

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, April 15, 2010.

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; Guilford County Deputy Steve Christman; and Town Clerk/Finance Officer Carolyn Joyner.

After the Pledge of Allegiance, Council considered the proposed agenda. Mary Maness asked to be added to the agenda. The Clerk noted that Reporting Requirements for Construction Projects needed to be added to the agenda under the Clerk's Report. Mayor Jones suggested that Ms. Maness would be placed on the agenda as Item #6 under New Business. Ms. Steele made a motion to adopt the agenda with the changes made. Ms. Halbhook seconded the motion. All Council members voted aye and the agenda was adopted.

Council reviewed the minutes of the meeting that Council had with the Committees and the regular Council meeting both held on March 18, 2010. Ms. Halbhook made a motion to adopt both sets of the minutes without reading. Mr. Richardson seconded the motion. All Council members voted aye and the minutes were approved.

NEW BUSINESS:

Report from Guilford County Sheriff's Department: Deputy Christman reported three residential burglaries which included out-buildings; two property thefts, five drug arrests and two breaking and entering of motor vehicles. There has been a rash of these in Oak Ridge and Kernersville and into Stokesdale. Warrants were obtained for three suspects and two of them have been arrested with one outstanding.

PUBLIC HEARING – Board of Adjustment Case No. 12 (10-02-STPL-00657): Ronald Keith Knight is appealing the enforcement officer's decision that the unenclosed structure (deck) on the south side of the building is not considered an at-grade patio and therefore cannot encroach in the street setback according to the Stokesdale Development Ordinance. Mr. Knight is also appealing the enforcement officer's decision that the accessory carport located on the property is a structure that must meet the street setback as required by the Stokesdale Development Ordinance. The Board may also consider variances related to the deck and/or carport. The property is located at 8603 Belews Creek Road and is identified by Guilford County PIN 7900097340, Oak Ridge Township, and is zoned Limited Business.

Mayor Jones made a motion for Council to recess as Council. Ms. Steele seconded the motion. All Council members voted aye and the motion carried. Mayor Jones opened the meeting as the Board of Adjustment. It is quasi-judicial and witnesses must be sworn in. Mayor Jones administered the oath to Town Planner Trevor Nuttall and Ronald Keith Knight.

Mr. Nuttall presented the case to the Board. He noted that he Board will be asked to make a quasi-judicial decision. The Board should has a staff report, maps, and relative sections of the Development Ordinance. Article 9-4, Board of Adjustment, was included for the Board's information. The standards related to Appeals to the Board are outlined in Section 9-4.7.

Mr. Knight has filed an appeal of the enforcement officer's decision that the unenclosed structure (deck) on the south side of the building is not considered an at-grade patio and therefore cannot encroach in the street setback according to the Stokesdale Development Ordinance. Mr. Knight is also appealing the enforcement officer's decision that the accessory carport located on the property is a structure that must meet the street setback as required by the Stokesdale Development Ordinance. The property is located at 8603 Belews Creek Road and is identified by Guilford County PIN 7900097340, Oak Ridge Township, and is zoned Limited Business.

Mr. Knight was issued a notice of violation for the deck and carport following an Alcohol Beverage Control inspection by Guilford County. The inspector noted that both structures required building permits under the State Building Code and Mr. Knight was subsequently notified.

Upon receipt of notification, Mr. Knight inquired about the process for obtaining permits for both structures and was informed that permits could not be issued since neither complied with the street setback. The required structure setback on NC Highway 65 is 80 feet from centerline and the required structure setback on Colgate Road is 25 feet from the right-of-way. The deck at its closest point to the Colgate Road right-of-way is approximately 15 feet and the carport is located in alignment with the existing principal structure, approximately 40 feet from the centerline of NC Highway 65.

Mr. Nuttall handed out the application that Mr. Knight has submitted and some information pertaining to the property and his written request. Mr. Knight provided photographs of both structures.

Mr. Nuttall said that after discussion with Mr. Knight about the permitting process and the appeal process, he had consequently appealed the decision made by the zoning enforcement officer. He is asking that the deck be considered as an outdoor patio. An outdoor patio is permitted within the front street setback according to the ordinance. Mr. Knight consequently appealed the decisions, and specifically asks the Board to rule that the deck be considered an at-grade patio (at-grade patios are permitted encroachments into required setbacks – 4-3.3.A.2) and thus be permitted to remain and that the carport, as a temporary building that is not permanently affixed to the ground, should not be required to meet the street setback. Mr. Knight further indicates in his application that he had been given approval by the County building inspector to build the deck provided the deck is not elevated and not attached to the building. Mr. Knight will give testimony about that discussion.

The applicant's application includes photographs of both structures. As a reminder, staff does not make recommendations on quasi-judicial decisions. The Board's decision shall be based on evidence presented during the hearing.

Mr. Nuttall directed Council's attention to Section 9-4.2 Board of Adjustment standards. The Ordinance says that the BOA may hear and decide any appeal from and review any order, requirement, decision, determination or interpretation made by an administrative official charged with enforcing the Ordinance. A 4/5 majority vote is required to overturn the enforcement officer's decision on the matter. This is not a variance.

Lastly, should the board find in Mr. Knight's favor, the proper building permits must be obtained which will include approval from the Guilford County Health Department, Guilford County Fire Marshal, Plans Examiner, and Watershed Engineer. A site plan, drawn to scale, that depicts all approved improvements will have to be submitted and approved.

Mr. Nuttall said that his interpretation of the requirements for the at-grade structure was based on the building inspector's statement that the structure would require a permit. As a general rule of thumb if a structure requires a building permit then it would have to meet the required setbacks for structures. The photos presented tonight show that the structure is very close to the ground and basically sits on the ground.

Mr. Knight said that he was told that he could have a patio. He said that he had someone to come and level the ground and that the deck sits on the ground. It is not attached to the building. It has been there three years and he has just now had a complaint. When he went to get his liquor license, he found this out. He said that the structure sits on the ground and it is not attached to the building.

Ms. Steele asked for the definition of a patio. Mr. Nuttall said that the Ordinance did not provide any guidance on the definition of a patio. He said that a permit is not required to build a patio. Mr. Knight said that he could build a patio that is not attached to the building which it is not, and it has been there for three years since 2007 and now he gets a complaint. The deck is four inches away from the building. It is needed now that smoking is not allowed in bars. He feels that he does a lot for the community. He has raised money by holding benefit rides and the money goes to various groups such as the police and the Fire Department and Camp Carefree. He raises money to buy toys for children at Christmas. The patio is not elevated but it is very close to the ground.

Mayor Jones asked Mr. Nuttall how would he define at-grade/not at-grade. Mr. Nuttall said it primarily rested with the inspector's decision that a permit was required. If it was at grade then a permit would not be required. Inspectors visited the site and interpreted the Ordinance to say it needed a permit. Their decision would be based on his interpretation of the building code. Mr. Nuttall said that if it is determined to be a patio then he must get a permit and that it is a permitted structure within the setback, and they would move forward with Mr. Knight into the permitting process. There is a prohibition that it is located

in the setback. When the inspection staff says that the building should have a permit, then generally unless your Ordinance provides an exemption, it must meet the setbacks. If the Board finds that it resembles an at grade patio, then move forward and go thru the permitting process but it would remove the prohibition that it cannot be located in the setback.

Mayor Jones asked Mr. Nuttall to tell him about the portable garage structure. Mr. Nuttall said that they have always required permits for accessory carports and they have always had to meet setbacks and locational standards. They have had problems with unpermitted carports being installed because people do not realize that a permit is required. Where there are exemptions for the at grade patio, there is less in the Ordinance relating to the carport. The existing structure does not conform to the setbacks but it is grandfathered situation but new structures are held to the standards outlined in the ordinance.

Mayor Jones said that the application says that the structure is there as an example for advertisement and it is for sell. It says it is used for cookouts and for motorcycles to park under when it rains. Mr. Nuttall reminded the Board that there are two separate decisions that must be made on the appeals.

Mr. Attaway asked if the case is based on an interpretation of the Ordinance. Mr. Nuttall said that Mr. Knight's understanding of what the building inspector told him previously was that if it was constructed on the ground and not attached to the building, then a permit would not required. Now the building inspector has come back and informed Mr. Knight that a building permit is required.

Ms. Steele asked why he built a deck instead of building a concrete patio on the ground and not attached to the building. Mr. Knight said that he had the building materials and wanted to move forward with the project. He had started construction and they had stopped him. The inspector told him that he could build a patio on the ground and not touching the building. Now 3 years later the inspector says that it is violation. Mayor Jones asked about the carport. Mr. Knight said that he had not checked when he began to install the carport and he did not know that he needed a permit for it. Ms. Halbrook said that it had been there three years and they had told him that he could build it and she did not see a problem with it. Mayor Jones said that he has an issue as to how to define a patio. It appears that the structure is on the ground. The garage concerned him more because Council's decision tonight would be what they have to live with for now on since the next person would say that he has a garage and did not get a permit. Council is bound by the rules. He said that he did not see anything that covers the encroachment of the garage. The at-grade patio appears to be setting on the ground and if Council defines it as a patio, there is an exception but he did not see this for the garage. The application says that it is for sale and you get into advertising and that is a problem in his opinion.

Mr. Trevorrow suggested separating the two appeals and voting on the patio concept first and you would agree or disagree with the enforcement officer's interpretation. The garage is the second consideration and one option is to consider a variance. The matter could be continued. As Trevor indicated in his report, adequate advertising was issued for the procedure of a variance and the continuance (not be exceed 60 days) without further advertisement could be considered.

Mr. Nuttall referred Council to page 9-5 on voting and suggested that if the Board wishes to overturn the interpretation that he made, then the motion would be to reverse the decision that he made and that would not be a variance

Ms. Steele questioned that if the deck/patio structure is allowed to stay and he applies for a permit, would the building department come out and look at it. If it was originally intended to be set up on posts, there would not be ground contact treated floor joist and the structure would be rotting in a few years. She asked if it would be better to take it out now and pour a concrete pad before it rots.

Mr. Nuttall confirmed that if the decision is to reverse the decision, then Mr. Knight will have to go through the inspection process so if it is not up to code, the inspector will require all of the adjustments to be made to bring it up to code.

Ms. Halbrook made a motion to accept the patio and reverse the decision of the Enforcement Officer on the patio. Mr. Richardson seconded the motion. All Board members voted aye and the motion carried.

As to the garage, Mayor Jones said that after checking the Ordinance, he did not see any exceptions under the encroachments that fits this kind of structure and the situation that it is in at this place. He may want to come back to ask for a variance. The uses outlined in his application say it is used for advertisement and is not a permanent structure.

Ms. Halbrook asked what Mr. Knight would have to do if the appeal was denied. Mayor Jones said that he could look at the options and move it back since it is mobile or apply for a variance.

Mayor Jones made a motion that the enforcement officer is correct and the appeal is denied. Ms. Steele seconded the motion. All Board members voted aye and the motion carried. Mayor Jones said that the photos were helpful but the Board must treat everyone the same. Mayor Jones said that he was sympathetic to his situation.

Mayor Jones made a motion to adjourn as the Board of Adjustment and to reconvene as Council. Ms. Steele seconded the motion. All Council members voted aye and the motion carried.

Stokesdale Parks & Recreation: Update and Request for Funds: No one was present from Stokesdale Parks & recreation at this point in the meeting.

Water Issue: Mary Mikels: Ms. Mikels was not present so there was no discussion of the matter.

Municipal Environmental Assessment Coalition (MEAC): Consider Participation in Coalition: The Clerk indicated that the matter was mentioned at last month's meeting. The NC League of Municipalities had sent out information about the MEAC and the members will support an engineering analysis to examine the ramifications of the proposed review of surface water quality rules. The cost of joining the group is based on population and it would cost the Town \$500 to join. Mr. Trevorror noted that the words "project costs" on page 3, paragraph 5 and he asked if the \$500 would apply to those costs. Mayor Jones read that the municipalities would have to provide funds for project costs and that was a concern. Mayor Jones said that he had concerns about this and felt that it should be clarified. Mr. Trevorror asked if the \$500 would be the limit of exposure. The Clerk had not discussed the document with anyone at the League and they had only sent the document for Council's review. She noted that another portion of the document indicated that some or all of the \$500 would be refunded if costs were in excess of the total amount and that the costs could increase if only a few municipalities joined. Mayor Jones said that the opinions of the Council on the subject could be discussed whether or not the Town joined the group. Mayor Jones made a motion to continue the matter until Council has further information. Ms. Steele seconded the motion. All Council members voted aye. The Clerk will investigate further.

Mary Maness, 8405 Tree Court: Ms. Maness said that people drive on McCrory Road like they are on I-40. She said that they don't obey the traffic signs and drive too fast and she asked if anything could be done about it. She said that there are children, dogs, and people walking. Ms. Halbrook asked if there are any speed limit signs. Ms. Maness replied that there was one sign. Mayor Jones said that there is a presumed speed within the Town when it is not posted. Mayor Jones suggested that the Town Deputy could patrol the area. Mr. Attaway asked if there was a particular time of day that it was occurring. Ms. Maness responded that sometimes it occurred during the day but it always occurs when the ballpark is busy. Vicki White-Lawrence said that she lived at the end of McCrorie Road and she feels that other people may not realize that people live past the ballpark and they run the stop sign at McCrorie.

Ms. Maness also asked if there were any plans to run the water down Tree Court. She said that she could not drink or use her water and sometimes there were things floating in it. Mayor Jones said that it would be a matter of whether it could be done cost effectively and if enough people wanted it. Ms. Maness said that there are five houses on Tree Court and that two of them have signed up for water and that would be half of the residents. Mayor Jones said that the Town engineer could tell Council what the cost would be to extend the line. He suggested that she might do an informal inquiry to determine if other residents would like to sign up for water. He said that the Deputy should be able to do some special traffic enforcement in her area.

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

COMMITTEE AND BOARD REPORTS:

Historic Committee: Vicki White-Lawrence (the only committee member) reported that when she was researching ideas for the committee, she came across the idea of a time capsule at the new Town hall. She said that she wanted Council's input before she pursued it any further to see if there was any interest. She said that the opportunity to place it in the cornerstone of the building was past, but there are other options that could be considered. She said that some funds may be needed depending on the options that Council selected. Some websites had suggestions. Some have placed technology into the capsule only to find those years later, the technology is obsolete and cannot be used. Another idea was to have citizens share through pictures

or news articles to share to show what life is like now. Mayor Jones asked for her to gather information on the costs involved in such a program and to get them back to Council. She said that perhaps some of the funds could be raised. There are various ideas about how to preserve items from using a Tupperware container and using duct tape to seal it to more elaborate methods. She mentioned that the architects may need to be involved at some point in time. Mayor Jones said that there are various locations such as the circle where it could be placed and it would be accessible to open it at some point in time. He asked her to gather some information together and get back to Council.

Mayor Jones said that he had met with the Mayors of the small Towns today. The Towns now have the ability to have a representative on the Metropolitan Planning Organization Board for transportation issues and they had discussed having an elected official from the northern side of the County and a representative from the southern side of the county. This will be quite a bit of work and they will be talking with some officials to see if they are interested in serving.

Departmental and Administrative Reports:

Finance Report: March 2010: The Finance Officer reported that assets at the end of March increased by about \$23,000 more than the balance at the end of February. General Fund checking account transactions included payments of \$18,971.38 For Law Enforcement for the 4th quarter, \$23.85 for the registration of the domain names for the Town; \$3,420 for the November. 2009 elections and \$12,500 were paid to Guilford County for planning fees. Council members were paid stipends for the first quarter. The general fund savings account reflects a deposit of \$56,542.89 for the utilities franchise tax distribution for fourth quarter. Accounts Payable included an invoice for the maintenance agreement for the copy machine in the amount of \$270. One certificate of deposit (#3) matured and it had earned \$26,445.49 in interest. A portion of the certificate was used to open a checking account for the Town Hall Capital Project Account. Interest from certificates of deposit in the amount of \$3,343.03 was deposited into the money market account. The Town Hall Capital Project account shows that checks were written to Stewart-Cooper-Newel (\$903.14) and the first payment was made to R. P. Murray in the amount of \$66,477. Water Enterprise Checking Account transactions were routine.

Mayor Jones said that there had been a water main break this week. It was after business hours and it was extensive. It had to be located and repaired.

Mayor Jones announced that all Budget Requests must be submitted to the Budget Officer by April 30.

Insurance Renewal with NCLM: The clerk noted that it is time to renew the insurance. A 45-day notice must be given to the League if the Town plans to change to another insurer. Ms. Joyner noted that there would be a change in the amounts shown for the portable equipment since the video camera that had been used by the deputy was not sold at the auction. It was mentioned that that the Department would attempt to sell it for parts but there has not been any confirmation that this occurred. The camera cannot be used by the Deputy and cannot be repaired so it needs to be deleted from the list of equipment for insurance coverage. The Park and Town Hall will not be added to the policy until they are completed. Mayor Jones made a motion to renew the insurance unless we find a more competitive rate and based on what we have had in the past, it is appropriate. Ms. Steele seconded the motion. All Council members voted aye and the motion carried.

Administrative Report – Town Clerk: Reporting requirements for Construction Projects: The Clerk reported that she had received an email from the Administrative Department saying that if the Town has construction projects, then they must report on minority business participation. The Clerk had completed a form and Mr. Trevorrow had reviewed the documents. Council passed a resolution in 1998 that says that sets a goal of 10% minority participation. Mayor Jones said that Council would need to authorize Ms. Joyner and the Mayor to sign off on the form. Mr. Richardson (so moved) made a motion to authorize Mayor Jones and Ms. Joyner to sign off on the form. Ms. Steele seconded the motion. All Council members voted aye and the motion carried.

The Clerk noted that the School of Government has published a Model Code of Ethics and it is available for purchase. She will purchase a copy for Town Hall.

Stokesdale Parks and Recreation: Clay Walker addressed Council and apologized for being late. He said that the Park has over 300 children participating in baseball and softball this year and that is the largest group in the area outside of Summerfield. They are a member of the Northwest Youth Association which is Oak Ridge, Summerfield, Huntsville, Colfax,

Brown Summit, Bethany, High Point, and Stokesdale. He said that the Park is in need of a temporary fence for the big field. There is uncertainty about the soccer season as far as the lights about whether the Town Park will have lights and most of the soccer practices are held in the evening and lights are needed. They are in need of a good fence to separate the fields. Temporary fencing can be used so that multiple teams can use the fields. They hope to put in good fence but are unable to do so at this time.

They have contacted a representative of a pony youth baseball association and they have been offered the chance to host a tournament. It would be a stepping-stone to a tournament and then to the World Series that is seen on ESPN. They may have the opportunity to pursue different age brackets and people would come from Virginia and South Carolina to play in Stokesdale. Unless they have a fence that can be easily moved for the different age brackets, they will not be able to do this. They do not have funds for this. He had contacted Huntsville who borrows temporary fencing from McMichael High School

Stokesdale Parks & Recreation, Inc. requested funds to purchase portable fencing. It comes in 10 feet sections and they need 43 at a cost of \$159.99 per section at a cost of \$7,479.57 including tax and shipping. Stokesdale registration fees are the lowest and that is why their program continues to grow. They wanted to see if Council would consider helping them to get the temporary fencing so they can represent the community.

Mayor Jones asked how much money did they have on hand. Mr. Walker said that the treasurer could not be here but the information was posted on the website. He estimated that they had \$1,800 but they will have to buy uniforms and they have spent a great deal on the replacement of twelve lights and they had to fix one pole.

Mayor Jones asked if there would be any income from the tournament. Mr. Walker replied that there would be. He estimated that they may receive about \$2,000. They have to pay a fee of \$700 for the sanctioning. This allows them to charge the teams and keep the revenue from the concessions. He said that the fence is portable and can be used many times and they had researched and this is the cheapest source. It could be used for things like the parade if needed. He said that they had contacted three other companies and this was the cheapest source. It is portable and reusable and lightweight. He said that they have already been playing games and they need it as soon as possible. Mayor Jones said that Council would need to look at the budget and see if there are any funds available. It may be something that the Town could use also. Mr. Walker said that baseball and basketball just break even. Mayor Jones said that the budget would need to be looked at closely to see what the Town has and see what can be done. Mayor Jones said that there are many worthwhile items but all of them cannot be funded because there would be a tax. Mayor Jones said that any information should be emailed or sent to Carolyn and she would distribute it.

OTHER BUSINESS:

Consider adopting National Day of Prayer Proclamation: Ms. Steele made a motion to adopt the National Day of Prayer proclamation. Ms. Halbrook seconded the motion. All Council members voted aye and the proclamation was adopted. A copy of the proclamation is hereby incorporated into and made a part of the minutes of the meeting. Ms. Halbrook commented that perhaps the Prayer Service could be held at new building when it is completed rather than the Fire Station since it was hard to hear at the Fire Station.

Consider Adopting a Proclamation in Honor of a Former Citizen of Stokesdale: Mayor Jones read the proposed proclamation. Ms. Halbrook made a motion to adopt the proclamation and Mr. Richardson seconded the motion. All Council members voted aye and the proclamation in recognition of Mr. Clarence Odell Warren was adopted. The Proclamation is hereby incorporated into and made a part of the minutes of the meeting. Ms. Joyner said that pastor had asked if someone could present the proclamation on Sunday, May 23 at 11:00 am at Providence Baptist Church in Kernersville. Mayor Jones said that he would try to make the presentation and Ms. Halbrook said that perhaps they could go together.

Auditor for FY 09-10 Audit: Mayor Jones said that Council has been pleased with the work of Cannon and Company. Ms. Joyner noted that their fee may be higher this year because of the grant funding that the Town is receiving for the Park. Mayor Jones made a motion to have an agreement with Cannon & Company for them to do the annual audit. Ms. Steele seconded the motion. All Council Members voted aye and the motion carried.

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

The Clerk noted that Council was invited to participate in the Annual Summerfield Founders' Day Festival Parade. She also mentioned that Planning Board Member Ronald Southard had sent information about a fundraiser softball game and the Northwest Observer had an article about it in the paper. Sandra Smith with the Observer said that they will play baseball by 1860's rules and it is a fundraiser for Camp Carefree.

Mayor Jones recognized Michael Garrett, a candidate for the State House of Representatives. Mr. Garrett said that the reason he was running was probably no different than anyone else who runs for office. He said that he cares about our county, our state and our community. He said that he is willing to work with people that he disagrees with because in the end we all want the same thing – jobs. He grew up in Summerfield and went to school there and at Northwest Middle and High School and graduated from UNC-G. He said that he runs a marketing company in Greensboro. Vicki White-Lawrence pointed out that Mr. Garrett was the founder of the Summerfield Youth Council.

COMMENTS FROM THE FLOOR: Frank Bruno, Stokesdale Business Association, said that they have completed their directory which has 94 businesses listed and it should be mailed out by the last week in April and some will be available at the Stokesdale Business Expo. The group will be meeting on the third Tuesday of every month at 6:00 pm at the Stokesdale Business Center. Mayor Jones asked if the group would have any interest in working on a fence for the ballpark and it might bring some business to Town.

COMMENTS FROM COUNCIL: There were no comments from Council.

ADJOURNMENT: Mayor Jones made a motion to adjourn. Ms. Steele seconded the motion. All Council members voted aye. The meeting was adjourned at 8:58pm.

Carolyn L. Joyner, Town Clerk

APPROVED:

Randle L. Jones, Mayor