

MINUTES OF THE WHITSETT TOWN COUNCIL
May 13, 2008
Whitsett Town Hall Building

REGULAR COUNCIL MEETING

The regular meeting of the Whitsett Town Council was held at 7:00 p.m., Tuesday, May 13, 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 Accountant Bobby Massey, members of the media, and residents.

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

SPEAKERS FROM THE FLOOR

Mayor Fennell asked for any speakers from the floor; and there were none.

OLD BUSINESS

1. Adoption of the Minutes

Mayor Fennell asked for any changes to the April 8, 2008 minutes for the regular monthly meeting; and there were none. Motion made by Council member Jerry Rice to accept the minutes as written; motion seconded by Council member Cindy Wheeler. The minutes were approved by unanimous vote.

2. Any Other Old Business

Mayor Fennell asked for any other old business; and there was none.

BOARD AND COMMITTEE REPORTS

1. Planning Board

Chairman Maccia first reported that Warren Simmons, Guilford County government, whose expertise involves watershed and floodplain arenas, presented an overview of the County-administered Flood Damage Prevention program to establish Whitsett's eligibility in the National Flood Insurance Program. Whitsett is one of three municipalities still not under County oversight even though inclusion would be of no cost to the Town. Because of a ranking designated

by the State to counties, based on entity participation, it would be of benefit to the County to have all municipalities under the program; and those benefits would trickle down to the municipalities should flood damage occur within their boundaries.

The processes involved in effecting acceptance in the National Flood Insurance Program would be adoption of a Resolution of Intent, adoption of the County's Flood Damage Prevention Ordinance, adoption of minor changes in Whitsett's current floodplain definitions and ordinance, and a completed application form. Mr. Simmons will usher the paperwork through the State processes for the town to be approved for coverage under the authority granted to Guilford County.

Chairman Maccia next reported that the draft #5 of the commercial architectural ordinance had been completed with copies provided to Council members for review and recommended adoption at the upcoming public hearing. This latest draft had received additional input from Greg Niles of Guilford County, and had been reviewed by the Town Attorney Bill Trevorrow. Both parties felt the ordinance was a strong, substantial product; and that it should proceed to public hearing.

Finally, Chairman Maccia reported that Kevin Sasser had come to the May Planning Board meeting to introduce and discuss plans for a parcel of land he owns at the corner of highway 70 and Brightwood Church Road. Mr. Sasser, Maccia explained, proposed to develop the 2.78 acres for RV and boat outdoor storage as an annex to the adjacent Brightwood Mini Storage facility; and presented to the Board engineer-rendered designs of landscaping (including buffers), fencing, storage parking layouts, watershed protection, outdoor lighting, which all in line with—and actually exceeding—all applicable current and proposed Town ordinances.

Mr. Sasser had, prior to the May Planning Board meeting, contacted Town Administrator Gary Deal and Planning Board Chairman Bob Maccia, who together worked up a draft amendment to the ordinance on special-use permitting in preparation for tonight's Council discussion. The proposed amendment would limit the area to 3 acres, restrict units to motorhomes, campers, boat trailers with current licenses legal to travel NC roadways, prohibit use of hazardous, toxic or explosive substances; and require units to remain unoccupied during storage.

Town Administrator Deal explained that modifying the permitted-use schedule would be faster and less cumbersome than Kevin Sasser applying for rezoning the parcel from highway business (HB) to HB-conditional use (CU), even though the latter is another viable option. Deal also added that the Council of Governments recommended the way of amending the permitted-use schedule since actually it is more suitable in this instance.

Discussion among Council members brought reservations about using the “permitted-use schedule” method to accommodate Mr. Sasser’s request and plans. Ultimately, it came down to which method would better maintain Town control; and consensus was the “conditional-use” rezoning.

Given that, Council member Ken Jacobs made a motion to require a rezoning request from HB to HB-CU, and use the bullets from the drafted “special-permit use” document as the basis to set down the conditions for Mr. Sasser’s compliance. Motion seconded by Council member Jerry Rice. The vote was unanimous in favor.

Town Administrator Gary Deal would inform Kevin Sasser of the Council’s decision, steer direction towards a rezoning request, and quickly handle the logistics in order to get the request on the June public hearing schedule.

In concluding the Planning Board portion of the agenda, Council member Ken Jacobs made the motion to put the three issues above—Flood Damage Prevention; Commercial Architectural Standards; Rezoning Request—on the docket for the June public hearing. Motion seconded by Council member Jerry Rice. Motion carried by unanimous vote.

2. Enforcement Committee

Enforcement Officer Gary Deal stated that there was no report from the Committee.

3. Enforcement Officer

Enforcement Officer Gary Deal stated there was nothing to report this month.

4. Town Administrator

Town Administrator Gary Deal reported that Guilford County had requested assistance in posting a notice concerning the release of funds from a Scattered Site Rehab Grant for low-income housing needs in unincorporated County areas and in incorporated cities and towns, including Whitsett. The notice was so posted for the ten days as required.

Town Administrator Deal then conveyed appreciation to Richard Brothers and to members of the Ruritan who helped in replenishing and spreading the safety sand in the playground area on the Town Hall grounds.

Finally, Town Administrator Deal gave a progress report on the Town’s pursuit for a Community Development Block Grant (CDBG) for a public water system. He stated that he had contacted a firm named Benchmark CMR, Inc. that specializes in providing and performing all the services stipulated in the grant

application requirements. A submitted contract from Benchmark had been forwarded to the Town Attorney Bill Trevor for review, comment, and concurrence.

Most immediate is a door-to-door survey that must be conducted to gather household information. This survey involves about 34 households with contaminated wells of which 9 are heavily contaminated, and 6 with traces. The remaining lie in the loop of contamination, and may be considered for hook up to the system.

The CDBG has \$2 million for infrastructure of which municipalities may receive up to a maximum of \$750,000 with a 5% match of local funds. Benchmark's charge to the Town would be \$7,000; but, would only be paid if the Town were awarded the grant. Following the initial public hearing on the Town's intent, and hopefully receiving public input from those affected on their interest in being hooked to a public water system, the Town should know if the next step to apply for grant funds is supported.

If so, all survey results and the formal application would be submitted July 21. Nothing can be submitted before July 21; but all paperwork should be ready to go by that date. If the Town hears further word following submission, chances are the State is interested in helping; and a second public hearing is scheduled.

Town Administrator Deal said that the issue of setting a tap fee needs to be addressed by the Council and residents need to be informed about that cost along with inside plumbing hookup costs and monthly water usage billings. The \$1,200 per tap fee as recommended by the Town's engineer under contract was brought to the table; and a letter to residents with as much information as possible and inviting them to the public hearing was made imperative.

A motion was made by Council member Ken Jacobs to pursue the grant, establish a tap fee of \$1,200, send a letter to residents with all the facts and plans, and finally put the topic on the June public hearing docket. Motion seconded by Council member Jerry Rice. Motion carried by unanimous vote.

Council member Ken Jacobs stated, as an afterthought, that if the \$1,200 tap fee presented a hardship for some residents, maybe leniency, e.g., payment over time should be considered by the Council.

NEW BUSINESS

1. Presentation of 2008-09 Draft Budget

Mayor Fennell announced that next year's proposed budget had been presented to Council members along with support documentation, and asked for discussion. Basically, the line items for revenues remained the same with State distributions status quo; but with a decrease in investment earnings due to falling interest rates.

For expenditures, line items remained the same with inflation factored in along with other anticipated or known increases, e.g., utilities. The one major added expense was \$8,000 for a curbside recycling service should the Council vote to implement.

Mayor Fennell noted that the budget suffered a \$19,000 shortfall to pay expenses next year; and, with revenues depending primarily on State distributions and Town investment earnings, and with interest rates in a downward spiral, the Town virtually had no control regarding income. With regard to expenditures, the Town was conserving where it could.

The budget being essentially self-explanatory and conditions being what they are there was little further discussion; and Council member Ken Jacobs made a motion to bring the draft budget before the Town for public comment at the June hearing. Motion was seconded by Council member Cindy Wheeler; and carried by unanimous vote.

2. Set Public Hearing Date for June 10, 2008

Mayor Fennell asked for discussion or a motion for setting the public hearing date; and Council member Jerry Rice made a motion to set the public hearing for Tuesday, June 10, 2008, at 7:00 p.m., at the Town Hall. Motion seconded by Council member Ken Jacobs. Motion carried by unanimous vote.

3. Any Items from Council Members

Mayor Fennell asked for any items from Council members; and Council member Ken Jacobs raised the subject of a Town property tax levy. Council member Jacobs stated that enacting a Town tax, he felt, should be seriously considered. Jacobs stated further that the Town has been frugal and prudent in its spending over the years; and a tax to generate revenue is long overdue. Additionally, instituting a property tax gives the Town credibility and access to other State revenues and possibly a better position to compete for other funds, e.g., grants.

Town Administrator Gary Deal had provided the Town Council with various rates and expected revenue ranging from .05/\$100 assessed property value to .10/\$100 valuation.

At this point, Mayor Fennell asked Town Accountant Bobby Massey for clarity on the tax process so all could hear. Bobby Massey, who service as CPA for several other Guilford/Alamance municipalities explained that all that really had to be done was to include tax revenues in the Town's budget; establish a discount rate, which Whitsett had already set at 1% by resolution in 2005; and file the discount with the County to get all elements in place. Then, once the budget is brought to public hearing, approved with a set property tax rate, and the budget ordinance adopted, the Town formally notifies the County Tax Office of the rate and date of its passage, and they [the County] take over from there.

The County Tax Office will enforce the tax collection process beginning with the mailing of bills in July with discounts available through August 30, and par tax payment due in September. Late payment procedures and delinquency follow ups are also the responsibility of the County.

Council member Ken Jacobs stated his reasons in support of imposing a tax, some of those being that major goals and projects, e.g., the Town Hall restoration, had been “in check” due to limited and waning resources; recycling, which he believed to be a moral responsibility and perhaps soon-to-be mandated, could not be absorbed by the Town; a property tax would qualify the Town to again reap (but not until 2009) local sales tax distribution—something it had missed out on in the last 4-5 years since it is based on tax levy dollars—and simply so that the Town is not static.

Council member Cindy Wheeler inquired as to why the Town offered free trash pick-up to its residents; and Mayor Fennell explained that it was a gesture made to residents when the town first incorporated in 1991, and nothing had jolted the Town enough to make it change that.

Council member Jacobs also offered information on some relief with regard to property tax for the elderly and disabled, stating that, as a remedial means, the Homestead Act allows those who are 65 or older, or disabled, and with an income of less than \$25,000, to register for exemption from property taxation of either \$25,000 or 50% of the appraised value of the residence.

Council member Jacobs said that he, too, does not like tax; but that a 10-cent rate per \$100 assessment of property could well be justified in Whitsett in order to maintain being a Town, especially when recognizing the bigger cities and towns on the doorstep. Furthermore, this is a rate that likely would not need to be increased for a good number of years.

Some Council members agreed that a tax is necessary; but expressed more conservative opinions. With all the variables taken into account, and all the pros/cons, and recall of the \$19,000 deficit for expenses, and with a look to the future of Whitsett, the Town Council worked through to agreement on a .10/per \$100 valuation proposed property tax levy.

Council member Ken Jacobs made a motion to amend his earlier motion regarding the originally proposed draft budget, to include a 10-cent property tax rate; and that the budget with this change should be opened for public comment on June 10. Motion seconded by Mayor Pro Tem Andy Brown. Motion carried by unanimous vote.

2. Announcements

Mayor Fennell asked for any announcements; and there were none.

3. Speakers from the Floor

Mayor Fennell asked for speakers from the floor; and Council member Cindy Wheeler simply wanted to commend the good job by Planning Board Bob Maccia and the entire Planning Board for all there exemplary accomplishments of late. Chairman Maccia thanked her for her words and commented on all the hard work that Board member Evelyn Rutkoski puts into their products—she is an asset.

Lee Greeson asked for some clarification about the setbacks on the Kevin Sasser proposed project, and was replied to satisfactorily.

ADJOURNMENT

With no further business before the Council, Mayor Fennell invited a motion to adjourn. Motion was made by Council member Jerry Rice; and seconded by Mayor Pro Tem Andy Brown. Motion passed unanimously; and the May 13 Town Council meeting was adjourned at 8:25 p.m.

A public hearing followed by the next regular meeting of the Town Council will be at 7:00 p.m., Tuesday, June 10, 2008 at the Whitsett Town Hall.

/s/

/s/

Jo Hesson, Town Clerk

Richard Fennell, Mayor

APPROVED: June 10, 2008