policy to be reaffirmed. Particularly, since one of the customers experienced two disconnects within a six-month period, Jacobs was prompted to entertain a tiered penalty for repeat occurrences, resulting in the following recommendation:

If within a 365-day period, more than one disconnect were required, the reconnect fee would increase from the current \$30.00 to \$50.00 for the second cut off, and to \$100.00 for the third or more. The clock would start ticking day one of the first disconnect. All payments in arrears, in addition to the \$5.00 late charge and the reconnect fee, shall be paid in full before service would be restored.

Mayor Fennell asked for any comments from the public on the modified fees and penalties; and no one from the audience asked to be recognized.

ADJOURNMENT

Mayor Fennell offered a final invitation for any public comment on the above proposals; and hearing none, asked Council members for any further questions or comments.

With no further comment on the items presented, Mayor Fennell made a motion to close the public hearing; motion seconded by Council Member Jerry Rice. Motion carried by unanimous vote of those present, and the October 10, 2017 public hearing was adjourned at approximately 7:09 p.m., to then proceed with the regular Council meeting, at which final actions would be taken.

/s/

/s/

Jo Hesson, Town Clerk

Richard Fennell, Mayor

APPROVED: November 14, 2017