

**TOWN OF MCADENVILLE COUNCIL AGENDA
TUESDAY, MAY 11, 2021 @ 6:00 PM
163 MAIN STREET, MCADENVILLE, NC**

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE & INVOCATION**
2. **ADJUSTMENT & APPROVAL OF MAY AGENDA:** Items will only be added or removed upon approval of the Mayor and Town Council.
3. **CONSENT AGENDA:** The items of the "Consent Agenda" are adopted on a single motion and vote, unless the Mayor or Council wishes to withdraw an item for separate vote and/or discussion:
 - a) **Approval of Minutes:** Regular Meeting of April 13, 2021, Special Meeting/Budget Workshop of April 19, 2021, and Special Meeting/Joint Public Hearing of April 22, 2021.
 - b) **Schedule Public Hearing on Proposed Budget:** As required by law, Council is asked to set June 8, 2021 for a public hearing on the proposed 2021-2022 municipal budget.
 - c) **Resolution 2021-001 – MRF Grant Acceptance / Water Study:** Acceptance of \$50,000 grant from the Division of Water Infrastructure to conduct a Merger/ Regionalization Feasibility Study on the Town's water infrastructure. (Project No. H-MRF-D-21-0043) The primary objective of this project is to help the Town evaluate regionalization and merger management options to enhance long-term utility viability.
 - d) **Resolution 2021-002 – MRF Grant Acceptance / Sewer Study:** Acceptance of \$50,000 grant from the Division of Water Infrastructure to conduct a Merger/ Regionalization Feasibility Study on the Town's sewer infrastructure. (Project No. H-MRF-D-21-0043) The primary objective of this project is to help the Town evaluate regionalization and merger management options to enhance long-term utility viability.
 - e) **Resolution 2021-003 – Opposing HB401/SB349:** Mayor Pro-tem McCosh requested Council's support in opposing proposed HB401/SB349 during the Special Meeting of April 19, 2021. This bill would allow duplexes, triplexes, quadplexes and Cityhouses into all residential zones, including all low-density districts, overriding the planning and zoning code adopted by the individual municipality intended to regulate local development.
4. **POLICE DEPARTMENT REPORT:** Chief Adams, or a member of the CPD staff, will report on police activity for the month of April and address any concerns of Council.
5. **STAFF REPORT:** Lesley Dellinger will provide updates on current projects including the I&I investigation and scheduled smoke testing of sewer lines, W&S rate study results conducted by NCRWA, increases in Gaston County Tax Collections fees, and construction progress on the Canoe/Kayak amenity for the greenway trail.
6. **COUNCIL GENERAL DISCUSSION:** This is an opportunity for the Mayor and Council to ask questions for clarification, provide information to staff, or place an item on a future agenda.
7. **OPPORTUNITY FOR PUBLIC COMMENT:** This is an opportunity for members of the public to present items of interest to the Mayor and Council. This is not a time to respond or take action. Any necessary action will be taken under advisement. Speakers are asked to stand, state their name and address for the record and limit comments to no more than five minutes.

ADJOURN

TOWN OF MCADENVILLE MINUTES APRIL 13, 2021

The McAdenville Town Council met in Regular Session on Tuesday, April 13, 2021 at 6:00 PM in a virtual format via a webinar hosted on zoom. The webinar was available live, and the link was distributed to the Sunshine List and made available on the Town's website.

PRESENT:

Mayor Jim Robinette; Council Members: Reid Washam, Carrie Bailey, Greg Richardson, and Joe Rankin. Also, present: Police Chief Adams, and Town Administrator/Clerk Lesley Dellinger. * Mayor Pro-tem Jay McCosh joined the meeting in progress.

CALL TO ORDER:

Mayor Robinette called the meeting to order at 6:00 PM.

ADJUSTMENT & APPROVAL OF AGENDA:

The April Agenda was approved as submitted by motion of Joe Rankin, second by Carrie Bailey with unanimous vote.

CONCENT AGENDA:

The items of the Consent Agenda were unanimously approved by motion of Reid Washam and second by Greg Richardson:

- a) **Approval of Minutes:** Regular Meeting and Closed Session of March 9, 2021.
- b) **MRF Sewer Study Service Agreement:** Council approved the Professional Service Agreement with WithersRavenel for the Sewer Merger Regionalization Study in the amount of \$49,500. The primary objective of this project is to help the Town evaluate regionalization and merger management options to enhance long-term utility viability.
- c) **MRF Water Study Service Agreement:** Council approved the Professional Service Agreement with WithersRavenel for the Water Merger Regionalization Study in the amount of \$49,500. The primary objective of this project is to help the Town evaluate regionalization and merger management options to enhance long-term utility viability.

POLICE DEPARTMENT REPORT:

Chief Adams stated that the CPD monthly report was included in the agenda packet and offered to answer questions or address any concerns of Council. He added that all new officers had completed their training and the department was back to full staff and introductions will be arranged once in-person meetings resume. Joe Rankin requested a code enforcement investigation on the rental property located at 1355 Ford Drive. He stated that there was an inoperative vehicle in the yard and extensive junk/debris located on the front porch. Lesley Dellinger stated that Town staff had received reports of numerous motorists failing to stop at the intersection of Church Street and Lakeview Drive and requested increased enforcement efforts from the CPD to suppress the issue. Chief Adams stated that both issues would be addressed.

**Mayor Pro-tem Jay McCosh joined the meeting at 6:12PM.*

STAFF REPORT:

Lesley Dellinger stated that on Wednesday, April 14th, Duke Energy would begin installing the new street lighting along Wesleyan Drive and Main Street. She added that Treescapes had been

contracted to do a major clean up in Legacy Park including new playground mulch, tree trimming, pine needles, and plant replacements. Reid Washam and his wife Suzanne were thanked for their assistance with the new landscaping at Town Hall. Lastly, Lesley reminded Council about the joint Public Hearing with the Planning Board scheduled for Thursday, April 22nd at 6:00 PM for review and voting consideration of the 160D changes to the McAdenville Unified Development Ordinance (UDO).

COUNCIL GENERAL DISCUSSION:

Mayor Robinette reminded Council of the Budget Workshop scheduled for Monday, April 19th at 5:30. He added that the Town would resume in-person meeting beginning in May if there was no objection from the Board. The Board did not object to resuming in-person meetings, but it was agreed that masks, temperature checks, and social distancing will be enforced for all persons in attendance.

Greg Richardson was happy to announce that the Notice to Proceed will be issued on Monday, April 19th for construction on the canoe/kayak launch. He spoke with Scott Brown of Blue Ridge Trails, and the concrete footings are scheduled to be poured the last week in April and the launch should be open to the public by the end of May. Greg added that the boardwalk has been moved back in place and bolted down. Minor repairs are needed to the under supports of the boardwalk, but he feels his group of volunteers can handle these repairs. Lastly, he stated that Brian Helton has agreed to remove the sand deposited on the trail from the last flood event at no charge to the Town.

Reid Washam stated that McAdenville Elementary School has added outside lighting which illuminates the sidewalk in front of the building and their parking lot. He added that the lighting is a great addition and dramatically increases visibility of the entire area after dark. Additionally, Reid reported that the Gaston Public Health Director, Steve Eaton, had confirmed that no COVID positive cases were contract traced back to the 2020 Christmas Town Event.

Mayor Pro-tem McCosh requested that the Board consider adjustments to the greenway trail to improve bicycle accessibility. He stated that additional concrete is needed at the Lakeview Drive entrance to enable access on/off the street and near the footbridge at the end of Academy Street where the sidewalk is positioned at 90° angles. No Parking signage and/or street markings are also needed to prevent vehicles from parking in front of the trail access points at both locations. Jay also questioned the planned addition of bollards for the Academy Street footbridge. He stated that the entrance to the bridge is downhill and narrow and that having to maneuver around a bollard would be difficult and pose a safety hazard for less experienced bikers.

FOR PUBLIC COMMENT:

The Mayor opened the floor for public comment. No comments were submitted.

ADJOURN:

There being no further business to come before the board, the meeting adjourned at 6:38 PM upon motion of Greg Richardson, second by Joe Rankin and unanimous vote.

Jim Robinette, Mayor

Lesley Dellinger, Town Clerk

**MCADENVILLE TOWN COUNCIL
SPECIAL METING / BUDGET WORK SESSION
APRIL 19, 2021**

The McAdenville Town Council met in Special Session on April 19, 2021 at 5:30 PM via a zoom webinar due to the COVID-19 restrictions. Proper notice was given.

Members Present: Mayor Jim Robinette, Mayor Pro-Tem Jay McCosh and Council Members, Joe Rankin, Reid Washam, and Carrie Bailey. Staff member Lesley Dellinger was also present. Council Member Greg Richardson was absent due to a work conflict.

Mayor Robinette called the meeting to order at 5:30 PM. He stated the purpose of the meeting was to receive input from Council on special projects they would like to see funded in the FY2021-2022 budget.

Lesley provided an update on the American Rescue Plan which is a direct non-competitive grant payment from the federal government to help communities recover from the impacts of the COVID-19 pandemic. McAdenville is expecting to receive approximately \$200K in funding which can be used for restoration or one-time investments in water, sewer, or broadband infrastructure. Council was encouraged to consider allocating the funding toward a manhole refurbishment program to reduce I&I. Lesley then reviewed the 160D requirements for drafting and adopting a formal Future Land Use Plan by the deadline of June 30, 2022. She explained that if this requirement is not met then the Town would lose the ability to regulate development. The estimate cost for developing this plan is \$38,500.

Special project considerations for FY21-22 were discussed and the Board collectively agreed that signage for the greenway was a top priority along with improvements to the area surrounding the public parking lot. Additional items submitted for consideration were resurfacing Robinette Lane, addressing the drainage issue in front of the Fire Station, and moving forward with engineered plans for sidewalk improvements on Wesleyan Drive. New street lighting for the downtown district was eliminated from consideration in next year's budget.

Mayor Pro-tem McCosh provided information on SB 349/HB 401 and asked that Council consider approving a resolution opposing these bills at the regular meeting in May.

The Mayor set the next budget work session for Tuesday, May 4, 2021 at 5:30 PM.

There being no further business to discuss the Mayor adjourned the meeting at 6:45 PM by motion of Carrie Bailey, second by Mayor Pro-tem McCosh and unanimous vote.

Jim Robinette, Mayor

Lesley Dellinger, Town Clerk

**SPECIAL MEETING / PUBLIC HEARING MINUTES
MCADENVILLE TOWN COUNCIL AND PLANNING BOARD
APRIL 22, 2021**

The McAdenville Town Council met in Special Session on April 22, 2021 at 6:00 PM in a virtual format via a webinar hosted on zoom. The webinar was available live, and the link was distributed to the Sunshine List and made available on the Town's website. Proper notice of the Public Hearing was published in the Gaston Gazette.

CALL TO ORDER:

Mayor Robinette called the meeting to order at 6:00 PM.

The Mayor stated that the purpose of the Special Meeting was to conduct a joint Public Hearing of the McAdenville Town Council and McAdenville Planning Board. During the Public Hearing, Town Council will receive information on the Planning Board's recommendation for proposed text amendments to the McAdenville UDO.

ROLE CALL:

Mayor Robinette conducted role call for the Board members.

Town Council Members Present

Mayor Pro-tem, Jay McCosh
Carrie Bailey
Joe Rankin
Reid Washam
*Greg Richardson

Planning Board Members Present

Chairman, Kevin Lamp
William Clark
Andy Westmoreland
Denise Palm-Beck
*David Elkins

*Board Members Greg Richardson and David Elkins joined the meeting in progress at 6:03PM.

PUBLIC HEARING:

Upon motion by Joe Rankin and second by Mayor Pro-tem McCosh the Public Hearing on the proposed UDO Text Amendments was opened. The Mayor gave the floor to Planning Board Chairman Kevin Lamp to present the details on the Board's recommendations for updates to the UDO.

Kevin Lamp stated that the majority of the proposed updates to the UDO were initiated by new State legislation for planning and development regulations in Chapter 160D of the general statutes. The 160D legislative changes were done to promote consistency and uniformity in planning codes across the State. McAdenville's Planning Board worked with a consultant from Centralina Regional Planning to implement the required changes. Kevin added that almost all of the updates were technical, clarifying changes and that very few were substantive in nature. The Planning Board used the 160D update requirement as an opportunity to make minor adjustments throughout the UDO so that it would better fit the scope and vision on the Town. Kevin stated the Telecommunication Tower regulations were updated to include an increased distance between tower locations and proximity to residential homes. Amendments were also included to encourage stealth design towers or placement on existing power structures. A new definition was added for

Electronic Gaming operations to provide further clarity for staff in distinguishing between video game arcades intended for children verses skilled gaming operations for adults. The Table of Uses was updated to allow Electronic Gaming operations in the I-2 zoning district under the Other Uses category paired with Adult Establishments and Nightclub/Lounges. The final text amendment was to expand the definition for Vocational Schools to include educational facilities providing employment training and personal enrichment courses to adults with intellectual developmental disabilities. The Table of Uses was modified to include Vocation Schools, with supplemental regulations, in the CBD zoning district. Completing his presentation, Kevin Lamp offered to answer questions from Council. Councilman Greg Richardson asked if any of the amendments presented were contested or met with opposition between Planning Board members. Kevin Lamp responded that all the proposed text amendments were discussed at length among the Planning Board and were agreed upon with unanimous support.

The Mayor opened the floor for public comment. Mr. Bob Clay, Belmont Land and Investment, submitted a comment in support of the Vocational School text updates recommended by the Planning Board to include uses applicable to the modified Holy Angels/Spruced Goose business model. No additional comments were received. Upon motion by Carrie Bailey, second by Reid Washam the public hearing period was closed.

**VOTING CONSIDERATION OF PROPOSED TEXT AMENDMENTS TO THE
MCADENVILLE UNIFIED DEVELOPMENT ORDINANCE (UDO):**

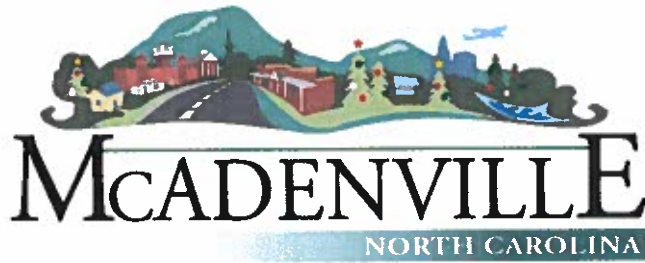
Mayor Robinette called for a motion from Town Council on the proposed UDO text changes. Reid Washam made a motion to approve the revisions recommended by the Planning Board amending the text in the McAdenville Unified Development Ordinance for telecommunication towers, electronic gaming, vocation education facilities, the Table of Uses, and all Chapter 160D mandated updates. The motion was seconded by Mayor Pro-tem McCosh and passed unanimously.

ADJOURN:

There being no further business to come before the board, the meeting adjourned at 6:18 PM upon motion of Greg Richardson, second by Joe Rankin with unanimous vote.

Jim Robinette, Mayor

Lesley Dellinger, Town Clerk



RESOLUTION No. 2021-001

RESOLUTION BY GOVERNING BODY OF RECIPIENT

**ACCEPTANCE OF GRANT OFFER FROM DWI FOR
WATER INFRASTRUCTURE MERGER/REGIONALIZATION FEASIBILITY GRANT**

WHEREAS, the North Carolina General Statutes Chapter 159G has created Merger/Regionalization Feasibility grants to assist eligible units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$50,000 to perform a merger/regionalization feasibility study, and

WHEREAS, the Town of McAdenville intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MCADENVILLE:

That the Town of McAdenville does hereby accept the State Reserve Grant offer of \$50,000 for a Merger/Regionalization Feasibility Study of the Town's water infrastructure.

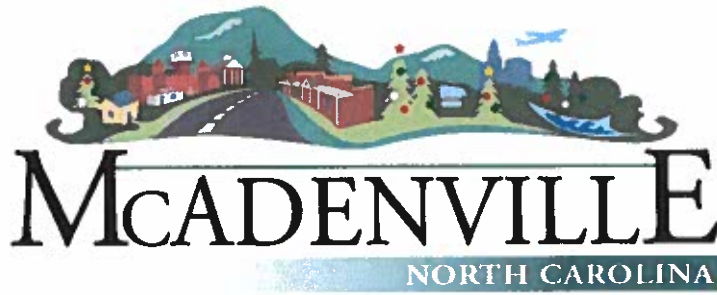
That the Town Council does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Lesley Dellinger, Finance Officer for the Town of McAdenville, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 11th day of May, 2021.

TOWN OF MCADENVILLE, NORTH CAROLINA

Jim Robinette, Mayor



RESOLUTION No. 2021-002

RESOLUTION BY GOVERNING BODY OF RECIPIENT

**ACCEPTANCE OF GRANT OFFER FROM DWI FOR
SEWER INFRASTRUCTURE MERGER/REGIONALIZATION FEASIBILITY GRANT**

WHEREAS, the North Carolina General Statutes Chapter 159G has created Merger/Regionalization Feasibility grants to assist eligible units of government with meeting their sewer infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$50,000 to perform a merger/regionalization feasibility study, and

WHEREAS, the Town of McAdenville intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MCADENVILLE:

That the Town of McAdenville does hereby accept the State Reserve Grant offer of \$50,000 for a Merger/Regionalization Feasibility Study of the Town's sewer infrastructure.

That the Town Council does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That Lesley Dellinger, Finance Officer for the Town of McAdenville, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 11th day of May, 2021.

TOWN OF MCADENVILLE, NORTH CAROLINA

Jim Robinette, Mayor

RESOLUTION No. 2021-003

**RESOLUTION IN OPPOSITION TO HB401/SB349
2021 NORTH CAROLINA LEGISLATIVE SESSION**

WHEREAS, recognizing the importance of zoning to the peace and prosperity of North Carolina's municipalities, for generations the State of North Carolina has allowed municipalities to regulate local development; and

WHEREAS, municipalities in the State of North Carolina have their own unique characteristics and challenges so that "one size" does not "fit all," and statewide zoning mandates thus may have unintended negative consequences for the residents of the State; and

WHEREAS, unfunded mandates by the State, particularly during a time when local revenues are under pressure due to Covid-19 and other factors affecting local economies, will force communities such as McAdenville to either increase property taxes or decrease services critical to the their residents, such as street maintenance or fire and police protection; and

WHEREAS, HB401/SB349 is now pending in the North Carolina General Assembly, and would force municipalities to allow duplexes, triplexes, quadplexes and Cityhouses into all residential zones, including all low-density zoning districts, for the stated purpose of expanding housing opportunities in Citys; and

WHEREAS, HB401/SB349 exempts residential areas in which private restrictive covenants apply, thus differentiating between sub-divisions such as gated communities and the neighborhoods without such protections, in essence protecting the wealthy by exposing middle and low income residents to incompatible development dictated by state government; and

WHEREAS, although HB401/SB349 has reportedly been endorsed by "affordable housing" proponents as a way to increase supply and decrease costs, in actuality there is nothing in the bill which actually controls costs; and

WHEREAS, HB401/SB349 likewise mandates the allowance of "one accessory dwelling," which can consist of a duplex, on each lot on which there is a single family residence, circumventing all usual approval processes such as conditional district zoning, and trumping all local parking requirements and utility approval protocols without regard to the impacts of a potential tripling of density; and

WHEREAS, HB401/SB349 has the potential to fundamentally change most neighborhoods in McAdenville and accelerate the disruption of the lives of its citizens; and

WHEREAS, HB401/SB349 allows deficient applications to nevertheless vest development rights, undermining the ability of local jurisdictions to react to changes within their communities; and

WHEREAS, HB401/SB349, by using terms which are undefined and vague, makes expensive future litigation likely to create certainty around the meaning of its terms; and

WHEREAS, HB401/SB349 shifts financial responsibility for a developers attorney's fees onto the municipality whether or not the City's decisions have been made in good faith in a manner seeking to protect the common good; and

WHEREAS, HB401/SB349 prohibits a municipality from even examining a traffic impact analysis which has satisfied the North Carolina Department of Transportation, whether or not the municipality believes that the traffic generated by the project poses a danger to public safety and the ratification by the Department is prudent; and

WHEREAS, HB401/SB349, under the guise of creating affordable housing, is actually a usurpation of local zoning authority and if passed, will undermine the long-term stability of the Town of McAdenville for its permanent residents, betraying the promises of zoning which residents have relied upon in making their most important financial investments, the purchase of their homes; and

WHEREAS, HB401/SB349 proposes significant changes to Chapter 160D (local planning and development regulation) of the General Statutes that significantly reduce the autonomy of local governments in establishing and enforcing local zoning and land use regulations through a Zoning, Unified Development, Land Development or comparable ordinance and the statewide regulations proposed in the bills would obstruct a local government's ability to thoughtfully plan for growth and evaluate development proposed in a community; and

WHEREAS, HB401/SB349 would eliminate single-family zoning by allowing for middle housing types (defined as residential duplexes, triplexes, quadplexes, and townhouses) in areas zoned for residential use and mandating the allowance of accessory dwelling units in all residential zones, and while such mandates would increase housing supply statewide, there is no guarantee of housing affordability, or neighborhood compatibility; and

WHEREAS, HB401/SB349 would significantly alter the development review and development appeals process to the disadvantage of a local authority with specific examples including: precluding using traffic as a basis for denying a development permit; barring local governments from conditioning the acceptance or processing of a permit application unless specifically statutorily authorized; and authorizing a court to award reasonable attorneys' fees and costs to a party successfully challenging the actions of a local government; and

WHEREAS, HB401/SB349 directs local governments to adopt land use ordinances and regulations or amend their comprehensive plans to implement the provisions of Part I of the Bill by October 1, 2021, at a time when local governments are investing significant time and resources to comply with new Chapter 160D requirements recently enacted by the General Assembly (S.L. 2020-25), and the proposed bills would significantly alter those ongoing planning processes, waste government resources, and erode public trust; and

WHEREAS, if the intent of the Bill is to increase the statewide housing supply, then there should be a rigorous analysis of the local fiscal, environmental, health and service impacts, both positive and negative, and reasonable solutions, including funding, included in the Bill to mitigate potential impacts;

NOW THEREFORE BE IT HEREBY RESOLVED by the Town Council of the Town of McAdenville, North Carolina as follows:

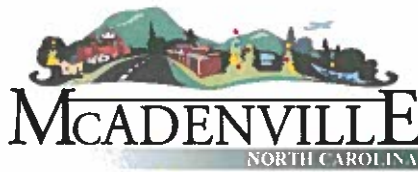
1. That the General Assembly not adopt either HB401 or SB349;
2. That, if passed, the Governor, the Honorable Roy Cooper, veto these measures;
3. That a copy of this resolution be sent to our elected State representatives and the Governor;

Adopted this the 11th day of May, 2021.

Jim Robinette, Mayor

ATTEST:

Lesley Dellinger, Town Clerk



PUBLIC NOTICE

SMOKE TESTING SEWERS

To All Residents and Occupants of the Town of McAdenville:

Work crews will be conducting smoke testing of the sanitary sewer system during June. This testing will take place between June 8th - 12th. This study will involve the opening and entering of manholes in the streets and public utility easements. An important task of the testing will be to locate breaks and defects in the sewer system.

A special non-toxic smoke will be used in these tests. The smoke is manufactured for this purpose, leaves no residuals or stains, and has no effect on plant or animal life. The smoke has a distinctive, but not unpleasant, odor. Visibility and odor last only a few minutes, where there is adequate ventilation.

Because the plumbing appliances in your house or building are connected to the sanitary sewer system, please pour water into your floor drains and into any unused sinks to fill the drain. If smoke should enter your home or place of business, it may be due to:

- Vents connected to your building's sewer pipes are inadequate, defective, or improperly installed.
- Traps under sinks, tubs, basins, showers, and other drains are dry, defective, improperly installed, or missing.
- Pipes, connections, and seals of the wastewater drain system in and under your buildings are damaged, defective, have plugs missing, or are improperly installed.

All, be advised that if traces of this smoke or its odor enter your house or building, it is an indication that gases and odors from the sewer also may enter. These can be both unpleasant and dangerous, as well as a health risk to the occupants. Should smoke enter your home or business open doors and windows to ventilate the smoke.

The information gained from this testing will be used to improve your sewer services.

Should you have any questions on this matter, please contact Town Hall, at 704-824-3190.