

MINUTES
TOWN OF STOKESDALE
REGULAR TOWN COUNCIL MEETING
8325 ANGEL PARDUE ROAD
STOKESDALE, NC 27357
NOVEMBER 9, 2021 AT 7:00PM

Member's present: Mayor John Flynt, Mayor Pro-Tem Thearon Hooks, Councilman Jimmy Landreth, Councilman Derek Foy, Councilman Jim Rigsbee, Town Attorney Tom Medlin, Interim Town Clerk Dale Martin, Finance and Budget Officer Kim Thacker, Guilford County Planner Oliver Bass, Deputy Clerk Robin Yount

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

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

2. Review and Adopt the Agenda.

Mayor John Flynt made a **Motion** to adopt the agenda 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

3. Review and Approve Minutes: August 24, 2021 (Closed Session), September 9, 2021 (Closed Session), October 21, 2021 Special Called Meeting.

Mayor John Flynt mad a **Motion** to approve the August 24, 2021 (Closed Session) minutes as presented. Councilman Jimmy 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

Mayor John Flynt mad a **Motion** to approve the September 9, 2021 (Closed Session) minutes as presented. Councilman Jimmy 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

Mayor John Flynt mad a **Motion** to approve the October 21, 2021 Special Called Meeting minutes as presented. Councilman Jimmy 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. Public Safety Reports: Fire Department.

Fire Chief Todd Gauldin reported for the month of October a total of 73 calls. There were 37 fire related calls and 36 rescue calls. Cold weather tips are to make sure your chimneys are clean and check your wood stoves. Be sure to use the correct fuel for kerosine heaters. Be sure to vent release and make sure there are no combustibles nearby.

5. Administrative Reports:

Administrative Report from Interim Town Clerk:

Town Clerk Dale Martin reported 8 meters were sold and installed this month, 27 applications for transfer of water service and 44 meters have been put on hold for builders. We had 97 (811) calls and 659 water bills mailed out. There are issues with the unit in the heating and air in the lobby and Stokesdale Heating and Air have been contacted.

a) Planning Board:

None presented

b) Events Committee:

Councilman Derek foy announced the Christmas parade will be on December 11th and the parade committee will continue to work on coordinating the event. There will be some food trucks, vendors, and live music. We currently have three sponsors so far.

c) Property Committee:

Councilman Jim Rigsbee reported that the mulch has been spread at Town hall and that some trees have been trimmed along the path to the park.

6. Financials: Finance/Budget Officer: Kim Thacker

Finance and Budget Officer Kim Thacker presented the October financial report for both the General Fund and Water Enterprise fund. Mrs. Thacker noted that the audit is almost complete. Mrs. Thacker has received the preliminary report to review from Mr. Rouse and everything should be completed by the end of the week.

7. Citizen's Comments from the Floor (3-minute Limit per Speaker)

None presented.

PUBLIC HEARINGS:

8. PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION CREATING A TOWN OF STOKESDALE FIRE SERVICE DISTRICT.

Jim Albright, Guilford County Fire Marshal stated that he briefed the Council in September on the County's request to consider approval of a service district overlay of the existing Stokesdale Fire Protection District in Guilford County. It is the intent of the County to levy a tax on the Rural Fire Protection Service Districts beginning in FY 2023 and to zero out the Fire Protection Districts; however, they will remain. In FY 2022 they began the process with Colfax and Deep River Service Districts that are only taxed into those service districts and no longer taxed in the Rural Fire Protection Districts.

Mayor Pro Tem Thearon Hooks asked what the negatives were. Mr. Albright stated that you will lose the cap in the service district however the approval process remains the same.

Mr. Albright also stated they have service districts in all districts in the County except Stokesdale and one other. All funds generated out of the service district will be used in the service district just as it's done now. Out of 19 County Fire Departments and 2 Municipal Fire Departments that serve the County they have a total of 25 contracts and 23 of those contracts have service districts.

Mayor John Flynt noted an item in the resolution and asked if anyone has opted out of the this agreement. Mr. Albright noted that no one has opted out of the agreement.

Councilman Jim Rigsbee asked if the fire department could initiate an increase or would the County initiate the increase. Mr. Albright stated that any increase would go through the fire districts then go through an approval process with the County.

Mr. Albright stated that as of now those people who have a fire protection layer and a service system layer, it is dual listed on their tax statement. Each of these layers are charged individually.

Councilman Derek Foy ask Mr. Albright to confirm that the funds being collected in the fire district needed to be spent in the fire district. He then asked how do we tract and segregate the funds with both Guilford County and Rockingham County customers.

Mr. Albright stated that we collect from Guilford County from the Guilford County Tax Department, and we collect from Rockingham County from the Tax Department for those in that county. Nothing that we are doing tonight has any impact on what is happening in Rockingham County.

Councilman Jimmy Landreth asked if the tax rate is the same in Rockingham County as Guildford County.

A citizen (name unknown) asked if the taxes are based on the property and if the property taxes are going up then why do we need more taxes. Mr. Albright stated it was the same in both counties. Mr. Albright explained this was not an approval to increase taxes in a district. It is a mechanism in which the taxes are collected.

Councilman Derek Foy stated he still does not understand how funding is going to be tracked and collected. Mr. Albright explained that the dollars that are generated are specific to the district and the Stokesdale Fire District. Those dollars are then budgeted to the Stokesdale Fire Department and those budgeted dollars are then distributed to the Stokesdale Fire Department on a regular monthly basis as they are collected. At the end of the year when excess dollars are collected then they will remain in Fund Balance and those Fund Balances are then given to the Fire Districts they were collected from.

Councilman Derek Foy asked if with this new layer would be required by the auditors to be separated and tracked because you have a Guilford County layer and a Stokesdale layer which will also pull from Rockingham County.

Mr. Albright explained that there is an independent audit every year and the auditors have never found an issue. Stokesdale will be getting the same funds but just under a different name.

Councilman Jimmy Landreth noted that a lot of citizens will question the fairness issue with no cap in Stokesdale and Rockingham County has a cap. Councilman Landreth stated this will be a vote for the County Commissioners and they will have to send notices to the property owners to have a hearing and thinks a notice should have gone out for the meeting tonight. Once this is voted on then it is done and can't be changed.

Mr. Albright stated that he does not have the legal expertise to address this, but it is correct that under the General Statue an action by the Board of Commissioners is required.

Tom Medlin, Town Attorney stated he will have to research and report back to the Board.

Mayor Pro Tem Thearon Hooks stated that he believes we are getting Rockingham County and Guilford County funds now and asked Mr. Gauldin of the Fire Department to confirm if we can go anywhere in Rockingham County as needed.

Mr. Gauldin confirmed that we do have a Mutual Aid agreement if they need help then Stokesdale Fire Department can go anywhere in the County.

Mayor Pro Tem Thearon Hooks asked what the downside would be. Mr. Albright stated that the town has a statutory ceiling on taxation for fire protection and with this particular action then this ceiling goes away.

Councilman Derek Foy noted that all the rural fire districts receive a cut of the sales tax distribution from Guilford County and asked if that is a statutory requirement that Guilford County do this and will they continue to do this? Mr. Albright stated that the sales tax distribution choice from Guilford County is to distribute in such a way that all taxation districts receive a portion.

Councilman Derek Foy asked if the districts are guaranteed to continue to receive taxes. Mr. Albright stated that they cannot unless they change the distribution method or if the distribution method was changed by the General Assembly.

Mark Richardson, Rockingham County Commissioner - asked if there will be different levels of service for Rockingham County and Stokesdale. Mr. Albright stated no and that it's looked at as one district for both. There are equal levels of protection regardless of the address of the residence.

A citizen (name unknown) stated that Oakridge and Summerfield do not have a water system and asked if they receive water from Stokesdale. Fire Chief Gaulden said that in an emergency we have always helped our neighbors. The Fire Department does not own the water system, it belongs to the town and the town has always been gracious to make sure we help them if needed.

Commissioner Richardson asked if the Fire District is short of money. Fire Chief Gaulden states that they have historically been fiscally conservative and maintain a responsible fund balance.

Mayor John Flynt stated in a previous conversation Rockingham County Commissioner Mark Richardson projected a growth of 2800 new homes within the Roy Carroll Property. Mr. Richardson stated he was not at liberty to comment.

Mayor Flynt stated there is going to be significant growth in both counties including industrial space and Rockingham County is bringing in water and sewer in this area and over the next few years you will need additional fire protection.

Councilman Jim Rigsbee stated that we are not doubling out taxes but are getting rid of one and replacing it with another one without the cap. The question is do we want to get rid of the cap and do we trust our Fire Department to spend the money wisely. Do we have any oversight in the spending?

Mayor John Flynt noted this does have to be approved by the commissioners and they have been good stewards of the money. All 19 Fire Departments will be operating the same way and everyone will be equal.

Councilman Derek Foy asked if Guilford College Fire Department still existed. Mr. Albright stated that the Fire Department is now contracted with the City of Greensboro.

A citizen (name unknown) asked about the 1.5 million set aside which includes funding for a new truck. Mayor John Flynt explained they have a "New Truck Fund" set aside in a separate fund.

Another citizen (no name) commented that Chief Gauldin and the Fire Department have done an excellent job and he is proud of all that they have accomplished but he believes they need to keep the CAP.

Randy Braswell stated that a lot of people here tonight were not here the first time the Overlay District was presented to the Town Council. The efforts of several people allowed the General Statue to change so the citizens could vote on this. Mr. Braswell said that according to the General Statue you must let the citizens vote to increase the CAP. Mr. Braswell stated that when he was on Council he could not vote for the overlay because the General Statue says that the citizens must vote. Mr. Braswell asked the Mayor and Council to do the right thing and let the people vote.

Councilman Jimmy Landreth would like to confirm that all the taxpayers received a public notice and would like to ensure everyone is aware and can speak. Councilman Landreth noted that we have one of the best Fire Departments and he does not see a problem if they need funding but he would still like to see limits and CAPs and to see the notices go out to the taxpayers.

Dale Martin, Town Clerk read a statement from Mr. Tim Jones stating that he supports adequate funding for the Stokesdale Fire Department and expressed his appreciation for the professional job they do. He noted the proposal is for an uncapped second fire tax at a time when the current fire district tax has 50% remaining on it before the legislative limit of 15 cents per \$100 is reached. He noted that the resolution before Council does not include Rockingham County. He questioned the timing of this request and that citizens have not had ample time to study the issue and requested that Council delay this agenda item until such time that all questions and concerns have been answered.

Mayor John Flynt closed the public hearing and read the Resolution of Agreement Regarding Stokesdale Fire Service District Resolution.

No. R-2021-__

RESOLUTION OF AGREEMENT REGARDING STOKESDALE FIRE SERVICE DISTRICT

WHEREAS, the Stokesdale Fire Protection District ("the Stokesdale FPD") is a special tax district established November 9, 1954 pursuant to N.C.G.S. Chapter 69, Article 3a, to fund the provision of fire protection to properties within the RFPD;

WHEREAS, the Stokesdale FPD is comprised only and entirely of properties now within the municipal limits of the Town of Stokesdale ("Town");

WHEREAS, N.C.G.S. Chapter 153A, Article 16, Part 1 (County Service Districts), authorizes counties to define service districts to finance, provide, or maintain certain services, facilities, and functions, including fire protection,¹ for the service district in addition to or to a greater extent than provided for the county as a whole;

WHEREAS, pursuant to that authority, Guilford County (“County”) has established fire service districts, typically overlaying existing rural fire protection districts, for all portions of Guilford County for which County, rather than a municipality, provides fire protection, except for the Kimesville and the Town of Stokesdale, to create a more modern, flexible, and efficient method to fund and provide fire protection in Guilford County;

WHEREAS, County proposes to create a Stokesdale Fire Service District (“Stokesdale FSD”) overlaying the Stokesdale FPD and matching the boundaries of the Town, pursuant to N.C.G.S. Chapter 153A, Article 16, Part 1;

WHEREAS, creating a Stokesdale FSD requires following the process set out in N.C.G.S. §153A-302, including a public hearing before County’s Board of Commissioners;

WHEREAS, under N.C.G.S. §153A-302(a), “territory lying within the corporate limits of a city ... may not be included unless the city ... agrees by resolution to such inclusion;” and

WHEREAS, the Stokesdale Town Council finds that the creation of the Stokesdale FSD is in the best interest of the Town and its citizens and therefore supports the creation of the Stokesdale FSD and including within it territory lying within the Town’s corporate limits;

NOW, THEREFORE, THE STOKESDALE TOWN COUNCIL RESOLVES that:

1. Pursuant to N.C.G.S. §153A-302(a), the Town Council agrees to the inclusion of the territory lying within and constituting the Town of Stokesdale (as it may be comprised at the time of the creation of the Stokesdale Fire Service District) in the Stokesdale Fire Service District.
2. This agreement shall remain in effect unless modified or terminated by further action of the Town Council.

ADOPTED the __ day of November, 2021.

Mayor John Flynt made a **Motion** to adopt a Resolution of Agreement regarding the Town of Stokesdale Fire Service District as presented. Mayor Pro Tem Hooks seconded the motion.

¹ As used herein, fire protection also includes emergency medical and rescue services.

Councilman Derek Foy asked why they think it would make it a more modern, flexible, and efficient method to providing fire protection.

Mayor John Flynt stated that because any request for a change in rate will go to the County Commissioners. The board does an annual detailed budget and looks at the expenditures from the previous year. Mayor Flynt noted that it took 60 years to get to 10 cents and he trusts the Fire Department. The Commissioners will require every Fire Department to show a need and have the financial resources to pay for it. Stokesdale Fire Department has a tremendous reputation of looking after the citizens and we need to make sure they have the proper equipment and manpower to provide the town the best service possible.

Councilman Jimmy Landreth stated that we should have sent out a notice to all the property owners that will be affected so they can speak. These people do not have a clue what is going on. This is not against the Fire Department. Councilman Landreth noted he is just uncomfortable to vote on this with only a weeks' notice to the citizens.

Rockingham County Commissioner Mark Richardson asked for a point of order regarding Mayor John Flynt's eligibility to vote. Mr. Richardson note that Mayor Flynt sits on the Board of the Fire Department and is now voting for funds for the Fire Department and asked if this creates a conflict of interest.

Tom Medlin, Town Attorney stated this is not a resolution for funds or a tax. It is also not a gain for anything or anyone who sits on the board. The resolution is a mechanism of on how this could be generated and he does not see this as a conflict of interest.

Mayor Flynt then called for a vote.

Vote:

Ayes: Mayor Pro Tem Thearon Hooks, Mayor John Flint.

Noes: Councilman Jim Rigsbee, Councilman Derek Foy, Councilman Jimmy Landreth,

MOTION FAILED

Mayor Flynt called a recess at 8:36 pm. The meeting reconvened at 8:44 pm

9. **REZONING CASE NUMBER 21-09-STPL-08259: 8370 PRINCE EDWARD ROAD:** This is a request to rezone property from AG, Agricultural to RS-40, Single-family Residential. Located on a portion of property at 8370 Prince Edward Road, Guilford County Tax Parcel 221900 (part), Stokesdale NC. Portion to be rezoned is adjacent to Northridge Subdivision near Backridge Drive, approximately 12.77 acres. Applicant: Richard S. Carraway.

Mayor John Flynt introduced the rezoning case and deferred to Mr. Oliver Bass, Guilford County Planner for the Staff Report. Mr. Bass stated that this is a request to rezone the property at 8370 Prince Edward Road. The subdivision is approximately 12.7 acres owned by Richard Carraway. The request is to rezone from AG Agricultural to RS-40, Single Family Residential. This case

was submitted at the November Planning Board meeting. A minimal lot size of 40,000 square feet is desired. It is consistent with the Stokesdale Land Use Plan for residential uses and therefore staff recommends approval along with a recommendation for approval by the Planning Board.

Mayor Flynt declared the Public Hearing open.

In Favor:

Steve Carraway, 8380 Prince Edward Rd., Stokesdale, NC– petitioner for this request. He requested approval of the project and made himself available for questions.

Brent Sievers, Fleming Engineering, Triad Drive, Colfax, NC – Engineer for the project and asked for support of the project. He made himself available for questions.

Opposed:

None presented.

Be no additional speakers, Mayor Flynt closed the public hearing.

Councilman Derek Foy made a **Motion** to approval the rezoning for Case #21-09-STPL-08259, 8370 Prince Edward Road from AG, Agricultural to RS -40, Single-family residential. The request is consistent with the Stokesdale Land Use Plan, Staff recommends approval, and the Planning Board recommends approval.

Mayor Pro Tem 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

Motion carried.

OLD BUSINESS

10. Consideration of a Proposal from Stokesdale Heating & Air Conditioning to replace HVAC units at Town Hall.

Councilman Derek Foy made a **Motion** to continue this matter until the December meeting. 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

11. Consideration of a Proposal to Clean Up front of Town Hall and install netting to prevent birds from nesting along the ceiling. (Tabled from August 12, September 9, October 14)

Council expressed concerns about the nets, how they would look and how long they would last. It was suggested that Council and staff continue to look for alternatives.

NEW BUSINESS

12. Consideration of an Interlocal Agreement between the Town of Stokesdale and the County of Guilford for the Provision of Animal Shelter and Control Services.

Mayor Flynt introduced the Interlocal Agreement and added that this is a renewal of the agreement we have for animal control services by Guilford County in the amount of \$16,000.

Mrs. Kim Thacker stated that the Town budgeted \$15,500, however, the invoice is for \$16,772 and noted that a budget amendment would be needed.

Councilman Foy made a **Motion** to renew agreement as presented. 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

Town Attorney Tom Medlin reminded Council that the budget amendment and pre-auditing the expenses would be needed prior to signing the agreement.

Mrs. Thacker stated that a budget amendment is needed in the amount of \$1,272.00.

Mayor Flynt made a **Motion** to amend the budget in the amount of \$1,272.00. 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

13. Discussion on removing water meters on abandoned property.

Mayor Flynt read a statement he prepared after receiving a request to remove an abandoned meter that is currently being billed the \$25 customer service fee even though the water has been turned off. He noted that the water was last used in 2017 and the customer continued to pay the customer service fee until July 2020 and is now asking that the meter be removed, and the fee be waived. Mayor Flynt stated that the Town has no policy in place for the removal of a water meter. He asked if Council wanted to consider such a policy whereby the property owner would bare the expense of removing the abandoned meter and further sign a statement that if a meter were ever installed on the property in the future, the cost would be the current rates in place at the time the meter is installed.

After a lengthy discussion siting various scenarios with rental property and other situations, the Council decided to take no action on this item at the time and revisit the issue in the near future.

14. Discussion and Consideration on Low Income Household Water Assistance Program administered by Guilford County DSS.

Town Clerk Dale Martin referenced information received from Guilford County in regard to a new program that provides assistance to low income families with paying utility bills.

Mayor Pro Tem Hooks made a **Motion** to approve an agreement with Guilford County Department of Health and Human Services, Low Income Household Water Assistance Program (LIHWAP) Water and Wastewater Vendor Agreement. 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

15. Review and Adoption of the 2022 Town of Stokesdale Meeting Schedule.

Mayor Flynt made a **Motion** to approve the 2022 Town Council meeting schedule as presented. 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

16. Comments from Council.

Councilman Rigsbee referenced the earlier discussion regarding the Fire Service District and stated that he was concerned that the public has not had sufficient time to study it. He pledged his support of the Fire Department and for more public involvement in this matter.

Councilman Foy thanked all the Veterans in attendance tonight.

Councilman Landreth thanked Mayor Flynt and Mayor Pro Tem Hooks for their service as this is their last regular meeting before the new Council is sworn in.

Mayor Pro Tem Hooks stated that it has been a good experience, and not always easy when you are dealing with people. He enjoyed his time and watching the town grow. He also thanked everyone in attendance.

Mayor Flynt stated that it has been a privilege to serve. He challenged the Council to continue to advocate for our citizens and to not back down from doing the right thing. He thanked all the staff and Mr. Medlin for their efforts and hard work.

17. Announcements:

a) Planning Board Meeting Thursday, December 18th at 7pm at Town Hall

b) Town Council Meeting Thursday, December 9th at 7 pm at Town Hall

18. Adjournment.

Mayor Flynt made a **Motion** to adjourn the meeting. Mayor Pro Tem Hooks seconded the motion.

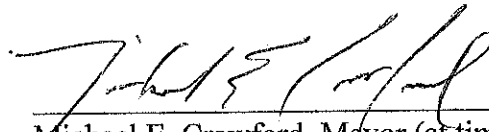
Vote:

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

Noes: None

Being no further business to come before the Council, the meeting adjourned at 9:37 PM.

Approved: January 12, 2023



Michael E. Crawford, Mayor (at time of signing)

ATTEST:



Dale Martin, Town Clerk