

TOWN OF STOKESDALE
PO BOX 465
STOKESDALE, NORTH CAROLINA

The regular meeting of the Stokesdale Town Council was held in the Town Hall at 8416 US Highway 158 on Thursday, November 15, 2007.

Mayor Randle L. Jones called the meeting to order at 7:30 PM. The following members of Council were present: Mayor Randle L. Jones Mayor Pro Tem John W. Flynt, Bobby Richardson, Mickie Halbrook and Powell Shelton.

Others present included: Trevor Nuttall, Guilford County Planning Department; William B. Trevorrow, Town Attorney; and Carolyn Joyner, Town Clerk/Finance Officer.

After the Pledge of Allegiance, the invocation was given by Rev. Carl Brown, pastor of Stokesdale Baptist Church.

Council considered the proposed agenda. Mayor Jones made a motion to amend the agenda to change Item b under New Business-Public Hearings, to be moved to the first matter under New Business. Also any citizen wishing to be heard on a non-agenda item would be moved to end of the agenda before Comments from the Floor and citizens will have the opportunity to address Council. Mr. Flynt asked to add a new item under New Business as the last item under Public Hearings concerning the matter of a Planning Board appointment. Mayor Jones motioned to adopt the agenda with these changes. Mr. Flynt seconded the motion. All Council members voted aye and the agenda was approved.

Mr. Flynt made a motion to suspend with the reading of the minutes and to approve them as presented. Ms. Halbrook seconded the motion. All Council members present voted aye and the minutes of the Special Meeting of Council held on October 11, 2007 were approved.

PUBLIC HEARINGS:

REZONING CASE #07-10-STPL-07048: AG to CU-HB. Located on at the southeast corner of HAW RIVER ROAD (SR 2028) and NC HIGHWAY 68 NORTH in Oak Ridge Township. Being Guilford County Tax Map 1-58, Block 1105, Parcel 20; and, Block 1114, Parcels 3, 4, 9, 13, 15, 22, and 23, approximately 27.43 acres. Owned by Sarah E. York, etal.

Mayor Jones noted that there are a number of people at the meeting who could not come into the meeting room to hear the case. Prior to this date and subsequent to the Planning Board meeting there was not enough time to locate a larger, more suitable facility and meet the statutory requirements to give notice under public meeting laws dealing with zoning matters. A number of places were contacted prior to today and none were found that were suitable or able to accommodate Council before tonight. Mayor Jones indicated that a facility is available on Tuesday, November 20 at 8500 Ellisboro Road. He made a motion to continue the matter to Tuesday, November 20 at a location and time certain, being 7:00 PM at 8500 Ellisboro Road and he moved to continue the matter without further advertisement of the matter. This change should give everyone the opportunity to be able to be view the proceedings and to hear and address the Council on the matter. The Clerk has checked the facility and the fire inspector will be looking at the facility. It is much larger than the Town Hall and it will allow everyone to able to address the Council and to be heard on the matter and to hear the proceedings.

Mr. Shelton asked approximately how many people were outside of Town Hall. Mayor Jones said that the streets were lined down the sidewalk toward the Funeral Home and there are well over 100. Ms. Halbrook asked if a different facility would take care of all of the people that were here. Mayor Jones said that it would be much more appropriate and if the Fire Marshall had to exclude anyone, it would be a smaller

number. It would be easier to conduct the meeting. Mr. Shelton seconded the Mayor Jones' motion. Mr. Trevorrow asked if this would be the only issue on the agenda at that location. Mayor Jones confirmed that it would be. Mr. Flynt pointed out that about 45 people have signed up to speak in favor of it and about 35 opposed and since it is an important issue to the citizens it would be a good idea to make the change to accommodate those who wanted to hear the case. Mayor Jones noted that there are statutory requirements that must be met to continue the meeting. Those statutory requirements regarding zoning proceedings coupled with the ability to locate an appropriate facility could not be complied with by tonight's meeting. Council voted 4 to 1 continue the meeting with Ms. Halbrook voting nay. Council took a five minute recess in order that Mayor Jones could make the announcement to the citizens that were outside of Town Hall.

Council reconvened and considered the following case:

REZONING CASE #07-09-STPL-06827: AG to PI. Located on the west side of ANGEL-PARDUE ROAD (SR 2102) approximately 700 feet south of ATHENS ROAD (SR 2101) in Oak Ridge Township. Being Guilford County Tax Map 1-60, Block 1107, Parcel 41, approximately 25 acres. Owned by Town of Stokesdale.

Mr. Nuttall distributed an updated staff report with a statement regarding the Planning Board's recommendation and a statement from their meeting of November 2.

Mr. Nuttall presented the case to the Board. He indicated that the request is to rezone approximately 25 acres from the Agricultural District to the Public and Institutional District. The property owner is the Town of Stokesdale. The AG, Agricultural District, is primarily intended to accommodate uses of an agricultural nature, including farm residences and farm tenant housing. It also accommodates scattered non-farm residences on large tracts of land. It is not intended for major residential subdivisions. The PI, Public and Institutional District, is intended to accommodate mid- and large-sized public, semi-public and institutional uses which have a substantial land use impact or traffic generation potential. It is not intended for smaller public and institutional uses customarily found within residential areas.

The existing land use on the property is undeveloped. The requested land use is the general district rezoning so that all uses permitted in the PI zoning district should be considered in the evaluation of this request since no conditions pertaining to uses have been outlined in the request.

Surrounding land uses are Public and Institutional and undeveloped land uses to the north of the property and to the south, east, and west are single-family residential development and open space supporting a residential development.

The recommendation of the Northwest Area Plan of 1998 is town development area and the Stokesdale Land Use Plan 2007 update, designates the area as residential. The original future land use map designates the area as a community park.

There are no inventoried historic properties located on or near this property. Efforts should be made to rule out the potential of unknown gravesites prior to development.

Public Water is available to the site. It is located in the Stokesdale Fire Protection District.

Existing transportation conditions show Angel-Pardue Road as a state maintained road that serves as a collector road, moving traffic between single-family and rural residential properties and US Highway 158. NCDOT showed an Annual Average Daily Traffic count (2005) of 8500 vehicles on US Highway 158 west of Angel-Pardue Road. A possible alignment for the proposed US 158 bypass is located through or adjacent to this site. This project, however, is not designated in the region's current Transportation Improvement Program. No roadway improvements are proposed at this time. The NCDOT will be responsible for reviewing driveway locations. Required road improvements will be a part of that review. The report includes some physical characteristics of the property, vicinity zoning, and topography.

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STAFF RECOMMENDATION: Staff recommends approval. The request closely follows the recommendations of the Town’s Future Land Use Map of record and is in the public’s interest because it applies a zoning district that would permit development of a community park in a central location. While no uses are specified in the request that ensure park development, the Public and Institutional District is an appropriate and reasonable designation for the property as it is owned by the Town and adjacent to other publicly- owned, institutional land. The Planning Board, at their November 2 meeting, recommended for approval with a vote of 7 to 0.

Mr. Nuttall noted that State law requires the Council’s motion should include a statement with its decision that:

- Explains how its action is or is not consistent with the adopted Land Use Plan;
- Why the requested zoning district is or is not a reasonable designation for the property;
- How its action promotes the public’s interest.

The staff recommendation can be adopted by reference as a part of the motion and it will comply with the law.

No one spoke in favor of or in opposition to the rezoning.

Mr. Flynt made a motion to approve the rezoning. The 2001 Future Land Use Plan called for a community park in the general area, which is adjacent to the school. A park is needed for recreational activities for the community and it will serve the public interest well. It is a reasonable use of the land and the school is similarly zoned and it will benefit all of the citizens of the Town. He incorporated staff’s recommendation of approval into his motion. Mayor Jones seconded the motion. Council voted 5-0 to approve the rezoning.

ROLL CALL VOTE:	Jones	<u> Aye </u>	Halbrook	<u> Aye </u>
	Flynt	<u> Aye </u>	Richardson	<u> Aye </u>
	Shelton	<u> Aye </u>		

Public Hearing: Regulatory Ordinance: Mayor Jones opened the public hearing on the Nuisance Ordinance. No one spoke in favor of the Ordinance.

Those speaking in opposition:

Thearon Hooks, 8135 Shoeline Road, asked if in Section 6 – Storm or Erosion, Storm or Debris, the area is inclusive of fire damaged and gutted buildings also. Mr. Flynt noted that buildings that are burned or partially burned are specifically mentioned.

Tim Jones, 8402 Southard Road, said that his recollection of the ordinance is that it is to restrictive, ill defined and will pit neighbor against neighbor. It will allow for anonymous complaints that will be generated and considerable amounts of money will have to be spent to enforce it. He felt that it should be sent back to the drawing board. He was concerned that it was going too far.

Jim Flynt, 7743 NC 68, said that he has discussed this with numerous property owners in Stokesdale and would like to know the background as to the document and the purpose of the document. He felt that the ordinance would create divisiveness and finger-pointing among neighbors in Stokesdale. Neighbors should help each other rather than calling government. He felt that volunteers would help them clean up problem properties. He suggested that it should be stipulated in the Ordinance that a complaint would not be investigated unless the person filing the complaint provided their name and address. Mr. Flynt said that if anyone in the community, for whatever reason, cannot mow their yard, he will mow the yard for free.

Robert Vickory, 8637 Oak Level Church Road, said that he thought that there was an ordinance on the books in Guilford County that would take care of this.

Mayor Jones closed the public hearing and the matter was with Council. Mr. Flynt indicated that a number of people have had safety concerns about the burnout building next to Fidelity Bank and an old lumber company that has been vandalized with windows broken out and an open well on the property. There have been several requests on graffiti on buildings. The purpose is not for cutting someone's lawn when their grass has not been mown in two weeks. The purpose is for issues that are realistic and are health issues. The removal of burnout building would do more for the downtown area than planting trees. He felt that it is a good Ordinance. Mr. Shelton asked where would you draw the line on the issues. Mayor Jones said that it would be a common sense approach. It is not to be the lawn police. If it can be determined who did graffiti, then they would be responsible. There have been regular complaints about certain issues that Council has not had the power to address. He said that issues would be investigated and it would be a matter of public health and safety and the criteria would be whether it is dangerous to public health. Mr. Shelton asked if Council has the power to enforce this. Mayor Jones said that it deals with true nuisances and not just general complaints. Mr. Flynt said that there are safety issues involved and not just appearance issues.

Mr. Trevorrow noted that the incidents that have been mentioned were incorporated into the Ordinance to give the Town a tool to deal with them when citizens request it. It affords the Sheriff an opportunity to have an enforcement tool when it rises to the level of a public health issue or a public nuisance, the Sheriff has a tool to use as well. No ordinance can be drafted to cover each and every likely situation but it can be broad enough to cover the complaints that have been suggested. Mayor Jones said that the Ordinance would be available to address specific, egregious conduct and enforcement would be through the courts and the Town. Mr. Flynt made a motion to approve the Ordinance. Mayor Jones seconded the motion. All Council members voted aye and the Ordinance was passed. A copy of the Ordinance Number Sixty Seven is hereby incorporated into and made a part of the minutes of the meeting.

Planning Board Appointment: Mr. Flynt said that an item has caused him some concern. He said that he feels that the integrity of the Council should be protected and one important aspect of serving as Council is having the confidence and trust of the public. He said that a person in a responsible position that represents the Town was published in the paper and he felt that it was reprehensive. One of the members of planning board member was asked to give Council a grade and his reply was an "I" for incomplete or incompetent. Because he serves at the pleasure of Council, he would like to seek his resignation. Mr. Trevorrow said that it would be appropriate to give the person the opportunity to respond. Mayor Jones made a motion that the complaints should be made in writing and presented to Council and that Council can review them and give the individual the opportunity to respond and Council can determine if any action is necessary. Ms. Halbrook seconded the motion. All Council members voted aye and the motion carried.

UNFINISHED BUSINESS:

Consider Adoption of Collector Street Plan - Set Public Hearing Date: The Clerk noted that the Council can consider formally adopting the Collector Street Plan. Mr. Nuttall noted that Council heard a presentation by the Metropolitan Planning Organization on the Plan and it was referred to the Transportation Committee. Mr. Nuttall noted that public parks in excess of 10 acres should be located on a collector street and the adoption of the Plan would be one way to address this issue. Council can hold a public hearing on the collector plan to gather input from the public and consider adoption of the plan for long range planning purposes. Mr. Shelton made a motion to hold the public hearing at the January 17 regular Council meeting. Ms. Halbrook seconded the motion. All Council members voted aye and the motion carried.

Certification of Local BMP Manual or Stormwater Engineering Guidance: NC DENR, the stormwater permitting unit, has requested information on the required BMP manual. The Clerk had forwarded the information to Warren Simmons, the Guilford County Watershed Engineer since they will be administering the Town's Stormwater program. Mr. Simmons has completed the form and has returned it for the signature of the local official. Mr. Richardson made a motion to authorize the Mayor's signature on the certification. Mr. Shelton seconded the motion. All Council members voted aye and the motion carried.

Water System: Consider Change in Reconnect Fees: The Clerk noted that water customers are now charged \$30 if they are disconnected for failure to pay their water bill. The water company's fee for this service is \$60. Mayor Jones noted that the water system has been a break even situation. Mayor Jones noted that for the budget, the Town's has looked to break-even situations in order to avoid a tax. There are provisions, that in extenuating circumstances, a committee can review the matters when questions arise. Mr. Shelton made a motion to leave it as it is. Ms. Halbrook seconded the motion. Council voted 3 to 2 to approve the motion. Mayor Jones and Mr. Flynt voted nay.

Mr. Flynt noted that Council had recently approved a subdivision on Eversfield Road for Mr. Berry and he had recently spoken with Mr. Vaughn, the surveyor, who said there are questions regarding extending waterlines to the area. Mr. Flynt asked how Council might discuss the possibilities of extending the lines to that area. Old Moore's Mill Subdivision and Oak Creek is in the area as well. Mayor Jones said that he would be glad to contact Mr. Berry.

COMMITTEE AND BOARD REPORTS:

Committee/Board Reports: There were no committee or board reports made to Council.

Departmental and Administrative Reports - Finance Report: October, 2007: The Finance Officer noted that the first page shows six certificates of deposit that matured during the month of October. BB&T offered a rate of 5.14% for 7 months while other banks offered about 4%. These certificates along with water sewer certificates that matured were transferred to BB&T as well. The General Fund Checking Account has several transactions that relate to the mailing of the Park surveys including a payment of \$697 for stamps that were provided for the return of the survey, \$175.00 for the bulk mail permit and the mailing cost \$250.06. There was a deposit of \$1,360.84 from Time Warner Cable for fees. Accounts Payable included an invoice from Guilford County for Law Enforcement for \$17,744.56 and an invoice for the News & Record for ads in the amount of \$1,184.72. The general fund savings account reflects interest that was earned during the month. The Water Enterprise Checking Account shows a check to City of Winston for \$12,250.63 for water which was used during the heat of the summer when flushing was necessary. Yates Construction replaced a fire hydrant which was damaged at a cost of \$2,225.07. An insurance claim was filed and the damage was paid in full. Water Technology and Controls has sent an invoice for \$1,156 for their services and Yates Construction has billed the Town for the installation of water meters and a new service connection. General Fund Certificates earned \$7,349.09 for a three month maturity and the water enterprise fund certificates earned \$3,531.75.

Administrative Report – Town Clerk:

Set Swearing In of Council Members after Certification from Board of Elections: The Clerk noted that the certification of the vote has not yet been received. Mayor Jones made a motion to set the swearing for the regular December meeting pending certification from the Board of Elections. Mayor Jones noted that the three newly elected Council members were present. He said that Mr. Attaway had asked for Judge Stuart Albright to do the swearing in. Ms. Steele and Mr. Cook agreed to have him to do the swearing in if he is available. Mayor Jones said that he was pleased to see so many people come out as voters and candidates in the election. Citizens should commend all who are willing to serve and had the fortitude to run. Mr. Shelton noted that Judge Albright plans to ride in the parade this year.

The clerk asked if Council would prefer to rent chairs for the continuation of the public hearing to be held on Tuesday. She indicated that she had checked with only one company and found that it would cost \$3.00 per chair plus a \$60 delivery fees and possibly additional fees. Mayor Jones noted that different facilities were considered and there are different procedures and costs associated with them. He made a motion to authorize the Clerk to rent chairs in the appropriate number based on and not exceeding the Fire Marshal's request and at a price not to exceed the first estimate that the Clerk had been received. Mr. Flynt seconded the motion. All Council members voted aye and the motion carried.

Mayor Jones extended a thank you to property owner Ted Southern for allowing his facility to be used by Council for the meeting.

LEGISLATIVE ACTION:

Consider Resolution to Accept Transfer of Development Rights for 10/70 Land Area in the Reidsville (Troublesome Creek) Watershed from Guilford County: Mr. Nuttall noted that Warren Simmons had made a presentation to Council several month ago and Council had asked that the possibility of allowing greater development potential in the Reidsville watershed be investigated and a possible transfer from Guilford County to allow for 10% of the land area of the watershed to be developed up to 70% of impervious area. The resolution is a formal request asking the Guilford County Commissioners to consider allowing the transfer to occur. The State has given their consent to the transfer. If the County Commissioners concur, then amendments would be made to the development ordinance. The adoption of the resolution is the first step in the process.

Mr. Flynt noted that the purpose of the change was to help the business owners in the Town Core business area. He made a motion to adopt the resolution. Mr. Richardson seconded the motion. All Council members voted aye and the resolution was approved. A copy of the resolution is herby incorporated into and made a part of the minutes of the meeting.

OTHER BUSINESS:

Change of Use Fees: Mr. Nuttall explained that a change of use occurs when a commercial property owner or tenant requests a change from one permitted use to another permitted use. The Ordinance requires that these changes of uses come along with a site plan that must be approved by the planning board to make sure that complies with Town codes. The submittal is required whether there are improvements required or proposed. A new site plan is required to show the new use of the structure. The site plan fees are a minimum of \$1,000 which is the same as for someone to build a new site on undeveloped property that must be graded. He suggested Council to consider a different fee structure for this type of case where no additional improvements are proposed or required. The County does not have to devote manpower to see that all of the requirements are being met as if it were new development. A site plan is not required for a change of occupancy. Mr. Richardson made a motion to set a fee of \$300 for a review of the plans. Mr. Flynt seconded the motion. All Council members voted aye and the motion carried.

Mayor Jones asked for any citizens who wished to be heard on non-agenda items to come forward at this time.

Robert Wurz, 7900 Dorset Downs Drive, read a letter concerning the revised Land Use Plan that was sent by email to Council from James Attaway, Thearon Hooks, and Robert Wurz on November 5, 2007. A copy of the letter is hereby incorporated into and made a part of the minutes of the meeting.

Mr. Flynt noted that he was a member of the committee and he felt that the letter has merit. He thought that it might be a good idea to send it back to the committee for review the suggestions made in the letter. Mayor Jones said that during the public hearing, the only two issues that were brought up, the NC 68 corridor and the minimum lot size. He said that he felt that it does not promote growth on NC 68 or US Hwy 158 but it indicated that if there is development then it should follow the appropriate guidelines. Mayor Jones said that it has recently been passed and he feels that it is appropriate to go forward and if adjustments are needed at a later time, then it can be changed and adjusted at that time. The expansion of existing commercial or retail use, and Planning Board and Council will have to address these issues as they are brought up. Mr. Shelton read one of the changes referencing commercial and retail development in the revision that was approved. No motions were made by Council regarding the matter. Mayor Jones said that the observations are important.

Tim Venable, 8700 South Point Drive, asked if there are standards for the appearance of the front facade of any buildings that may be built on NC 68 like the Town of Oak Ridge has which keeps all of their buildings the same. Mayor Jones pointed out that Oak Ridge has a historic district. The land use plan deals with the front being made of brick or stone but not a particular style of building. The recommendation of the revised land use plan is to consider further changes in scenic corridor requirements which would have to be made by ordinance amendments. Mr. Venable pointed out that the new Fidelity Bank being built by Commie Johnson is a very nice building and they should be commended for the work they have done and for keeping the site clean.

Mr. Hooks asked about the status of the Park grant. Mayor Jones said that we are trying to meet the deadlines. Mr. Flynt noted that it is a January 31 deadline and details are trying to be finalized. Cost estimates are needed and the volunteers are helping to count the surveys that were returned by citizens. Mr. Hooks asked if the entire project has been turned over to Council or if the Committee is still needed. Mayor Jones said Council is making decisions but not all aspects of the project are completed at this time.

ANNOUNCEMENTS: Mayor Jones read the announcements listed on the agenda.

COMMENTS FROM THE FLOOR:

Tim Jones, 8402 Southard Road, said that comments made earlier in the meeting about comments made by a candidate during a political campaign when he was not sitting on the Planning Board representing the Town of Stokesdale. He believes that citizens have the right of free speech. He said that he would like to know the person's name so that he could be notified that he needs to defend himself. Mayor Jones indicated that the complaints are to be made in writing and the person would receive copies of the complaints so that he could address the comments. Mr. Trevorror said that when the record is complete, when the complaint has been made and a response to it has been made and it will be presented in a public forum.

Mr. Hooks asked if this is for public complaints against the Board or Council. Mayor Jones said that a conduct issue and whether the rules are being followed, any citizen can make a complaint and it should be presented in writing so that Council can review the complaint, hear both sides of the story and take action if needed.

Robert Wurz, 7900 Dorsett Downs Drive, note that the recently adopted revised land use plan called for the strengthening of Town ordinances and asked if the Ordinance Review Committee has to be reactivated by Council to begin deliberations on those changes. Mr. Flynt said that since it was close to the election, and with changes of the Council with two members leaving Council, it was agreed that it would be left up to the new Council to make changes to the committee. Mayor Jones said that the Ordinance Committee had not been dissolved by Council and it is still a regular committee of Council. It will be appropriate for coming meetings to ask members to serve and ask them to look at issues that have been brought forth and they would then bring them back to Council. Committee members were Fred Berry, Bobby Richardson, Robert Wurz, Scott Lawrence, Stewart Hommel, Randy Braswell, Jerry Shields, Doug Martin, and Crystal Evans. Mayor Jones suggested that the current members should be contracted to see if they are willing to continue to serve and to take applications from anyone who would like to serve on the committee.

COMMENTS FROM COUNCIL: Mr. Flynt noted that a site plan was presented to the Planning Board at the last planning board meeting and the Planning Board has final approval authority. He had concerns about the site plan because the rezoning was about 14 acres. When the site plan was presented, the septic fields and buffers were shown on adjoining property that was zoned RS-40. His bigger concern was that the tract was rezoned, instead of a 14 acres tract as it was advertised, it has been converted to a larger tract. When Mr. Flynt spoke with both Oak Ridge and Summerfield staff they warned that the Town would be setting a precedence. His biggest concern was that when the rezoning was approved it was for the 14 acres and there was a 10 tract that was offered as a buffer. Now that buffer has become a part of the project and a septic tank will be located in that area. Some septic systems produce a significant odor under certain conditions. Mr. Flynt noted that Summerfield and Oak Ridge have rules in place. He noted that the project could be scaled back. He noted that the appeal period ends tomorrow. Mayor Jones said that it would be helpful to have those concerns expressed in writing with examples and comments and presented to Council for review and staff to review. Mr. Trevorror said that an ordinance amendment would be the best approach. It would clearly set out the requirements that developers or property owners would know before they submitted a request. Off site septic would be clearly set forth as a part of the rezoning request.

Ms. Halbrook thanked everyone for coming with some waiting out in the cold. Ms. Halbrook asked if Shamburg Motors has been approached about the parked vehicles that blocks the view of motorists. Mr. Nuttall said that he has made an inquiry into the matter with NCDOT and they are checking to see if they

have claimed right of way at that intersection and there will be appropriate action. If the vehicles are in State right of way, they can investigate and ask that they be moved.

Mr. Flynt noted that sometimes Council members make personal sacrifices and he wished Mayor Jones a Happy Birthday saying that he was meeting with Council and not with his family.

ADJOURNMENT: Mayor Jones made a motion that the business portion of the meeting be adjourned and the public hearing portion of the meeting be continued to 8500 Ellisboro Road at the Stokesdale Business Center at 7:00 PM on Tuesday, November 20. Mr. Flynt seconded the motion. All Council members voted aye. The meeting adjourned at 9:26 PM.

Carolyn L. Joyner, Town Clerk

Approved:

Mayor Randle L. Jones