

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, October 16, 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 Halbrog, Cheryl Steele, James Attaway, and Norman Cook.

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

After the Pledge of Allegiance, Council considered the proposed agenda. Mayor Jones noted that Bill DeYoung an architect with Stewart, Cooper, Newell Architects was present at the meeting to present information regarding the Town Park. He suggested that his presentation should be made after the approval of the minutes since he had a long drive. Mayor Jones made a motion to adopt the agenda with the change. Mr. Attaway seconded the motion. All Council members voted aye and the motion carried.

Mr. Attaway made a motion to accept the minutes as submitted and suspend the reading. Ms. Steele seconded the motion. The minutes of the regular meeting of Town Council held on September 18, 2008 were unanimously approved.

NEW BUSINESS:

Park Presentation: Bill DeYoung with Stewart, Cooper, Newell Architects and Project Manager for the park project said that progress is being made on the Park project which is to be located on the Town Property along with a Town Hall. He said that a grant has been approved for construction of the Park. The project budget was included in the packet of information that was handed out. Soil testing will be done on the site to determine structural stability of the soil and suitability for a septic system. The project will have a toilet building which will have 8 toilets and a small concession area, a picnic structure, two soccer fields with some bleachers, two volleyball courts, horseshoe pits, playground structures, a nine-hole disc golf course, and a large grassy area for whatever functions the Town wants to use it for. He said that the building can be winterized in the winter and it will be heated so it can be a year round building. Cut sheets for the picnic shelter are included. He said that they hope to break ground in the spring. He provided architectural drawings of the proposed building. They anticipate putting the package out to bid around the first of the year. Ms Steele noted that a mop sink was shown in the concession stand. She asked if other things could added in the space shown in the buildings. He said that it would be set up to sell things like chips and sodas. Locating a kitchen there would bring code enforcement issues up. Mayor Jones noted that the plans will be reviewed by the Planning Board perhaps in December and then will be moving forward with the bidding process early next year and break ground in spring. Mr. Attaway asked how long the project should last. Construction time should be four to six months. Mr. DeYoung said that the building and the picnic shelter should be constructed quickly.

Mayor Jones noted that Council needs to pass a Capital Project Ordinance for the budget for the Park. The Finance Officer pointed out that the Ordinance matches the proposed numbers provided by Stewart Cooper Newell. Ms. Steele mentioned that Council had asked about paving the entire driveway. Mayor Jones said that it is not included since it was not a part of the park grant. Mr. DeYoung pointed out that the entire driveway would not be paved in an effort to save money. The handicap spaces will be paved. Mayor Jones made a motion to adopt the Capital Project Ordinance for Fiscal Year 2008-2009. Mr. Attaway seconded the motion. Council voted 4 to 1 to approve the Capital Project Ordinance. Mr. Cook voted nay. A copy of the Park Capital Project Ordinance#70 is hereby incorporated into and made a part of the minutes of the meeting.

Tim Jones asked if there was going to be any public input on the plans or the money that is going to be spent on the project. Mayor Jones indicated that many public meetings have been held on the matter for over a year. He pointed out that a number of public meetings were held to try to determine what citizens wanted to have in the park.

Mayor Jones made a motion to authorize the Finance Officer to open a separate checking account for the project. Ms. Halbrook seconded the motion. Council voted 4 to 1 to open a new account. Mr. Cook voted nay.

Ms. Steele said that she felt that Council should have a lot of concern about operating and maintaining the park and she felt that Council needs to have an idea about those costs. She suggested looking at the source of the funds and to do some fund raisers and perhaps Council should look at having corporate sponsors and to look at whether to charge the different groups that will be using the fields and what to charge for admission. Once it is built it must be maintained. Mayor Jones said that it will be similar to the water system in that it will have to be operated and maintained. Mr. Cook pointed out that no projections have been put out and that nothing is known about it. Mayor Jones said that the operating expenses for the current park could be looked at. There will be expenses such as mowing and lights. It should not be insurmountable and it is not outside of the budget means of the Town. The Town has 4.9 million in the Bank. He said that he has talked with other community leaders and they may want to contribute to the project.

Jim Flynt compared it to buying an aircraft carrier and not knowing what it would cost to run it. He noted that the losses in the stock market and states and cities are laying off employees, cutting services, and freezing budgets. He felt that the Park could be delayed for 6 months to one year to see how the economy goes. He said that interest rates are going down and the income from CD's and the budget will go down. Some of the money may be at risk because there are FDIC limits on banks and banks are in trouble since a dozen of them have gone under in the last few months. He felt there was a risk that the people of Stokesdale will ultimately be taxed to pay maintenance costs that are not known.

Mayor Jones said that Council has set the budget for the construction of the Park. The Town will spend \$500,000 and the Park Grant is \$500,000. The Town's money is in the bank and earmarked for the project. The Town is financially sound with over \$4M in the bank. If the Town spent the entire \$1M, it would not result in a tax. Mayor Jones said he would rather see the \$500,000 come here where it is needed than it be given to someone else. Citizens want a place for their children to go and play and to have a place to hold athletic events. It is a need and it is better than having the children out on the sidewalks doing other things and it is an appropriate thing for the Town to spend money on and we have the money and it is not going to lead to a tax.

Mayor Jones recognized Judge Polly Sizemore who is a candidate for election to District Court Judge. Mayor Jones said that she is an experienced trial lawyer who has tried every type of case such as capital murder cases to appellate work before coming to the bench and she has a wealth of experience. Judge Sizemore thanked Mayor Jones and said that he is well respected in the legal community and is an outstanding litigator. Judge Sizemore said that she had been a judge for 18 months and was appointed to a newly created seat and now she is running to keep that seat. She said that the job is demanding and it does not deal with happy things and it can be emotionally demanding but she said that she loved the job. She said that she is doing some working on preventive measures to keep people from coming to court. She had worked with juveniles before and she is now a part of an intervention team

Report from Guilford County Sheriff's Department: Deputy Christman reported on B&E of a business which was the bar on NC 65, one theft of property, two assaults on females which were domestic related, two other domestic incidents, two B&E of motor vehicles and five drug violations since the last meeting. He said there have been a number of drug violations just outside of Stokesdale in the Oak Ridge area.

CASE #08-09-STPL-05048-SP: SPECIAL USE PERMIT FOR A LANDSCAPING SERVICE. Located on the south side of ATHENS ROAD (SR 2101) west of PEONY DRIVE in Oak Ridge Township. Being Guilford County Tax Map 1-60, Block 1047, Parcel 1, approximately 12.54 acres. Owned by Ted and Connie H. Lawson.

Mr. Nuttall said that a request for a Special Use Permit is a quasi-judicial hearing meaning that everyone that speaks regarding the matter must be sworn in. The Town Clerk administered oaths to Mr. Nuttall and Mr. Ted Lawson. Mr. Nuttall presented the case as follows:

REQUEST: This request is for a Special Use Permit for the following:

USE(S): Landscaping Service, including accessory forestry, horticultural specialties, and other agricultural uses otherwise permitted by the Ordinance.

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CONDITION(S): None offered

From: AG, Agricultural District

To: AG-SP, Agricultural District with a Special Use Permit

District Description:

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.

During consideration of a Special Use Permit, the Planning Board and now Council must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. The proposed use requires a Special Use Permit under the Development Ordinance;
2. The proposed conditions meet or exceed the development standards and all required conditions and specifications found in the Development Ordinance;
3. That either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Governing Body may impose, is consistent with the purposes of the District and compatible with surrounding uses;
4. The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board and the governing body. (Mr. Nuttall noted that the Planning Board is an advisory board to the Town Council and the Board will make a recommendation to Council who will make the final decision.) :
 - a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
 - b) That the use meets all required conditions and specifications;
 - c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - d) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.

APPLICANT/PROPERTY OWNER: Ted and Connie H. Lawson.

PROPERTY LOCATION AND DESCRIPTION: Located on the south side of Athens Road (SR 2101) west of Peony Drive in Oak Ridge Township. Being Guilford County Tax Map 1-60, Block 1047, Parcel 1, approximately 12.54 acres.

LAND USE:

Existing Land Use: Agricultural and landscaping services (non-conforming): the applicants filed this request after learning during a fire inspection that zoning and building approvals were needed.

Requested Land Use: Landscaping Services and associated agricultural activities

Zoning History of denied cases: None

Surrounding Uses:

North: Single-family residential

South: Agricultural

East: Agricultural and rural residential

West: Agricultural and single-family residential

RECOMMENDATION OF STOKESDALE LAND USE PLAN UPDATE (2007): Residential. The plan recommends balancing new growth with preservation of the Town's rural character.

HISTORIC PROPERTIES: There are no inventoried properties located in the immediate vicinity. Efforts should be made to rule out the potential of unknown gravesites prior to any future site development.

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UTILITIES AND COMMUNITY SERVICES:

Availability of Public Water: Yes X No _____

Fire Protection District: Stokesdale

Miles from Fire Station: Approximately 1.3 miles

Schools: N/A

TRANSPORTATION:

Existing Conditions: The property is accessed from Peony Drive and indirectly from Athens Road via a driveway through the existing Treeline Nursery site at 7815 Athens Road. The property is adjacent to property that they own where the main operation of Treeline Nursery is located.

Proposed Improvements: No improvements are proposed with the application. NCDOT does not maintain Peony Drive. A driveway permit is not required.

Projected Traffic Generation: N/A. Traffic will be very limited. There will be a bookkeeping function in the office and an occasional salesperson associated with the business that will use the office.

PHYSICAL CHARACTERISTICS:

Mr. Nuttall pointed out the subject tract and the adjacent existing business on the site plan which, at some point in time, there may be some future plans for expansion on the property. He noted that this case pertains only to subject property. The subject property has one structure on it and the required five parking spaces and minimal landscaping will have to be installed. Existing vegetation will provide a buffer between the subject property and the adjoining residential uses to the west and the trees are to remain in place as a part of this zoning request.

There are no floodplains or streams located on this property.

Watershed: The property is not located within a water supply watershed. Future development would be subject to NPDES Phase II requirements.

STAFF COMMENTS:

During consideration of a Special Use Permit, the Council must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. The proposed use requires a Special Use Permit under the Development Ordinance; (Mr. Nuttall confirmed that it does require a Special use Permit)
2. The proposed conditions meet or exceed the development standards and all required conditions and specifications found in the Development Ordinance; (Mr. Nuttall said that staff has reviewed the plan for consistency with the development requirements and the Planning Board reviewed the plan at their October 2 meeting, heard testimony regarding the plan and found in favor of the applicant that the required tests have been met and ask that the permit be issued if you concur.)
3. That either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the District and compatible with surrounding uses;
4. The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:
 - a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
 - b) That the use meets all required conditions and specifications;
 - c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - d) That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the Jurisdiction and its environs.

Those speaking in favor of the special use permit:

Ted Lawson, 8011 Treeline Road, said that they needed some additional office space and had purchased the property from Mr. Rumley. He said that his wife is the bookkeeper and his son is the sales manager and they will use the office. Mr. Davenport is the only other occupant that lives on Peony Drive. Mr. Lawson said that he had talked with him and he does not have any problem with it. Mr. Lawson said that he maintains Peony Road. They will not be taking out any trees but will be adding some. There are wooded areas that will remain as buffers. They have not had any complaints for the landscaping business or about going into and out of the office. He has talked with Mr. Parks and agreed to put in a handicap ramp and parking spaces, a mop sink and a water cooler. The fire marshal has approved the building and they do not see any safety hazards for the surrounding neighbors.

Mr. Nuttall said that Mr. Parks is a building code official with Guilford County.

No one spoke in opposition to the request.

Mr. Nuttall read the rationale for the approval of the Planning Board. The Planning Board recommended the approval of the special use permit. The Board found that the property is located in an area that is surrounded by mostly agricultural land that is off of a main road. The Board reviewed the plan with staff and confirmed that the plan meets the requirements of the Town's ordinance. The property is well maintained and in good condition and it is of benefit to the neighborhood. Part of the area is already in use for agricultural purposes and there will be buffers that will remain which will separate it from residential land uses.

Mayor Jones made a motion to approve the Special Use Permit. The motion will be based on the finding of fact that was satisfied based on the relative and creditable evidence presented during the hearing. The proposed use does require a Special Use Permit under the Development Ordinance for the Town of Stokesdale. The proposed conditions meet or exceed the developmental standards that are required by the specifications found in our Ordinance. He made the following find of fact: The use as proposed based on testimony presented before Council and relevant evidence is consistent with this area and is compatible with the uses of the surrounding area which is agricultural and residential. Also find and move to adopt the findings of the Planning Board and incorporate them into this motion. Based on these findings, the special use permit should be granted in this case. Ms. Halbrook seconded the motion and said that she felt that the property looks good. Mr. Attaway said that Mr. Lawson has been an excellent neighbor in the years that he has been there. Council voted unanimously to approve the Special Use Permit.

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

2009 Permit to Operate the Town Water System: The clerk indicated that the information for the permit application has not changed since the previous year. The State estimates that the system serves a population of 445 persons. The cost is \$420 and the fees are due November 1. Ms. Steele made a motion to authorize Mayor Jones to sign the permit application. Mr. Attaway seconded the motion. All Council members voted aye and the motion was approved.

Identity Theft Prevention Program: Mayor Jones said that there are certain requirements that the Town must meet now and there are two versions for Council to consider. Mr. Trevorror had reviewed the documents and said that either of proposals would satisfy the requirements. He had a slight preference for the organization of the second proposal. The basic language of the documents is about the same but his preference is for the second proposal. since it laid out the requirements with more clarity. Mayor Jones said that the Town is required to have the program approved and adopted by November 1. Mr. Attaway made a motion to adopt proposal #2 as presented to Council. Ms. Steele seconded the motion. All Council members voted aye and the program was adopted.

COMMITTEE AND BOARD REPORTS:

Public Safety Committee: Theoron Hooks, Chairman of the Public Safety Committee said that the Committee had held a brief meeting at the Fire Department on September 25 and most of the discussion had been on format of the

Resource Manual and the types of categories that would be needed. The Committee will not meet in October or until Council had reviewed the applications and appointed new members.

Mr. Hooks requested that the Committee Chair should be allowed to review the applications and add comments on them.

Mr. Hooks said that he had two emails:

1. On person emailed a question about whether committee members can live in Rockingham County and be a member of the committee.
2. Ms. Pam Lemons had inquired about the Public Safety Committees involvement in assisting in the development of safe side walks and traffic flow. He had suggested that she contact NCDOT.

The Committee does not have a meeting scheduled at this time.

Mayor Jones indicated it has always been the policy of the Town that voting members must live in the Town. Anyone can attend committee meeting and give input but would be a non-voting member.

Departmental and Administrative Report: Financial Report September, 2008: The Finance Officer noted that assets had increased by \$43,198.77 since the previous month. Transactions for the Water Enterprise Account were routine activity including the payment of \$7, 550.8 to the City of Winston for water. Water Enterprise Accounts Payable include billing from DENR for the permit which council had authorized earlier for \$420.00 and an invoice from Water Technology for \$1,995.66. General Fund Checking account transactions included a payment of \$12,500 to Guilford County Finance Department for planning services. Council members were paid stipends for the end of the month. General Fund Accounts Payable are routine.

General Fund Savings Account reflects the deposit of \$1,324.73 from the Greensboro ABC 3rd quarter profits and the deposit of the seconded quarter utility Franchise Tax of \$65,625.22. The Money Market Savings Account shows the deposit of interest that has been earned on certificates of deposit. Ms. Joyner noted that the interest from one Water Sewer Certificate and one Water Enterprise certificate(\$765.26) has been deposited into the account and will have to returned to the correct fund. A total of \$2,379.74 was added to the account for general fund certificates and a service charge of \$20 was deducted from the account. The interest earned for September was \$80.99. Ms. Steele asked for a clarification regarding whether the Town's funds were protected by FDIC insurance. Ms. Joyner responded that municipalities may not be protected by FDIC because the banks can collateralize public fund deposits. By pooling the funds of municipalities, the banks collateralize the deposits thereby making them safe. If the Town had funds in other institutions that did not participate in the pooling method, then the funds would be covered up to the specified limit of the FDIC Insurance. She also mentioned that some municipalities are reducing expenditures to compensate for their anticipated loss of income from sales tax. Since Stokesdale does not receive sales tax income, this should not impact the Town. Legislation has been enacted so that the Governor could not keep the Utility Franchise Tax as he did several years ago. She noted that some of the Certificates have been invested for longer terms and are receiving good interest rates.

Mayor Jones noted that the Town's total assets are greater and the fund balance is greater now than there were several years ago when there was an economic crunch. The Town expended about \$500,000 at that time on the water system and the Town is in much better position now.

Administrative Report: The Clerk noted that Council has a proposed calendar for the 2009 year. The only issue with it was first Planning Board meeting which was changed to the second Thursday because of New Years Day Holiday. Mayor Jones made a motion to approve the 2009 Calendar as presented. Ms. Halbrook seconded the motion. All Council members voted aye and the 2009 Calendar was approved.

The Clerk noted that Council had a copy of revised water specifications for the Town water system which has been reviewed by Marziano & McGougan and by Yates Construction Company since they do the installation of taps on the system. Ms. Steele suggested that Council should review them and consider them at the next meeting. Mayor Jones said that it should be placed on the next month's agenda.

ANNOUNCEMENTS: Mayor Jones read the announcements listed on the agenda. The Clerk noted that there had been a change in the hours for the Saturday Market and copies of the schedule for early voting were available.

COMMENTS FROM THE FLOOR: Tim Jones read an email that he had written to Council regarding the construction of a park without further debate and that he felt that it may place the citizens at risk for the implementation of a property tax.

Eileen Thiery, 8101 Meadow Springs Place, said that she had questions about the cost to build a park and asked if it is a closed end contract for the Park or if it is open for inflation. Mayor Jones said that the contracts have not been done yet. The architects have estimated the cost of the project which will be bid out. Specifications will be put out and various contractors will bid on the project. Council will then consider the contractors bids and select one and contracts will be put in place. Ms. Steele pointed out that a contingency fund was built into the project.

Kathleen Hommel, Deer Path Court, asked if the gravel driveway is temporary and will be paved eventually. Mayor Jones indicated that hopefully it will be paved if the project comes in under budget but it may not be done in the first phase. She also noted that Council members received pay checks and she asked if they were quarterly or monthly payments. Mayor Jones indicated that they are quarterly payments.

Ms. Steele asked if the bids would be taken locally. Mayor Jones said that they must be done according to State Statute.

Jimmy Landreth asked how Council plans to operate the Park and if it would be turned over to the Stokesdale Parks and Recreation. Mayor Jones said that Council may hire a person but it will be supervised by the Town. The Park Board indicated that there was a need for soccer fields and they did not need additional baseball fields. The fields are multi-purpose fields and can be used for both. There are some preliminary cost figures but they are not definite. Some will depend on how much it is used and if there are tournaments. Ms. Steele said that income from concessions and perhaps having corporate sponsors could help with the costs. Mayor Jones pointed out that the Town keeps up the water system now and most of it is outsourced since the Town has one employee. He also noted that money to operate the Park cannot be budgeted now when it is not yet an expense. There are options. He also pointed out that the Town has almost \$5 million in the bank. The Town does not levy a property tax while other Towns have a tax. The Town provides law enforcement and a water system that was built by the Town from scratch and we have one employee while the other towns have multiple employees. Council has been getting a lot of bang for your buck without levying a property tax.

Ms. Thiery said that her subdivision has been given notice that her water company is asking for a 23.8% increase in water fees. It is going before the utility commission. She commended Council.

Ms. Hommel said that she welcomed the Park. She has two grandchildren and she wished it had been available when they were younger. Mayor Jones said that it will be worth the money. One half million may be tax payers money but it is not from the Town's money. It is deferring one half of the cost of the park and there will be dividends to the Town.

Dr. David Lorzak, Chiropractor/physician, said that he is now located in Oak Ridge and has some patients from Stokesdale. He wanted to let everyone know that he is available to those who need his services.

COMMENTS FROM COUNCIL: Ms. Steele said that she became interested in Council was because she wondered why the Town did not have facilities such as a Park. She said that her son is playing football this year for the first time and there is no place to for them to play. She said that she was ecstatic about the Park and thought that it would be great for the children.

Mayor Jones said that the November meeting will be held in the Stokesdale Business Center on Ellisboro Road due to an anticipated large crowd. Ms. Steele made a motion to authorize the Clerk to order chairs. Mayor Jones seconded the motion. All Council members voted aye and the motion carried. Ms. Steele asked if a notice could be placed in the Northwest Observer about the change of location.

ADJOURNMENT: Mayor Jones made a motion to adjourn. Ms. Steele seconded the motion. All Council members voted aye. The meeting adjourned at 8:40 pm.

Carolyn L. Joyner, Town Clerk

Approved:

Randle L. Jones, Mayor