

**MINUTES OF THE WHITSETT TOWN COUNCIL**  
**February 9, 2010**  
**Whitsett Town Hall Building**

**REGULAR COUNCIL MEETING**

The regular meeting of the Whitsett Town Council was held at 7:00 p.m., Tuesday, February 9, 2010, 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, Cindy Wheeler, and Lee Greeson. Also present were Town Administrator Gary Deal, Planning Board Chairman Bob Maccia, two members of the media, and two additional residents.

Mayor Fennell called the Council meeting to order at 7:00 p.m., and noted that a quorum was present. Council member Jerry 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 January 12, 2010 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.

Before continuing with the agenda order of the meeting, Mayor Fennell took an opportunity to announce that “after many phone calls, meetings, and one dead end after another” the Town had received notification from the State that Whitsett had been awarded the \$750,000 grant to take care of the water contamination problem around highways 61 and 70.

With the help of Benchmark on required paperwork and procurements and a start-up meeting with the State, the project should be in motion within the next couple of months.

## **2. Continued Discussion on Recycling Drop-Off Site**

Mayor Fennell asked Town Administrator Gary Deal to preside over this portion of the meeting and deliver updated information since last month's discussion. The popularity of recycling continues, with the options at hand still: (1) increase capacity at drop-off to one 20-yard container, (2) increase capacity by simply adding one more 8-yard container, or (3) go to curbside service.

In response to the 20-yarder queries last month, the bin does have a lid, a concrete pad, although not immediately necessary, would be recommended for the long term, which would be an added expense to the over \$250 per month service. Unfortunately, no 20-yarders are currently available; and would need to be ordered; and if this is the choice, Republic would charge the monthly rate from here forward.

Town Administrator Deal also presented the arithmetics of how much recycling was generated by household every week which proved to be about 11 gallons per week or 22 gallons every two weeks, which is coincidental to the container capacity of most curbside bins. In discussion with TFC—a major curbside provider for the region—the figure of \$2.36 per household per month for biweekly curbside was quoted. This equates to a Town cost of \$8,118 per year or \$30 per household per year.

In contrast, continuing with the drop-off site on the Town Hall grounds, would run about \$12 per household per year; but with it comes the labor of taking recyclables to the site, and then hoping the bins are not filled to capacity.

With these facts and figures in hand, Mayor Fennell decided to proceed with a Town-wide survey comparing pros, cons, and costs associated with drop-off vs. curbside. Hopefully, survey results will be available by next month's meeting. Meanwhile, the Town decided to again tap the graciousness of Republic Services and approach them on the possibility of adding a third 8-yard bin to handle the increasing volume at the drop-off site until a well-supported decision could be made by the Council based on survey results.

## **3. Bids on Gravel Supply for Recycle and Side Parking Areas**

Mayor Fennell asked Council member Lee Greeson if he had secured bids for gravel replacement on the Town Hall grounds. Three bids from (1) Stout Trucking, (2) Bobby Taylor Trucking, and (3) W.O. Whitaker & Son had been obtained, and copies were presented to the Council members. All three bids were almost identical for the purchase price of the stone and for hauling. Bobby Taylor Trucking included a quote for labor to spread the load over the area; but, this factor was not necessary because Council member Andy Brown offered to do the spreading with his equipment.

Motion made by Council member Jerry Rice to have Kenny Taylor of Bobby Taylor Trucking, LLC do the job; motion seconded by Council member Cindy Wheeler. Motion passed unanimously.

#### **4. Any Other Old Business**

Mayor Fennell if there were any other old business; and there was none.

### **BOARD AND COMMITTEE REPORTS**

#### **1. Planning Board**

Planning Board Chairman Bob Maccia reported that at February's Board meeting, local realtor Richard Jones and his cohort, and Whitsett property owner Sylvia Edwards were present. Mr. Jones presented a case for the Town to reconsider rezoning the more than 4 out of over 7 acres from residential to highway business (HB) at 7210 Burlington Road. [Previously in 2005, 400 feet or 3 acres of the property that fronts Burlington Road had been rezoned to HB.]

No recommendation with respect to this case was passed along from the Planning Board to the Town Council—simply informational comments. Mayor Fennell stated that in 2005 the Council members, at the time, devoted abundant time and effort into this issue, and concluded that it was not prudent to rezone the entire 7 acres. Mayor Fennell added that it is an issue the Council is not likely to revisit any time soon. The Council's past decision was a good one.

Board Chairman Maccia then reported on an issue that was prompted by a relatively new resident on Brightwood Church Road, unaware of Town procedures, approached the County permits department with plans to erect a 48' by 60' accessory building on his property. The County, after informing the resident that he first needed a development permit certificate from the Town in order to proceed, did, however, look over the plans only to inform the resident that his plans did not meet County codes.

According to County requirements, accessory buildings must be located behind the front building line of the principal structure on the parcel. The County, being the contracted enforcement authority for Whitsett, thought that Whitsett's ordinances mirrored those of the County. The Town normally would adopt the County ordinances for uniformity of compliance; but, in this case they had not; and the Town's ordinance actually allowed accessory structures to extend beyond the front line of the main dwelling as long as they complied with front yard setbacks.

The Planning Board secured a copy of Guilford County's ordinance on accessory buildings and discussed amending the Town's guidelines using applicable excerpts from County requirements to allow for uniform conformance in the future. The document with the current Town ordinance and recommended insertions from County requirements was presented to Council members for the next public hearing agenda.

Chairman Maccia then reported that the Board had been working on revisions to the Town's current "nuisance" ordinance with some help from language contained in various other municipal ordinances. Essentially, wording was borrowed from Sedalia's ordinance to better describe an "unkempt appearance" [of one's property], including a specific listing of appliances prohibited outside of a dwelling.

In addition, several definitions of "nuisance" were entertained for inclusion in the beginning of Chapter 42 on Health and Sanitation. The definition most favorable dealt with law and the legal rights of others that may become harmed or inconvenienced. The document as recommended by the Planning Board was provided to the Town Council for their reaction and consideration on the next public hearing docket.

## **2. Enforcement Committee**

Enforcement Officer Gary Deal reported that at the rental property at 7232 Burlington Road, a mound of bulk rubbish left by a former renter had been curbside for quite some time. The property owner, who is not a resident of Whitsett, had been sent a letter in December informing him of steps available to remove the items. With no action observed, a follow-up phone call was made in January; and to date, still no action has been taken.

Town Administrator Deal said that at Council's direction, he would send a stronger letter to the property owner stating that if inaction persists, the Town would have no other recourse then to turn to its attorney for legal counsel. The members of the Town Council were in full agreement with Town Administrator Deal's plans.

## **3. Enforcement Officer**

Enforcement Officer Gary Deal reported that since last month's meeting, three development certificate permits had been issued to: (1) Danny Whitsett for general renovations to property at 7222 Whitsett Park Road, (2) Time Warner Cable to work on one of its transformers located at the corner of Hwy 70 and Penn-Lo Drive, and (3) Curtis Reamey to install a metal accessory building on his property at 238 Brightwood Church Road. The third is on hold.

#### **4. Town Administrator**

Town Administrator Gary Deal reported that the monthly County Solid Waste Committee meetings that had been on hold for several months, were starting up again beginning February 17. These meetings generate good exchanges of information among member municipalities relative to solid waste and recycling—a pertinent topic of late.

Town Administrator then reported that changes to the Town development ordinance on environmental regulations are forthcoming due to requirements of the Jordan Lake rules; and these revisions are being worked on by Guilford County engineer Shea Bolick, who is the Jordan Lake expert and advocate for various local governments. Bolick will also be participating in March training on Jordan Lake as the County representative also and on behalf of the municipalities he is assisting.

#### **NEW BUSINESS**

Moving on to New business, first Council member Jerry Rice made a motion to schedule the development ordinance relative to accessory buildings for the next public hearing; motion seconded by Council member Lee Greeson. Motion carried by unanimous vote.

On the other hand, Mayor Fennell sent the “nuisance” general ordinance back to the Planning Board for reworking because of the vagueness of recommended revisions.

#### **1. Renew Ball Field Contract with Church Softball League**

Mayor Fennell asked Council members if they had reviewed the standard contract; and if there were any questions or concerns with entering into a renewed contract with the Church Softball League managed and directed by Don Pernell. With no questions or objections, Council member Cindy Wheeler made a motion to complete the contract; motion seconded by Council member Lee Greeson. Motion carried by unanimous vote.

#### **2. Adopt Proclamation from The Piedmont Chapter of the National Association for Women in Construction (NAWIC)**

Mayor Fennell asked for a motion to adopt the document from the NAWIC proclaiming March 7-13 as 2010 Women in Construction Week. Motion made by Council member Cindy Wheeler to adopt the proclamation; motion seconded by Council member Lee Greeson. Motion passed unanimously.

**3. Adopt Proclamation from the Central North Carolina Chapter of the National Multiple Sclerosis Society**

Mayor Fennell asked for a motion to adopt the proclamation declaring March 8-14 as 2010 Multiple Sclerosis Awareness Week. Motion made by Council member Jerry Rice to adopt the proclamation; motion seconded by Mayor Pro Tem Andy Brown. Motion passed unanimously.

**4. Any Items from Council Members**

Mayor Fennell asked for any items from Council members; and the required Ethics Training for elected officials became a subject. Various lists of training dates and sites have been circulating; and each elected official is required to participate in Ethics Training by January 2011. Town Administrator Deal explained that this is a reflex of the prevailing political corruption.

The training is two hours; some will be offered free of charge, and some at a cost. The upcoming Elected Officials forum on February 16 will feature a “free” session prior to the forum and business meeting. Mayor Fennell stated that the Town should be represented, and asked Council members to check schedules.

**5. Announcements**

Mayor Fennell asked for any announcements; none heard.

**6. Speakers from the Floor**

Mayor Fennell asked if there were any speakers from the floor; and no one asked to be recognized.

**ADJOURNMENT**

With no further business before the Council, Mayor Fennell invited a motion to adjourn. Motion was made by Mayor Pro Tem Andy Brown to adjourn; motion seconded by Council member Jerry Rice. Motion passed unanimously; and the February 9 Town Council meeting was adjourned at 8:10 p.m.

The next regular meeting of the Town Council will be held at 7:00 p.m., Tuesday, March 9, 2010 at the Whitsett Town Hall.

/s/

/s/

\_\_\_\_\_  
Jo Hesson, Town Clerk

\_\_\_\_\_  
Richard Fennell, Mayor

**APPROVED:** March 9, 2010