

MINUTES OF THE WHITSETT TOWN COUNCIL
October 14, 2008
Whitsett Town Hall Building

REGULAR COUNCIL MEETING

The regular meeting of the Whitsett Town Council was held at 7:00 p.m., Tuesday, October 14, 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 and Cindy Wheeler. Absent was Council member Ken Jacobs. Also present were Town Administrator Gary Deal, Planning Board Chairman Bob Maccia, members of the media, and six citizens.

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 September 9, 2008 minutes for the regular monthly meeting; and there were none. Motion made by Council member Jerry Rice to adopt the minutes as written; motion seconded by Council member Cindy Wheeler. Adoption carried by unanimous vote of those present.

2. Proposed Ordinance Changes to Accommodate Outdoor Storage

Town Administrator Gary Deal explained what prompted the need for this change. Following the Council's approval of "conditional-use" rezoning for Kevin Sasser to develop property at the corner of Brightwood Church Road and Hwy 70 for outdoor storage of recreational vehicles, site plans were submitted to the Guilford County Planning Department for the permitting process.

The Deputy Director for Planning Les Eger picked up on and questioned the permissibility of an outdoor storage operation in accordance with the current Town's ordinances. Admittedly, there is confusion in the Town's code on "special-use" permitting and "conditional-use" zoning.

This step in the ordinance change is, for now, to be a “band-aid” solution to allow Kevin Sasser to proceed with progress on the outdoor storage facility while the Town attempts to get assistance from PTCOG on clarifying and determining the distinction between “special-use” and “conditional-use” approval.

3. Proposed Ordinance on Roadway Public Safety (Sheriff’s Office)

The proposed ordinance would grant authority to the Sheriff’s Office to remove abandoned vehicles within Whitsett boundaries that are parked in or alongside roadways obstructing traffic flow and/or creating public safety hazards. Further, vehicles left standing for 24 hours or more are subject to removal, storage, or disposition; and the property owner is liable for any costs incurred.

Mayor Fennell stated that Town Attorney Bill Trevorrow had been consulted on this matter; and Town Administrator Deal added that Mr. Trevorrow had basically taken the General Statute (G.S. 20-161) that pertains to unincorporated areas within Guilford County and conformed it to apply to territories within the Town limits.

The proposed ordinance had been forwarded to the Sheriff’s Office for review; and, in turn, was sent to their attorney for comment. One phrase relative to the Sheriff’s Office seeking NCDOT concurrence before taking action on a vehicle in violation was in question as to relevance; and was conclusively deleted in accordance with both attorneys’ recommendations.

4. Any Other Old Business

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

BOARD AND COMMITTEE REPORTS

1. Planning Board

Board Chairman Bob Maccia reported that at the October Planning Board meeting, those present reviewed the above general ordinance on roadway safety; and reviewed, discussed, and voted to accept the proposed development ordinance changes to accommodate outdoor storage, in particular with respect to the recent rezoning approved for Kevin Sasser to add an outdoor recreational vehicle storage operation to the Brightwood Self-Storage warehouse facility.

Chairman Maccia also reported that the Board had heard a rezoning request and the plans for property on NC Highway 100; but he would talk further and report the Board’s action taken on this item under New Business.

2. Enforcement Committee

Enforcement Officer Gary Deal reported that there was nothing to report.

3. Enforcement Officer

Enforcement Officer Gary Deal reported that two development clearance permits had been issued this month: (1) to Better Development Group LLC to construct a doorway entrance to an existing wall at Faithwalk United Methodist Church on Brightwood Church Road; and (2) to contractor RJR Electric Heating & Air to upgrade electrical service and replace gas packs at the home of Jason Wright at 6908 Stella Drive.

4. Town Administrator

Town Administrator Gary Deal reported that Council member Jerry Rice and he had met with Les Eger (mentioned above) to reestablish a working relationship with the County—a relationship that the Town had benefited from for just over two years when Greg Niles had been the Planning Department’s Director. Lately, the Town and the County have stumbled through some issues at hand, e.g., the Kevin Sasser project and the rezoning request to come before the Council for highway 100.

Town Administrator Deal stated that hopefully as the Town and the County get through some of these initial rough roads, things will smooth out and a mutual working relationship can be regained and then refined as we move along through processes.

Town Administrator Deal also reported that the well pump on the Town Hall grounds had to be replaced at a cost of \$1,456. Since the Town Hall and the Fire Company share this water supply, the Fire Company will reimburse the Town for half of the bill.

In follow up to the submitted block grant application, Town Administrator Deal reported that he still had heard nothing from Benchmark who had heard nothing from the State; but he hoped that by the end of the year, the Town would know something—good or bad.

Finally, Deal mentioned that during a Ruritan charity golf tournament, he was approached by the Ruritan’s Vice President asking if there were any Town projects, e.g., repairs, painting, improvements to the Town Hall building, that perhaps the organization could take part in. Currently, Ruritan members assist in the upkeep and annual facelift of the playground area, and intend to continue to do so.

NEW BUSINESS

1. Request to Rezone from RS-40 to P&I at 580 NC Hwy 100

Planning Board Chairman Bob Maccia returned to the floor to give a brief introduction and overview of the proposed rezoning to be presented to the Town Council. Board Chairman Maccia explained that Matthew Clapp, the property owner of 580 Hwy 100, had presented to the Board his intentions for a Christian ministry on the site; and that Mr. Clapp’s plans were well received.

In addition, Maccia stated that to date the property had already been much improved upon from its former state; and that Mr. Clapp so far had only heard positive feedback from neighboring residents and/or property owners about the church’s plans.

Board Chairman Maccia further stated that following the Planning Board's scrutiny of Mr. Clapp's plans, the Board voted to accept the rezoning request and recommend to the members of the Town Council their acceptance as well. With that, Board Chairman Maccia introduced Matthew Clapp to present his case.

Mr. Clapp took the floor, and laid out an aerial depiction of the area. Mr. Clapp explained that even though he owns 580 Hwy 100 and the adjoining property at 586, he was, at this time, asking the Council to consider rezoning only the 580 address.

During Mr. Clapp's delivery, various concerns were raised by Council members and addressed—primarily those of types of renovations, well water testing since the vicinity of the Hwy 100/Hwy70 intersection had been determined a potential problem area for contamination, septic capacity, off-street parking, number of days a week activities would convene, etc.

Mr. Clapp explained that he intended to convert the residence into classrooms and a nursery, with the garage in back expanding into a dwelling for Sunday worship; the water had been tested recently by the previous property owner, and proven safe; the septic system, which is adequate for the three-bedroom residence on the lot, would accommodate, he was told by the County, a congregation larger than the now 40-member church; a wooded area behind the house was already being cleared and in mind for a parking area; and Sunday services and Wednesday night bible study would be the events.

With seeming affirmation among the Council members present, Council member Jerry Rice made a motion to accept the rezoning request as presented and invite public comment on the matter at a public hearing. Motion seconded by Mayor Pro Tem Andy Brown; and motion carried by unanimous vote of those present.

Reverting back to the two ordinance issues under Old Business, Council member Jerry Rice also made a motion to add the proposed new general ordinance and the proposed development ordinance amendments to the agenda of the next public hearing. Motion seconded by Council member Cindy Wheeler; and motion carried by unanimous vote of those present.

2. Schedule Public Hearing for November 11, 2008

With no discussion, a motion was made by Council member Jerry Rice to hold a public hearing on Tuesday, November 11, prior to the next regular meeting of the Town Council to open for public comment the above three agenda items: (1) the above rezoning request, (2) the proposed development ordinance change on outdoor storage, and (3) the proposed general ordinance on roadway public safety. Motion was seconded by Mayor Pro Tem Andy Brown; and motion passed unanimously.

3. Any Items from Council Members

Mayor Fennell asked for any items from Council members; and there were none.

4. Announcements

Mayor Fennell asked for any announcements; none made.

5. Speakers from the Floor

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

ADJOURNMENT

With no further business before the Council, Mayor Fennell invited a motion to adjourn. Motion was made by Council member Jerry Rice for adjournment; motion seconded by Mayor Pro Tem Andy Brown. Motion passed unanimously; and the October 14 Town Council meeting was adjourned at 7:40 p.m.

A public hearing followed by the next regular meeting of the Town Council will be at 7:00 p.m., Tuesday, November 11, 2008 at the Whitsett Town Hall.

/s/

Jo Hesson, Town Clerk

/s/

Richard Fennell, Mayor

APPROVED: November 11, 2008