

**MINUTES OF THE WHITSETT TOWN COUNCIL**  
**June 10, 2008**  
**Whitsett Town Hall Building**

**PUBLIC HEARING**

A public hearing was held at 7:00 p.m., Tuesday, June 10, 2008 at the Whitsett Town Hall. The following members of the Town Council were present: Mayor Richard Fennell, Mayor Pro Tem Andy Brown, Council members Jerry Rice, Ken Jacobs, and Cindy Wheeler. Also present were Town Administrator Gary Deal, Planning Board Chairman Bob Maccia, Town Attorney Bill Trevorror, Town Accountant Bobby Massey, from Guilford County government Warren Simmons and Tiki Bigelow, members of the media, and approximately 50 residents from Whitsett or surrounding areas.

Mayor Fennell called the public hearing to order at 7:00 p.m., and noted that a quorum was present. Council member Rice offered the invocation.

Mayor Fennell explained that the purpose of the public hearing was to invite public comment and discussion on the subjects as listed on the public hearing agenda. (Copy attached as part of these minutes and for the official record.)

**1. Proposed 2008-2009 Whitsett Town Budget**

Mayor Fennell stated that the first order of business was the proposed 2008-09 operating budget for the Town of Whitsett. He further stated that connected with next year's budget was a proposed property tax levy—a first for the Town; and proceeded to open the floor to the public for comment.

First was Julius Andrews who, although not objecting to a tax, would like to see the rate at 5 cents or less. In addition, he opposed some of the projects where Town funds were being allocated, namely renovation and repair of the Town Hall building, which he considered a waste of time and tax dollars.

Lee Greeson, who recalled when “no tax” was offered as an incentive to come into the Town, was not opposed to a tax being enacted; but, felt that the proposed 10-cent rate was too high and wondered why when the Town had a shortfall of \$19,000 for expenditures would need to generate \$30,000 in tax revenue. Mr. Greeson asked the Council members to not overtax when tough economic times are at hand and likely to continue.

Clyde Shepherd, also remembering the “no tax” pledge, was all in all against a tax; and stated he would rather the Town just disband.

James Brown conversely stated that he would rather pay the Town a nominal tax than be at the mercy of an imposed Burlington or Greensboro tax.

Homer Moser agreed with those who felt that a Town property tax was inevitable; but didn't agree with one of that proportion.

Patrick Hickey took affront with how the Council arrived at the 10-cent rate, that being so the rate would hold for several years without an increase. The Town should not need a 10-cent rate if all the residents get out of it is curbside recycling service.

With a break in the audience comments, Mayor Fennell explained that with a deficit of \$19,000 to cover expenses (which included a new recycling program), a tax ranging from 5 cents to 10 cents needed to be initiated. At 5 cents, the budget would become balanced; and with every penny increment, additional projects could be embarked upon, e.g., Town Hall repairs, a Town museum, etc. Also, establishing a property tax would open the doors for the Town to receive additional State-shared revenue distributions, although this would not be realized until next budget year.

Mayor Fennell fully agreed with residents that these times are extreme, and it is hard to ask for any money. But, enacting a tax is long overdue; and his recommendation would be a 5-cent property tax rate for every \$100 assessed value.

As an elected official, he further stated, comes the responsibility of running the Town which means running it with a balanced budget; and if the budget doesn't balance, and with no control over how State and County distributions are made, the revenue to balance needs to come from somewhere in order to remain a viable Town. Hence, a property tax levy whereby the Town would gain the latitude to manage this part of its revenue.

Former mayor Danny Whitsett reminded residents that the Town is bound by General Statute to maintain required minimum fund balance in liquid assets to balance the budget; otherwise, the Town is penalized. The Town, therefore, cannot continually dip into its reserves to pay for annual operating expenses.

Robert Neal asked about Town investments and yield; and the Council replied that last year the CDs were bringing about 5% return; next year lower. Mr. Neal felt the Town could do better investing with higher rates, i.e., annuities.

Mayor Fennell stated that the Town is restricted by what type investments can be made with public funds, and asked Town Attorney Bill Trevor for further comment, who stated that the Local Government Commission oversees municipal investments; and a Town cannot be speculative with public funds. Municipalities can only investment in low-risk instruments (which does not include annuities); and with low-risk investments, comes low interest rates.

Heavy discussions continued that involved opposition to recycling, further discontent with Town investments, the future of the Town with regard to water and sewer, and a mention of somewhat separation—and even segregation—of highway 61 from the rest of the Town, which brought out the voice of several who desire to be removed from the Town’s incorporation.

At this point, Bob Maccia, stated among the cacophony, that the meeting should move along because the heat was increasingly becoming unbearable. And so, the meeting progressed.

## **2. Application for Community Development Block Grant (CDBG)**

Mayor Fennell turned over the floor to Town Administrator Gary Deal to introduce the topic of the block grant process and its purpose. Mr. Deal explained that the Town had so far been unsuccessful in its pursuits for funding assistance to help with the contaminated wells due to ineligibility for grants requiring lower median income than Whitsett, and Whitsett being considered too urban to receive “rural” help.

The most promising avenue now is a State and Federally funded community development block grant for water system infrastructure covering installation and engineering services to solve the contaminated water used by several households situated around the intersection of highways 61 and 70.

Harold Friddle, one of the residents with a contaminated well, asked about costs for hook up, meters, and per month water usage. Town Administrator Deal explained that the grant money would cover the installation of a loop water line system near or through those properties with founded contaminated wells, those with traces of contamination, and those in the path of prospective contamination.

The homeowner would be responsible for a \$1,200 tap fee, the cost for a plumber to connect from the main line to the house, and then, of course, monthly water usage bills.

It was asked about the Town’s recourse to sue the oil companies responsible for the contamination; and the Council replied that the the oil companies have not harmed the Town as a whole; only the affected homeowners—individually or collectively—can sue the responsible parties. Additionally and somewhat disconcerting, the oil companies are doing the minimal remediation necessary to satisfy State law and regulations.

## **3. Proposed Development Ordinance Amendment on Landscaping Buffer and Barriers**

Mayor Fennell invited public comment on the ordinance amendment on landscaping buffer and barriers; no public comment.

**4. Proposed Development Ordinance on Commercial Architectural Standards**

Mayor Fennell asked for any public comment on the [new] commercial architectural ordinance; no public comment.

**5. Proposed Guilford County Ordinance on Flood Damage Prevention**

Mayor Fennell offered the floor to Mr. Warren Simmons, the Watershed Protection Engineer for Guilford County, who stated that since the Whitsett Planning Board had kept the Town Council well informed on the County’s program, he would simply give a brief overview.

Mr. Simmons explained that the program is a totally voluntary program that requires municipalities to be members in the federal National Flood Insurance Program in order to make flood insurance available to its residents, regardless of whether or not they live in a floodplain area.

This program is administered by the County to Whitsett at no cost to the Town. To date, the Town has adopted a resolution of intent and has completed an application for membership in the NFIP. The final step is to adopt the County’s flood damage prevention ordinance.

**6. Rezoning Request from Highway Business (HB) to HB-Conditional Use (CU)**

Mayor Fennell offered the floor to Mr. Kevin Sasser, property owner of 6601 Burlington Road, who had requested a rezoning of 2.78 acres to develop an outdoor recreational vehicle storage facility.

Mr. Sasser, along with engineer Aiden Stoltzfus, presented a depiction of plans for the operation. The facility would be a fenced facility and an electronic gate facility; and all aspects would be in compliance with applicable Town ordinances, e.g., lighting, signs, landscaping, architectural standards, etc.

With no further discussion on the items presented for public comment, at 8:05 p.m., Mayor Fennell announced that the June 10, 2008 public hearing was closed; and the Town Council would move on to its regular monthly meeting which would include voting on the issues before the Council members.

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Jo Hesson, Town Clerk

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Richard Fennell, Mayor

**APPROVED:** July 8, 2008