



# MINUTES

TOWN OF STOKESDALE  
REGULAR TOWN COUNCIL MEETING  
8325 ANGEL PARDUE ROAD  
STOKESDALE, NC 27357  
AUGUST 12, 2021 AT 7:00PM

Member's present: Mayor John Flynt, Mayor Pro Tem Thearon Hooks, Council Members: Jimmy Landreth, Derek Foy, Jim Rigsbee, Town Clerk Dale Martin, Finance & Budget Officer Kim Thacker, and Town Attorney Tom Medlin attended via Zoom

## 1. Call to Order, Pledge of Allegiance, and Invocation

Mayor John Flynt called the meeting to order and led the Pledge of Allegiance. Deputy Fire Chief Randy Southard delivered the invocation.

## 3. Review and Adopt the Agenda

Mayor Flynt asked if Council wanted to add cleaning up the front of town hall from the birds nesting along the roof. Jim Rigsbee stated that he is talking to another vendor to get a third estimate and asked that this be postponed to the next meeting.

Councilman Foy stated that Deputy Chief Southard has a Fire Report to present and asked if this could be added to the agenda.

Councilman Landreth asked that agenda item #15, consideration of purchasing bicycle racks for the town be continued until September. He needs more time to research and have all the information.

Mayor Flynt asked that agenda item #16, update on the Rockingham County/Madison water Source, be postponed to the September meeting.

Mayor Flynt made the **Motion** to continue agenda items #15 and #16 to the September meeting, add the Fire Report to the August 12 agenda and to approve the agenda as amended. Councilman Landreth seconded the motion.

### Vote:

**Ayes: Mayor Pro Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt**

**Noes: None**

## 4. Review and Approve Minutes: February 15, 2021 and March 4, 2021 Town Council Minutes.

Councilman Foy made a **Motion** to approve the February 15, 2021 minutes as presented. Mayor Pro Tem Thearon Hooks Councilman Hooks seconded the motion.

**Vote:**

**Ayes: Mayor Pro Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt**

**Noes: None**

Councilman Foy made the **Motion** to approve the March 4, 2021 minutes as presented. Mayor Pro Tem Thearon Hooks seconded the motion.

**Vote:**

**Ayes: Mayor Pro Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt**

**Noes: None**

Randy Southard presented the fire safety report. In July the fire department had 87 calls. The numbers are slightly up but not as many calls to the nursing homes. 54 of the calls were related to medical/traffic accidents and the remaining 33 were fire related. The fire department had 502 hours of training for July and conducted 5 public education events. Last fiscal year there were a total of 969 calls. Tip for the month is to be mindful of bad weather during the hurricane season and be prepared.

Councilman Hooks asked if they have been a decrease on opioid issues. Mr. Southard noted that the numbers have been down for the last several weeks.

## **5. Board & Administrative Report**

Dale Martin, Town Clerk presented the following administrative report. The town had 640 water bills sent out this month, 4 water meters were sold and 84 (811's) that were processed. The information for the NC Retirement system as been completed and they will not add the town until the first of the year. Multiple Calls have been made to get bids to remove the bird droppings in the front of the building and calls have been made to locate a new vendor to receive chlorine. Also 84 resumes have been received for the Town Clerk's position.

**a) Planning Board - None Presented**

**b) Events Committee**

Councilman Foy noted that the Annual Christmas parade will be held December 11.

**c) Property Committee**

Councilman Rigsbee reported that he is still working on getting more estimates for the mulch and will report on that at the next meeting.

## **6. Financials: Finance/Budget Officer**

Kim Thacker, Finance/Budget Officer presented the July financial reports. General Fund had total assets of \$2,994,374.33. She then noted the Town's monthly expenditures and what was budgeted for each line-item vs what has been spent.

Mrs. Thacker also reported total assets are \$1,716,550.83. She then noted the Town's monthly expenditures from this fund and what was budgeted for each line-item versus what has had been spent.

Mrs. Thacker reported that she submitted the required semi-annual report to the Local Government Commission and Department of Revenue. She stated that the Town's annual Worker's Comp premiums are due by August 31, 2021 and she will be submitting that payment. She noted that she is currently closing out the Town fiscal year ending June 30, 2021 in preparation of the Town's audit.

Mrs. Thacker then updated the Council on the American Rescue Plan Funds. She added that the application for these funds have been submitted and she has received confirmation that it was received. She received on August 4<sup>th</sup> an email to sign and accept the award based on its terms and conditions outlined under the US Treasury. She stated that the Town is projected to receive \$725,475, which will be received in two disbursements. The town's first disbursement will be in December 2021 and the second will be in 2022 no later than one year after the initial disbursement. The town will then have until December 2024, to use or encumber these funds.

Mrs. Thacker then stated that the Town is required to maintain more detailed records and that a separate revenue fund must be opened. Mayor Flynt asked which fund these monies would be deposited in and he recommended the water fund. Councilman Foy and Mrs. Thacker agreed that these funds should be deposited in the water fund and be in a separate account.

Councilman Foy made a **Motion** authorizing a new Town of Stokesdale Revenue Account be established for the sole purpose of administering the American Rescue Plan Funds. Mayor Flynt seconded the motion.

**Vote:**

**Ayes: Mayor Pro Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt**

**Noes: None**

Councilman Rigsbee stated that he recently saw in the news that more grant funds may become available, and that the Town could possibly get more money. Councilman Foy stated that if the town received more money, he would like to see that used for our park. Mayor Flynt stated that he would like to see some used for a secondary water line and for the park as well.

## **7. Citizen's Comments from the Floor**

**Tina Reynolds (8616 Belews Creek Rd.)** questioned the town's definition of article 2-17 regarding fences. She has spoken with Oliver Bass, Guilford County planner about this. She has a neighbor who has planted 46 trees on one side of the property and a fence on the other side. The "tree fence" is blocking their view of Pilot Mountain and the sunset. The views were the reason they purchased their property. Mrs. Reynolds has a different definition of vegetation than what Mr. Bass has. She feels that vegetation is a natural growth and has no problem with hedge, but her neighbor has planted over 100 trees in her yard and that is not natural. The neighbor is taking all her enjoyment from her property.

Mrs. Reynolds stated that Oliver Bass, Guilford County Planner said she would need to fill out an application with the complaint and pay a \$100 fee. Another option offered by Mr. Bass was to pay a \$250 fee and she could possibly be "Grandfathered". The only recourse is to argue the definition of "vegetation". This neighbor has created a wall of trees and an 8-foot fence on the other side of her property. She feels that the codes are not clear, and she needs some direction on her recourse.

Oliver Bass, Guilford County Planner explained his interpretation of the ordinance in which planted trees is natural vegetation which is allowed. Anyone has the right to challenge the interpretation or decisions through the Board of Adjustments.

Mayor Flynt asked if there are any restrictions in the number of trees planted.

Mr. Bass stated there was no numerical restrictions on the number of trees planted.

Mayor Flynt noted that it would be impossible to put something in place here regarding the number or type of trees. Councilman Foy said that this would be a matter for the Board of Adjustments and comments should be reframed from.

Mayor Foy asked Tom Medlin, Town Attorney if he would like to address the complaint from Mrs. Reynolds.

Mr. Medlin recommended to see if there was any violation from the Town of Stokesdale regarding the ordinance. He also recommended she talk to a real estate attorney.

Mayor Flynt asked Ms. Reynolds if there was an HOA? She stated no and there were only four houses. She is still questioning the Towns definition of vegetation and if North Carolina has an ordinance.

Mr. Bass does not think North Carolina has an ordinance and it is usually under the authority of the local jurisdiction.

Mayor Flynt asks again if her best option is to come before the Board of Adjustments. Mrs. Reynolds stated that this will cost her \$250 and the neighbor would be "grand fathered" anyway so now she will spend her retirement looking at a wall of tress and nothing can be done about it. She would like for someone to research the actual definition of vegetation.

Mayor Pro Tem Thearon Hooks recommended hiring a Real Estate Attorney to research more and offer her professional advice. He stated that the General Statue really does not address this at all except for fallen trees and overhanging trees.

Tom Medlin, Town Attorney stated that the Real Estate Attorney can only give advice on what the steps are to contest the definition of fence and file with the Board of Adjustment.

Councilman Rigsbee asked Mr. Medlin if Mrs. Reynold files with the Board of Adjustment and does not agree with the interpretation then is she able to take this to court?

Mr. Medlin clarified that Mr. Bass would make an administration ruling upon her request, if she appeals his ruling then it will go to the Board of Adjustment for review and to render a decision. Then after that she is allowed to take this to Superior Court.

Mrs. Reynolds asks Mr. Bass again for his interpretation. Council Rigsbee explains that Mr. Bass is representing the Town and the town would have to go through the process before a final decision can be made.

Mr. Medlin confirm that she can argue the definition on vegetation and the Board of Adjustments would be able to look at the definition and decide at that time if she moves forward.

Mayor Flynt thanked Mrs. Reynolds for her comments and asked if there were any other speakers.

### **PUBLIC HEARINGS:**

- 8. Rezoning Case # 21-06-STPL-05566: 6905 US Highway 158**  
**Located on south side of NC Highway 158, approximately 400 feet west of Ellison Road intersection, Guilford County Tax Parcel 150698. This is a request to rezone a portion of said property that fronts Ellison Road from HB-Highway Business to RS-30, Single-family residential, approximately 0.82 of approximately 1.44 acres.**  
**Applicant: Lucie Wilson Joyner.**

Mayor Flynt introduced the rezoning case and deferred to Oliver Bass, Guilford County Planner.

Mr. Bass presented the staff report. This case was presented to the Stokesdale Planning Board at the July 22, 2021 meeting. This is a Rezoning Case #21-06-STPL-05566. The address is 6905 US Highway 158. This is a request to rezone a portion of the property from HB-Highway Business to RS-30. The area has both residential and commercial uses. The existing Land Use is a single-family dwelling on the portion on Ellisboro Road. Regarding the Land Use Analysis, it is covered under the Stokesdale Future Land Use Plan adopted in 2007. The future Land Use Plan designates this area as a Professional Manufacturing Corridor. The southern boundaries of the corridor are identical to the scenic corridor. Regarding the consistency, the proposed uses zoned is consistent with the Stokesdale Land Use Plan of a Professional Manufacturing Corridor and it does contain residential uses. The staff recommends approval because the plan does recognize the Professional Corridor and does contain residential and agricultural uses. One additional track can be divided and qualify as a minor sub-division and therefore would not be required to connect to the town water system.

Mayor Flynt noted that the property was sub-divided in 1988 into three lots and those houses built after that were older. Mayor Flynt asked how they built a house if it was not and RS-30 at that time? Mr. Bass stated that was before the town was incorporated and at some point, that property was rezoned from manufacturing to residential, but it was already zoned residential at the time the subdivision was created.

Mayor Flynt is trying to understand how the property was rezoned from single family to commercial.

Councilman Hooks noted a correction on page two of the Letter to Council regarding this case. In paragraph two it states that Anthony Vaughn is the Attorney, but he is the surveyor and this needs to be corrected.

Tom Medlin, Town Attorney stated that this has already been corrected.

Mayor Flynt declared the public hearing open.

**In Favor:**

Mr. Anthony Vaughn, Surveyor for the family is very familiar with the house and property and described the structures on the property and feels confident that this conforms with RS-30 zoning. He is available for any questions.

Councilman Hooks noted that there are five or six units in the corridor and that each were occupied by a family and is not a commercial entity. He asked if this changes anything.

Mr. Vaughn stated he does not think this will change anything.

**Opposed:**

None

Mayor John Flynt asked if anyone else would like to speak in favor or opposition.

Being no additional speakers, the public hearing was closed and the matter rests with the Council.

Mayor Flynt made a **Motion** to approve the rezoning of the property Case # 21-06-STPL-05566: 6905 US Highway 158 from HB-Highway Business to RS-30. Seconded by Councilman Jimmy Landreth.

**Votes:**

**Ayes: Mayor Pro Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt**

**Noes: None**

- 9. Text Amendment Case #21-07-STPL-05973: Warehouse, Self-Storage as Permitted Use in GB And HB Districts. The Town of Stokesdale Planning Board will hold a public hearing to consider a text amendment to the Stokesdale Development Ordinance as follows: Amend Section 4-3, Table 4-3-1 (PERMITTED USE SCHEDULE) to remove Warehouse (Self-storage) as a use permitted in the GB and HB zoning districts, and Amend Section 6-4 to remove Subsection 6-4.91, Warehouse (Self-storage) development standards for GB and HB.**

Mayor Flynt introduced the rezoning case and deferred to Oliver Bass, Guilford County Planner for the staff report.

Oliver Bass, Guilford County Planner reported that this was a text amendment presented to the Planning Board to review and make their recommendation to the Town Council. Mr. Bass noted consistency statements which apply to this request and that are included in the staff report. Mr. Bass also stated that this is a policy decision and therefore staff does not offer a recommendation in favor or opposed. Mr. Bass noted that staff and the Planning Board made a recommendation to approve with an effective date of January 1, 2022.

Councilman Landreth asked the reason of the effective date.

Mr. Bass stated there are some concerns from the Planning Board that there could be some other zoning cases that may impact the ability of rezoning.

Mayor Flynt asked if there are any additional questions for Mr. Bass. There were no other questions asked.

Mayor Flynt declared the public hearing open and asked if there was anyone wishing to speak in favor.

**In Favor:**

None

Mayor Flynt asked if there was anyone wishing to speak in opposition.

**Opposed:**

None

Bryce Rush, High Point NC stated he was the one who got the zoning for a storage facility, and they need additional time to submit a site plan.

Mayor Flynt stated that there being no additional speakers, the public hearing was closed.

Mayor Flynt made a **Motion** to adopt ordinance #0-2021 an ordinance amendment for the Town of Stokesdale Development Ordinance. Section 4-3, Table 4-3-1 (PERMITTED USE SCHEDULE) and Section 6-4 Subsection 6-4.91.

Councilman Foy asked what the purpose is behind this text amendment.

Councilman Hooks seconded the motion.

Mayor Flynt stated that he thought the towns long range plan suggest limiting warehouse uses along the 158 corridor. There are two or three mini storage facilities there now and this is the only time in history the town has done this. There was a case on Hwy. 68 that was a Conditional Use zoning years ago and that was restricted to certain things like professional offices. They came back in the last few months and wanted to add a mini storage and changed the conditional use that would allow this. A few months later there was a request on the other side of Haw River Road for a straight Highway Business zoning and the owners' intended purpose was a mini storage.

Tom Medlin, Town Attorney advised looking at straight rezoning.

Mayor Flynt does not like idea of mini storage facilities in General Business or Highway Business and feels this will take away from the character of what we are trying to do for highway business. Mayor Flynt stated this should be in light industrial areas.

Councilman Landreth stated that he understands but what you are doing is giving them a franchise and taking away a right in Highway Business. This was here when the long-range plan

was made. Councilman Landreth also noted that he has looked at Guilford County's development ordinance and asked Mr. Bass to clarify their development ordinance.

Mr. Bass explained that General Business and Highway Business is designed to permit light industrial.

Councilman Landreth stated that he does not care if another storage facility is built or new businesses. He does not want to stop someone from building, and they should have the option, but this concerns him of what may come next.

Mayor Flynt stated that the Council has looked at long range plans and small towns look at having certain kinds of businesses and industries in certain areas. Typically, you will not mix residential with industrial.

Councilman Landreth stated that this was not light industrial.

Mayor Flynt stated he did not realize it was allowed in Highway Business. He is trying to protect people in the residential areas, and he is opposed to the mini storage in this area. If you do not like the law, then change it but that's what we are trying to do. I do not want a mini storage next to my house.

Councilman Rigsbee wanted it noted that he voted against the mini storage in past meetings and his reasoning was because of the exact location and not the corridor. He would like to be clear that as a town if we pass this then it will not negatively impact the ones that have already been approved because they came to us before this came up.

Mayor Flynt stated he needed to amend the motion that the effective date would be Jan. 1<sup>st</sup> 2022.

Councilman Foy does not understand why they voted for it originally if they do not want it.

Mayor Flynt explained that it is unrestricted, and anything is allowed in Highway Business zoning. There are at least 50 uses that are allowed. Mayor Flynt supports Conditional Use Zoning because it does tell you what they are trying to do. He did not have a choice but to vote for the mini storage and his options were on Hwy. 158 or Hwy 68 which is unethical to approve one and not the other.

Councilman Foy stated he understands and sees where Mayor Flynt is coming from but when he notices cleared land and knows a business is coming there then finds out it's a ministorage then he is "whatever". He does not like the idea of essential monopoly and amend the motion just for this case and then shutting the door on everyone else.

Mayor Flynt stated that they were granted the zoning but, are not vested into that zoning until they submit a site plan. If we see that there is a chemical plant coming or something of that nature, then it will not be difficult for Council to vote against it.

Councilman Foy stated that it would not be difficult.

Councilman Foy asked Oliver Bass, Guilford County Planner to clarify the design standards of Highway Business and General Business specific of the scenic corridor.



Mr. Bass stated that the scenic corridor is the overlay and that it does not apply to a single family, but it does apply to nonresidential development in the scenic corridor regardless of the use such as warehouse or convenience store for example.

Mayor Flynt asked about the design standards of 5 acres or less and if someone had 20 acres then they could come in for a request of four lots and this will be the kind of thing we will have to deal with.

Mayor Flynt stated that there is a waiting list in Guilford County for storage buildings and the market has changed since the Land Use Plan was originally done.

Councilman Foy noted that the effective date in this case is for one individual use and not for any other businesses.

Mayor Pro Tem Hooks stated that they have gone back and forth in this issue for three or four months and anyone can come in during this time. Anyone else can come in and do what they want to do but the deadline is 2022 for the new ordinance.

Mayor Flynt called for a vote.

**Vote:**

**Ayes: Mayor John Flynt**

**Noes: Councilman Derek Foy, Councilman Jimmy Landreth, Mayor Pro Tem Thearon Hooks, Councilman Jim Rigsbee**

**Motion Failed**

## **OLD BUSINESS**

### **10. Discussion on Establishing a committee to update the Town's Land Use Plan. Councilmembers to submit names for Consideration.**

Mayor Flynt has talked with David Vaughn who is a surveyor, Matt Moorefield, and Commie Johnson about serving on the committee to update the Land Use Plan.

Councilman Foy has two people who may serve on the committee.

Councilman Landreth would like for each Council member to nominate two people to serve on the committee so no one will be left out. He would like to know when this committee will start and what will be the end date. He recommends starting after the election and then each Council member nominate two people.

Mayor Flynt has no problem with that suggestion if the people are willing to serve the entire time. He suggested postponing until January 1 after the election.

Councilman Foy stated he was fine will postponing until the election when the new Council is in place.

Mayor Flynt recommended setting some parameters and time frame for the committee

members and have DOT, engineering, and water people to educate the committee members as well.

Councilman Landreth made a **Motion** to continue this until after January 1, 2022. Mayor Flynt seconded the motion.

**Vote:**

**Ayes: Mayor Pro Tem Thearon Hooks , Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt**

**Noes: None**

**11. Consideration of Engineering Bids Water Line Extension on Ellisboro Road.**

Mayor Flynt noted there were three bids for this project. Hazen & Sawyer, Kennerly Engineering and Hugh Creed have submitted bids to the town.

Councilman Foy pointed out the quotes from Kennerly Engineering (\$18,000); Hugh Creed Associates (\$23,000) and Hazen and Sawyer (\$99,800). This is for water lines that will go from Hwy. 65 down to Ellisboro Road to the Boone Meadows subdivision. We will add a loop to our water system which will improve the quality and water pressure. The current pressure in the subdivision is less than 500 gallons which could cause an issue for the fire hydrants in this area. This will also benefit the water flow in the new development being built in Oak Level. The town did explore the option of extending the water line down South Point Drive and replacing a 2-inch line which would have been approximately \$60,000. Councilman Foy personally feels this would be a band aid to a solution to the problem. This would be an investment for the town.

Councilman Hooks commented on the existing water system in the area that Councilman Foy discussed. At this time, if there was a fire then the people are still covered, and the fire department has options to bring other fire apparatuses and tankers in.

Councilman Rigsbee asked for clarification with the Hugh Creed and Hazen Sawyers proposal regarding Ellisboro Road and if this covers both projects instead of one.

Councilman Foy made a **Motion** that the Town of Stokesdale hire Kennerly Engineering to perform the engineering work for the 2,300 feet of Water Line Extension down Ellisboro Road to Boone Meadows sub-division for \$18,000.

Councilman Rigsbee asked where the funds will come from.

Councilman Foy stated that the funds would come from the American Rescue Plan and Capital Funds. These funds need to be incumbered by June. He feels it would be prudent to start requesting the funds from the State.

Councilman Rigsbee stated that he understands that the developers needs to extend water lines and there are funds that the town needs to spend now. He does have concerns telling one developer that we will run a water line that you will not have to pay for then someone later wants to do something, and we don't pay for it. This is his only dilemma. But he understands that the funds must be spent where it is the most useful.

Councilman Rigsbee stated that we can't wait for a developer, and we need the upgrade now regarding the existing situation that we know of right now.

Councilman Hooks stated that he would add an amendment to not use any existing water funds.

Councilman Foy stated that his understanding that we need a purchase order to submit the paperwork to the state and he they will reimburse us the funds.

Councilman Rigsbee seconded the Motion.

**Vote:**

**Ayes: Mayor Pro Tem Thearon Hooks , Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt**

**Noes: None**

## **NEW BUSINESS**

### **12. Discussion on Cost of Backflow Permits and Inspection Fees through Guilford County.**

Dale Martin, Clerk stated that there is a \$300 application fee which was being questioned by staff and they contacted the Guilford County Building Inspections to understand the process regarding when someone comes into the Town office to apply for a back flow permit. No one understood what the \$300 was for. Also, when the application was submitted to Guilford County there was an additional \$40 application fee. It is our understanding that the inspection fee was included in the initial \$300. Guilford County is not notifying the town when and if they passed the inspection or failed. Several developers have complained about this as well. It is recommended that we reduce the \$300 amount because the citizens are also having to pay the additional \$40 for an inspection, \$40 or more each year for additional inspections and also pay a \$35 fee to install the back flow.

Mayor Flynt noted that the \$300 inspection fee is something the town has been doing from day one. Gene Robertson with Yates Construction said they were not making the inspections, and they are all being done by Guilford County. There are some issues with Guilford County not getting back with us with results if they have passed the inspection. This is something we need to work out internally with their building inspectors.

Mrs. Martin noted the staff did talk to one of the Guilford County inspectors who directed us to a website where anyone can check the inspection but there was no way before to know if they were ever inspected unless it was caught a year later.

Mayor Flynt explained that the commercial back flow inspection must be done every two years and we can give them a list of qualified inspectors and the cost is usually around \$80. When this is done then they send to the Town of Stokesdale to have a copy of the report. The funds are between them and the contractor.

Mayor Flynt noted that the \$300 fee is something the town should not be charging and suggested dropping this down to \$50.

Mayor Pro Tem Hooks made a **Motion** to rescind the Towns backflow inspection fee which is currently \$300 and set a new fee at \$50 effective August 16, 2021. Councilman Foy seconded the motion.

**Vote:**

**Ayes:** Thearon Hooks (Mayor Pro Tem), Jimmy Landreth, Derek Foy, Jim Rigsbee, Mayor John Flynt

**Noes:** None

Mayor Flynt called a recess at 8:54 PM. The meeting reconvened at 9:01PM.

**13. Discussion regarding Water Accounts, Proof of Ownership/Renter Status, Deposit Fees, Reconnect Fees.**

Mayor Flynt discussed a situation of a property owner that owned a house which she moved out of. She rented the house, and the rental tenant came to the Town and told staff that they were purchasing the home. He was only charged the \$50 water deposit and the water bill is now past due. Because of covid guidelines we could not collect any lates fees. It was the towns understanding that if a customer did not pay their water bill, then we could request a lien on the property. Tom Medlin, Town Attorney has advised that the water bill goes with the person and not the property. The town lost \$1200 in this situation.

Dale Martin, Clerk researched through List Serve to confirm situations like this. Mrs. Martin did learn of a program through the NCLM where we can possibly recoup some of these funds. She is still researching to learn more about this but does think this is connected to your tax refunds. In this situation it was the tenant's responsibility, and he never purchased the property. The owner took the property back and would like to sell the house at this time. Mrs. Martin asked Mr. Medlin if he had further information about the Debt Set Off program with the NCLM.

Mr. Medlin explained he was not very familiar with the programs but did understand that is was connected to tax refunds and the funds are taken from the tax refunds and paid to the town.

Mayor Pro Tem Hooks noted that it was his understanding that the responsibility is with the tenant and not the home owner.

Mr. Medlin stated that is comes down to who is the customer with the town. The owner and tenant either agrees to leave the water bill in the owner's name or have it in the tenant's name.

Mayor Flynt asked if we should increase the deposit for tenants.

Mrs. Martin said this would be Council's decision. She confirmed that the homeowner deposit is \$50, and a renter is \$175. If the water is turned off, then the re-connect fee is \$75.

Councilman Foy stated he did not want to raise the deposit for renters more than \$175.

Mrs. Martin also noted that staff needs guidance on how to confirm who is the renter or the property owner when collecting the deposit.

Tom Medlin, Town Attorney recommended that if they are the property owner then it will be listed on the tax record. If they say they are getting ready to purchase the property and want to

have the account switched from the prior owner to the new owner, then they should have a written offer to purchase contract and they should be able to produce a copy of this. This would be proof that they are purchasing the property. If they are a renter, then we can request a copy of the lease or something in writing from the property owner confirming.

Mayor Flynt stated that he understands with Covid there were special rules in place for collections and feels we should be more aggressive in our collections at this time but leave the deposit at \$175. We should also require proof of ownership.

Councilman Foy commented that his reasoning for keeping the fee at \$175 is because a renter already has extensive cash outlay with rental deposits and other utility deposits. The \$175 should normally cover about three months of water payments anyway.

Mr. Martin asked if the Council still approves of the \$50 property owner's deposit.

Council stated yes, they were still good with the \$50 deposit of property owners.

Mrs. Martin also asked about a situation where the owner wanted to turn the water on for 30 days to fix up the property. Some municipalities will allow this temporary situation. Mrs. Martin asked if Council would entertain a policy for this.

Mayor Pro Tem Hooks asked Tom Medlin, Town Attorney about cutting water off. Councilman Hooks noted that in Guilford County and the other 99 Counties across the state that if you do not have water then you fall under a different residential habitat where the County must be notified because you can not exist without water and the home is considered uninhabitable.

Mr. Medlin stated that was correct if you have tenants staying in the house without water.

Mayor Pro Tem Hooks then asked that if during that time the Town had someone who is behind, but they come up with some of the funds but still two months behind then does the town have any type of fiduciary responsibility to notify public health and Guilford County that they have people in a household without running water?

Mr. Medlin stated that the County is the one enforcing the housing code. He is unsure if its policy for the Town to notify the County if the town cuts the water off. If a citizen calls into the Town to notify of someone without water, then that may be a different matter.

Kim Thacker, Finance/Budget officer stated that her report does not show if they are renters or owners, however it does show those who are behind. The largest is \$1270 which is the water customer we are discussing.

#### **14. Consideration of a Proposal by Excellent Lawn care & Landscape for mulch at Town Hall and mini nuggets at playground area.**

Councilman Rigsbee reported that the town has not had mulch in a couple of years and in the front Town Hall the mulch is thin. The current vendor gave an estimate of \$5800 for the mulch and having it installed which is very reasonable compared to what the town has paid in the past. Council Foy agreed that this was a reasonable quote.

Councilman Rigsbee confirmed the mulch would be on the side and in front of town hall and the playground.

Councilman Rigsbee made a **Motion** that the town contract with Excellent Lawn Care to provide mini nuggets mulch for the playground and town hall. Mulch will be delivered and installed at the cost of \$5800. Councilman Foy seconded the motion.

**Vote:**

**Ayes: Mayor Pro Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt**

**Noes: None**

Mrs. Thacker, Budget/Finance Officer asked to confirm where from the budget to pay for this and there is \$40,000 in lawn care.

Councilman Foy noted lawn maintenance should have enough to cover the cost without a budget amendment.

Mrs. Thacker confirmed this was in the budget.

**15. Consideration of Purchasing Bicycle Racks for the Town Park.**

Delayed

**16. Update on Rockingham County/Madison Water Source.**

Delayed

**17. Discussion of Land Acquisition Opportunity for Town of Stokesdale**

Mayor Flynt asked Tom Medlin, Town Attorney if the discussion of the land acquisition opportunity in the Town of Stokesdale could be done in closed session in accordance with NC General Statute 143-318-11-5. He asked how do we do this in terms of zoom to ensure you (Mr. Medlin) is involved? ,

Councilman Foy asked if this could be done out in the open? He noted that it is a permitted use for closed session but asking if could be done in the open as well.

Mayor Flynt asked Mr. Medlin about discussing this in closed session since they are discussing about a specific piece of property and prices.

Mr. Medlin stated it was not required to go into closed session, but you are allowed too according to the General Statute. You cannot make decisions, but you can have discussions. Mr. Medlin could conference call into the closed session.

Councilman Landreth stated he had rather do the discussion in public but will be fine to go into closed session if that is what the board requested to do.

Councilman Rigsbee stated he does not see any harm doing this in open session because there have already been discussions and there is already a price in mind.

Mayor Flynt recommended to move forward in open session.

Councilman Foy reported that six months ago Council met in closed session to discuss buying the Joyce property which is directly to the north of the Towns property. This is 9.8 acres and approximately 847 linear feet which borders the town park to the north. Councilman Foy personally thinks this would be a good investment for the town for the price that he has discussed with the property owners. When the town originally discussed this six months ago, the property owners listed it at \$300,000. The towns offer came in at roughly \$190,000 and they did not counteroffer. This has gone nowhere since then. This is a one-time opportunity to expand the park. The property owners next step would be to sub divide the property. Once sold then it would be impossible for the town to have additional land for the park. Councilman Foy stated the price he believed the town could purchase the land for is \$222,900 for 9.8 acres. The town could also have a committee for citizens to give input on how it should be utilized. This may also open the town up for a grant from the State, this would all be town park property adjacent to the school. This would also create an opportunity for the town park to be more useful and better utilized by the citizens.

Mayor Pro Tem Hooks asked if the property owners wanted the town to pay the realtor fees.

Councilman Foy noted the property owner would like to walk away with \$205,000.

Councilman Landreth asked where the funds would come from.

Councilman Foy stated that there is \$100,000 in the budget for the parks and there would have to be a budget amendment for the remainder of the funds and that would be pulled from undesignated funds.

Mayor Flynt asked if the property owners had a survey showing the 9.8 acres.

Councilman Foy's understanding is that the property owners were in the process of starting a survey, but that survey was to divide the land into parcels. To his knowledge this has not been completed yet.

Mayor Flynt stated there is a significant amount of acreage on Angel Pardue Rd. but the deed may fall short of the 9.8 acres. There could only be eight acres at the most and this is just too high of a price to pay.

Councilman Foy understands this is a lot of money at \$22,744 per acre but it is in alignment with property on Hwy 158. We must look at the water and topography of the land. Councilman Foy also stated that from the towns perspective then this was a good value.

Mayor Flynt noted that if this was such a good deal then the property would have been sold by now.

Councilman Foy noted that the property is in an odd location located by the school, town park and the highway but the property is unique and the value is in the eye of the beholder. The seller

plans to move forward with selling the property. The town does not want it to become a subdivision.

Councilman Landreth stated that he was not a fan of expanding but he understands that this is unique property because it's the only property around us. Once it's gone then it's gone.

Councilman Foy stated that the property appraised around 190,000.

Mayor Flynt asked if the Town could pay more than fair market value for a piece of property?

Tom Medlin, Town Attorney stated that the fair market value is not always the appraised value, and the appraisal is the opinion of the appraiser. Mr. Medlin does not see a problem with the town paying the appraised amount.

Councilman Foy asked what it would mean to the town to have the ability to expand the park and buy another 10 acres. The town already has infrastructure set with parking and bathrooms. There is synergy here with the existing property.

Mayor Flynt stated that maybe we should offer \$200,000 because there will not be many people willing to buy this property without a re-zoning request and the cost to run water.

Mayor Pro Tem Hooks stated that several years ago the town pulled a deed on this property and they will have to go back in and re-do all of this before they can even sell it with all the roads being listed incorrectly. He also thinks that 199,000 or 200,000 is a fair price but questions why we are paying the commission. He asked if this is included.

Councilman Foye stated that at this price point we are not paying the commission.

Mayor Flynt noted at \$222,000 we are paying the commission.

Councilman Foy stated that the deal structure would be 222,900 and they would pay the commission.

Mayor Flynt asked if about hiring Kim Martin as our broker and if we would have to pay her a commission as well.

Councilman Rigsbee noted that it is his understanding that the town hired Kim Martin that she would split the commission of the seller and we are not held to paying her out of our pocket. He questions if we do not hire her as a broker then are the property owners willing to cut the commission. He personally would rather use an agent to protect the interests of the town. He agrees with Mayor Flynt to make an offer of \$200,000 and see where it goes and use an agent. He thinks we are overthinking the process and we need to make an offer and see if the owners counteroffer.

Mayor Flynt asked if Mr. Medlin could prepare the offer on behalf of the town.

Mayor Pro Tem Hooks would recommend \$200,000 as the property stands today with a farmhouse in the middle of the property and there is no continuity throughout the property. He also thinks this will allow us to apply for grant money down the road to develop the property in phases.



Tom Medlin, Town Attorney stated if the Town is going to make a new offer, then does the council have any new due diligence for surveying, inspection or engineering or does council not want to do any due diligence and close in thirty days? We also need a closing date. He also asked if the clerk could locate the contract with the realtor who represented the town to confirm if the town is still obligated to work with her since she represented us on the same piece of property and if she needs to be the one to prepare the offer. If her agreement has expired, then Mr. Medlin can prepare the offer. This needs to be clarified before he proceeds.

Councilman Rigsbee does not have the original agreement and they did not ask for due diligence and provided \$5000 earnest money.

Mayor Pro Tem Hooks asked Mr. Medlin if there was an ordinance that would prohibit any particular type of usage with this property.

Mr. Medlin and Mayor Flynt noted this would be through our own zoning board and we control that.

Councilman Rigsbee stated he located the agreement with the realtor, and it expired on March 31, 2021 and he will send this to Mr. Medlin for his review.

Councilman Hooks would like to know what we are prohibited to do with this property, and he would like to hear from DOT and cover all our basis.

Councilman Foy stated that Mr. Medlin could follow up on the contract and asked if council would be comfortable with an offer of \$205,000.

Councilman Rigsbee noted that they should be able to cut the commission since we are not using a byers agent.

Mayor Flynt and Councilman Hooks recommends an offer of \$200,000.

Councilman Foy made a **Motion** to authorize Budget Officer Kim Thacker, Town Clerk Dale Martin and Town Attorney Tom Medlin to work with the realtor on the property of 7901 Athens Road, Stokesdale to purchase 9.8 acres for a sum of \$200,000.

Councilman Landreth asked for an **amendment** to the motion that \$100,000 would come out of the budget this year for parks and the remainder of the funds would come out of General Funds.

Councilman Foy added to the **Motion** that this would be part of the FY 21 Capital Improvement expenditures for the park.

Mayor Flynt seconded the motion.

Councilman Landreth asked is there were any funds that the town must spend without going into General Funds.

Kim Thacker, Budget Officer noted there we no funds available that had to be spent.

**Vote:**

**Ayes:** Mayor Pro Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt  
**Noes:** None

**18. Comments from Council.**

Councilman Foy wanted to remind everyone that it's back to school and to please be careful and watch for school buses and have a great school year.

Councilman Rigsbee noted that the new Bi-Rite grocery store will open in 30 days and asked if the Council would need to be there for the opening ceremony.

Mayor Flynt stated yes if the Council was invited.

Councilman Rigsbee ask Mrs. Martin, Town Clerk to reach out to the owner of Bi-Rite to let the owners know the Council would like to attend to represent the town, if there is a formal opening ceremony.

Mayor Flynt also reminded everyone to "Mask Up" according to the Government guidelines.

**19. Announcements:**

- a) Planning Board Meeting Thursday, August 26<sup>th</sup> at 7pm at Town Hall
- b) Town Council Meeting Thursday, September 9<sup>th</sup> at 7 pm at Town Hall

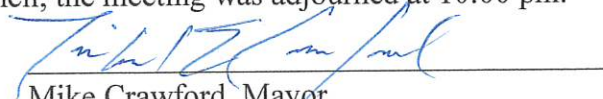
**20. Adjournment.**

Councilman Jim Rigsbee made the **Motion** to adjourn the meeting. Councilman Derek Foy seconded the motion.


**Vote:**

**Ayes:** Mayor Pro Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Mayor John Flynt  
**Noes:** None

Being no further business to come before the Council, the meeting was adjourned at 10:00 pm.

  
Mike Crawford, Mayor

**ATTEST:**

  
Dale Martin, Interim Town Clerk