

TOWN OF STOKESDALE
8416 US Hwy 158
STOKESDALE, NORTH CAROLINA

The regular meeting of the Stokesdale Town Council was held in the Town Hall at 8416 US Highway 158 on Thursday, November 19, 2009.

Mayor Randle L. Jones called the meeting to order at 7:30 PM. The following members of Council were present: Mayor Randle L. Jones, Mickie Halbhook, James Attaway, Cheryl Steele and Bobby Richardson.

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

After the Pledge of Allegiance, Council considered the proposed agenda. Tom McCoy asked to be placed on the agenda for consideration of a proposal for a 9-11 Memorial for Stokesdale. Mayor Jones indicated that the item would be placed under Unfinished Business before the Committee reports. Mr. Attaway made a motion to adopt the agenda as presented and amended. Ms. Halbhook seconded the motion. All Council members voted aye and the agenda was adopted.

Mr. Attaway made a motion to dispense with the reading and to adopt the minutes as presented. Mr. Richardson seconded the motion. All Council members voted aye and the minutes for the regular meeting of October 15, 2009 were approved.

NEW BUSINESS:

Report from Guilford County Sheriff's Department: Deputy Christman was not present at the meeting.

BOA Case No. 11: Commie Johnson is requesting a variance to permit the placement of a proposed accessory structure in front of a proposed dwelling unit rather than behind as required by Section 4-2.2 (A) of the Stokesdale Development Ordinance. The property is located at 7763 NC Highway 68 N., County Tax Map 1-60 Block 1113 Parcel 20, in Oak Ridge Township, and is zoned RS-30 and AG.

Mr. Nuttall noted that the Board would make a quasi-judicial decision. Article 9-4, Board of Adjustment, was given to the Board for their information. The grounds for granting a variance are outlined in Section 9-4.8 of Ordinance. The Chairman shall administer oaths to all those who wish to speak. Mayor Jones acting as Chairman administered the oath to Mr. Nuttall and Commie Johnson.

Mr. Nuttall presented the case as follows: Mr. Commie Johnson requests a variance from Section 4-2.2 (A) of the Stokesdale Development Ordinance to permit the placement of a proposed accessory structure in front of a proposed dwelling rather than behind as required by the Ordinance. The property is located at 7763 NC Highway 68 N in Oak Ridge Township and is identified as County Tax Map 1-60, Block 1113, Parcel 20. The property is zoned RS-30 and AG.

The applicant has submitted written responses to Ordinance considerations required by Section 9-4.8 of the Stokesdale Development Ordinance. These responses are included with the application and will be presented at the hearing. Staff does not make recommendations on quasi-judicial decisions. The Board's decision shall be based on evidence presented during the hearing.

Commie Johnson said that his son and his new wife want to build a new home on the property. They want to place the accessory building, a detached garage, with the line of the garage being in front of the house. He indicated that he had tried to answer the questions. There are practical difficulties and unnecessary hardships that are the result of carrying out the strict letter of the ordinance. The intent is to build a walkout basement house which means that the house needs to be back. There are drainage easements and the topography present difficulties in putting it behind the front line of the house. The hardship, which is unique to Stokesdale, is unique

circumstances that are related to the property. The rear 2/3 of the lot is unavailable for building due to drainage easements and a pond. The front part of the lot has been designated for septic area by the Guilford County Health Department leaving only the area in between for the house and garage. Mr. Johnson had a copy of the Guilford County approval to construct a well. Basically the drainage easements come in from both sides. The house will have a walk out basement and the detached garage would be placed in the front. He pointed out the areas the County has approved for the septic and for the well. The garage cannot be placed behind the house.

The hardship results from the application of the Ordinance to the property. Absent the Ordinance, the house would be built as shown on the site plan. The hardship is not the result of the applicant's own actions. The drainage easements have been in place prior to their plans to build.

The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. The garage will meet all of the same setback requirements as the house. The Ordinance actually allows the garage if it existed to be located in front of the house line.

Granting of the variance assures the public safety and welfare and does substantial justice. The garage cannot be seen from NC 68 since it is about 350 feet off of NC 68. It will have no effect on the general public. He said that to his knowledge, the adjacent property owners had not voiced any objections. The property has 5.86 acres. His daughter lives in the house to the front of the property and he owns the property. He said that he would answer any questions.

Mayor Jones said that there was a reference to letters being attached but he did not have them. Mr. Johnson explained that he had not submitted any since they had to be notarized.

No others came forward to give testimony and the matter was with the Board. Mayor Jones asked if the items including photos that had been given to the Board were considered exhibits. Mr. Nuttall said that they had been entered as exhibits.

Mayor Jones made a motion to grant the variance based on the testimony of witnesses, the exhibits presented and the following finding of fact in support of the granting of the variance: The subject does lie within the Town of Stokesdale and is located on Highway 68 at 7763 NC 68 North on County Tax Map 1-60, Block 1113, Parcel 20 in Oak Ridge Township and is zoned RS-30 and AG. The proposed construction that deals with the construction of a garage in front of a house and that the garage will set 350 feet off Hwy 68 and would not be visible to the public and therefore there would not have any adverse effect on the public and that the subject property has a pond at the rear and is designed for a walk-in basement and the proposed structure that will be placed on it necessitates that the rear two thirds be set aside for drainage easements and the pond; and that the front area of the property based on the Health Department investigation needs to be reserved for septic leaving the only appropriate and practical place for the garage setting in front of the front line of the house; that the hardship is related to the applicants property and is not based on any personal circumstances and that it is not the result of the applicant's own actions; that the property immediately in front of this it is owned by the applicant and the applicant's daughter resides in that residence and this residence is to being constructed for the applicant's son. The hardship which the applicant has complained of and the facts support it, result in the unique circumstances related to this particular piece of property and that the applicant has complied with the same setbacks requirements as the home and structures that the Ordinance requires and the applicants has complied with the provisions of the Ordinance from that standpoint. Based on the finding of fact and appropriate conclusions of law I move for granting of the variance. Ms. Halbhook seconded the motion. All of the members voted aye and the variance was granted.

UNFINISHED BUSINESS:

Town Park: Ms Joyner noted that as discussed before, the PARTF Grant requires that they be advised on any changes that occur relating to the park. The numbers in the PARTF contract were based on the estimated costs for the Park that had been submitted with the Grant application prior to bids being submitted for the project. The proposed documents reflect the adjustments for the differences between the estimates and the actual costs per the contract. An irrigation system costing approximately \$30,000 and additional paving of the parking lot and the

road leading to the parking lot will cost about \$90,000. Council has a draft document that shows the differences in the estimated costs and the actual costs as well as the additional scope of work to be completed at the Park. Budget amendments are necessary for the changes.

Mayor Jones noted that some of the changes were the result of bids coming in lower than anticipated and Council added the irrigation system and paving that were not included in the original plans for the Park. About \$17,000 remains in the contingency fund. The Clerk said that she was only aware of one small change order that has not been considered. There are two budget amendments that are necessary to meet audit requirements. The Capital Park Project amendment deals with the Park project only. The other amendment deals with the Park funding from the General Fund and a Water Enterprise amendment which was a correction due to a math error that has a net change of zero. It also shifts funds from the Unappropriated Fund Balance to Capital Project Fund. Mayor Jones made a motion to approve the letter outlining the additional costs and where the money has gone and to send it for PARTF Grant #2008-571 and also approve Capital Project Budget Ordinance Amendment #1 and Budget Ordinance Amendment #1, approval of both Budget Ordinance Amendments. Mr. Attaway seconded the motion. All Council members voted aye and the motion carried. Copies of the Budget Amendments are hereby incorporated into and made a part of the minutes of the meeting.

The Clerk noted that the Park was progressing and if rains had not been so excessive, it would be near completion.

9/11 Memorial Proposal: Tom McCoy, 8516 Spring Birch Terrace, proposed a memorial to be placed in Stokesdale commemorating the 9/11 tragedy. The Port Authority of New York and New Jersey owns steel debris from the World Trade Center and cities and towns may request pieces to be used as memorials. He suggested two possible locations to be considered for the placement of a memorial.

Mayor Jones stated that the letter from the Port Authority says that the organization requesting the artifact must tell how it will be used, and provide an architectural description of the place where it would be displayed and photos and other designs or sketches of the proposed display. It will be limited to public and municipal agencies and not-for-profit organizations. The logistics of transporting the artifact and insuring it must be addressed as well as the costs of doing so. He asked Mr. McCoy if he or his organization had a design in mind for such a memorial. Mr. McCoy said that there are no plans and suggested a committee to look at the feasibility of establishing such a memorial. Mr. McCoy said that he was not a part of any organization.

COMMITTEE AND BOARD REPORTS:

Ms. Steele said that minutes from the Ordinance Review Committee's meeting of October 12 and November 9 were included in Council's packet of information. She said that LCID's were discussed at the October 12 meeting. The rural preservation district was discussed on November 9. Mr. Nuttall made a presentation about the district.

Mayor Jones suggested the following committees:

1. Historic Preservation – Establish a committee to look at historic preservation within the Town and to explore potential sites, locations and things worthy of preservation and to look at various laws and ordinances that would be appropriate to protect, enhance and preserve sites.
2. Athletics and Recreation Committee: Mayor Jones said that the Park is nearing completion and he had talked with the directors of athletic organizations in the area. This would help with use issues, and scheduling issues to best utilize the Park and to coordinate with the agencies & groups the operation of the Park.
3. Trails, Paths, and Right of Ways Committee This committee would enhance the Mountains to Sea Trail. The Town has some easements already and Mayor Jones has talked to County people and Stokesdale has done some work in years past. There may be other trails and right of ways issues and the committee would consider how to deal with them.
4. Memorial Committee: As suggested by Mr. McCoy.

Mayor Jones made a motion to ask for volunteers and then establish committees as soon as practical and for Council to go through the normal process and interview applicants. Ms. Steele seconded the motion. Council unanimously voted in favor of the motion.

Planning Board: Consider Rescheduling Interview: Mayor Jones noted that there had been conflicts in scheduling the interviews so they need to be rescheduled. Mayor Jones made a motion to contact the applicants and find out when is a good time for them and have one day at separate times if possible but if not then do them individually at times and poll Council members on it. Ms. Steele seconded the motion. Council will take applications for alternates for the Planning Board also. Mayor Jones said that the alternates probably vote as much as the regular members.

Departmental and Administrative Reports: Finance Report: October, 2009: The Finance Officer noted that assets decreased in October as a result of expenditures resulting from the construction of the Park. General Fund Checking account transactions include the payment for the digging of test pits for the Town Hall septic system; payment of \$654.07 to Sir Speedy Printing for the printing and mailing out of newsletters, and \$140.00 to the Guilford County Health Department for a permit for Town Hall. Accounts Payable includes a progress billing from Cannon & Company for the audit which will probably be presented to Council in December. Stewart Cooper Newell has billed the Town \$3,333.44 for construction documents and reimbursables relating to the Town Hall Project in addition to fees for reviving the Town Hall plans that had been temporarily set aside. Billing for insurance for the contents of Town Hall was also included in Accounts Payable.

The Money Market Savings account reflects the deposit of \$4,672.83 in interest from the general fund certificates. The Town was charged a service charge for an audit verification. The Park Capital Project had two pay requests with one from R. P. Murray, Inc. for \$224,908.00 and Kleinfelder for soil tests at \$1,050.00.

General Fund Certificate of Deposit #46 matured and was reinvested. Rates continue to be very low.

Water Enterprise Accounts payable includes invoices from Yates Construction Company for a small repair and the installation of a meter. A portion of the bill for the annual audit will be paid from the Water Enterprise Fund since a good deal of the audit work that applies to the audit account.

Water Enterprise checking account transactions are routine.

Administrative Report – Town Clerk: The Clerk asked for Council if they plan to participate in the Parade which is scheduled for December 12 in order that the committee can provide transportation for them. Ms. Steele indicated that she would attend and would need a car. Mayor Jones indicated that he would have his car. Ms. Halbrook said that she would have a car for the Parade. Mr. Attaway and Mr. Richardson said they planned to attend and would need vehicles.

The update of the Emergency Hazard Mitigation Plan is ongoing. Ms. Joyner had attended another meeting. She noted that the County has retained a consultant. There is an online survey on the Guilford County website and citizens are encouraged to complete it.

Set Swearing In of Council Members: Mayor Jones said that the Board of Elections has certified the election results and that Judge Albright has agreed to do the swearing in for Council. Mayor Jones made a motion to hold the swearing in at the next Council meeting on December 17. Ms. Steele seconded the motion. All Council members voted aye and the motion carried.

LEGISLATIVE ACTION: Consider Resolution Supporting the Mountains to Sea Trail: Mayor Jones noted that a draft resolution had been included in Council's folder. He also said that the trail is a recommended project from the Greensboro Urban Area Metropolitan Planning Organization adopted Bicycle, Pedestrian and Greenway Master Plan and there has been discussion of equestrian trails also.

Jim Flynt asked about any protection for the property owner and whether Stokesdale citizens would be required to give their property at no cost to the government. Mayor Jones said that the purpose of setting up a committee

was for the committee to look at issues with pathways, trails and easements and to find people who were willing to give easements for a trail. Some landowners are enthusiastic about a trail. Mr. Attaway made a motion to adopt the proposed resolution in supporting the Mountains to Sea Trail in Stokesdale. Ms. Steele seconded the motion. All Council members voted aye and the motion carried. A copy of the resolution is hereby incorporated into and made a part of the minutes of the meeting.

ANNOUNCEMENTS: Mayor Jones read the announcements listed on the agenda, some of which had not been updated since the last meeting. The Planning Board will meet on December 3 and the Ordinance Review Committee will meet on Monday, January 11 at 7:00 pm. Ms. Steele announced that the Stokesdale Revolution Tackle 1 & 2 would be playing for the championship on Saturday, November 21, 2009.

COMMENTS FROM THE FLOOR:

Pam Lemmons asked for a synopsis of the rules for the overlay on the central business district. Ms. Steele responded that the rural preservation district was discussed and the central business district will be discussed at the January meeting.

Jim Flynt, 7743 NC Hwy 68 said that after the last Council meeting, Ted Southern and Greg Beshears brought up the issue of seeding three acres at the Park. Mark Richardson and the others also had figured the costs and consulted with local landscapers who said the price of seeding should be \$1,000 to \$1,500 or a maximum of \$4,500. Council approved a change order for the same thing at a cost of \$13,000. He said that this was an \$8,000 overpayment for the same work. Mr. Richardson said that he received a call eight days after the decision was made and the grass had been planted and was coming up. Mayor Jones said that Council makes decisions based on the information that was available at the time that is based on information from the architects, requirements from DENR, and the necessary deadlines. He said that Council would look at documentation if there was any.

Stewart Hommel, 8505 Deer Path Court, said that the cost was for a double seeding so the grass would be seeded and then killed off at the appropriate time for the permanent seeding or sprigging that would occur at that time.

COMMENTS FROM COUNCIL: Mayor Jones noted that Mr. Bruno was present tonight and that he was a candidate in the last election and he commended him on his willingness to run and to serve the citizens of the Town. He said that on behalf of the citizens thanked him and all of the candidates who filed and went through the appropriate procedures to run. He thanked them for their support of the community.

Ms. Halbrook thanked Mr. McCoy for the memorial project that he is working on.

ADJOURNMENT: Ms. Steele made a motion to adjourn. Mr. Attaway seconded the motion. All Council members voted aye. The meeting was adjourned at 8:31 pm.

Carolyn L. Joyner

APPROVED:

Randle L. Jones, Mayor