

**Madison Board of Aldermen  
Regular Meeting  
Madison Municipal Building  
April 13, 2023  
6:00 p.m.**

**Members Present:** Mayor William Phillips  
Aldermen Alan Hensley  
Aldermen Virginia Hoover  
Aldermen Brenda Platt  
Aldermen Tom Rogers  
Aldermen Micky Silvers

**Members Absent:** Aldermen Matt Bullins

**Staff Present:**

Town Attorney: Michael Cassidy  
Town Manager: Kevin Baughn  
Town Clerk/Zoning Officer: Amy Roberts  
Finance Director: Tina West  
Police Captain: Clint Smith  
Public Works Director: Josh Shuler

**Others Present:**

Bobbie Webster, Madison Merchants Guild  
Lance Metzler, Rockingham County Manager  
Mike Moore Media  
Other Interested Citizens

**Call to Order**

**Items 1A: Moment of Silence & 1B: Pledge of Allegiance**

Mayor Phillips called the meeting to order at 6:00 p.m. Mayor Phillips called for a Moment of Silence after which he asked that everyone stand for the Pledge of Allegiance.

**Item 2: Approval of Agenda for April 13, 2023**

**MOTION**, by Alderman Platt, seconded by Alderman Silvers, to approve the April 13, 2023 agenda as presented. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**Public Hearing**

**Item 3A: Consideration of Zoning Change for Property located at 4701 NC Hwy 704**

Mayor Phillips opened and closed the Public Hearing at 6:04 pm as no one wished to comment on the Zoning Change Application.

**MOTION**, by Alderman Silvers, seconded by Alderman Platt, to approve the Zoning Change application for property located at 4701 NC Hwy 704 from M-1 (Light Industrial) and General Commercial to R-8 (Med-High Density Residential) and Statement of Consistency and Reasonableness. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**AMENDMENT TO THE MADISON UNIFIED DEVELOPMENT ORDINANCE**

**WHEREAS**, Amer Estate Holdings, LLC has petitioned the Town of Madison to amend its Unified Development Ordinance to rezone the following described property from its present zoning M-1 (Light Industrial) and General Commercial to R-8 (Med-High Density Residential); and

**WHEREAS**, the Planning Board of the Town of Madison, in a meeting held on February 21, 2023 recommended approval of the requested amendment to the Town of Madison Unified Development Ordinance; and

**WHEREAS**, the Board of Aldermen of the Town of Madison called for a Public Hearing to be held on April 13, 2023 at 6:00 pm in the Madison Municipal Building and the Town Clerk caused a legal notice to be published in "RockinghamNow" for two (2) successive weeks for a Public Hearing on the proposed amendment to the Unified Development Ordinance; and

**WHEREAS**, the Town of Madison mailed notice of said Public Hearing to all adjoining Property Owners, as listed in the Rockingham County Tax records and posted a Notice of Public Hearing on the property in question setting forth the time, date and place of the Public Hearing; and

**WHEREAS**, all legal requirements in accordance with NCGS 160D-601 & 602 have been fully complied with and the Public Hearing was held by the Board of Aldermen of the Town of Madison on Thursday, April 13, 2023 at 6:00 pm.

**NOW, THEREFORE, BE IT RESOLVED**, that the Unified Development Ordinance of the Town of Madison is hereby amended to rezone the property described as follows from its present Zoning Classification of M-1 (Light Industrial) and General Commercial to R-8 (Med-High Density Residential):

Tract 1

Beginning at a railroad spike in the eastern right-of-way margin of Highway 704, also known as US Highway 220 Business, said railroad spike being located N 57° 43' 50" W 1158.88' from NCGS Monument "TUTTLE", thence from said railroad spike, the point of BEGINNING, along the eastern right-of-way margin of Highway 704 the following courses and distances: N 37° 14' 14" W 119.52' to a point, thence, N 35° 34' 29" W 99.93' to a point, thence N 33° 39' 49" W 70.46' to a railroad spike, thence with the line of Amr S. Elghannam and Margaret B. Elghannam (Deed Book 1192 Page 2302) N 55° 27' 11" E 362.00' to a point, thence S 34° 24' 43" E 362.30' to a point on the line of Shamburg Properties, LLC (Deed Book 1491 Page 1006) thence with the line of Shamburg Properties, LLC S 67° 00' 29" W 362.17' to a railroad spike, the point and place of BEGINNING, containing 2.69 ac +/- according to a survey by Dustin J. Hill for Amer Estate Holdings, LLC dated December 12, 2022, Job#22107.

Together with the entire right, title and interest, if any, of SC Deacons, LLC in and to a certain thirty-foot easement adjoining the northern boundary of the above described property, said easement being more particularly described in Book 687 Page 905, Rockingham County Register of Deeds; but it is expressly understood that SC Deacons, LLC makes no warranties or representations whatsoever with respect to the title or its interest, if any, in said thirty-foot easement or its right to convey the same.

Tract 2

Beginning at a point, said point being located N 55° 27' 11" E 362.00' from a railroad spike in the eastern right-of-way line of Highway 704, also known as US Highway 220 Business, and being the northwest corner of the property of SC Deacons, LLC described as Tract 1 in Deed Book 1555 Page 1023, Rockingham County Registry, thence from said BEGINNING point, with the line of Amr S. Elghannam and Margaret B. Elghannam (Deed Book 1192 Page 2302) N 55° 27' 11" E 809.21' to a pinched iron, thence continuing the same bearing an additional 289.36' for a total of 1098.57' to a pinched iron in the western right-of-way margin of US Highway 220 the following courses and distances: S 00° 49' 53" W 184.50' to a pinched iron, thence, S 03° 18' 53" W 262.00' to a point, thence S 11° 37' 56" W 119.49' to a point, thence S 20° 30' 27" W 292.00' to a point, said point being located S 88° 42' 27" W 9.27' from an old 1" axle, said axle marking the northeast corner of Shamburg Properties, LLC (Deed Book 1491 Page 1006), thence with the Shamburg Properties LLC line S 88° 42' 27" W 374.87' to a pinched iron, thence with the Shamburg Properties LLC line S 67° 00' 29" W 196.73' to a point, a common corner with Tract 1 as described in Deed Book 1555 Page 1023, with the western boundary of Tract 1 as described in Deed Book 1555 Page 1023, N 34° 24' 43" W 362.30' to a point and place of BEGINNING, containing 10.11 ac +/- according to a survey by Dustin J. Hill for Amer Estate Holdings, LLC dated December 12, 2022, Job#22107.

Adopted by the Board of Aldermen of the Town of Madison this 13th day of April, 2023.

ATTEST:

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William Phillips, Mayor

\_\_\_\_\_  
Amy L. Roberts, Town Clerk

**STATEMENT OF CONSISTENCY AND REASONABLENESS  
4701 NC HWY 704, PARCELS 122275 & 122240**

The Board of Aldermen of the Town of Madison finds that the Application for Zoning Change submitted by Amer Estate Holdings, LLC requesting that the property located at 4701 NC Hwy 704, known as Parcels 122275 and 122240 be zoned from M-1 (Light Industrial) and General Commercial to R-8 (High Density Residential) is not consistent with the Town of Madison Land Use Plan. The Town's Land Use Plan (LUP) includes this parcel in a Commercial Center District, designed to accommodate existing and encourage a new mixture of commercial, office, institution & light industrial uses serving shopping and service needs of the community. However, the LUP shows numerous limiting factors for development along these parcels including large areas of slopes >20% and soil limitations of landfill, borrow pit and/or cut and fill that make commercial use virtually impossible. The Board feels this LUP distinction mimicked the existing zoning without factoring the condition of the land into a proposed use. Considering the development limitations of these parcels, we feel it is not suitable or viable for business and commercial uses.

The Board of Aldermen does find that the zoning change from M-1 (Light Industrial) and General Commercial to R-8 (High Density Residential) is reasonable and in the public interest as follows:

- Adjoined by a mix use of zoning including Commercial to the east and west and Residential to the north and south.
- Development limitations make it ideal for residential use as roads, greenspace, etc. can be worked into a design plan to utilize the land slopes.
- LUP did not take into consideration the lay of land and that commercial uses would require good soil and mostly flat land making this parcel not suitable for commercial use.
- R-8 would allow for single and multi-family housing options to support the lack of housing currently available in Madison.
- Potential Economic windfall with new housing increasing tax base, water/sewer revenues and bringing people into Town to eat, shop, etc.
- Proximity to major thoroughfares, making it ideal for working family living
- Rezoning will allow a major under-utilized property to be utilized in an appropriate way to benefit the Town and its citizens.

Adopted by the Board of Aldermen of Town of Madison, this 13<sup>th</sup> day of April, 2023.

ATTEST:

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William Phillips, Mayor

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Amy L. Roberts, Town Clerk

**Item 3B: Consideration of Amendment to Unified Development Ordinance**

Mayor Phillips opened and closed the Public Hearing at 6:07 pm as no one wished to comment on the Amendments to the UDO.

**MOTION**, by Alderman Rogers, seconded by Alderman Hoover, to approve the Amendments to Article VI and Article VII of the Unified Development Ordinance and Statement of Consistency and Reasonableness. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

STATE OF NORTH CAROLINA

AN ORDINANCE AMENDING ARTICLE VI AND VII OF THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF MADISON

TOWN OF MADISON

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Madison, North Carolina that the following Articles of the Unified Development Ordinance of the Town of Madison are hereby amended as follows:

**Amend Article VI, Section 6.6 – Table of Permitted Uses**

| <i>Principal Use</i>   | <i>R-40</i> | <i>R-20</i> | <i>R-10</i> | <i>R-8</i> | <i>Town Center</i> | <i>Gen. Comm.</i> | <i>NBRH Center</i> | <i>M-1</i> | <i>M-2</i> |
|--|-------------|-------------|-------------|------------|--------------------|-------------------|--------------------|------------|------------|
| Automobile sales, new and used   |             |             |             |            | X                  | X                 |                    | X          | X          |
| Automobile rental and leasing  |             |             |             |            | X                  | X                 |                    | X          | X          |
| Billiard, pool halls, bingo games, game rooms, etc                     |             |             |             |            | X                  | X                 |                    |            |            |
| Churches synagogues and their customary accessory uses                 | X           | X           | X           | X          | X                  | X                 | X                  |            |            |
| Coin operated amusements, game rooms                                   |             |             |             |            | X                  | X                 |                    |            |            |
| Game room, video game room, coin operated amusements, bingo, pool hall |             |             |             |            | X                  | X                 |                    |            |            |
| Landscape, horticultural services                                      |             |             |             |            | X                  | X                 |                    | X          | X          |
| Service Stations, major repair   |             |             |             |            | X                  | X                 |                    | X          | X          |
| Warehouses, self storage   |             |             |             |            |                    | X                 |                    | X          | X          |

**Add to Article VII, Section 7.1 – Notes to the Table of Permitted Uses**

**29. Churches, Synagogues and their customary accessory uses.** Pursuant to Article VI, Section 6.6, Churches, Synagogues and their customary accessory uses are not a permitted in the Town Center District; however, freestanding Churches, Synagogues and their customary accessory uses existing prior to adoption of this ordinance shall be considered conforming uses for the purpose of this UDO.

**Amend Article VII, Section 7.1 – Notes to the Table of Permitted Uses**

5. **Bars as a principle use.** No bar shall be located within 200 50 feet of a church, elementary or secondary school, childcare center, Public Park, or residentially zoned property. Where the property on which a bar is located abuts residential property, screening including a minimum six-foot-high opaque fence shall be erected adjacent to the property line of the abutting residence(s). The main entrance of the building shall face a street zoned predominantly for

non-residential uses. Parking areas related to the establishment shall be located no closer than 30 feet from the property line of abutting residences Adopted by the Board of Aldermen of the Town of Madison this 13th day of **April, 2023**.

ATTEST:

\_\_\_\_\_  
William Phillips, Mayor

\_\_\_\_\_  
Amy L. Roberts, Town Clerk

**STATEMENT OF CONSISTENCY AND REASONABLENESS  
TEXT AMENDMENT TO SECTION 6.6 TABLE OF PERMITTED USES AND  
SECTION 7.1 NOTES TO THE TABLE OF PERMITTED USES**

The Board of Aldermen of the Town of Madison finds that the Text Amendments submitted by Town Staff are consistent with the Town of Madison Land Use Plan. The amendments affect the Town Center District and General Commercial District which are designated by the Land Use Plan as Town Center and Commercial Center. Town Center’s intent is to be a pedestrian-friendly, community focal points containing a mixture of commercial, office, institutional, entertainment, open space, and residential uses, with ample sidewalks, street trees, on-street parking, public amenities & open space. The goal is to allow for growth while maintaining and enhancing the quality of life and building a greater sense of community. The intent of Commercial Center is to accommodate existing and encourage a new mixtures of commercial, office, institutional & some light industrial uses serving shopping and service needs of the community.

Adopted by the Board of Aldermen of Town of Madison, this **13<sup>th</sup>** day of **April, 2023**.

\_\_\_\_\_  
William Phillips, Mayor

ATTEST:

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Amy L. Roberts, Town Clerk

**Item 4: Public Comments**

Bobbie Webster, Madison Merchants Guild reminded the Board of the Spring into Madison Festival on April 22, 2023 from 10:00 am – 5:00 pm in Downtown Madison. Ms. Webster requested that the old Town of Madison banners be donated to the Guild for fundraising purposes.

**MOTION**, by Alderman Silvers, seconded by Alderman Platt, to donate the old Town of Madison Banners to the Merchants Guild. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**Consent Agenda**

**Items: 6A: Minutes & 6B: Budget Report**

**MOTION**, by Alderman Silvers, seconded by Alderman Hensley, to approve the minutes of the meetings held March 9, 2023 and April 6, 2023 as presented along with the Budget Report ending March 31, 2023. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**New Business:**

**Item 7A: Request to Close Portion of West Hunter Street**

**MOTION**, by Alderman Silvers, seconded by Alderman Rogers, to close a portion of W. Hunter Street from its intersection with Market Street to Franklin Street on Saturday, May 13, 2023 from 1:00 pm – 7:00 pm as requested by Madison UMC for the Grand Opening Celebration of the West Rockingham Youth Ministry Center. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**Item 7B: Request to Place Banner for Keg & Corks Festival**

**MOTION**, by Alderman Rogers, seconded by Alderman Hoover, to allow Barry Joyce Cancer Resource Center to hang a banner on Market Street for the Kegs and Corks Festival. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**Item 7C: Consideration of Contract for Madison River Park Expansion**

**MOTION**, by Alderman Silvers, seconded by Alderman Hoover, to approve the contract with The

Osborne Company of NC, Inc. DBA Backwater Environmental for the Madison River Park Expansion  
Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

A copy of the Contract is on file in the Town Clerk's Office

**Budget Amendment**

**Item 8A: Budget Amendment No. 5**

**MOTION**, by Alderman Rogers, seconded by Alderman Hensley, to approve Budget Amendment No. 5  
Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

To: Honorable Mayor and Board of Aldermen  
From: Tina West, Finance Director  
Date: April 13, 2023  
Subject: Budget Amendment No. 5

We respectfully request to amend the 2022-2023 Budget as follows:

|           |          |             |   |             |
|-----------|----------|-------------|---|-------------|
| Entry 1:  | Increase | 10-665-5700 | Misc. Expense   | 9,460.00    |
| Entry 2:  | Increase | 10-335-0000 | Misc. Revenues - Easement to DOT - Lindsey Bridge Rd. | (9,460.00)  |
| Entry 3:  | Increase | 10-510-1700 | M&R Vehicles  | 3,747.54    |
| Entry 4:  | Increase | 10-335-0002 | Insurance Proceeds- Police Department                 | (3,747.54)  |
| Entry 5:  | Increase | 10-490-0200 | Salaries - Inspections & Zoning                       | 4,500.00    |
| Entry 6:  | Increase | 10-355-0004 | Electrical Inspections                                | (4,500.00)  |
| Entry 7:  | Increase | 10-490-0400 | Professional Services                                 | 18,250.00   |
| Entry 8:  | Increase | 10-355-0000 | Building Permits                                      | (13,000.00) |
| Entry 9:  | Increase | 10-355-0001 | Mechanical Permits                                    | (3,500.00)  |
| Entry 10: | Increase | 10-355-0002 | Plumbing Permit                                       | (1,500.00)  |
| Entry 11: | Increase | 10-355-0003 | Zoning Permit   | (250.00)    |

Total Fund 10 -

The Purpose of this Amendment is to Amend the Budget by Recording:

Entries 1 & 2 The NCDOT's purchase of easement at the Lindsey Bridge Rd.  
Entries 3 & 4 Insurance proceeds from damage in accident involving Police vehicle.  
Entries 5 - 11 To adjust Planning and Zoning budget to reflect increase in permits and inspections.

**Board and Committee Appointments**

**Item 9A. Human Relations Commission**

**MOTION**, by Alderman Silvers, seconded by Alderman Hoover, to reappoint Todd Dalton, Ronnie Plunkett and David Stewart to the Human Relations Commission for a two-year term, ending 05/10/2025.  
Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**Item 10: Manager/Mayor & Announcements:**

Town Manager Kevin Baughn advised that Sealmasters sent a letter concerning the incident at their location on Decatur Street on March 7, 2023 explaining the cause of the fire and that it is not a risk to the community.

Mayor Phillips reminded the Board of the Spring into Madison Festival on April 22, 2023.

Alderman Silvers advised that Zero Dollar Rate Week at the Rockingham County Landfill will be April 17-21, 2023.

**Closed Session**

**Item 11A: Closed Session**

**MOTION**, by Alderman Hoover, seconded by Alderman Platt, to go into Closed Session to address a

Personnel Matter Pursuant to NCGS 143-318-11a (6) Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**MOTION**, by Alderman Platt, seconded by Alderman Silvers, to approve the Closed Session minutes of the March 9, 2023 meeting as presented. Ayes: Aldermen Hensley, Hoover, Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

**Item 12: Adjournment**

**MOTION**, by Alderman Silvers, seconded by Alderman Hoover, to adjourn the meeting. Ayes: Aldermen Hensley, Hoover Platt, Rogers, Silvers and Mayor Phillips. Nays: None. Motion carried.

ATTEST:

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Amy Roberts, Town Clerk

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William Phillips, Mayor