

**STATE OF NORTH CAROLINA
COUNTY OF GASTON
TOWN OF CRAMERTON**

September 27, 2005

The Board of Commissioners for the Town Of Cramerton met in Workshop Session on Tuesday, September 27, 2005 at 7 p.m. in the G.M. Michael Commission Chamber.

BOARD MEMBERS PRESENT: Mayor Cathy C. Young; Mayor Pro Tempore Jeff Ramsey; Commissioners Ronald Murphy; Jacque Sumner; Willie Carter and Joel Lineberger.

OTHERS PRESENT: Michael Peoples, Town Manager; LuAnn Ellis, Town Clerk; Greg Ratchford, Chief of Police; Steve Baucom, Town Planner; Bill Brown, Town Attorney; Brad Adams, Cramerton Police Department; and Charles Hastings, Water Department.

Mayor Young called the meeting to order and stated that tonight was a sad night in Cramerton, that we had lost a respected member of the Cramerton family, Mr. Benny Cunningham. Mayor Young stated that she had asked Commissioner Carter to make some remarks about Mr. Cunningham.

Commissioner Carter stated that Coach Cunningham as he was known was a dear friend of hers and others in the community. She stated that he was named man of the year twice and had a bridge in town named after him. She stated that he was a member of the American Legion Hall of Fame and had received the Order of the Long Leaf Pine. She stated that services would be held tomorrow at 11 a.m. at the First Baptist Church. She stated that Coach would be missed in the community that he had done a lot for the school children and the athletics of the community.

Mayor Young stated that Mr. Cunningham would be missed by the community that he was a part of the Town's history.

REVIEW OF THE MINUTES OF THE AUGUST 30, 2005 AND SEPTEMBER 6, 2005 MEETINGS: Mayor Young stated that the minutes for August 30 had been included with the packets for review by the Board. The Board asked that these minutes be placed on the Consent Agenda for the October 4 meeting.

The Town Attorney stated that he was reviewing the minutes of the September 6 meeting and would have them prior to the October 4 meeting for the Board to review. He stated that the Board would most likely not want to include them on the Consent Agenda, but a separate item for approval.

PUBLIC HEARING – CABLE TELEVISION FRANCHISE AGREEMENT: Mayor Young stated that the Public Hearing would be held at the October 4 meeting and David Harris would be present to discuss the proposed ordinance and franchise with the Board.

The Town Attorney stated that the proposed ordinance had been included in the packet and the Board would be taking comments on both the franchise and the ordinance at the meeting.

Commissioner Murphy asked if the copy was the ordinance we had at this time. He was advised that it was not the current ordinance, but that the ordinance would be the foundation for the franchise.

CRAMERTON (MAYWORTH) SCHOOL: The Town Attorney stated that he had talked to CAHEC and Landmark and they were working on an application for approval of the project.

Mayor Pro Tempore Ramsey stated that they needed to request to be placed on the School Board Agenda for the deadline in December. The Town Attorney stated that they were waiting on the approval of the project because if it did not work out, there would be no use to try to have the agreements extended.

CONDITIONAL USE PERMIT – PROPERTY LOCATED AT 405 SOUTH NEW HOPE ROAD AND 147 WARREN STREET: Mayor Young stated that the Board had voted to rezone the property at the last meeting and had found the Findings of Fact in the affirmative to allow the construction and operation of a mini-storage warehouse facility. She stated that at this time, the Board needed to decide on the conditions to be placed on the Conditional Use Permit.

Mayor Pro Tempore Ramsey stated that he felt it would be appropriate to move the Citizen Comment section of the meeting to this time.

Mayor Young stated that it would not be appropriate to move Citizen Comments to the beginning of the meeting since the Public Hearing on the Rezoning had been closed at the last meeting. Mayor Young further stated that the hearing was a quasi-judicial process and the Board would not be able to hear comments from any members of the public outside the public hearing.

Mayor Pro Tempore Ramsey stated that he would like to make a statement. Mayor Young stated that Mayor Pro Tempore Ramsey had recused himself from the hearing and it would not be appropriate to make a comment.

Mayor Pro Tempore Ramsey stated that he would make a statement as a citizen of Cramerton. Mayor Young stated that he could not speak as a citizen that the Public Hearing had been closed and he had recused himself from the Board hearing.

Mayor Pro Tempore Ramsey stated that he would like to advise the Board about the problems the development of the property would cause due to storm water. Mayor Young stated once again that Mayor Pro Tempore Ramsey could not speak about this matter at this time, that it was not appropriate.

Mayor Pro Tempore Ramsey made a motion to move Item 7. Citizen Comment to Item 3 B. to be discussed at this time. Commissioner Murphy seconded the motion.

Commissioner Sumner stated that she was not opposed to relocating the Citizen Comments, but comments relating to the Conditional Use Permit or Rezoning could not be made.

Mayor Young stated that the item could be moved, but no one could speak on the matter involving the rezoning or conditional use permit.

Mayor Young asked for the vote. The vote was as follows:: Ayes: Mayor Pro Tempore Ramsey; Commissioner Murphy. Noes: Commissioner Sumner, Commissioner Carter and Commissioner Lineberger.

Mayor Young stated that before the Board discussed the matter that she would like to address the miscommunications that had been going on concerning the hearing. She stated that the meetings

were always held at 7 p.m. but information had been sent to the homeowners in Cramer Mountain that the meeting would be held at 6 p.m. She stated that she did not know who had sent out the information or miscommunicated, but hoped that the problems would be addressed this evening.

Mayor Pro Tempore Ramsey stated that he did not know what Mayor Young was talking about. Mayor Young asked him once again to not speak that he had been recused from these discussions.

The Town Attorney stated that the Board was at the point where they needed to set the conditions for the property. He stated that the Town Planner had a list of conditions from the Planning Board and staff recommendations.

Mayor Pro Tempore Ramsey began distributing photos to the Board of Commissioners. The Town Attorney asked if the photos were new evidence or if they had been presented at the last meeting. Mayor Young stated that the photos were new evidence and had not been entered into evidence at the hearing last week. Mayor Pro Tempore Ramsey stated that the photos had been given to the Town Planner. The Town Attorney stated that the photos were not entered into evidence at the hearing and must be removed from the table.

The Town Planner stated that the following conditions were being recommended by staff for the proposed development:

1. No outside storage of any type allowed (including boats and RV's) per underlying zoning.
2. Decorative fencing to be used instead of chain link.
3. The front of building one and two shall be of brick, brick veneer, stone or stone veneer. The Town must approve samples.
4. The Rowe-Reece side of building one and the side of building two abutting a residential zone shall be of brick, brick veneer, decorative concrete block, precast or field poured concrete panels with texture, stone or stone veneer, flush architecture metal panels, stucco, or artificial stucco; wood or similar materials. The Town must approve samples.
5. Flat roofs may be allowed so long as they are concealed from view by a parapet. Such parapet shall not be of a constant height for more than 150 feet.
6. All lights shall be shielded in such a way as to direct the light toward the earth's surface and away from reflective surfaces, adjoining properties and the night sky.
7. A copy of County approved stormwater and erosion control plans must be submitted to the Town prior to construction. The plans should include detention measures that limit discharge to predevelopment levels.
8. A copy of NCDOT approval of Rowe-Reece Road as access to the facility must be submitted to the Town prior to construction.
9. Storage units shall not be used for any purpose other than storage. No commercial or residential use.

Commissioner Lineberger asked if the conditions were site specific. He was advised that was correct.

Commissioner Lineberger stated that there was not a building on the plan in one area and asked if they planned to place a building there later would they have to come back before the board. He was advised that they would have to submit a new plan for approval.

Mayor Young asked about the run-off from the property when it was cleared and what happened if there was a problem. The Town Planner stated that the County reviews the plans and an erosion plan is not done until the construction plans are completed. He stated that this plan was only a proposed plan and the County would have to do an engineering study on the problems with erosion at a later date.

Mayor Young asked if there was a potential for the drainage problems to be worse. She was advised that the county would determine whether or not the problem would worsen and what could be done to keep the run-off at a level prior to construction. He stated that the County acts on state statutes concerning these matters.

The Town Attorney stated that the portion that addresses erosion the County would make sure the design is at the pre-development level. The Town will ask that the problems are not made worse when they come back with a construction plan.

Mayor Young asked if the problems would be no worse. The Town Attorney stated that an engineer would look at the problems and make sure the drainage to the property stays at the preconstruction level.

Mayor Young asked if the developer could be legally required to add flood damage or run-off to the plan. The Town Attorney stated that the Town could enforce the condition and revoke the permit if they did not comply. He stated that the run-off could only be known for sure when the property was developed.

Commissioner Murphy stated that Mr. Thomas Dunlap had come before the Board with problems with drainage when Life Church presented the plans to build behind Cramer Mountain. He stated that they had an engineering report and he was under the impression they had to build a retention pond to catch the run-off. He stated that one potential claim had been resolved on Dan Maples and did not want to relive the problems the Town had faced earlier.

Mayor Young stated that the property owned by Life Church had flooding issues prior to construction of the church.

The Town Attorney stated that the preliminary plat would have a check list and alternatives. He stated that the Board had opted to ask for additional information as a part of the plat approval process.

Mayor Young stated that the citizens did not want stadium style lighting shining in their yards. The Town Attorney stated that the light plan for the development meets this request.

Commissioner Lineberger asked if the Phase II Stormwater Regulations were in effect. He was advised that we were now entering into this phase and were working on maps and the ordinance. He stated that the County would enforce the ordinance. Commissioner Lineberger stated that he was not impressed with the County's enforcement. The Town Planner stated that the Town did not have to rely on them totally for enforcement. Commissioner Lineberger stated that it would be prudent to have the Town engineer to review as well as the county.

The Town Attorney stated that the Town engineer could review what needed to be done as a condition of the permit.

Commissioner Sumner asked if the road would be private. She was advised that the Town would not be responsible for the upkeep.

Mayor Young stated that the back portion where the property meets Cramerton Middle School the ordinance requires a forty foot buffer. She stated that the developer has stated he would provide a sixty foot buffer. She stated that a one hundred foot buffer would break off the back portion.

Commissioner Murphy stated that the back area may have to be used as a retention pond.

The Town Attorney stated that the wording could be that the back portion remain a natural one hundred foot buffer unless needed for other purposes such as a retention pond.

Commissioner Murphy asked if Warren Street would remain closed. The Town Planner stated that the site plan was specific to this site and there was a street there.

Commissioner Sumner asked about the height of the lighting. She stated that it appeared that it would be comparable to small stadium type lighting.

Commissioner Lineberger stated that the purpose for twenty-foot lighting was to light the area where the RV's were to be stored and there would not be a need for it if that was not allowed.

The Town Planner stated that another option would be to have fifteen-foot lighting.

Commissioner Sumner asked if the developer would agree. The Town Attorney stated that the Board could specify that the height be a certain amount.

A short discussion followed concerning the coverage of the lighting and the materials of the lights.

Commissioner Murphy stated that if a public address system was used, there had been problems in the past. Mayor Young stated that the developer had indicated that there was no need and that it could be listed as a condition.

Commissioner Lineberger stated that he would like to see landscaping of the area as a condition. He stated that at Mayflower Meadows the screening were not sufficient. He stated that he would like to see two rows of plantings staggered and left on the center to cover the area sufficiently.

Commissioner Sumner asked about an alarm going off if there was not an employee onsite at all times. She was advised that there would be video surveillance, but no audible alarm system.

Chief Ratchford stated that a silent alarm was an option, but a part of the job of an alarm is to scare people off.

Mayor Young asked about the noise ordinance. Chief Ratchford stated that the noise regulation would be enforced by the County ordinance.

Commissioner Lineberger asked if the Board could address artificial stucco and wood. The Town Planner stated that this was in the ordinance book. Commissioner Lineberger stated that he would not like for them to use fake brick either.

Mayor Young asked if it would be appropriate to confer with the developer. She was advised that it would be appropriate.

Mr. Yorick stated that he would like time to consider the options the Board had discussed and the financial impact of these items.

Mayor Young stated that the Board could wait until the next meeting to make a decision to allow Mr. Yorick time to see if the options they had presented would be feasible.

Commissioner Lineberger stated that allowing additional time could make a decision difficult for the Board. Mayor Young stated that the time would be for the developer to decide, that the Board decision should not change.

Mayor Young stated that since this portion of the meeting was over, she would like to make a few comments. She stated that she felt the heartache of the Board and the citizens of the Town. She stated that she had been sworn into office and had to consider the rules and regulations of the Town. She stated that the people at the table needed to be trusted and that in the eight years she had served, it was rare that she could do what she really wanted to do. She stated that the Board had the best interests of the Town at heart.

Mayor Young stated that in addition, the way that the property was zoned, a mobile home could be placed within fifteen feet of the property line.

The Town Attorney stated that the idea of a quasi-judicial hearing was designed to protect the integrity of the process for the Town and its citizens. He stated that the process was determined by the North Carolina Supreme Court to ultimately protect and provide a legal outcome to these situations.

PUBLIC WATER SUPPLY SYSTEM IDENTIFICATION NUMBERS: The Town Manager reported that letters had been mailed to the local representatives and to DENR in hopes they would extend the deadline.

Commissioner Lineberger asked if there had been any response. He was advised that the letters were mailed as well as faxed to these offices, but no response had been received.

Commissioner Murphy asked if the letter had explained the situation with Gastonia and that it was less expensive for the Town to connect this way. The Town Manager stated that the letter had noted the contract with Gastonia for service and the duplication of lines.

The Town Attorney stated that in order to comply, the Town would have to interconnect all the lines and have only one connection to Gastonia's line.

Commissioner Lineberger asked what would happen if the Town did not comply. He was advised that the Town would have to interconnect or assign the numbers.

WASTEWATER TREATMENT PLANT PROJECT UPDATE: The Town Manager stated that the project was on tract and that the LGC would meet on October 4 to consider the new application for a loan. He stated that construction was still to begin in December.

RECOGNITION OF DAVID YOUNG: Chief Greg Ratchford stated that former Police Chief David Young had been awarded a Lifetime Membership Achievement Certificate from the North Carolina Association of Chiefs of Police. He stated that Mr. Young was present at the meeting and he presented him with the award.

DISCUSSION OF SECTION 50.057 LATE PENALTY FEES: The Town Manager stated that the utility billing ordinance states that a late penalty will be added to bills that are not paid by the fifteenth day of the month. He stated that the ordinance also states that payments received after 8:30 a.m. in the payment drop box would not be posted until the next day and would be subject to a late penalty fee.

The Town Manager stated that last month forty-seven persons received a late penalty fee that either came in the mail or were in the drop box, which amount was in the actual drop box could not be distinguished. He stated that this month, five payments were made in the drop box after 8:30 and before 5 p.m. He stated that these payments were collected and posted before the late fee was added.

The Town Manager stated that staff would rather the ordinance not be changed, but to collect the payments in the drop box at 5 p.m. and post those payments then add the late charge.

A short discussion followed.

Upon a motion by Commissioner Murphy, seconded by Commissioner Sumner, the Board voted unanimously to refund the forty-seven people from the prior month who paid either in the drop box or by mail that received the late fee; and to extend the collection time from the drop box payments to 5 p.m. the day before adding the late penalty fee. The Board also agreed to leave the wording in the ordinance as it is.

PROPOSED CHANGE TO THE UTILITY BILLING ORDINANCE: The Town Manager stated that staff would like to propose the following additions to the utility ordinance to give the authority to disconnect service if full payment of the account is not made.

Section 50.057 Bills (E): When payment is received from a customer for utility services, payments shall be posted to all outstanding amounts due with charges for water services posted last.

Section 50.051 (E) Minimum Service Charge: Irrigation meters will be billed on the same account as a regular house meter. Service for the irrigation meter cannot be billed without a minimum service charge on the meter serving the residence. The irrigation meter will not have a minimum charge, but will be billed if usage is ten gallons or more.

Commissioner Lineberger asked about the irrigation meter and the house meter. He was advised that the house meter would have a minimum charge, but the irrigation meter would not be charged unless it was used.

Upon a motion by Commissioner Lineberger, seconded by Commissioner Sumner, the Board voted unanimously to approve the two additions to the ordinance.

AGENDA SETTING POLICY: This item was tabled to the next meeting.

WEBSITE UPDATE: The Town Manager stated that the newsletter was now on the website and sections were added to the recreation and police departments. He stated that the work was being done by an outside source.

PARK PROJECT UPDATE: The Town Planner stated that surveying had began on the park project. He stated that the engineering services had been retained and preliminary work had begun.

TAX NOTICE UPDATE: The Town Manager stated that we now had an updated list and letters were continuing to go out. He stated that the County was not able to give us a listing so that we could evaluate the success of the letters.

EMERGENCY RESPONSE PLAN: The Town Manager stated that he was working a an Emergency Response Plan and it should be completed within the next couple of months.

LITTER SWEEP: The Town Manager stated that the Litter Sweep was held from 9:30 a.m. to noon on Saturday. He stated that twenty five Boy Scouts participated and they would be presented an award at the Meeting on October 25.

BANKING SERVICES: The Town Manager stated that the new banking services would allow the Town to have credit cards. He asked that the Board think about who should control the cards and the limits they should have. He stated that the cards would be used mainly for travel and booking reservations.

TOWN ATTORNEY REPORTS: The Town Attorney stated that he did not have any additional reports.

TOWN PLANNER REPORTS: The Town Planner stated that he would have a written report at the next meeting.

COMMISSIONER MURPHY – COMMENTS: Commissioner Murphy stated that he had attended the Transportation meeting prior to tonight's meeting and that things were beginning to happen with the development in Belmont that included the thoroughfare plan. He stated that he felt it would be prudent of the Town to be included in these discussions and to dedicate or donate Eagle Drive for this purpose.

Commissioner Murphy stated that he would like to give authority to the Town Manager and the Town Planner to begin negotiations to make the thoroughfare a reality.

COMMISSIONER SUMNER – COMMENTS: Commissioner Sumner stated that the United Way signs would be ready soon and she would like to encourage everyone to donate if they could.

MAYOR YOUNG – COMMENTS: Mayor Young stated that the bikers were getting ready for the annual toy run. She stated that it would be held the first Saturday in December. She stated that they had funds left that they donated to R.O.C.K. and they were able to help local school children.

Mayor Pro Tempore Ramsey stated that last year, the funding helped some of the children from New Hope Elementary attend the filed trip to the Outer Banks. He stated that a lot of children were helped with the R.O.C.K. funds.

MR. BOB LOWDER – COMMENTS: Mr. Bob Lowder stated that he was a resident of 731 Hanna Woods Drive. He stated that he was aware of the regulations for a quasi-judicial hearing, but would like to make a few general comments. He stated that he appreciated what the Board of Commissioners did and how difficult the decisions were. He stated that he felt that they did things

the right way and the way the statutes told them to do. He stated that they were put in office for more things than what the outcome of these proceedings accomplish, but they would go the extra mile and he wanted to thank them for that. He stated that he also believed that there were miles that were not traveled.

Mr. Lowder stated that he would also like to thank the Town Attorney and the Town Planner for their assistance. He stated that they did not always answer the way he wanted, but he appreciated their help.

Mr. Lowery stated that he did not receive a notice to the zoning hearing. He stated that he had since gotten a copy of a generic hearing notice. He stated that this meets the general requirement of the law, and it would be difficult to inform every citizen. He stated that he did receive the notice of the rezoning hearing and then realized that the first hearing had been held. He stated that if he had known, he would have been here. He asked that the Board consider doing more than the minimum requirements on matters that would effect the quality of a citizen's life.

Mayor Young stated that the citizens should understand that matters go first to the Planning Board and a lot happens before the Board of Commissioners see an item. She stated that signs are also posted and adjacent property owners are noticed, an advertisement runs in the newspaper and word gets around about the hearings.

Mr. Lowder stated that he did not receive a notice and he did not see a sign on the property except for the rezoning. He stated that he did not feel that just noticing the adjacent property owner was good enough, that the entire neighborhood should have been noticed.

Mayor Young stated that she was concerned that the Lowders did not receive a notice. She stated that maybe we could start sending the notices by certified mail. She stated that it would not be appropriate to notify entire subdivisions in matters such as this.

The Town Attorney stated that a text amendment would have to be made if the Board wished to change the procedures of notification.

Mayor Pro Tempore Ramsey stated that he did not receive a notice, but his property did not touch the property to be rezoned.

Ms. Kelly Lancaster stated that she lived at 522 Maymont Drive and regarding the issue earlier, there was a matter involving Cramer Mountain property owners and a rezoning. She stated that she did not get a notice and felt it was serious. She stated that she was advised that notices were sent on addresses from a tax scroll and she was not even aware where the address on the tax scroll came from.

Commissioner Murphy asked if a listing of names and officers and those addresses for Cramer Mountain could be provided to the Town. He was advised that those addresses would be provided.

Mr. Ed Jackson stated that he was the ETJ member on the Planning Board for the Town. He stated that the Board made every attempt to look at the property in question and that everyone here was present for another zoning application. He stated that he would like to make it clear to the Board of Commissioners that the people serving on the Boards think long and hard about the issues and their decisions.

Mayor Young stated that she would like to stop Mr. Jackson from going any further. She stated that residents from Cramer Mountain were on the Board of Commissioners and she was surprised that the residents did not find out about the matter.

The Town Attorney stated that if the Board wished to include an extra measure in the Code beyond the State requirements of notice, that a text amendment would have to be made.

Mayor Young stated that she did not want citizens to think that it was the intention of the Town not to notify property owners.

COMMENTS – MR. YORICK: Mr. Yorick stated that he would like to thank the Board for their time and effort. He stated that he felt his plan for development would be good for the community. He stated that he was sorry that the residents of Cramer Mountain were upset.

Mr. Yorick stated that he would like to review the final conditions set forth by the Board and obtain legal counsel and come back before the Board at the meeting the following week.

The Town Attorney reminded the Board that this was a quasi-judicial matter and they could not speak to anyone about this matter until it was closed.

Mr. Yorick asked if they decided not to go through with their plans, what conditions would be placed on the current owner.

The Town Attorney stated that if they withdrew the plan, the CUP would fail. He stated that the rezoning was done and the property owner was left with a property rezoned with no CUP. He stated that the property could be rezoned, but the processes would have to be done again and there could be no spot zoning.

Mayor Pro Tempore Ramsey asked if the rezoning could be undone. The Town Attorney stated that the proper party could request a rezoning at the appropriate time, but the actions of the Board could not be undone.

Commissioner Murphy asked about the rezoning. He was advised that the rezoning must have a permit to go with it at this point.

Mayor Young stated that she felt there was another misunderstanding again, that rezoning the property had made it far better than what it was before.

The discussion continued.

The Town Attorney stated that if the Board denied the permit, that there was a one year sunset clause and that no actions could be taken for one year on the property. He stated that he felt the best option would be for the developer to look at his options and come back to the Board with a decision on whether or not he wished to pursue the matter.

CLOSED SESSION: Upon a motion by Commissioner Sumner, seconded by Commissioner Lineberger, the Board voted unanimously to go into Closed Session under the provisions of G.S. 143-318.11(a)(4) to discuss economic development matters.

Upon returning to Open Session and there being no further business, Mayor Young adjourned the meeting.

Mayor Cathy C. Young

ATTEST:

LuAnn A. Ellis, Town Clerk