

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, February 21, 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, the invocation was given by Rev. Rick LeBaube, pastor of Flat Rock United Methodist Church.

Mayor Jones recognized special guests that were present at the meeting. Members of Senior Girl Scout Troop 34 were present to observe leadership in action as a part of their Gold Award project.

Council considered the proposed agenda. The Clerk noted that the minutes for a Special Meeting of January 29 were available for approval. Ms. Halbrook made a motion to adopt the agenda as amended. Mr. Attaway seconded the motion. All Council members voted aye and the agenda was approved.

Ms. Halbrook made a motion to accept all of the minutes as presented and without reading. Ms. Steele seconded the motion. All Council members voted aye and the minutes for the Town Council held on January 17, 2008 and the Special Meeting held on January 29, 2008 were approved.

NEW BUSINES:

Report from Guilford County Sheriff's Department: Deputy Christman reported three damage to property reports, two residential break-ins, one out building break-in, one property theft and four assaults since the last Council meeting. The thefts occurred when medications were stolen out of a mailbox. There were also other reports of tampering with mailboxes in the area of Patricia and Moritz Drives. There have been calls about suspicious vehicles and Deputy Christman encouraged people to call immediately if they see something suspicious.

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. Nuttall indicated that a request for continuance of the rezoning cases associated with the sketch has been received and the Sketch should be deferred until it is decided how to proceed on the zoning cases.

REZONING CASE #08-01-STPL-00174: AG and RS-40 to CU-PD-M. Located on the east side of NC HIGHWAY 68 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 read a portion of the applicant's request into the record as follows: "We would like to request a postponement of this hearing to the next Planning Board hearing on April 3, 2008 and the Town Council hearing on April 17, 2008 so that we can work with engineers, staff and others to address the concerns related to NC Department of Transportation, Guilford County Planning Staff and certain neighbors. We will use the additional time, if granted, to work on the plans for development to determine if any changes can be made to meet those concerns." Mr. Nuttall noted that the Planning Board heard the request at their meeting on February 7 and did recommend the continuance.

Ms. Halbrook made a motion to continue the case to April 3, 2008 and April 17, 2008. Mr. Attaway seconded the motion. Mayor Jones asked for public comments. Attorney Marc Isaacson, 101 West Friendly Avenue, Greensboro, indicated that he was representing Weyhill Properties. He said they were hopeful that Council would allow them more time to gather further information about traffic and engineering issues that have come up. All Council members present voted aye and the case was continued.

REZONING CASE #08-01-STPL-00175: RS-40 to CU-HB. Located on the west side of N. HIGHWAY NC 68, 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 indicated that this was a related case and the same request for a continuance would apply to this case. Ms. Steele made a motion to continue the case to the April 3 and April 17 meeting dates. Mr. Attaway seconded the motion. Mayor Jones asked for public comments. Kathleen Hommel asked if Mr. Cook should be voting on this matter since it was his property. Mr. Cook indicated that he would abstain from voting on this issue and asked that his previous vote be cancelled. Council voted 4 to 0 to continue the case with Mr. Cook abstaining.

CASE #1-08: MAP AND TEXT AMENDMENT. A map amendment to show the Town Core and eliminate the Dan River Watershed on the "Designated Water Supply Watershed/NPDES Phase II Stormwater Map of Guilford County, North Carolina" and a text amendment to Article 7 regarding the built-upon area computations, Dan River Watershed protection, and the 10/70 provision in the Reidsville Watershed.

Mr. Nuttall said that proposed text and map amendments were requested by the Town regarding some of the watershed regulations in the Town's Development Ordinance. The text amendment relates to Article 7 of the Ordinance and the purpose of this amendment is threefold:

A. Exempt impervious area constructed prior to July 1, 1993, from built-upon area computations during development review. This exemption is designed to aid development in the Town Core in accordance with the Future Land Use Plan by making it easier for businesses on smaller properties in the Town Core who want to add on to their building or parking area and still comply with environmental regulations.

B. Eliminate the Dan River Watershed as a protected water-supply watershed. The area currently identified as the Dan River Watershed is concurrently covered by NPDES Phase II regulations which are State and Federal stormwater and water quality protection requirements which were adopted by Council in May, 2007. Elimination of the designation as a water-supply watershed is tied to the proposed Ordinance Text Amendment to Article 7 and will remove the cap on allowable built-upon area (BUA) for non-residential development for impervious surface areas while still providing for environmental protection through stormwater controls.

C. Add language providing for the Ten/Seventy (10/70) Option for non-residential development. This amendment would allow up to 100 acres in the Reidsville Watershed to be developed with a maximum of seventy percent built-upon area (BUA). Currently BUA is capped at fifty percent in the Reidsville Watershed. Stormwater controls would be required should development go above the 24% impervious surface.

Mr. Nuttall said this was one of the provisions that the State has made available to municipalities and it can be an economic development tool should a large manufacturer or business come in that needs a lot of property. The Town would have the option of granting them area above the 50% that the watershed rules currently allow.

Changes to the maps would identify the Town Core as shown of the Town's Future Land Use Map on the Stormwater Map. It would eliminate the Dan River Watershed as a protected water-supply watershed.

Mr. Nuttall said that water supply watersheds are classified on a scale of one to five with one being the most restrictive and five being the least restrictive. Watershed critical areas are tiers which are a more restrictive classification. Mr. Simmons said that several years ago the State changed how they protected the watershed and how the boundaries were measured. Local jurisdictions were given the option of continuing to protect the watershed and Stokesdale opted to protect it. With Phase II regulations this area has dual regulations.

STAFF COMMENTS: Mr. Nuttall pointed out that Staff has worked with North Carolina Department of Environment and Natural Resources to craft the amendments. The amendments seek to ease regulations while ensuring environmental protection. A letter of favorable review from NCDENR, letters to property owners within the affected areas, proposed Ordinance language, and related maps are included for Council's review.

STAFF RECOMMENDATION: Staff recommends approval of the request. The amendments are supported by the Town's Future Land Use Plan and advance the public's interest through the establishment of reasonable, environmentally sensitive development restrictions.

Ms. Steele asked if the 100 acres would be contiguous. Mr. Nuttall said that the provision would allow up to 10% of the Reidsville watershed in the Town's jurisdiction which would total about 2,000 acres. In theory you could seek up to 10% of the total acreage for the 70% built upon area. Staff had recommended a more conservative approach with the Town seeking 100 acres initially. Should the allocation be used up, then the Town could request more. It would not be contiguous and would be approved on a project by project basis. Mr. Warren said that it would only be available for commercial or industrial property and not to residential property. Guilford County's jurisdiction covers about 30,000 acres which would be 3,000 acres and only about 50 acres has been given out in the last 15 years. It gives some flexibility for economic development to larger industrial clients or for commercial activities. He also said that once you comply with landscaping requirements, setback requirements, providing a septic tank area with drain field and a repair area, in addition to watershed protection with a wet retention pond or some other device, it is very difficult to reach 70% BUA and that is why it has not been used a great deal but it would be available for flexibility.

Those speaking in favor of the amendment:

Tim Jones, 8402 Southard Road, requested that Council approve the text amendments Part 1 – A, B, and Part 2 - A, B, C. Regarding Part 2 – Section C, he pointed out that there are 13,696 acres in the Town and 100 acres would amount to .00730 of the Town's area which would be a very tiny section of the Town but it would allow the Town Core area to compete with developed areas outside of the Town Core. He pointed out the Town Core existed before the Ordinances were imposed by the government and some allowances should be made to accommodate existing developed property that does not conform to new regulations. Businesses that are in the Town Core may not be able to compete with the development of open land elsewhere and it may keep the Town Core viable.

Mahalia McGee asked for a definition of Town Core as to what it is and not where it is. Mayor Jones explained that it was an area that covers the general business district of the Town and it encompasses the Town's businesses, buildings and merchants in the center section as well as areas in and around that area that have the potential of being developed in a similar way. It includes some residential areas as well. Ms. McGee said it was stated that it was 100 acres in the Town Core. Mr. Nuttall explained that in the Reidsville watershed, up to 100 acres could be developed at 70% BUA while meeting environmental regulations. It is not applied to the Town Core alone but to the entire Reidsville watershed. The area relative to the Town Core is exempting BUA for commercial development that was in existence prior to 1993 from calculations from the watershed engineers when someone wants to add on to the existing buildings. Now it becomes very difficult for these existing buildings to make additions because the buildings are considered high density and they have to install onsite stormwater mitigation.

Commie Johnson, 7769 NC 68, said that he was in favor of the map amendments and text amendments, A, B, and C.

Anthony Vaughn, Vaughn Surveying Company, Madison, encouraged Council to adopt the map and text amendments. He said the change was initiated because of the problems that were encountered with small parcels that are located downtown. It is a virtually impossible to maintain the character of the downtown. It would be a great tool to address some issues that are downtown.

Jim Flynt, 7743 NC 68, encouraged Council to adopt Parts A, B, C and the 100 acres as well. He agreed with Mr. Vaughn's comments. He said that it is a critical planning tool that allows flexibility while preserving and protecting the critical downtown area.

Those speaking in opposition:

Eileen Thiery, 8101 Meadow Springs Place, said that she felt that Parts A & B are good to revitalize the downtown area. She asked Council to hold off on Part C. She asked when the 10/70 rule was passed. Mr. Simmons indicated that it was passed in 1993. She had asked the Planning Board to hold that in abeyance until the water crisis issue in the State could be resolved. She said there has been criticism because some areas have been over developed. Troublesome Creek must be protected.

Mr. Nuttall noted that the Planning Board recommended favorably for both map and text amendments Parts A & B and they did not recommend favorably for Part C and they would like more time for public comment on that issue. He said that Council could pass any or all of the amendments as a package. He also noted that the only way to get the allocation would be to submit site plans and construction plans and this would avoid speculation.

Ms. Thiery said that water should not be put in jeopardy but she did not feel that anything was pressing to pass "C" at this time.

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The matter was with the Council. Mayor Jones said that the 10/70 rule allows the 100 acres to be doled out piecemeal only if it was needed or is necessary. Mr. Nuttall said that if a site has 60% BUA, a site plan would be submitted and with all of the stormwater controls requirements being met, then the Planning Board could provide an allocation to them. Mr. Simmons pointed out that requests would be on a first come/first serve basis and it would be tied to a building permit so that someone could not come in on a speculative basis and market a property as having been approved for 70%.

Ms. Steele made a motion to accept A, B, and C as written and to accept the map and text amendment. She said that it is in the public's interest because it follows the Land Use Plan and gives the ability to develop and redevelop the downtown area and she referenced the letter from NCDENR (DWQ, Julie Ventaloro dated October 29, 2007) regarding the watershed regulations rules which stated that the revision were in compliance with the minimum requirements of the state's water supply watershed protection rules. Mr. Simmons pointed out that the State has allocated this amount to Guilford County and it is for any WS III across the State that has the 10/70 provision. The County is transferring 100 acres of its allocation to the jurisdiction of Stokesdale. The motion failed for the lack of a second.

Mr. Attaway said that he felt that it would behoove Council to pass A & B and to hold off on C until Council receives a recommendation from the Planning Board. Mr. Attaway said that this was a substitute motion. Ms. Halbrook seconded the motion. Ms. Steele asked if the additional public discussion was just held or was Council going to have a special meeting on the matter. Mr. Attaway said that he understood that the Planning Board would take further discussion at a later date and then make a recommendation to Council. Ms. Steele said that she was reading the Planning Board minutes.

Council voted 3 to 2 to deny the motion. The motion failed.

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

Ms. Steel made a motion to accept A, B, and C with the same reasons as before. Mr. Cook seconded the motion. Mayor Jones allowed questions at this point. Ms. Thiery asked if it was appropriate for anyone having a vested interest in commercial property that is located in the watershed to vote on this matter. She felt that it could possibly be a monetary gain should they be allowed to build larger buildings. Mr. Nuttall pointed out that it would equally affect all property within the Town Core as well as the Reidsville and Dan River watersheds and it is not just affecting one property. Mayor Jones said that the Town is getting 100 acres from the County and it could be used for the repair of property in the Town Core. If something happened to the buildings it may help preserve the historic buildings so that they could be built back and it was not to promote development. Mr. Trevorrow said that it is not site specific and all members could vote.

Mahalia McGee, 10025 NC 65, said that she would like to see Council support the Planning Board recommendation to have further discussions about the matter.

Mayor Jones said that it was not to promote development but it was to give some latitude to existing properties if something were to happen to properties in the area and that was why these amendments were developed and set forth.

Council voted 4 to 1 to approve the motion. A copy of the text amendment 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>Nay</u>	Steele	<u>Aye</u>
	Cook	<u>Aye</u>		

National Flood Insurance Program Community Rating System: Warren Simmons, Watershed Protection Engineer for Guilford County, addressed Council. He said that Stokesdale is a participant in the National Flood Insurance program which means that anyone who is located in a designated flood prone area can get flood insurance which is backed by the Federal Government. There is a separate program that evaluates how a community runs their program with communities that are more proactive receiving a better score. Discounts are offered if certain criteria are met. Stokesdale would have to apply to be a part of the program as a separate entity from Guilford County. The issue before the Council is whether to apply to be a part of the community rating system program in order to offer potential discounts on flood insurance premiums. There would not be a cost to the Town. When the County sends out letters they would be sent to Stokesdale citizens as well.

Ms. Steele made a motion to participate in the National Flood Insurance Program Community Rating System. Mr. Attaway seconded the motion. All Council members voted aye and the motion passed.

UNFINISHED BUSINESS: There was no unfinished business coming before Council.

COMMITTEE AND BOARD REPORTS:

Departmental and Administrative Reports: Finance Report: January, 2008: The Finance Officer noted that assets had increased slightly over the previous month. Four Certificates of Deposit matured which were combined into two certificates and reinvested. Checking Account transactions included the final payment of \$3,800 to Cannon & Company for the previous audit and payment of \$624.35 for an updated set of the NC General Statutes. Accounts Payable for General Fund included routine invoices. The General Funds Savings Account reflected a deposit of \$1,389.99 from Time Warner Cable Fees. Six General Fund Certificates matured in January and they earned \$9,071.04. One water Enterprise Certificate matured and had earned \$260.18 in interest. Current interest rates are ranging from 3.7% to 4%. Water Enterprise Checking Account transactions included a payment of \$4,771.83 to Winston Salem for water and \$1,541.00 to Water Technology for the operation of the water system. Water Enterprise Accounts Payable includes invoices from Yates Construction for a new service tap and the repair and replacement of some water meters and the City of Winston has billed the Town for water.

Administrative Report: The Clerk reported that the PARTF grant application package was delivered to the Winston office on January 31. The Clerk is now working on the update for the Census.

LEGISLATIVE ACTION: There was no legislative action coming before Council.

Other Business: Ms. Steele said that there had been a recent note in the Northwest Observer seeking planning board vacancies for the Town. She felt that a similar article should be placed in the paper encouraging citizens to participate on other committees. Mayor Jones noted that Council had some information on the Planning Board members and their service and Council would be addressing those matters next month.

ANNOUNCEMENTS: Ms. Steele presented Mayor Jones and the Town with a clock that she and Mr. Cook had received when they attended the League of Municipalities school. Mayor Jones read the announcements listed on the agenda.

COMMENTS FROM THE FLOOR: Kathleen Hommel, in regards to the Litter Sweep campaign, mentioned that she and a neighbor had cleaned up Belews Creek Road from US 158 to Oak Level Church Road and she has cleaned up litter on Oak Level Church Road down to Boone's Landing in the past. She has called Paul Ingram, NCDOT, and put the Town on the list to have inmates to pick up trash. Ms. Steele said that the Ruritans had participated in the Litter Sweep Program but now the group has disbanded.

Tim Jones, 8402 Southard Road, asked if the Town could publish the document or a statement of what the law does or does not say about Council members being able to vote on matters before the Town. The members of Council represent all of the citizens of the Town including the people that own property and businesses. Mayor Jones said that it is State law and it is published in the North Carolina General Statutes. Mayor Jones said that if a Councilmember has a personal financial interest in a matter coming before Council, then the Councilmember should not vote on the matter. He noted that Council members can disclose any interest and asked for an opinion.

COMMENTS FROM COUNCIL: Ms. Halbrook thanked both Rev. Lebaube and citizens for attending the meeting.

ADJOURNMENT: Mayor Jones made a motion to adjourn. Ms. Steele seconded the motion. The meeting was adjourned at 8:33 PM.

Carolyn L. Joyner, Town Clerk

Approved:

Randle L. Jones, Mayor