

**Town of Haw River
Town Council Meeting
Monday, June 18, 2018**

The Town Council of the Town of Haw River held its Town Council Meeting on Monday, June 18, 2018 in the Haw River Municipal Building at 7:00pm.

Council Members Present: Mayor Buddy Boggs, Mayor Pro-Tem Lee Lovette, Kelly Allen, and Steve Lineberry

Council Members Absent: Jeff Fogleman

Other Members Present: Town Manager Sean Tencer, Town Clerk Lesley Gonzalez, and Attorney Justin Lalor and Attorney Charlie Davis

Mayor Boggs called the meeting to order and gave the invocation at 7:00 pm.

Consent Agenda

7:04 pm

The Council considered approval of minutes from the May 21, 2018 Special Budget meeting.

Councilmember Lineberry made a motion to approve the May 21, 2018 minutes upon correction being made by Town Clerk Gonzalez where Councilmember Allen questioned the Animal Shelter rates increasing.

Motion carried 4-0.

No Old Business

1. Text Amendments to Zoning Ordinance

Town Manager Tencer informed town staff has been working with Attorney Parker Poe, Mike Hill, Attorney Davis and Attorney Lalor to create a new zoning district due to General Statutes mentioned for redevelopment projects of historic nature are exempt from certain requirements we must abide by. Also, we would be in compliance with Department of Commerce and their requirements for the money for the downtown mill.

- B-1.2 Central Business District 2. Mayor Boggs said there was no need to read all details so Town Manager Tencer gave a synopsis stating the text for the zoning definition was added, also added amendments to the permitted use chart and the table yard and height screen requirements. However, Town

Manager will add text amendments stating there will be no setbacks, no landscaping or parking requirements for this development in this zoning district.

Mayor Boggs questioned why this was needed and Town Manager replied it's to help promote the growth of downtown and doesn't want HUD to have problem with setback issue later on the 11.2 acres.

Town Manager Tencer will add one more piece to the parking requirements that all parking must be paved, striped and assigned appropriately, no gravel.

Mayor Boggs opened public hearing 7:08 pm. No one came forward therefore public hearing was closed at 7:09 pm

- 2. Rezoning of Property 122 East Main Street as identified on Alamance County Tax GPIN #8895122342 from the Conditional Mixed-Use District (CMX) to a Central Business District II (B – 1.2)**

Opened public hearing 7:09 pm; No speakers therefore closed at 7:09 pm

New Business:

- 1. Town Council members considered text amendments to sections 155.020, 155.070, 155.120, 155.122, 155-135, and 155.42 as described in the first public hearing.**

Mayor Boggs opened the floor to the councilmembers at 7:10 pm

Town Manager Tencer informed the council members that HUD has already hired someone from a National Company to review the rezoning regulations and setbacks.

Councilmember Lovette asked if we accept all this, will we be in compliance with HUD? Town Manager Tencer confirmed yes and he would write a zoning letter to this company who will in turn send it to HUD stating we are compliance.

Councilmember Allen made a motion to approve text amendments to the Town's Zoning Ordinance adding Central Business District II (B – 1.2) and going by the ordinances and amendments.

Motion carried 4-0

- 2. Adopt Consistency Statement for the mentioned text amendments to the town's zoning ordinance.**

Lineberry suggested the following, #3 subsection C. "In order for the Town of Haw River to achieve its long-term goals of the Granite Mill being redeveloped as both a residential and commercial HUB of activity for the Town, it is necessary to create text amendment to allow the creation of the zone amendment to help alleviate setbacks, parking & landscaping that does not hinder the redevelopment of the property. Both the NC General Statutes and Department of Commerce require that Granite Mill property to be located within the Central Business District as part of the \$5,000,000.00 grant the town will receive from these two entities.

As to follow up for Subsection C: Granite Mill's rehabilitation project will provide a variety of residential housing opportunities and provide much needed commercial space to increase needed economic development to reach to Towns taxpayer.

Attorney Davis and Attorney Lalor approved statement as suggested just if all sections were complete.

Councilmember Lineberry made a motion to approve Text Consistency Statement

Motion carried 4-0

3. Conditional use from CMX to Central Business District B-1.2

Councilmember Lineberry reviewed all and doesn't find anything to be in conflict and is satisfied.

Town Manager Tencer said this is part of the NC General Statutes requirements for this special project and it was our responsibility to get permission from property owners for the left side of the development. Councilmember Lovette questioned if someone comes in and wants to open a restaurant in downtown Haw River, will it have to rezone again? Town Manager Tencer said no it is a B-1 Central Business District, but they will have to meet parking, landscaping & set back requirements as we are doing now. If business owners wanted to be exempt from those requirements they would have to rezone to B-1.2 also.

Mayor Boggs asked if this would preclude anybody coming and saying Town of Haw River rezoned that property for B-1.2, why not do the same for us? Town Manager Tencer informed that property across the street are zoned B-1 it is designated Central Business District, as in Greensboro all is zoned CBD (Central Business District) and so we are doing the same.

Councilmember Lovette made a motion to approve the rezoning of Granite Mill Property from Conditional Mix-Use (CMX) to Central Business District B-1.2.

Motion Carried 4-0

4. Adopt Consistency statement for Rezoning request for Granite Mill Property

Councilmember Allen read the Consistency Statement for rezoning request for Granite Mill property and made the motion to adopt the consistency statement for Rezoning request for Granite Mill property located 122 East Main Street CMX to B-1.2 Central Business District.

Councilmember Allen made motion to Adopt Rezoning to B-1.2

Motion carried 4-0

5. Adopt Special Revenue Project ordinance pursuant to Section 26 (b) (2) of Chapter of the General Statutes of North Carolina received by the Town of Haw River from the NC Department of Commerce for the Granite Mill Rehabilitation Project.

Councilmember Allen makes the motion to accept the Ordinance for the Special Project of \$5,000,000.00 given to the Town of Haw River

Motion carried 4-0

Town Manager Tencer elaborated that we had to adopt special revenue project today since we received the money in June and it needed to be done by July 1st to satisfy requirements by Auditors and Accountants. Mr. Tencer also stated Mr. Hill and Parker & Poe are still working on the development agreement for the loan purchase, but Mr. Hill thought it would be best to submit those documents by end of this week and will inform the board on July 2 meeting.

Mayor Boggs questioned the Council if anyone disapproved, none disapproved.

Manager's Comment

Town Manager Tencer said the General Assembly is voting if Fire Department should also get a special separation allowance for all full-time employees at retirement also changing Police Officers service of retirement from 30 years to 25 years. Not sure if its retroactive or just current Employees and New Hires. This could be an added cost to the town since we pay for retiree's allowances.

Councilmember Lovette said he had a couple phone calls about the flea market place. They are setting up stands on selling shrimp, yard décor; do they need any special permission? Mayor Boggs said we do not issue permits anymore so they can do whatever they want to. Town Manager Tencer said he would check into this.

Attorney Davis spoke to the councilmembers and wanted to let them know how hard Town Manager Tencer and Attorney Lalor have worked to get to the project to this point and they should be commended. They have done a wonderful job.

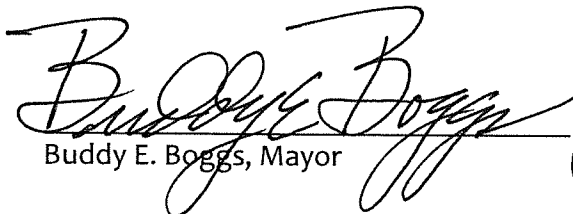
Councilmember Allen commented that Town Manager Tencer did a great job on the Consistency Statement and they appreciated it.

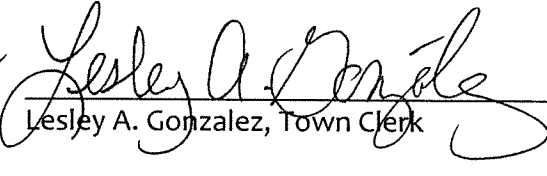
Town Manager Tencer also informed Councilmembers the \$5,000,000.00 arrived by mail with .47 cents stamp. However today it is in the safe. Also, we are opening a Money Market account with Wells Fargo and the bank fees would be less than the interest earned, so it would be a wash. Town Manager Tencer asked for their blessing to deposit the check with Wells Fargo. Council members agreed.

Mayor Boggs adjourned 7:33 pm

Councilmember Allen made motion to adjourn

Motion carried 4-0


Buddy E. Boggs, Mayor


Lesley A. Gonzalez, Town Clerk



Consistency Statement for Zoning Amendment Decisions – Granite Mill Rezoning

The Town of Haw River has an officially adopted plan for zoning, which includes the Town's land-use map and zoning ordinances. This Consistency Statement states the rationale for approving or rejecting a requested zoning amendment, and why this approval or rejection is consistent with said officially adopted plan.

Pursuant to NCGS §160A-383, the Town Council of the Town of Haw River adopts one of the following statements (*circle one*):

- 1) **We approve the zoning amendment.** It is consistent with our officially adopted plan for the reasons stated hereafter. This action is reasonable and in the public interest for the reasons stated hereafter.
- 2) **We reject the zoning amendment.** It is inconsistent with our officially adopted plan for the reasons stated hereafter. This action is reasonable and in the public interest for the reasons stated hereafter.
- 3) We approve the zoning amendment. In addition, the Town Council of the Town of Haw River states the following:
 - a. We declare that this approval shall also be deemed an amendment to our officially adopted plan.
 - b. We have provided an explanation of the change in conditions that we took into account in amending this zoning ordinance to meet the development needs of the community. Such explanation is provided later in this document.
 - c. This action is reasonable and in the public interest for the reasons stated hereafter.

Statement as to why the action taken is consistent with Haw River's officially adopted plan: In order, for the Town of Haw River to achieve its long-term goal of the Granite Mill being redeveloped as both a residential and commercial hub of activity for the Town, it's necessary to create the text amendments to allow the creation of the zoning district to help alleviate setback, parking, and landscaping as to not hinder the redevelopment of the property.

Statement as to why the action is reasonable: Both North Carolina General Statutes and the Department of Commerce requires that the Granite Mill property to be located within the Central Business District as part of the \$5,000,000.00 grant the town will receive from these two entities.

Statement as to why the action is in the public interest: (Circle the following, if applicable)

- To provide adequate light and air
- To prevent the overcrowding of land
- To avoid undue concentration of population
- To lessen congestion in the streets
- To secure safety from fire, panic, and dangers
- To facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- Other: To provide a residential and commercial hub of activity to help make the downtown of Haw River vibrant again, and to make the Granite Mill property a destination point within Alamance County.

If Statement (3) was circled above, an explanation of the change in conditions that we took into account in amending this zoning ordinance to meet the development needs of the community: _____



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 - c. This action is reasonable and in the public interest for the reasons stated hereafter.

Statement as to why the action taken is consistent with Haw River's officially adopted plan: _____

Statement as to why the action is reasonable: _____

Statement as to why the action is in the public interest: (Circle the following, if applicable)

- To provide adequate light and air
- To prevent the overcrowding of land
- To avoid undue concentration of population
- To lessen congestion in the streets
- To secure safety from fire, panic, and dangers
- To facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- Other: _____

If Statement (3) was circled above, an explanation of the change in conditions that we took into account in amending this zoning ordinance to meet the development needs of the community: _____



Special Revenue Project Ordinance for the Town of Haw River

BE IT ORDAINED by the Governing Board of the Town of Haw River, North Carolina that, pursuant to Section 26(b)(2) of Chapter 159 of the General Statutes of North Carolina, the following special revenue project ordinance is hereby adopted:

Section 1: The project authorized is for the rehabilitation and construction of the former Granite Mill into individual apartments and other common area facilities, known as the Haw River Mill Renovation Project, to be financed by a North Carolina Department of Commerce grant.

Section 2: The officers of this unit are hereby directed to proceed with the special revenue project within the terms of the grant documents and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

Public improvements to Main Street	\$ 125,000
Pass-through financing for the rehabilitation and construction of the former Granite Mills property	\$ 4,875,000

Section 4: The following amounts are anticipated to be available to complete this project:

North Carolina Department of Commerce Grant Proceeds	\$ 5,000,000
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Section 5: The Finance Officer is hereby directed to maintain within the special revenue project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and state regulations.

Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant revenues received or claimed.

Section 7: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this special revenue project in every budget submission made to this board.

Section 8: Copies of this special revenue project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Office and the Finance Officer for direction in carrying out this project.

Section 9: This ordinance is effective on the 18th day of June.

Adopted this 18th day of June, 2018.

Buddy E. Boggs
Buddy E. Boggs Mayor

Attest: _____
Jessie A. Donnell Town Clerk

AFFIDAVIT OF PUBLICATION

THOMAS BONEY, JR., Publisher of

The Alamance News

a newspaper of general circulation, published weekly at Graham, NC,
being duly sworn, say that the foregoing and attached notice

**PUBLIC NOTICE
TOWN OF HAW RIVER
PETITION FOR REZONING**

Notice is hereby given to the citizens of the Town of Haw River and other interested parties that a public hearing will be held by the Haw River Town Council at 7:00 pm on Monday, June 18, 2018, in the Haw River Municipal Building at 403 East Main St. The purpose of the hearing is to receive public comments regarding a text amendment to the zoning ordinance on creating a new zoning district called Central Business District II, B-1.2 that will provide for mixed use redevelopment of mill properties, and a rezoning request by the Town Haw River regarding the redevelopment of the Granite Mill property. The request is to rezone the property identified at 122 E. Main Street. (Alamance County Parcel Number - #8895122342) from Conditional Mixed-Use District (CMX) to Central Business District II (B-1.2).

The request may be examined Monday through Friday between 8:00 am and 5:00 pm in the Office of the Town Manager. The Haw River Town Council welcomes participation from all its citizens. If any disabled person has a special request for a hearing interpreter or other assistance, please contact the ADA Coordinator at (336) 578-0784.

June 7th & 14th.

PUBLIC NOTICE

in the matter of HAW RIVER PETITION FOR REZONING

Appeared in said newspaper TWO issues (weeks consecutively)

beginning with the issue of JUNE 7, 2018

and ending with the issue of JUNE 14, 2018

Tom Boney Jr.
Thomas Boney, Jr., Publisher

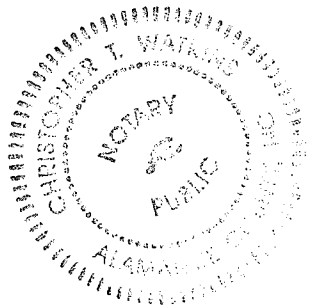
Sworn to and subscribed before me,

This the 15TH day of JUNE, 2018

Christopher T. Watkins

My commission expires on 8/20/2018

CHRISTOPHER T. WATKINS
Printed Name of Notary



TOWN OF HAW RIVER

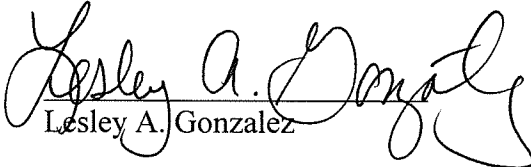


OATH OF OFFICE

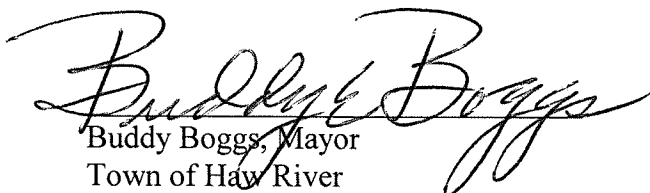
Clerk for Town of Haw River

I, Lesley A. Gonzalez, do solemnly swear/affirm that I will support and maintain the constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Clerk of the Town of Haw River, so help me, God.

(North Carolina Constitution, Article VI, Section 7).


Lesley A. Gonzalez

Sworn and subscribed to before me this the 4th day of June 2018.


Buddy Boggs, Mayor
Town of Haw River



RESOLUTION 2018-001

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF HAW RIVER, NORTH CAROLINA, ADOPTING SYSTEM DEVELOPMENT FEES FOR WATER AND WASTEWATER IMPROVEMENTS WHICH ARE ATTRIBUTABLE TO NEW DEVELOPMENT WITHIN THE TOWN'S JURISDICTIONAL LIMITS; PROVIDING FOR SYSTEM DEVELOPMENT FEE COLLECTION AND ACCOUNTING FOR FEE REVENUE; PROVIDING FOR APPROPRIATION OF SYSTEM DEVELOPMENT FEE REVENUE; PROVIDING FOR RECURRING REVIEW OF SYSTEM DEVELOPMENT FEE BY TOWN STAFF; PROVIDING FOR SYSTEM DEVELOPMENT FEE WAIVERS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, North Carolina Session Law 2017-138 (the "Public Water and Sewer System Development Fee Act") states that to impose water and sewer System Development Fees the City Council may, after commissioning preparation of a written analysis, receiving public comment on said analysis for a period of not less than 45 calendar days, and holding one (1) public hearing regarding said analysis, adopt a System Development Fee schedule and incorporate it into the Town's fee schedule; and

WHEREAS, Alley, Williams, Carmen & King, Inc. prepared for the Town a professional engineering report (the "Water and Wastewater System Development Fee Analysis") on the implementation of System Development Fees attributable to new development within the Town's jurisdictional limits; and

WHEREAS, the City Council finds and determines the Town has complied with the requirements of the Public Water and Sewer System Development Fee Act for publishing the written System Development Fee Analysis prior to holding any public hearing; and

WHEREAS, pursuant to the Public Water and Sewer System Development Fee Act the Town Clerk of the Town of Haw River timely published on the 24th day of May 2018, the notice of public hearing (attached as Exhibit "A") in the Town of Haw River's official newspaper of general circulation concerning a public hearing to consider approval of the written System Development Fee Analysis and adoption of a System Development Fee schedule.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF HAW RIVER, NORTH CAROLINA:

SECTION 1. The facts and recitations found in the preamble of this Resolution are true and correct and incorporated herein for all purposes.

SECTION 2. Approval of System Development Fees. The System Development Fees identified in the final Water and Wastewater System Development Fee Analysis dated 3 June 2018 (a copy of which is attached as Exhibit "B" and incorporated into this Resolution for all purposes) are approved, levied, and imposed as to the Town's jurisdictional limits.

SECTION 3. Collection of System Development Fees. The Town may collect the System Development Fees herein imposed or as may be later amended beginning upon the effective date of this Resolution. The System Development Fees herein imposed or as may be later amended shall be collected as directed by and in accordance with the Public Water and Sewer System Development Fee Act.

SECTION 4. Accounting for System Development Fee Revenue. The Town shall deposit all funds collected for the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.

SECTION 5. Appropriation of System Development Fee Revenue. The Town shall appropriate all funds collected for the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.

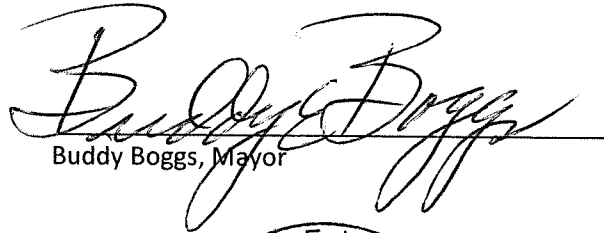
SECTION 6. Recurring Review and Update of System Development Fees. The Town shall update the Water and Wastewater System Development Fee Analysis and the System Development Fees herein imposed or as may be later amended as directed by and in accordance with the Public Water and Sewer System Development Fee Act.

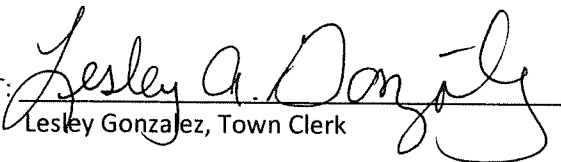
SECTION 7. Waiver of System Development Fees. At any time, the Town may elect to waive collection of the System Development Fees herein imposed or as may be later amended.

SECTION 8. Severability. In the event any clause, phrase, provision, sentence, or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the Town of Haw River, North Carolina declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 9. Effective Date. This Resolution shall be in full force and effect on the 1st day July 2018.

PASSED, APPROVED, AND ADOPTED on this the 4th day of June 2018. The motion to adopt this Resolution was made by, Councilmember Allen, seconded by _____, and passed by a vote of 5 to 0.


Buddy Boggs, Mayor

ATTEST: 
Lesley Gonzalez, Town Clerk



TOWN OF HAW RIVER
BUDGET ORDINANCE 2018-2019

BE IT ORDAINED BY the Town Council of the Town of Haw River, North Carolina.

SECTION 1. APPROPRIATIONS. The following amounts are hereby appropriated for the operation of the Town Government and its activities for the fiscal year beginning July 1, 2018 and ending June 30, 2019 according to the following schedules:

SCHEDULE A.		GENERAL FUND	
Governing Body	\$	16,400.00	
Administration		223,600.00	
Public Buildings		45,900.00	
Police		674,500.00	
Fire		422,700.00	
Public Works		151,900.00	
Sanitation		113,000.00	
Recreation'		167,800.00	
Non-Dept		230,600.00	
Total	\$	2,046,400.00	
SCHEDULE B.		POWELL BILL FUND	
Powell Bill	\$	160,000.00	
Total	\$	160,000.00	
SCHEDULE C.		WATER & SEWER FUND	
Administration, Engineering, Billing	\$	213,100.00	
Water		780,000.00	
Sewer		670,000.00	
Total	\$	1,663,100.00	
SCHEDULE D.		STORMWATER FUND	
Stormwater	\$	22,700.00	
Total	\$	22,700.00	
GRAND TOTAL (OPERATING)	\$	3,892,200.00	

SECTION 2. ESTIMATED REVENUE. It is estimated that the following revenue will be available during the fiscal year beginning July 1, 2018 and ending June 30, 2019 to meet the foregoing appropriations, according to the following schedules:

SCHEDULE A.		GENERAL FUND	
Current & Prior Years Ad Valorem	\$	705,000.00	
Current & Prior Years Fire Tax		272,000.00	
Local Options Sales Tax		488,700.00	
Interest on Investments		3,500.00	
User Fees		123,900.00	
State Funds		260,800.00	
Grant Funds		65,000.00	
Loan Proceeds		0.00	
Misc		27,200.00	
Fund Balance		100,300.00	
Total	\$	2,046,400.00	
SCHEDULE B.		POWELL BILL FUND	
Powell Bill	\$	160,000.00	
Total	\$	160,000.00	
SCHEDULE C.		WATER & SEWER FUND	
Water Rents	\$	992,400.00	
Sewer Rents		635,000.00	
Tap & Connection Fees		3,500.00	
Surcharges		1,200.00	
Interest on Investments		2,400.00	
Misc		28,600.00	
Fund Balance			
Total	\$	1,663,100.00	
SCHEDULE D.		STORMWATER FUND	
Stormwater	\$	22,700.00	
Total	\$	22,700.00	
GRAND TOTAL (OPERATING)		\$	3,892,200.00


SECTION 3: There is hereby levied the following rates of tax on each \$100 (one hundred dollars) valuation for the purpose of raising the revenue from current years property tax as set out in the estimate of revenue, and in order to finance the foregoing appropriations:

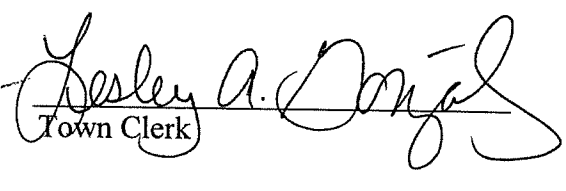
GENERAL (for the general expenses incidental to proper government of the town) \$0.48/100

SECTION 4: The Town Manager (Budget Officer) is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. He may transfer amounts between line-item expenditures within a department without limitation and without a report being required.
- b. He may transfer amounts up to \$1,000 between functional areas including contingency appropriations, within the same fund. He must make an official report on such transfers at the next regular meeting of the Governing Board.
- c. He may not transfer any amounts between funds, except as approved by the Governing Board in the Annual Budget Ordinance as amended.

The above ordinance is hereby adopted on this the 4th day of June 2018.


Mayor


Town Clerk

AFFIDAVIT OF PUBLICATION

THOMAS BONEY, JR., Publisher of

The Alamance News

a newspaper of general circulation, published weekly at Graham, NC, being duly sworn, say that the foregoing and attached notice

NOTICE OF PUBLIC HEARING
TOWN OF HAW RIVER
2018-2019 BUDGET AND
SYSTEM DEVELOPMENT FEES

The proposed budget for the Town of Haw River for fiscal year 2018-2019 has been presented to the Town Council and is available for public inspection in the office of the Town Clerk, 403 East Main Street, from 8:00am to 5:00pm weekdays.

There will be a public hearing on June 4, 2018, at 7:00pm, in the Council Chambers of Town Hall, 403 East Main Street, for gathering public input on the proposed budget as well as proposed System Development Fees. Citizens are invited to make written or oral comments.

Sean Tencer
Town Manager

May 24.

NOTICE OF PUBLIC HEARING

in the matter of 2018-2019 BUDGET AND
SYSTEM DEVELOPMENT FEES

Appeared in said newspaper ONE issues (weeks consecutively)

beginning with the issue of MAY 24, 2018

and ending with the issue of MAY 24, 2018

Thomas Boney, Jr., Publisher

Sworn to and subscribed before me,

This the 25TH day of MAY, 2018

My commission expires on 8/29/2018

CHRISTOPHER T. WATKINS
Printed Name of Notary

