

**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, April 17, 2008.

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 Mickie Halbrook, Cheryl Steele, James Attaway, and Norman Cook.

Others present included: William B. Trevorrow, Town Attorney; Guilford County Deputy Steve Christman; and Carolyn Joyner, Town Clerk/Finance Officer.

After the Pledge of Allegiance, Council considered the proposed agenda. Mr. Attaway asked to add discussion on setting up a committee to review and put into writing rules for the Planning Board. Ms. Steele made a motion to approve the agenda with the change. Ms. Halbrook seconded the motion. All Council members voted aye and the agenda was approved.

Ms. Steele made a motion to adopt the minutes as presented and without reading. Ms. Halbrook seconded the motion. All Council members voted aye and the minutes for the March 20, 2008 Town Council were approved.

NEW BUSINESS:

Report from Guilford County Sheriff's Department: Deputy Christman reported the following incidents since the last Council meeting: 2 DWI arrests; 3 property thefts; 1 residential break-in, 2 assaults, and 3 domestic disputes. A number of traffic citations have also been issued. He also reported that some of the traffic officers have been working the highways for commercial vehicles for several days.

PUBLIC HEARINGS:

SKETCH PLAN 07-12-STPL-08341: Weyhill Properties requests approval of a Sketch Plan associated with rezoning Case #08-01-STPL-00174 (AG/RS-40 to CU-PD-M).

Mr. Cook made a motion to recuse himself from the case because of a conflict of interest since he owns the property. Ms. Steele seconded the motion. All Council members voted aye and Mr. Cook was excused from Council.

Mr. Nuttall noted that the case had been deferred from the February meeting and gave the following report: Weyhill Properties requests approval of a Sketch Plan associated with rezoning case #08-01-STPL-00174 (AG/RS-40 to CU-PD-M). The Town's Development Ordinance requires that a sketch plan be submitted for review and approved by the Planning Board and the Town Council prior to an application to rezone to a Planned Unit Development District. The Planning Board and Town Council are to provide an administrative review of the plan to ensure consistency with Ordinance requirements should the associated rezoning request be approved. The Planning Board did review this item at the April 3 meeting and unanimously recommended the approval of the plan. Mr. Nuttall stressed that the approval of the sketch plan by the Board is not a hearing on the rezoning itself but is to see that it meets the minimum requirements of the Ordinance.

The Planning Board and Town Council are to review the plan for:

1. Consistency with Town Subdivision requirements;
2. The general location and amount of land proposed for single family residential, multifamily residential, office, commercial, industrial, open space/recreation, and street use;
3. The number of dwelling units or gross floor area and the acreage of each tract or area shown on the Sketch Plan;
4. The maximum height of buildings and structures in each such tract or area;
5. The location and amount of land in flood hazard areas and any other lands not suitable for development; and
6. Proposed watershed protection measures, including their general location, if the development is within a Watershed Critical Area or a General Watershed Area.

STAFF COMMENTS: The Sketch Plan was reviewed by the Guilford County Technical Review Committee (TRC) on December 18, 2007 and again on March 19, 2008 due to revisions made as a result of environmental considerations. The Committee provided sketch comments as well as advisory comments for future submittals should the associated rezoning be approved. The most recent TRC memo was provided for Council to review. Staff did recommend approval since the revisions have been made to the sketch plan and it meets the requirements.

Ms. Steele noted that there is open space shown and asked if this would be used as off-site septic. Mr. Nuttall said that the applicant may address the issue in the rezoning but it can be used as either. Ms. Steele said that where there is a perennial stream and dedicated drainage easements, the areas will never be built upon. Mr. Nuttall said that the Ordinance will allow the open space to be used as septic.

Those speaking in favor of the sketch plan:

Marc Issaacson, 101 West Friendly Avenue, Greensboro, said that the sketch plan does meet all of the requirements of the Ordinance. An engineer from Hugh Creed was present and would answer any questions.

No one spoke in opposition to the sketch plan.

Mayor Jones made a motion to approve the sketch plan. Ms. Steele seconded the motion. Council voted 4 to 0 to approve the plan.

ROLL CALL VOTE:	Jones	<u>Aye</u>	Halbrook	<u>Aye</u>
	Attaway	<u>Aye</u>	Steele	<u>Aye</u>
	Cook	<u>Excused</u>		

REZONING CASE #08-01-STPL-00174: AG and RS-40 to CU-PD-M. Located on the east side of NC Highway 68 North at the intersection of BELEWS CREEK ROAD (SR 2005) in Oak Ridge Township. Being Guilford County Tax Map 1-62, Block 1108, eastern portion of Parcel 3; and, Tax Map 1-62, Block 1045, Parcels 20 and 21, approximately 39.67 acres. Owned by Norman E. Cook, etal. Reidsville Watershed.

Mr. Nuttall presented the case as follows: This request is to rezone approximately 39.67 acres to allow a Mixed Use Development from AG, Agricultural District, and RS-40, Residential Single Family District to CU-PD-M, Conditional Use PD-M District. A list of uses and conditions has been proposed by the applicant.

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 RS-40, Residential Single-Family District, is primarily intended to accommodate single-family detached dwellings on large lots in areas within a designated watershed and without access to public water and wastewater services. The district is established to promote single-family detached residences where environmental features, public service capacities or soil characteristics necessitate very low density single-family development.

The PD-M District is intended to accommodate residential, commercial and light industrial uses developed on large tracts in accordance with a Unified Development Plan.

The property owners are Norman E. Cook, Albert F. and Phyllis K. Harris, and Yates Holding, LLC.

Existing land use is agricultural and undeveloped and the requested land use is planned unit development Commercial with a mixture of commercial and residential uses.

A zoning history of the denied cases gives Case 90-82 (1982).

Surrounding land uses included low density residential to the north of the property; low density residential /agricultural to the south, rural residential to the east and rural residential/agricultural to the west (rezoning request filed: CU-HB.)

RECOMMENDATION OF: Stokesdale Land Use Plan (2007 Update): The Future Land Use Map recommends that the area generally develop with residential land uses. A future greenway is identified along the 500 year-floodplain of the property (Troublesome Creek). Plan policy statements pertinent to this request include seeking to balance the Town's desire for rural character preservation with the right of landowners to seek appropriate development of their property as well advocating for alternative modes of transportation, environmental protection, and uniform residential densities.

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

Public water is available to the site. The site is in the Stokesdale Fire Protection District and is approximately 1.2 miles from the Fire Station. Information provided by the Guilford County School System is provided in the packet.

The applicant has done a traffic study and will be providing that information. Proposed traffic generation show 5 trips per day for office and 40 trips per day for intense retail per 1,000 square feet of floor area.

Physical characteristics were included for Council's review. There is no 100-year flood plain on this property. The property is in the Reidsville watershed and will be subject to stormwater mitigation depending on the intensity of the development.

STAFF RECOMMENDATION: The Planning Board considered this request at their April 3 meeting and unanimously recommended approval of the rezoning. The Planning Board reasoned that the approval would be in the public's interest in that it would provide needed services in northern Stokesdale on a site that is very close to the Town core. The Board felt that the request was reasonable and consistent with the land use plan as it provides a significant amount of open space and provides a transition from the town core to outlying areas.

Those speaking in favor of the rezoning:

Marc Isaacson, Attorney, 101 West Friendly Avenue, Greensboro, represented Weyhill Properties. Two principals of the business were present, Kurt Kusche and Jim Malanero who is a professional football player for the Dallas Cowboys. Mr. Kusche and his wife are Remax real estate agents in Oak Ridge. Mr. Isaacson handed out some information to Council and said that the purpose of the sketch plan and the development on the east and west side of NC 68 was to allow coordinated mixed use development at the intersection of NC 68 and Belews Creek Road. Development will be done in a first class manner with the history and character of Stokesdale. He noted that there are 11 conditions which are binding to this application and a list of uses that are not allowed on the property. The buildings will be coordinated with the buildings on the property to the west which is the next rezoning. He reviewed the other tabs in the booklet that had been handed out to Council. He pointed out that there are two access points to the property as well as deceleration lanes. Professional traffic engineers were available to answer questions. Trees will remain as a buffer. Town homes are shown on the property and he felt that an aging population would be market for this type of residence. It will be maintained by a homeowners association. The area will have walkability with residents being able to leave their home and walk to the businesses and retail establishments that will be located between the homes and NC 68. He noted that one section of the handout include an executive summary of a traffic impact study that was prepared by Wilbur Smith Associates. He read from the conclusion which said that development would not have a significant material negative impact on traffic and that improvements will mitigate traffic impact caused by the development and traffic generated would not materially endanger public health, safety or welfare. He commented on the other tabs in the handout which included letters from prospective businesses and neighbors. The project is designed by its conditions and uses to be first class in every way. He asked Council to consider the access, the building materials, the location and layout that reflects the history and character of the Town. The Town Core does influence this property. He felt that the project was an opportunity to set a very high standard at this important intersection for innovative design, environmental protection of natural resources and open spaces, high quality building materials, specific uses, compatibility, access and connectivity. It uses many of the concepts and principals proposed by the Land Use Plan. It will not cause problems to the public health or safety and it will not cause substantial injuries to adjoining or abutting properties. He asked Council to consider what the alternatives would be considered for the area if this case is not approved.

Eileen Thiery, 8101 Meadow Springs Place, said that she felt that it was a good package. The plan has been shown to and discussed with the community. She felt that the placement of businesses next to NC 68 was appropriate because of the traffic. It places residential development next to existing residential areas.

No one spoke in opposition to the matter.

Mayor Jones recognized candidates for elected offices who had come into Town Hall. Robert Enochs said that he has been Assistance District Attorney in Guilford County for thirteen years and is running for District Court Judge. Lora Cabbage said that she is also a District Attorney and is running for the seat vacated by Judge McSwain. Mr. Attaway noted that Mayor Jones is also a candidate. Mayor Jones said that he was running for District Court Judge also but he was not running against the ones that were just introduced.

Ms. Steele had questions regarding the rezoning. She asked for the maximum square footage for any of the buildings. Kurt Kusche, 5912 Tarleton Drive, Oak Ridge, said that they would vary from 5,000 to 9,000 square foot building. He said that the verbiage says up to 40,000 square feet which could accommodate a grocery store although they are not talking with any at this time.

Ms. Steele asked if the trail would be private or a public trail. Mr. Kusche said that the homeowners association would be responsible for the trail.

Ms. Steele made a motion to approve the rezoning and to incorporate by reference the reasoning of the Planning Board. Ms. Halbrook seconded the motion. The Council voted 4 to 0 to approve the rezoning. A copy of the zoning conditions and a list of permitted uses to be excluded is hereby incorporated into and made a part of the minutes of the meeting.

ROLL CALL VOTE:	Jones	<u>Aye</u>	Halbrook	<u>Aye</u>
	Attaway	<u>Aye</u>	Steele	<u>Aye</u>
	Cook	<u>Excused</u>		

REZONING CASE #08-01-STPL-00175: RS-40 to CU-HB. Located on the west side of NC Highway 68 North, south of BELEWS CREEK ROAD (SR 2005) in Oak Ridge Township. Being Guilford County Tax Map 1-62, Block 1108, western portion of Parcel 3, approximately 16.27 acres. Owned by Norman E. Cook. Reidsville Watershed.

Mr. Nuttall presented the request as follows: This request is to rezone approximately 16+ acres to allow a commercial development. from RS-40, Residential Single Family District to CU-HB, Conditional Use Highway Business. A list of uses and conditions have been proposed by the applicant was provided to Council. The plan that has been submitted with the request is for illustrative purposes. Only the text (the written uses and conditions) will be binding if the request is approved.

The RS-40, Residential Single-Family District, is primarily intended to accommodate single-family detached dwellings on large lots in areas within a designated watershed and without access to public water and wastewater services. The district is established to promote single-family detached residences where environmental features, public service capacities or soil characteristics necessitate very low density single-family development.

The HB, Highway Business District, is primarily intended to accommodate those retail service and distributive uses which are typically located along thoroughfares. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. Developments in this district generally have substantial front setbacks.

The existing Land Use is rural residential/agricultural and the requested Land Use is Commercial. The zoning history of denied cases finds one request, Case 137-64 (1964).

The surrounding uses are as follows:

- North: Rural residential/agricultural
- South: Low-density residential
- East: Agricultural/undeveloped (rezoning request filed: CU-PD-M)
- West: Low-density-residential/rural residential

The recommendation of the Stokesdale Land Use Plan (2007 Update): The Future Land Use Map recommends that the area develop with a mixture of compatible retail, office, institutional, and residential uses. A future greenway is identified along Troublesome Creek. Plan policy statements pertinent to this request include seeking to promote the area as a center of commerce and social activity, encourage walkability, and support functional, aesthetic development through attention to design.

Information on historic properties, public utilities and transportation are included in the information. Mr. Nuttall pointed out that the error in the projected traffic generation which should include “per 1,000 square feet of floor area.”

STAFF RECOMMENDATION: The Planning Board heard the case on April 3 and unanimously recommended approval. The Board reasoned that approval would be in the public’s interest by allowing development of needed services in northern

Stokesdale. The Board felt that it was reasonable and consistent with the Future Land Use Plan recommendations because it will lead to businesses locating in the Town Core and the preservation of significant open space. Staff’s original recommendation if included in the information package.

Mayor Jones opened the public hearing. Those speaking in favor of the case:

Marc Isaacson, 101 W. Friendly Avenue, Greensboro said that the principles and the people involved with this request are same as the previous case. There are some slightly different materials in the information provided to Council. He reviewed the twelve conditions for the property. There is an extensive list of prohibited uses that will apply to the property. He said that they have met several times with the McGee family who are adjacent property owners and they have worked out an agreement with them. Since there is a single family residential use adjoining the property, Condition 3 was added which relates to the landscaping requirements. Condition 12 was added to the list at the Planning Board meeting. A color-coded site plan shows all improvements will be built to the east of the stream and open space on the property. An aerial photo of the property is included. Transportation improvements are shown on the sketch plan but they are subject to NCDOT approvals before driveway permits will be issued. He called Council’s attention to the last page of the traffic impact study. The Planning Board unanimously recommended approval of the request. This property is located within the Town Core and supports the principals of the town core by providing office, retail and support services in a growing area.

Stewart Hommel, 8505 Deer Path Court, asked if there would be deceleration lanes and turning lanes on NC 65 since there is a lot of traffic, especially 18-wheelers. Mr. Kusche said that when they meet with NCDOT, they would work with them to make it a safe entrance/exit. Denise Swinton, Wilbur Smith & Associates, 3135 Mendenhall Oaks in High Point, said that her office had performed a traffic study and they are recommending a turn lane on NC 65. Mr. Nuttall pointed out that NCDOT will mandate the improvements and while they may work with the traffic engineer, there are no binding agreements with them at this time.

Ron Wilson, a professional real estate professional, 600 Green Valley Road, Greensboro, indicated that he is Archie McGee’s father-in-law, and he had been asked to work with the developer on the project. He felt that Mr. Issaacson’s comments were correct and they had gone over and above the requirements to present a good product and to buffer them from the neighbors.

No one came forward to speak in opposition to the request.

Mr. Nuttall made two points of clarification. He pointed out that Condition #5 which says sidewalks shall be installed per NCDOT requirements does not mean that there will be a sidewalk constructed but that an area will be reserved and they may come back at a later date to install them. They may not be constructed as a part of the initial development of the site. In reference to Ms. Steele’s earlier question, the open space/common area could be used in accordance with Condition #12 so there could be utilities or other improvements in the area.

Ms. Steele made a motion to approve the request because the action is consistent with the Land Use Plan; it is reasonable for this location because it has access to major highways and it promotes the public interest by providing services to northern Stokesdale and it provides significant open space. Ms. Halbrook seconded the motion. Council voted 4 to 0 to approve the rezoning. A copy of the zoning conditions and a list of permitted uses to be excluded is hereby incorporated into and made a part of the minutes of the meeting.

ROLL CALL VOTE:	Jones	<u>Aye</u>	Halbrook	<u>Aye</u>
	Attaway	<u>Aye</u>	Steele	<u>Aye</u>
	Cook	<u>Excused</u>		

Mr. Cook returned to his seat on Council at this time.

Extension of Town Limits along US 220: Ms. Halbrook said that she would like for Council to look into the matter. She suggested that the Town should annex to US Hwy 220 and Spotswood Road. Ms. Steele suggested that it should extend to the Rockingham County line. Mayor Jones asked if she was proposing a voluntary or an involuntary annexation since there are two different procedures involved. Voluntary is easier if the land owners wanted to come into the Town and they could sign a petition to become a part of the town. Mr. Trevorror said that if it is involuntary, then the Town must provide the same services that it provides to other citizens. He indicated that the General Statutes requirements must be met with both. Mr.

Nuttall said a great deal of study would be needed if involuntary annexation is pursued in order to meet the statutory requirements. Voluntary is a much less involved process. Mr. Trevorror said that there must be contiguous or touching properties. Mayor Jones suggested that those who are interested should talk with the property owners to see if they would be interested in coming in voluntarily. Ms. Steele asked about extra territorial jurisdiction. Mr. Nuttall said that the Town would have to request it from Guilford County and the County would have to agree to it.

Tim Jones suggested that if the Town was going to look into this issue, the area next to the Town of Oak Ridge should be considered as well.

Ms. Halbrook asked how to begin the process. Mayor Jones said to contact the landowners to see if there was any interest on their part.

Committee to Rewrite the Planning Board Rules: Mr. Attaway proposed that all current rules and regulations regarding the Planning Board should be put in writing and under one umbrella so there will not be any confusion. Any changes such term limits and residency requirements would be included. He proposed having a seven member panel with one appointee would be appointed by each Council member and the Planning Board would name two members. They would serve two-year terms and could be reappointed for consecutive terms. The committee would select the chairman. They would put all the rules into writing and would recommend any changes, additions or deletions to the Council. Mayor Jones asked if he was suggesting that this committee would make changes to the Planning Board or was it a proposal for appointing the Planning Board. Mr. Attaway said that it was proposing changes and drafting a complete set of rules and regulations. Mayor Jones suggested that he should put the proposal in writing so that Council can review it and it could be placed on the next meeting agenda. Mr. Trevorror thought that the Board had rules already in place. Mr. Cook said that he thought there were rules but they have not been enforced. Mayor Jones asked if he would put the proposal in writing and submit it to Council.

UNFINISHED BUSINESS: Mayor Jones noted that the Special Meeting had been recessed until 6:30 PM this evening and if applicants for the Planning Board are available, the meeting will be reconvened at the conclusion of the current meeting.

COMMITTEE AND BOARD REPORTS:

Public Safety Committee: Mr. Hooks read the minutes of the Public Safety Committee. He reported that the committee had met on April 10 at the new District 1 office. Mr. Hooks was appointed as chairman of the committee. Items discussed included an All Hazard Emergency Action Plan, concerns with parked cars blocking the view at the US 158 & NC 68 intersection, and violation of trucks traffic rules. The Committee plans to meet monthly. Ms. Halbrook and Mr. Attaway were present when there was discussion about a way for citizens to bring complaints that would come under the parameters of the Committee to get in touch with the Committee members.

Departmental and Administrative Reports: Finance Report: March 2008: The Finance Officer said that assets increased by \$56,713.89 over the previous month. General Fund Checking account transactions include a payment of \$12,500 to Guilford County for planning department services for the first quarter and Council Members were paid stipends. Accounts Payable included an invoice from the News & Record for the advertising. The Utilities Franchise Tax Distribution, a total of \$62,773.56, was received for the first quarter and deposited into the General Fund Savings Account. Five Certificates of Deposit matured during the month and they had earned a total of \$12,548.34. All were reinvested but at much lower interest rates. The water enterprise funds reflect routine transactions.

Mayor Jones noted that all budget requests must be submitted to the Budget Officer by April 30.

Insurance Renewal with NCLM: The Finance Officer noted that a 45 day notice must be given to the League if Council is considering cancelling the coverage or changing it to another firm. Mayor Jones made a motion to renew the insurance with NC League of Municipalities. Ms. Steele seconded the motion. Mr. Cook asked if the limits are sufficient. Mayor Jones said there is sovereign immunity for the Town. Mr. Trevorror said that the suggested limits are shown and anything that is in excess of the amount in the policy relieves you of governmental immunity to the extent that you are insured. All Council members voted aye and the motion passed.

Administrative Report: The Town Clerk did not have a report.

OTHER BUSINESS:

National Day of Prayer Proclamation: Ms. Steele made a motion to adopt the National Day of Prayer Proclamation. Ms. Halbrook seconded the motion. All Council members voted aye and the motion carried. A copy of the Proclamation is hereby incorporated into and made a part of the minutes of the meeting.

Audit: The Finance Officer noted that this would be the third year that Cannon & Cannon has audited the financial records of the Town with prices increasing slightly each year. Mayor Jones noted that when the change was made from Dixon Hughes because they were in the process of raising their rates because of the changes in audit regulations and Cannon & Cannon was much more competitive. Mayor Jones said that he felt that they had done a good job and were efficient. Mayor Jones made a motion to continue with Cannon & Cannon. Mr. Attaway seconded the motion. All Council members voted aye and the motion carried.

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

COMMENTS FROM THE FLOOR: Tim Jones, 8441 Southard Road said that he had three printouts from the Planning Board and he suggested that the chart should be updated and posted at Town Hall. He said that he felt there was an error in terms of some members and when the terms expired. He also felt that there was an error in the March 20, 2008 Town Council minutes which said that Mr. Spruill's seat on the Planning Board was to expire in March, 2008 and it should be March 2009. Mayor Jones said that it could be checked on.

Jim Flynt, 7743 NC 68, said that he had attended the December, January, February and March meeting. He said that Ms. Steel had made a motion at the December meeting to remove three people from the Planning Board, one of which was Mr. Attaway. He said that even though Mr. Attaway had been elected to Council, there was nothing to prevent him from serving on the Planning Board and having an elected and an appointed seat. Part of her motion was to appoint Mr. Mitchell, Mr. Spruill and Ms. Gauldin to the Board. According to the Ordinance, Planning Board terms are three-year terms and there was no mention of any terms in her motion. At the January meeting, two members were restored back to the Board to fill their remaining terms which would expire in March 2008. Mr. Attway's seat was to expire in March 2009. He said that Ms. Steele's motion was not be put him in a specific seat. It is mute for Mitchell and Gauldin because they had resigned. He felt that Mr. Spruill's term should be a three-year term from the December meeting. Mr. Trevorrow suggested that Council should take the comments under advisement.

Tim Jones said that he felt that the seats should be designated in some fashion and defined on the chart so that the name of the person and the seat would not be confused.

COMMENTS FROM COUNCIL: There were no further comments from Council.

ADJOURNMENT: Ms. Steele made a motion to adjourn. Mr. Cook seconded the motion. The meeting adjourned at 9:07 PM.

Carolyn L. Joyner, Town Clerk

Approved:

Randle L. Jones, Mayor