

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 June 17, 2010.

Mayor Randle L. Jones called the meeting to order at 7:31 PM. The following members of Council were present: Mayor Randle L. Jones, Mickie Halbrook, James Attaway, and Bobby Richardson. Cheryl Steele was absent.

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

After the Pledge of Allegiance, Council considered the proposed agenda. Frank Bruno, Vice President for the Stokesdale Business Association (SBA) asked for the Association to be added to the agenda. Mayor Jones suggested that it should be added as #4 under Unfinished Business. Ms. Halbrook made a motion to adopt the agenda with the change. Mr. Attaway seconded the motion. All Council members voted aye and the agenda was adopted.

Council considered the minutes of the regular Council meeting that was held on April 15, 2010 and the minutes from the May 20, 2010 Council meeting. The Clerk suggested a change on Page 6, paragraph 2 of the May 20 meeting minutes. She suggested the addition of the following: "A copy of the Budget Message is hereby incorporated into and made a part of the minutes of the meeting." Ms. Halbrook made a motion to accept all minutes with the suggested addition and without reading. Mr. Attaway seconded the motion. All Council members present voted aye and the minutes were approved.

NEW BUSINESS:

Report from Guilford County Sheriff's Department: Deputy Christman reported 3 assaults, 3 breaking and entering of motor vehicles which were three vehicles that were unlocked when they were entered, 5 burglaries which included houses, outbuildings, and businesses, 4 drug arrests and a Click It Ticket Check Point here Saturday before last which resulted in 79 charges being issued in a two hour period.

PUBLIC HEARING – Board of Adjustment Case No. 13 (10-04-STPL-01341): (Continued from May 20, 2010 TC Meeting.) Robert Cook is requesting variances to allow three existing accessory structures to remain as presently located in front of the existing principal dwelling rather than behind as required by Section 4-2.2 (A) of the Stokesdale Development Ordinance and to encroach within the street setback, as established by Table 4-4-1, up to sixteen feet. The property is located at 9067 US Highway 158 in Oak Ridge Township, is identified by County Parcel Number 0167032, and is zoned Agricultural.

Mayor Jones said that Council would recess as Council and reconvene as the Board of Adjustment. He announced that one Council member was absent and it is a quasi-judicial proceeding. In order for this case to pass, it would require a four-fifths majority vote which would be a unanimous vote of the Board members that are sitting tonight. He said that the petitioners could proceed with the case or wait until there is a full Board to proceed. Mr. Ronald Cook indicated that he wished to wait until there is a full Board before proceeding with the case and he made a motion to wait until there is a full Board and to continue the case until the July 15 Town Council meeting. Mayor Jones said that additional information can be given and heard by the Board at that time. Mayor Jones made that a motion, based on the petitioner's motion, to continue the case to the July 15 Town Council meeting. Mr. Attaway seconded the motion. All Board Members present aye and the motion carried.

Mayor Jones said that the Board of Adjustment would recess and reconvene as the Stokesdale Town Council.

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PUBLIC HEARING and Adoption of 2010-2011 Budget Ordinance #74: Ms. Joyner said that the proposed Budget was presented to Council at the May, 2010 meeting. The proposed budget has been

available at Town Hall and on the Town's website for anyone who wished to review it. The Public Hearing has been advertised. Mayor Jones opened the public hearing and asked for anyone who wished to speak about the Budget to come forward. No one came forward to speak regarding the 2010-2011 Budget.

Mr. Richardson made a motion to approve Budget Ordinance #74. Mr. Attaway seconded the motion. All Council members present voted aye and the Budget Ordinance #74 was adopted. A copy of Ordinance #74 is hereby incorporated into and made a part of the minutes of the meeting.

UNFINISHED BUSINESS:

Water Issue: Mary Mikels: Mayor Jones said that there has been some contact between the attorneys and we are waiting to hear back from them. Mr. Sharon asked if the issue could be resolved tonight or must all of the members be present. Mayor Jones said that it does not require all of the members to be present just a majority but the legal representatives must work together to resolve the issue. Mr. Sharon said that he was in agreement with what was said at the last meeting of Council. He said that something should have been done when the water could not be put in. His real issue is that water cannot be used. Mayor Jones suggested that Mr. Sharon and his people make a proposal and then Council will vote yes or no on it. Mr. Sharon asked if they have to wait until the next meeting for a decision. Mr. Trevorrow said that he (Mr. Sharon) should want to be sure that going forward after there is a decision on the numbers, that he will not be held liable for any dry tap fees into the future because of the same position that Ms. Mikels is in and would have been in four or five years ago had she followed through with the Health Department findings. This needs to be structured into an agreement that all parties can be happy with. While it relates to the dry tap fees, it does not relate to a future tap on fee should Mr. Sharon find that as the new owner that changes in conditions may allow you to tap onto the system. A tap fee would be due at that time should he decide to tap on at that time. Mayor Jones said that it would be good idea for Mr. Trevorrow and Mr. Sharon and his attorney to discuss these issues so that everyone understands and it would be appropriate to have something in writing so that if personnel change for instance, there is something in writing so that the problem will be fixed and it will not come up again. Mr. Sharon said that if the Town ever got sewer, he would want to have both water and sewer. Mayor Jones said that there should be full disclosure but if there is some urgency then Council can have a special meeting if necessary. It would be some protection for Mr. Sharon if a written agreement were put in place.

Greensboro Urban Area MPO Memorandum of Understanding for the Addition of Members: Ms. Halbrook asked who would representative the Towns. Mayor Jones said that he thought it may be Council Member from Pleasant Garden and perhaps a member from Summerfield. Mayor Jones said that Stokesdale had advocated for each Town to have it own representative but the other Towns wanted to have one representative for everyone. Mayor Jones said that Stokesdale can work through the selected representative if there are issues that the Town needs to have addressed or they can go directly to the MPO and take our own position. Mr. Attaway made a motion to adopt the Memorandum of Understanding as presented. Mr. Richardson seconded the motion. All Council members presented voted aye.

A& Y Trail Memorandum/Resolution: Mr. Trevorrow said that he had review the proposed agreement and that it goes further than the Town needs to go at this point in time. It has overtones of a contract with the possibility of monetary expenditures that are unknown. It seems that the group is looking for support from Council for the concept of the A&Y Greenway and that trail would pass through the jurisdiction of Stokesdale and the Town may want to be involved. A statement or resolution from the Council for support of the concept would be acceptable but it cannot say what the level of support that the Town will be able to contribute since there are no cost estimates available. Council, by resolution, could be in support of moving forward with the planning and if the Town can be involved they will but it would be without commitments or expenditures of money to purchase property, rights of way, or maintenance of trails.

The Clerk pointed out that the same draft agreement has been sent out to the other possible members for their review. Mayor Jones pointed out that the Town has already adopted a Resolution in support of the Mountains to the Sea Trail. The concept has been approved. He pointed out the use of some the terms

such as “partnership,” “funded” and “maintenance” has legal implications. Mr. Trevorrow pointed out that the agreement specifically says “during the term of the contract” and gives general statutes references that are budgetary statutes and it becomes a continuing contract.

Mr. Nuttall said that the MPO has agreed to fund the planning or a study to determine the routing of the trail. The study when completed may provide some answers to some of Council’s questions.

Mr. Richardson pointed out that Item #4 specifically says that “trail construction, and trail maintenance and management will be carried out by the jurisdiction administering the lands through which the Trail passes.” Mayor Jones said that he until he sees a more specific agreement that sets out anticipated costs, impact, and locations he was not comfortable in adopting the proposed document. The Clerk noted that there may need to be an update since adoption of the Mountains to Sea resolution to clarify some things such as the appointment of members to serve on the committee. Mayor Jones suggested that the Town Attorney should draft a document that reflects the Towns desire to participate but leaves out some of the other language that may be construed to be binding and placing the Town in a position where the Town has incurred debt. Mayor Jones made a motion to have our Town Attorney to review the documents and to put together a draft that meets what we believe the true intent of this is and to bring it back to Council for review and a vote. Ms. Halbrook seconded the motion. All Council members voted aye and the motion carried.

Stokesdale Business Association: Frank Bruno, SBA Vice President, reported that the SBA Directory was completed and mailed out to about 3,500 Stokesdale mailing addresses. Directories are available at the Bi-Rite or by calling the SBA office. They now have a website at www.stokedalebusinessassociation.com. There are links to the business members, a calendar of events, and more information about the Association. They are planning a Classic Car Show and Motorcycle Run on October 2 at the Stokesdale Business Center on Ellisboro Road. The motorcycle run will be about 40 miles long and more information will be posted on the website. Their general meetings are held on the third Tuesday of the month at 6:00 pm at the Stokesdale Business Center. They are open to anyone who would like to come. He invited the Council members to attend. He said there seems to be a lack of local businesses being involved with the new Town Hall project. He said the SBA had discussed having Council to come up with some guidelines saying that any project that the Town puts money into that a certain percentage of the project should go to local businesses and they would like to discuss this with Council. Ms. Halbrook asked how many businesses were in the Association. Mr. Bruno replied that there are 94 businesses in the directory and several have joined since the directory was published.

COMMITTEE AND BOARD REPORTS:

Committee/Board Reports: There were no Committee reports.

Departmental and Administrative Reports; Finance Report: May, 2010: The Finance Officer noted that checking account transactions include the deposit of \$1,202.95 for the ABC profits for the first quarter and a payment of \$167.40 for hosting for the Town’s website. A deposit of \$5,438.33 was made to the General Fund Savings Account for first quarter ABC Tax Distribution. The Money Market Savings Account showed a transfer of \$150,000 in funds to the Town Hall Capital Project and the deposit of \$3,581.81 for Interest earned on Certificates of Deposit. Accounts Payable included an invoice in the amount of \$1,850.50 from Guilford County Emergency Services for fire code investigations made from July 1, 2009 thru May 31, 2010. The Town will be billed for the month of June at a later date. For Fiscal Year 2010-2011, they will bill the Town quarterly for their services. The Town Hall Capital Project Fund Checking Account reflects the payment of \$4,660.00 to Kleinfelder for materials testing and \$55,068.00 to R. P. Murray. \$228,430.00 was paid to R. P. Murray for paving at the Town Park. The Water Enterprise Checking Account showed a payment of \$1,573.96 to Hall Well & Plumbing Company for emergency repairs to the water system and Sir Speedy Printing was paid \$306.73 to mail out the water quality report.

Water System - Doubtful Accounts: Mayor Jones said that this is a housekeeping budget matter. Ms. Joyner said that Accounts Receivables continues to increase each year and the auditors set aside funds each year as doubtful accounts and they have recommended that the Town should remove some of those accounts from Accounts Receivable. Most accounts, for various reasons, will probably never be paid to the

Town. Some of the accounts have been on the list since the previous company was operating the water system. Being on the list does not mean that efforts to collect the funds will not be made. Mayor Jones indicated that the Town would pursue collection efforts on all accounts where it is practical to do so. It is an accounting situation and the next item is an agreement for a collection agency. The Town has had an attorney to work on collections matters in the past. This agency would pursue delinquent accounts, give notice and attach tax returns which is a standard practice for governments to recoup money that is owed. Mayor Jones made a motion to remove \$8,249.11 from Accounts Receivable as Doubtful Accounts. Mr. Attaway seconded the motion. All Council Members present voted aye and the motion carried.

Mr. Trevorrow said that he had reviewed the contract from the collection agency and made suggestions to Ms. Joyner. The company has responded with good answers. Mayor Jones made a motion to obtain the services and enter into the contingency agreement where we will not owe them anything until money is collected and they will get a percentage, and that the Town Seal be authorized to be used and the Finance Officer to be the authorized person whose name would go out on documents. Ms. Halbrook seconded the motion. All Council members voted aye and the motion carried.

Mayor Jones said that Council may want to have someone to make decisions such as the Mayor, Mayor Pro Tem, Finance Officer and the Town Attorney and if an issue comes up then decisions about which accounts would be pursued rather than the entire Council having to deal with it. The Mayor, Mayor Pro Tem, Finance Officer and Town Attorney would meet and deal with the appropriateness of parties coming into compliance and would select the parties from the list that would be sent to the collection agency who would meet the criteria for debt collection. Mayor Jones said that this was his motion. Mr. Richardson seconded the motion. All Council members voted aye and the motion carried.

Administrative Report – Town Clerk: Ms. Joyner indicated that she had attended a Solid Waste Management meeting where the concept of universal trash collection in Guilford County was discussed. Ideas were discussed including how it would be paid for and whether it could be included as a line item on each citizen's tax bill, and what services would be offered. No conclusions were reached on the matter.

LEGISLATIVE ACTION:

Consider an Ordinance Declaring Speed Limit of 25 MPH on Haw Meadows Drive South: Ms. Halbrook said that she felt that the lower speed limit was good on residential streets. She made a motion to pass the Ordinance. Mr. Attaway seconded the motion. All Council members present voted aye and Ordinance #75 was passed. A copy of the Ordinance is hereby incorporated into and made a part of the minutes of the meeting.

Budget Amendments: Ms. Joyner noted that the 2009-10 Fiscal Year would end soon. Budget Ordinance Amendment #3 covers the transfer of funds to the Town Hall Capital Project Fund and changes in the amount of \$5,500 due to the Beer & Wine Excise Tax that has been received by the Town. The water Sewer Fund was changed by \$4,000 because the amount of interest earned on the NC Capital Management Trust Fund was less than anticipated.

The Town Hall Capital Project Budget Ordinance Amendment #1 covered changes due to several items that were not a part of the R. P. Murray contract. The expenditures included Design Fees, Furniture, Materials Testing, Cabling, Audio Visual, Audio and Surveillance components. The Design Fees includes the fee not to exceed \$10,000 plus estimated reimbursable for travel and meals. The purchase of furniture will be through the bidding process which should be less than the amount shown. Materials testing has resulted in additional fees when rock was encountered. The fees for cabling, Audio and Surveillance has increased due to issues in getting the Surveillance down to the Park area. Mayor Jones said that it is probably budgeting more than is needed after the meeting where it was discussed but it is better to have more rather than to have additional budget amendments. Mayor Jones moved to approve Town Hall Capital Project Budget Ordinance Amendment #1 dated June 17, 2010. Ms. Halbrook seconded the motion. All Council members present voted aye and the Amendment was approved. A copy of the Amendment is hereby incorporated into and made a part of the minutes of the meeting.

Mayor Jones made a motion to approve Budget Ordinance Amendment #3 dated June 17, 2010. Mr. Attaway seconded the motion. All Council members present voted aye and amendment #3 was approved. A copy of Amendment #3 is hereby incorporated into and made a part of the minutes of the meeting.

Mayor Jones said that for the last several months, there have been attempts to work on the issue of the Post Office issue. He has worked with a developer who had very favorable plans for working with the Town and the Federal Government to get a post office. Letters dated May 17 have been sent to Senator Kaye Hagan's office and to Richard Burr, and Howard Coble. Senator Burr's office has been very receptive and has tried to intervene on our behalf. Unfortunately the postal authorities are still under a moratorium and cannot do anything until that is settled. It is impossible to do anything until the moratorium is lifted.

ANNOUNCEMENTS: Mayor Jones read the announcements listed on the agenda. The Clerk noted that the Ordinance Review Committee would meet on July 12 at 7:00 pm.

COMMENTS FROM THE FLOOR: No comments were made.

COMMENTS FROM COUNCIL: There were no comments from Council.

ADJOURNMENT: Mr. Attaway made a motion to adjourn. Ms. Halbrook seconded the motion. All Council Members voted aye and the motion carried. The meeting adjourned at 8:40 pm.

Carolyn L. Joyner, Town Clerk/Finance Officer

Approved:

Mayor Randle L. Jones