

**MINUTES OF THE WHITSETT TOWN COUNCIL**  
**September 8, 2009**  
**Whitsett Town Hall Building**

**REGULAR COUNCIL MEETING**

The regular meeting of the Whitsett Town Council was held on Tuesday, September 8, 2009 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, Randy McNeill and Mauricio Pacini representing the engineering firm of Davis-Martin-Powell & Associates, Inc., Republic Waste Services Division Manager Jimmy Torrey, Director of the Church Softball League Don Pernell, Martha Moss--prospective winter-season ball field use contractor, Rock Creek reporter Jamie Kennedy, and 25 members of the public.

Following the public hearing, Mayor Fennell called to order the Council meeting at 7:41 p.m., and noted that a quorum was present.

**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 August 11, 2009 minutes; none made. Motion made by Council member Ken Jacobs to accept the minutes as presented; motion seconded by Council member Cindy Wheeler. Adoption carried by unanimous vote.

**2. Action on Submittal of Infrastructure Grant Application**

Mayor Fennell, having heard favorable public input at the preceding public hearing, asked for a motion to move forward with the grant application submittal with a deadline of October 12. Council member Ken Jacobs so moved, with simultaneous seconding by Mayor Pro Tem Andy Brown and Council member Cindy Wheeler. Adoption carried by unanimous vote.

### **3. Impact of October 1, 2009 Legislation on Recycling**

Mayor Fennell asked Town Administrator Gary Deal, who represents the Town on the Guilford County Solid Waste Committee, to give an overview relative to the new regulations concerning recycling.

Town Administrator Deal explained that, effective October 1, additional items will be banned from state landfills, namely plastic bottles, wooden pallets, and oil filters. These three will join the current list of items prohibited from household waste including aluminum cans, beverage containers, yard trash, antifreeze, used oil, lead acid batteries, oyster shells, and white goods. The October 1 legislation should be considered mandate as the state compliance personnel plan to tighten the reins and closely monitor disposal practices. The onus ultimately falls to trash haulers, transfer station operators, and landfill owners who would be subject to violation and administrative penalties.

Town Administrator Deal reported that Jimmy Torrey of Republic Waste Services, the Town's garbage collection contractor, and he met this morning to discuss options for the Town's conformance to the new law. Three options were raised: (1) advise residents of recycling sites in Guilford County, of which only two exist, with each household responsible for transporting recyclables to those sites; (2) reconsider curbside recycling, which last year the Town Council voted down based on residents' reaction at a public hearing; or (3) provide a local drop-off site for Whitsett residents to recycle; but, not without concern of negative probabilities, e.g., misuse, abuse, overuse by nonresidents, since the site would be unmanned.

Town Administrator Deal then recognized and introduced Jimmy Torrey; and asked him to expound on the morning's discussions and then answer any questions or concerns from Council members and those in the audience.

Mr. Torrey first stated that, with October 1 fast approaching, top importance is to move quickly to simply start some kind of recycling program. The most expedient solution would be option #3; and Mr. Torrey proposed an offer to station several 96-gallon bins designated for recyclable items at a Town location of choice. The bins could be readily delivered, and would be emptied weekly at no charge to the Town for a three-month trial basis. Come January 2010, the effectiveness of this method would be evaluated, at which time the Town Council could opt to continue as is, but then at a fee; or the Council could revisit curbside recycling, also at a fee. The "free trial" was too good to pass up.

One of the biggest aspects of initiating a recycling program, stated Town Administrator Deal, is educating the residents; and there is little time to do that. Mayor Fennell concurred, and suggested that a letter to residents be drafted and mass mailed giving as much lead time as possible for the public to absorb the guidelines.

Republic Waste would be providing fact sheets on recycling to be included with the letter to residents along with the letter from DENR. Signs would be posted at the disposal site which was determined to be the area at the concession stand and basketball court to allow a backboard for mounting a rules and regulations sign.

Mayor Fennell then asked for a motion to get this process moving; and Council member Cindy Wheeler made a motion that bins be placed on Town Hall grounds for community recycling. Motion seconded by Council member Ken Jacobs; and the motion passed by unanimous vote.

#### **4. Request for Replacement of Ball Field Fencing**

In a continuance of last month's initial discussion to replace a portion of the ball field's fencing in the outfield, Mayor Fennell explained that the Council members and others had walked the field to evaluate the need and other alternatives to full replacement; and asked Don Pernell, the Director of the Church Softball League, who contracts with the Town for ball field use in the spring and fall, to better explain the specifics of the requested improvement.

Don Pernell stated that it would be total replacement of the short section of the outfield fence, which is now 6-gauge and continues to roll up, to a 9-gauge chain link fence at a cost of \$1,800. Mr. Pernell had in the past used makeshift methods to pull the fence down to meet the ground; but none has been a permanent fix. Pernell further said that a year ago he had gotten an estimate for outfield fence replacement; and when he asked the contractor for an updated estimate, the price remained the same. With no price increase and with the fencing condition worsening, Mr. Pernell thought it time to approach the Town Council.

When asked about less costly alternatives, Mr. Pernell replied that likely some alternatives are out there; but since the ball field's allotted budget for this year was approved at \$2,000, he made the choice to exhaust just about the entire budget level for a new fence. The Council members still not convinced, while also being cautious early on in the new budget year, asked Don Pernell to bring back to the Town Council some more economical avenues, that while perhaps not ideal, still need to be considered.

#### **5. Approval of Draft Contract for Winter-Season Ball Field Use**

Council members had received in the mailed packets, a modified draft contract to accommodate the request from Martha Moss, the manager of a girls soft pitch traveling ball team, to contract with the Town for the field use from November to March (when once again the Church League would pick up the contract).

Martha Moss was invited to take the floor, and she stated that a concern regarding the contract could be that the team had received an attractive offer from another sponsor meaning the name of the team may change; but, the terms were very agreeable.

Moss requested that the contract simply be in her name with the team under her direction. Town Administrator Gary Deal responded that since this contract was intended to be a generic ball field contract for anyone requesting use during the winter season—very much like Don Pernel’s contract is generic for spring and fall—he saw no problem with this minor revision. Even so, the contract would be forwarded to the Town’s attorney for final review.

A motion was made by Council member Ken Jacobs to allow the use of the ball field under contract to Martha Moss contingent on the Town attorney review. Motion seconded by Council member Jerry Rice; and the motion unanimously passed.

## **6. Any Other Old Business**

Mayor Fennell asked if there were any other old business to be discussed; there was none.

## **BOARD AND COMMITTEE REPORTS**

### **1. Planning Board**

Planning Board Chairman Bob Maccia reported that the Board was continuing to review all Articles I through XII for final proofing before a reprint of the entire codebook is processed. So far, the Board had reviewed the two most critical—Articles III on permitting and IV on zoning; and expected those remaining to move along swiftly.

### **2. Enforcement Committee**

Enforcement Officer Gary Deal stated that no Enforcement Committee activity had taken place.

### **3. Enforcement Officer**

Enforcement Officer Gary Deal reported that since last month’s meeting, no development clearance permits had been issued.

### **4. Town Administrator**

Town Administrator Deal reported that with regard to the recently passed Jordan Lake Rules, Cy Stober of PTCOG had requested a meeting with him to offer the services of PTCOG in adhering to the rules as they pertain to Whitsett which should be minimal since the Town has no sewer or stormwater system. This meeting served as the initial invitation to offer PTCOG services at a cost, but no cost amount could yet be determined since it would likely be based on scope; and Stober needed to become more familiar with Whitsett.

In addition, Deal reported that on October 5, a training class on the Jordan Lake Rules with information on imposed deadlines would be held in Guilford County; but, he could not attend. Council member Ken Jacobs offered to attend, and his registration would be processed.

Town Administrator Deal then reported that he had attended the PTCOG Managers Meeting where he learned about a State Energy Block Grant Program that would be administered by PTCOG and may be able to be applied to installing some energy-efficient windows at the Town Hall. The process requires tracking and substantiating energy savings in addition to other documentation; and Deal thought windows to be a definite need for the building, and the grant worth pursuing.

With that, a motion was made by Council member Jerry Rice to pursue the grant; motion seconded by Mayor Pro Tem Andy Brown. The motion carried by a unanimous vote.

## **NEW BUSINESS**

### **1. Any Items from Council Members**

Mayor Fennell asked for any items from Council members; none offered.

### **2. Announcements**

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

### **3. Speakers from the Floor**

Mayor Fennell asked if there were any speakers from the floor; and resident Joe Wheeler who serves as the Town's Planning Board Vice Chairman, asked about the feasibility of establishing an "appearance" ordinance for lawn and property maintenance. This topic seeming viable and actually falling under the purview of the Planning Board, the Council encouraged Mr. Wheeler to introduce the issue before the Planning Board for subsequent recommendation to the Town Council.

Sgt. Loftis stepped to the floor to thank Council members Cindy Wheeler and Ken Jacobs for attending August's District #2 staff meeting at the Stoney Creek substation. The next staff meeting is scheduled for September 17; and all elected and appointed officials are welcomed.

On a final mention, Sgt. Loftis reported that there had been a rash of car break-ins in the area—not directly in Whitsett—mostly due to unlocked vehicles. Loftis reminded folks to place valuables out of plain sight, and to always lock vehicles even in home driveways.

**ADJOURNMENT**

With no further business before the Council, Mayor Fennell invited a motion to adjourn. Motion to adjourn was made by Council member Jerry Rice; seconded by Mayor Pro Tem Andy Brown. Motion passed unanimously; and the September 8 Town Council meeting was adjourned at 8:40 p.m.

The next regular meeting of the Town Council will be held at 7:00 p.m., Tuesday, November 4, 2009, at the Whitsett Town Hall.

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Jo Hesson, Town Clerk

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Richard Fennell, Mayor

**APPROVED:** October 13, 2009