

Public hearing/action regarding rezoning case RZ-02-14

(requested change: AG/GWA to CU-OSRD/GWA; location: 5366 Bunch Rd.; parcel: 0149332)

Attachment(s): yes

MEETING DATE: JULY 8, 2014

STAFF COMMENTS / RECOMMENDATION:

The staff report and 7/1 Zoning Board minutes are attached and staff will present the case. The ZB's recommendation follows:

"A motion was made to forward a recommendation to the Town Council for denial of the request for rezoning AG/GWA (Agricultural District in a General Watershed Area) to CU-OSRD/GWA (Open Space Residential District by Conditional Use District in a General Watershed Area).

The reason for denial is that the proposed rezoning is not consistent with the town's adopted Comprehensive Plan's sections 3, 4, 5 and is not in the public interest because it is in conflict with the Comprehensive Plan and is inconsistent with surrounding development. The motion was approved. M/S: Feulner/Whitacre; 5-0-0."

As a reminder, rezoning decisions must be made based on:

- our current development ordinance;
- our comprehensive plan (per NCGS 160A-383 below); and,
- "any other officially adopted plan that is applicable."

Council must "approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explain why the board considers the action taken to be reasonable and in the public interest." The statement will be provided to the applicant as formal notification of the rezoning decision.

§ 160A-383. Purposes in view. Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

Zoning regulations shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city. (1923, c. 250, s. 3; C.S., s. 2776(t); 1971, c. 698, s. 1; 2005-426, s. 7(a); 2006-259, s. 28.)

Public hearing/action regarding rezoning case RZ-03-14
(requested change: RS-40/WCA to CU-OSRD/WCA; location: 4455 Hamburg Mill Rd. and
"near 4455 Hamburg Mill Rd."; parcels: 0145506 and 145565)

Attachment(s): yes

MEETING DATE: JULY 8, 2014

STAFF COMMENTS / RECOMMENDATION:

The staff report and 7/1 Zoning Board minutes have been provided and staff will present the case. The ZB's recommendation follows:

"A motion was made to forward a recommendation to Town Council for conditional approval of the request for rezoning from RS-40/WCA (Residential District {40,000 square feet} in a Water Supply Watershed Critical Area, Tier 3 {portion} and Tier 4 {portion}) to CU-OSRD/WCA (Open Space Residential District by Conditional Use in a Water Supply Watershed Critical Area, Tier 3 {portion} and Tier 4 {portion}). Conditions that must be met prior to a full approval are the addition of an additional twenty-five feet to the existing 70-foot street buffer along Carlton Dairy Road (developer agreed). Additional conditions also agreed to by the developer are:

1. All dwellings will be constructed on a brick foundation with crawl space.
2. The exterior covering of all dwellings shall be brick, stone, or cementous siding (e.g. Hardiboard). Vinyl shall be used only in soffits, porch ceilings and dormers.
3. There shall be no manufactured or modular dwellings.
4. All dwellings will have a two car garage.
5. The minimum heated square footage shall be 2,000 square feet for a one story and 2,400 square feet for a two-story.
6. Outbuildings shall be of new construction and the exterior covering shall be in keeping with the aesthetics of the main dwelling.
7. Driveways shall be paved in concrete.
8. No above ground pools shall be allowed.
9. All mailboxes shall be of uniform design.
10. Landscape will be added to fill in along the western property line to provide continuous screening.
11. Preserve mature oaks on exiting house lot and restore/upgrade the house on the existing lot.

Furthermore, this conditional approval is consistent with the town's adopted Comprehensive Plan because of low density development, its sections 6, 4-2 and 4-10, and the proposal is in the public interest because of low density development and it supports watershed regulations. The motion was approved. M/S: Rooney/Davis; 5-0-0."

(over)



**Elimination of Athletic Park Advertising and Sponsorship Policy
(POL-2010-003)**

Attachment(s): yes

MEETING DATE: JULY 8, 2014

STAFF COMMENTS / RECOMMENDATION:

The Finance Committee had unanimously recommended 2/17 to remove the SAP banner revenue item from the proposed budget following discussion of the field banner program. Town Council later had a similar discussion about staff and/or rental groups raising revenue with park banner and advertising efforts and concluded those efforts are not worth the return. The adopted budget included a revised fee schedule without this revenue stream and the subject policy is no longer valid. The manager recommends eliminating the policy.

NOTES:

TOWN COUNCIL COMMENTS / ACTION:

Committee re-appointments (Finance and Public Safety)

Attachment(s): yes

MEETING DATE: JULY 8, 2014

STAFF COMMENTS / RECOMMENDATION:

Last month Town Council considered committee reappointments, but did not act on two candidates under consideration based on the attorney's concern of their extended time of committee service and town policies specifying terms of office (all relevant policy pages are attached, along with updated committee rosters). A challenge with committees is often finding willing volunteers.

On the Finance Committee, Ronnie Stafford has served since 6/96 and if not reappointed, one vacancy would become available. There is one current applicant, Dwayne Crawford, to be considered (following agenda item).

On the Public Safety Committee, Rick Hall has served since 2/97 and if not reappointed, there are no applicants currently waiting to serve.

NOTES:

TOWN COUNCIL COMMENTS / ACTION:



**Potential Finance Committee vacancy/consideration of
Dwayne Crawford**

Attachment(s): yes

MEETING DATE: JULY 8, 2014

STAFF COMMENTS / RECOMMENDATION:

If the discussion of item 10.B. results in a Finance Committee vacancy, Dwayne Crawford should be considered. Crawford is a Summerfield resident, has completed the appropriate committee application, has attended recent committee meetings, and would have full voting status if appointed. The interviewing subcommittee members and full Town Council all know Mr. Crawford and his application is attached.

NOTES:

TOWN COUNCIL COMMENTS / ACTION:



**Salvage/demolition contractor approval
(Gordon property flag building, blacksmith shop)**

Attachment(s): yes

MEETING DATE: JULY 8, 2014

STAFF COMMENTS / RECOMMENDATION:

As discussed at the 6/10 meeting, the plan for both named buildings is to salvage some materials, demolish the remaining unusable and/or hazardous materials, and seed the areas. Initially a demolition-only price was obtained that fell within the manager's approval authority. Salvaging naturally increases costs. Following last month's Town Council discussion of options, the process, storage, etc., the manager revised a scope of the work and pricing is beyond the manager's approval limit of \$10,000. Additional information has been provided to Town Council about work requirements and each contractor and the manager requests a decision in order to start the process.

Two proposals are attached for review. Both contractors have quoted and are agreeable to a very detailed scope of work, although the proposals don't reflect full detail. DH Griffin/DARI quoted a total of \$20,585, which includes processing a required NESHAP permit. Anthony's Grading and Hauling quoted a total of \$11,500, but the town would need to process the permit.

NOTES:

TOWN COUNCIL COMMENTS / ACTION:



Finance Committee investment recommendation

Attachment(s): yes

MEETING DATE: JULY 8, 2014

STAFF COMMENTS / RECOMMENDATION:

The Finance Committee has a new investment recommendation to Town Council following its 6/16 meeting (draft minutes have been provided). In addition, the town manager and finance officer have an additional recommendation. Both are attached, along with CD and treasury rates as considered by the Finance Committee 6/16.

NOTES:

TOWN COUNCIL COMMENTS / ACTION:

Short-term rental of house at 7818 Summerfield Rd.

Attachment(s): no

MEETING DATE: JULY 8, 2014

STAFF COMMENTS / RECOMMENDATION:

This topic was discussed at the 5/13 meeting. The recently-hired town planner is trying to relocate from approximately two hours away, will need to sell a home, and is seeking living arrangements closer to Summerfield. Following a brief discussion of insurance, liability, and legal concerns, it was decided by consensus to offer the house for rent at the most recent rate of \$725. The manager requests consideration of a lower rental rate in exchange for caretaking and minor work needed on the property for the short term.

NOTES:

TOWN COUNCIL COMMENTS / ACTION: