

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, June 19, 2008.

Mayor Pro Tem Mickie Halbrook called the meeting to order at 7:32 PM. The following members of Council were present: Mayor Pro Tem Mickie Halbrook, Cheryl Steele, James Attaway, and Norman Cook. Mayor Randle L. Jones was absent.

Others present included: Town Attorney William B. Trevorrow; and Town Clerk/Finance Officer Carolyn Joyner.

After the Pledge of Allegiance, the invocation was given by Rev. Billy Young, pastor of Faith Baptist Tabernacle.

Council considered the proposed agenda. Ms. Steele made a motion to adopt the agenda. Mr. Attaway seconded the motion. All Council members present voted aye and the agenda was adopted as presented.

The Clerk noted that the minutes of the Executive Session of April 17 were available for Council's approval in addition to the minutes listed on the agenda. Mr. Attaway made a motion to accept the minutes of a special meeting held on April 9, and the regular meetings of April 17, and May 15 as presented and without reading. Ms. Steele seconded the motion. All Council members present voted aye and the minutes were approved. Mr. Attaway made a motion to approve the minutes for the Executive Session held on April 17, 2008 without reading. Ms. Steele seconded the motion. All Council members present voted aye and the minutes were approved.

NEW BUSINESS:

Report Guilford County Sheriff's Department: Deputy Christman was not available to give a crime report.

Public Hearing and Adoption of the 2008-2009 Budget Ordinance #69: Ms. Halbrook asked Ms. Joyner if she had any comments on the budget. Ms. Joyner responded that the proposed budget had been presented to Council at the May meeting and it has been available for public review at Town Hall and on the Town Website since that time. A notice of the public hearing has been advertised. Ms. Halbrook opened the public hearing.

Jim Flynt asked for an explanation of an amount of \$125,000 that was included in the budget for amortization and he questioned what it was for. Ms. Halbrook asked the Finance Officer to answer. Ms. Joyner stated that there was the possibility of constructing a new town hall and debt would be incurred if the construction were to take place. These funds could cover a loan payment should it be necessary. She pointed out that amount was not budgeted as construction funds and before any construction could take place, a capital project budget ordinance would have to be approved by Council. Mr. Flynt asked if the funds are treated differently and placed in a different fund from the general fund if they are earmarked in that manner. The Finance Officer replied that they are not. Mr. Trevorrow noted that it would be a reserve in the General Fund. Council can change how the funds are earmarked after the budget is passed if they want to change it.

Mr. Flynt asked if it would be considered a sinking fund a Town Hall and if it was the first installment into an account for the Town Hall. Mr. Trevorrow said that a sinking fund was generally a setting aside of funds for replacement of mechanical equipment and putting money aside as a kind of depreciation process by setting aside monies to replace equipment as it wears out. This is a reserve for a possible use should it develop. Ms. Joyner noted that some of the funds are allocated for additional payments that may be necessary for the Town to expend before a Capital Project Ordinance can be adopted for the proposed Park. An example would be payments to the architects for preparation of a site plan. She noted that the Budget message shows an allocation

of \$5,000 for architectural services and bidding of the project and \$120,000 for retirement of debt service. She also pointed out that there is a reserve of \$815,000 that is earmarked for "Town Hall Future Planning" and it is an accumulation of funds that previous Councils had set aside each year in anticipation of building a Town Hall in the future. It will be the decision of the current Council to determine whether they wish to spend the funds that have been set aside for a Town Hall or if they want to finance the construction of a facility. Mr. Powell Shelton who served on Council for many of the years when funds were allocated for this purpose was present at the meeting and confirmed that the Finance Officer was correct.

Ms. Steele asked if the funds could be changed to earmark them for the Park or the entire 25 acres rather than just a Town Hall. Ms. Joyner responded that historically, it has been a Town Hall fund and that the funds will not be expended until a capital project budget ordinance is passed by Council.

Mr. Flynt asked if a contract with the architectural firm has been signed for \$115,000 to \$125,000 for the design of a Town Hall and he asked how much of it has been paid and where is that number reflected in the budget.

Tim Jones, 8402 Southard Road, noted that money in the General Fund is designated for various expenses and would it hinder the Finance Officer when she shopped for CD rates depending on whether they were long or short term expenses. The Finance Officer indicated that separate accounts are not maintained for each of the expense items. Long term interest rates are not always higher than rates on shorter term certificates.

Eileen Thiery, 8101 Meadow Spring Place, noted that certificate terms and rates vary between banks.

Pam Lemmons, 8306 Newberry, asked if funds for the maintenance for the Park were included in the budget. Ms. Steele said that Council has not done that yet since the Park has not been built. Ms. Joyner said that the park must be built before it can be maintained.

Jim Flynt said that the Town is building a \$1M park and the costs have not been calculated for maintaining it. Ms. Joyner responded that because it is not in the budget does not mean that it has not been considered or calculated.

Jim Flynt said that his problem was that they have asked for the information and they cannot get the numbers. He was glad that the Mayor was not here tonight. Every citizens has the right to know what Council is doing and why. He said there should be greater transparency in the budget process and the information that we have requested.

Mr. Attaway made a motion to accept the budget as presented. Ms. Halbrook seconded the motion. Ms. Steele asked if it was correct that the funds in question are earmarked for a purpose and will not be spent until Council goes through an approval process. The Finance Officer said that she was correct. Council voted 3 to 1 to approve the budget Ordinance #69 with Mr. Cook voting nay. A copy of Ordinance #69 is hereby incorporated into and made a part of the minutes of the meeting.

UNFINISHED BUSINESS:

NC Mainstreet Program: Ms. Halbrook asked the Clerk to provide some information. Ms. Joyner said that Council had passed a resolution the previous month in support of submitting an application for the NC Mainstreet Program and an application for the program has been completed by Pam Lemmons and it has been submitted for Council's approval and signature. Mr. Trevorrow said that the process calls for the Town to submit the application for the technical assistance that the Town may receive from the NC Department of Commerce. The application requires that the Town take an active part in process of what you do to designate or improve upon within the Town under the Small Town program. The application process has the Town to appoint a committee to be the eyes, ears, nose and arms of the Town as it moves through the process of receiving technical assistance. He said that the funding of the process is not clear. The Town has agreed to accept responsibility for travel funds for the process. He said that he did not know if any outside contributions are being contemplated for the project, but if there are, the Town may need to control and manage them. The Christmas parade would be an analogy with contributions being accepted and money being budgeted for the expenditures.

Ms. Lemmons said that funding was not discussed under the NC Mainstreet program but there has to be a strong grass roots movement. She said that she would get clarification before it is sent in. She said that the only money that is asked for is for travel reimbursement and that the group plans to raise funds so that money will not be an issue for the Town. They would report back to the Town.

Mr. Trevorrow said that he did not have a lot of information on it, but it is the Town's application to the Department of Commerce who has to approve it. It is a project that must be sanctioned by the Town and the Town has to accept full responsibility for the program. Ms. Lemmons said that it was not discussed when she went to the NC Mainstreet meeting. She said that she would be the contact person and a group of about 20 people had gone over the application when they had met on the previous evening so that it was not just her opinion. Ms. Steele said that perhaps if they were a committee of the Town, it would eliminate the need for the committee to incorporate as a non-profit organization. Mr. Trevorrow said that the Department of Commerce may not sanction an incorporated entity for the program and noted that the resolution speaks to the Town's involvement and states that the Town would support the volunteer committee and will assist the committee. Ms. Lemmons said that she would get clarification. Ms. Steele and Mr. Attaway had attended the meeting that Ms. Lemmons had organized. Ms. Steele said that they intended to hold fund raisers for the group.

Ms. Thiery asked if they must be a committee of the Town, then would the Town consider contributing financially to the group since it was a Town project. Ms. Halbrook said that the Town could consider requests for funding. Mr. Trevorrow read #3 and #4 of the resolution. Ms. Lemmons said that the Mainstreet website gives more information and the group intends to have fundraisers to raise money for the effort. Mr. T asked for an example of the community vision and the plan of action to accomplish it and how it would be funded. Ms. Lemmons said that they would use the Future Land Use Vision Statement as their vision. Mr. Flynt pointed out that an area from stoplight to stoplight on US Hwy 158 and part of Ellisboro Road (the downtown business district) was the focus of the application. It is not a community wide effort but it is very specific. He also mentioned that the Greensboro Development Corporation had done similar projects with the support of the City of Greensboro and County Commissioners and the City of Kinston also had a non profit group that had a similar downtown improvement program. Mr. Flynt said that he felt that if the Town took over the program, it would be the kiss of death and it could be thrown in the trash. Doug Trent, 8069 Haw River Road, seconded Mr. Flynt's comments.

Bill Lemmons, 8306 Newberry Street, said that he did not understand how Council would not support this since it would help the Town. It is simply getting experts to come in and give their opinions and the Town would only have to pay for their gas.

Mr. Attaway made a motion to approve the application after hearing and taking into consideration Mr. Trevorrow's wise advice and having heard probably more than was expressed tonight the plan of action of this group hearing it not only here with Council but with private industry I think the Town would best be served by the private endeavor to do this and I think the Town should give it its blessing and go ahead with the application. Ms. Steele said that she felt that it should be conditional whether they are planning on going with the non-profit. Ms. Lemmons said that she would find out the legality of the matter. Mr. Attaway said that he would amend his motion that it would be conditional that they are going to be a non-profit. Mr. Flynt said that the IRS determines if group will be approved as a non-profit. The Clerk pointed out that the application specifically asks if the Town will financially support the group and Council can answer yes or no to the question. If the group is going to be a non-profit and raise their own funds, does the Town want to commit to funding the program? Mr. Trevorrow confirmed that a yes answer is committing the Town for support and there are things in the application which are Town commitments. Mr. Cook said that he felt that Council was jumping into something and the future is not known. Ms. Thiery said that she felt that the Town Hall and Park were the same way. Ms. Steele said that she felt that the amount of local funds will be up to Council's discretion and if the group asks for funds then Council can vote yes or no. She said to pass the application the way that it is. Mr. Attaway said that he had made a motion. Ms. Steele said that she had seconded that motion. Council voted 3 to 1 to approve the application. Mr. Cook voted nay.

Mr. Attaway made a motion to authorize the Mayor Pro Tem to sign the application. Ms. Steele seconded the motion. All Council members voted aye and the motion carried.

Jordan Lake Rules: The Clerk said that Council has previously expressed opposition to the Jordan Lake rules which are going through the approval process by governing bodies. A letter of opposition has been drafted by the City Attorney for Burlington. The comment period was to end today but it has been extended. PTCOG has encouraged the local governments to continue to voice their opposition to the Rules. She also noted that there is typographical error with one of the rule number being transposed. One point of concern is the requirement to retrofit storm water devices which would be an unfunded mandate should the rules be passed. The Town does not have an estimate of the costs that would be associated with this. Ms. Steele made a motion to send the letter in opposition to the rules after correcting the error. Mr. Attaway seconded the motion. All Council members present voted aye and the motion carried.

HAW RIVER WATERSHED RECLASSIFICATION: Ms. Halbrook asked the Clerk if she would explain. Ms. Joyner said that the State is looking at reclassifying the Haw River to a WS III which has more stringent regulations. The City of Greensboro has placed an emergency intake on the Haw River to withdraw water for providing additional potable water for their citizens. The City feels that a WS V would be sufficient protection for their water supply. The proposed letter asked that the Jordan Rules be implemented and the impact that they will have on the governments involved be determined before additional rules are put into place. Ms. Steele made a motion to send the letter. Ms. Halbrook seconded the motion. All Council members present voted aye and the motion carried.

COMMITTEE AND BOARD REPORTS:

Public Safety Committee: Mr. Theoron Hooks reported that the Committee met on June 11. The Committee added Chief Gauldin as the forth member to the CPAC membership application. Items discussed included a truck traffic complaint in the Pearman Quarry Road area, a resource manual to be used in emergency situations; the need for vans and buses for emergency evacuation; a possible meeting with the Red Cross to discuss disaster services and existing shelter agreements; and CERT training. The next meeting will be Wednesday, July 9 at the Stokesdale Fire Department.

Kathleen Hommel, Deer Path Court, asked what was a comfort station. Mr. Hooks said that it was an unofficial shelter. Mr. Attaway said that the Red Cross authorized a comfort station in Stokesdale months ago when there was a power outage.

Eileen Thiery, Meadow Springs Place, said that Oak Ridge and Stokesdale had opposed the Epes Truck request recently and now the State is proposing that 53-foot trucks be allowed on any NC highway. She asked if the Public Safety Committee could write a letter opposing this. Mr. Hooks said that the Committee had briefly discussed the matter and they could make a recommendation to Council. Ms. Halbrook said that Council should look into the matter.

Departmental and Administrative Reports:

Finance Report: April-May, 2008: Ms. Joyner noted that the report covered two months and that assets during that period had increased by about \$44,000. General Fund checking accounts transactions included a check for \$250.00 to BB&T to open a new account. The rate of return on the Town's certificates of deposit are calculated as simple interest rather than being compounded and the account was opened in order that the interest from certificates could be deposited into the new interest bearing account on a monthly basis in order to earn some additional interest on the investment. Guilford County was paid \$18,047.96 for Law Enforcement, Hostway Corporation was paid \$191.25 for hosting fees for the Town's website, and the School of Government was paid \$975 for the newly elected Council members to attend the Essentials of Municipal Government course. Accounts Payable including billing for the Guilford County Board of Elections for the 2007 Election in the amount of \$3,077.48. The General Fund Savings account shows deposit of \$1,443.31 for the Time Warner Cable Fees and a deposit of \$16,758.09 for the ABC Tax Distribution. Four general fund certificates of deposit matured and earned a total of \$27,338.20. All were renewed for periods of 6 months to one year with interest rates from 2.25% to 3.01%. Two Water-Sewer Fund certificates matured and earned a total of \$7,327.23 in interest and both were renewed. Water Enterprise checking account showed two payments to Winston for the purchase of water and the purchase of stamps and postage for the mailing of notices and the Consumer Confidence Report to water customers. Yates Construction Company was paid \$176.78 for the installation of

water meters and the repair of a fire hydrant. Account Payable for the Water Enterprise Account shows invoices from Yates Construction Company of \$86.55 for the installation of meters and an invoice from the Department of Environment and Natural Resources for \$200 which was a penalty for a violation. Two Water Enterprise certificates matured and they have been renewed.

Mr. Hooks, Shoeline Drive, asked for the Finance Officer to elaborate on the violation. Ms. Joyner responded that the water system has experienced some testing issues which relate to the previous operator such as when they failed to perform a required test and the new company did not know that the testing had not been done. By the time the State notified the Town of the matter, the deadline for completing the test has passed. All of the required testing has now been completed and the results of the test have been within the acceptable guidelines. The State penalized the Town for missing the deadline. Kathleen Hommel asked how often the testing would be done. Ms. Joyner replied that different contaminants are monitored monthly, quarterly, or annually. All of the information can be found on the State website and the notices that were mailed to water customers which gives the frequency of the testing that is required.

Bill Lemmons, 8306 Newberry, noted that a check was written to an architect and he asked if it was for the park or the Town Hall. Ms. Joyner responded that the architects are billed monthly for their services and it includes work on the Town Hall and the park. Pam Lemmons asked how the billing was done. Ms. Joyner responded that they bill for the percentage of the work that has been completed.

Administrative Report: The Town Clerk said that a request had been made at last months meeting regarding the timing of the stoplight at NC 68 & NC 65 intersection. She had contacted NCDOT and they have checked the light and made a slight adjustment but they did not want to make any other changes because if all of the traffic on NC 65 was allowed to go then traffic would probably back up on NC 68 and create more of a problem.

LEGISLATIVE ACTION:

Consider a Resolution Providing Approval for the Spin-off of Time Warner Cable, Inc.: The Clerk noted that Council had a copy of an email from Dave Harris, the representative from the PTCOG who assisted the Town with initial adoption of the Cable Franchise Agreement. He has suggested that Council should allow him to review the information before taking any action on the matter.

Consider an Ordinance Declaring a Speed Limit of 25 MPH on Chestershire Road (SR 4886): The Clerk noted that there was a typographical error on the agenda and the request is for a speed limit of 25 MPH rather than 35 MPH. Ms. Steele asked who had requested the change. Ms. Joyner said that NCDOT had not provided that information. She noted that sometimes the Sheriff's Department has complaints of speeding and either they or citizens may ask DOT to review speed limits in certain areas. Mr. Attaway said that there are numerous complaints from the Homeowners Association about speeding on that road. Ms. Steele made a motion to adopt the ordinance. Mr. Attaway seconded the motion. All Council members present voted aye and the ordinance was adopted. A copy of the document is hereby incorporated into and made a part of the minutes of the meeting.

OTHER BUSINESS:

Letter and Invoice for Broadband Access Issues: The Clerk noted that the email from Mr. Harris, PTCOG, suggested that the letter and invoice should be thrown away. She said that no action is necessary.

ANNOUNCEMENTS: Ms. Halbrook read the announcements listed on the agenda. Ms. Joyner said that she felt that the Planning Board meeting would be cancelled since there were no cases to come before the Board.

COMMENTS FROM THE FLOOR:

Tim Jones thanked Council for not imposing a property tax.

Theoron Hooks, in regards to the drought situation, said that the area may be put back into the severe category. He asked if the Town has a contingency plan should Winston restrict water to everyone other than Winston residents. Mr. Trevorrow said that the Town does have a contract with the City but it has been sometime since he had reviewed it. Mr. Hooks said that if the Town should need a contingency plan, the Public Safety Committee could include it in their emergency plan. Ms. Steele said that Rockingham County has water and

they have the ability to provide water should the Town need it. The Clerk noted that Winston has tiered restrictions and should they be implemented, they would probably expect the Town to follow their guidelines. Mr. Trevorrow said that he would review the contract.

Ms. Hommel said that she had heard on the news that Winston would be increasing their water rates and she asked how that would affect the Town of Stokesdale. Ms. Joyner replied that Winston has increased their rates every year since the Town began purchasing water. The Town has not passed any of those increases on to its water customers and the budget adopted by the Council for the upcoming year does not include an increase in those fees.

Jim Flynt said that he was stuck outside of Town Hall because there was an overflow crowd at the last meeting. He said that he was not particularly interested in the specific issue, the LCID Landfill appeal, that was being discussed. He said that he had read the general statues and should this occur again and citizens were not allowed access to make comments and to hear the matter discussed, it would be considered an illegal meeting. He asked at what point Council would make provisions so as not to have that illegal meeting and to give the citizens of Stokesdale the right to be heard. Mr. Trevorrow said that he would not agree wit the characterization of an illegal meeting because the circumstance developed at the time of the meeting as a result of the fire marshal's restrictions on the number of people that can come into Town Hall. Where there is the opportunity for Council to plan for a larger crowd, then accommodations will be made just as they were at the Lowes rezoning.

Mr. Flynt noted that Council's vote on the landfill appeal case was 3 to 2 in favor of the site plan. He questioned why in this situation was the petitioner required to pay \$200 if technically Council must follow the law and that all citizens should be treated equally and fairly. He said that an almost identical appeal of a site plan for the Kernersville Radio Controlled Air Plane Club that occurred last year and the Council refunded half of the fee when they requested it. Mr. Attaway asked if they have requested a refund. Citizens replied that they should not have to request it. Mr. Trevorrow said that the Airplane Club was not an appeal of a case but an original rezoning. This case was the appeal of a site plan case from the Planning Board who has full authority to approve site plans. It was strictly the election of the property owner to come here on an appeal and not the Council or Planning Board. The fee is stated by Ordinance for them to do so. Mr. Flynt said that it was a request for a Special Use permit that the planning board had turned down unanimously and when the case came to Council, the Club asked to withdraw it. Ms. Steele noted that Mr. Nuttall had responded to the petitioner via email prior to the fee being paid, that it was a permitted use and it was their right to appeal but according to the site plan it met all of the criteria required and because it did, the decision should stand. It was their choice to move forward with the appeal even though they were told that all of the criteria had been met.

COMMENTS FROM COUNCIL: Mr. Cook suggested that Council adjourned. Ms. Steele said that she would second the motion. The meeting adjourned at 9:22 pm.

Carolyn L. Joyner, Town Clerk

Approved:

Randle L. Jones, Mayor