

**TOWN OF STOKESDALE**  
**Executive Session**  
8325 Angel Pardue Road  
Stokesdale, NC 27357

An Executive Session of the Stokesdale Town Council was held on Thursday, August 14, 2014 at the Town Hall at 8325 Angel Pardue Road.

The following Council members were present: Mayor Randy Braswell, Vicki White-Lawrence, Frank Bruno, William N. (Bill) Jones and Joe Thacker.

Others present included William B. Trevorrow, Town Attorney; Carolyn Joyner, Finance Officer/Town Clerk.

The session began at 8:05 pm. The Closed Session was held for the purpose of Attorney Client Privilege. Mr. Trevorrow said that the Court Order, Page 10 of 18, Question 40, where the judge is responding to the four requirements or findings that the Ordinance mandates in terms of materially endanger the public health, meets all materials and specifications, would not substantially injure the value of adjoining or abutting property, and is in harmony with the area. In effect it says that the opponents did not present substantial material evidence to overcome to support the position that Council took in their motion to deny. The opponents did not supply any evidence to accomplish overcoming what the petitioners presented and they presented expert witnesses and the Judge found them to be expert. All of the opponent's evidence amount to unsubstantiated opinion testimony and was highly speculative in nature without any support whatsoever. He said that he would have to ask Council what would they appeal because there was nothing that the opponents put on that was a substantive nature that either accounted for what the petitioners did or supported Council in their motion to deny. All the details are in the first 6 to 7 pages of the order.

He took the findings directly from Council's motion and tried to find support for it in the transcripts but the Judge did not agree with this. In order to appeal a Judge's order you must have errors of law that the judge conducted and you find these errors in saying that it not what the facts say or does not have the support. Our appeal would not have this support. He said that Council must be careful if filing an appeal because if the Court considers it frivolous for the purpose of delay or hindrance of the other party, or it is a harassment kind of process that can double the cost and make you pay their attorney's fees. Just not liking the results is not enough to appeal the decision.

Mr. Jones asked if the Appeals Court would look at the entire case or just what the Judge did in this case. Mr. Trevorrow said they would look at what the Judge did. If there is not support for the opponent's position she can substitute her own judgement which she did with the first 39 conclusions. She went through the four findings required by the Ordinance and she either looked in how the opponent did not meet their obligation or the information in the motion that Council made was not supported by evidence given by the opponents. The information was not in the record which included the three transcripts of the meetings regarding the special use permit.

The court may give sanctions that could include dismissal of the appeal, monetary damages including single or double costs, damages due to delays, and attorney's fees.

Mr. Jones said that having attended the proceedings, he felt that the Judge, before hearing testimony, had made her decision. She spent a lot of time on Mayor Jones' statement. He said that he did not feel that it was a fair decision.

Mr. Trevorrow said that the opponents did not present good viable material evidence and support it with documentation as well as the petitioner did. The opponents did not offer any evidence or expert witnesses any documentation to say that the traffic is heavy in this area of the road and the driveway location.

Mayor Braswell said that he did not support an appeal.

Mr. Jones asked if we would have to pay attorney's fees. Mr. Trevorrow said that it was the cost of getting the appeal in court and this does not include attorney's fees. Mr. Bruno said that the Town had spent about \$11,000.

Mr. Trevorrow said that Council would vote in open session that to authorize the issuance of a special use permit with approval of the petitioner's special use application and site plan. Council will not appeal the decision.


Ms. Joyner said that the cost of the attorney fees, transcripts, and copies now total \$11,635.58. These expenses occurred during two fiscal years. Mr. Trevorrow said that Court costs should be less than \$500.00.

Mayor Braswell said that the Planning Board's motion did not have factual information in it and it was wrong. Council and the Planning Board should have training and instructions.

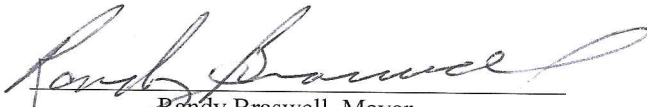
Mr. Jones said that he felt that the Ordinance needs to be stronger to protect property values and the people in the neighborhood.

Mr. Thacker said that while he served on the Planning Board, he had been instructed that if the requirements of the Ordinance have been met then the request should be granted. He said that many times people give opinions and not facts.

Council returned to open session at 8:43 pm.

  
Carolyn L. Joyner, Town Clerk

Approved:

  
Randy Braswell, Mayor