

**MINUTES OF THE WHITSETT TOWN COUNCIL**  
**September 12, 2017**  
**Whitsett Town Hall Building**

**REGULAR COUNCIL MEETING**

The regular meeting of the Whitsett Town Council was held on Tuesday, September 12, 2017 at the Whitsett Town Hall. The following members of the Town Council were present: Mayor Richard Fennell, Mayor Pro Tem Andy Brown, and Council Members Jerry Rice, Cindy Wheeler, and Lee Greeson.

Also present were Town Administrator Ken Jacobs, Planning Board Chairman Bob Maccia, *The Alamance News* reporter Tomas Murawski, and three area residents.

Mayor Fennell called the meeting to order, noted that a quorum was present; and asked Council Member Jerry Rice to offer the invocation.

**SPEAKERS FROM THE FLOOR**

Mayor Fennell asked for any speakers from the floor; and there were none.

**OLD BUSINESS**

**1. Adoption of the Minutes**

Mayor Fennell asked for any changes to the minutes from the August 8, 2017 regular meeting; and with none made, asked for a motion to adopt the minutes. Council Member Jerry Rice made a motion to approve the minutes as written; Council Member Lee Greeson seconded the motion. The motion to adopt the August minutes passed by unanimous vote.

**2. Any Other Old Business**

Mayor Fennell asked if there were any other old business to be discussed; and there was none.

## **BOARD AND COMMITTEE REPORTS**

### **1. Planning Board**

Planning Board Chairman Bob Maccia reported that at the Board's September meeting, the quorum present reviewed the variance application submitted by Kevin Sasser for the mini-warehouse facility at 6605 Burlington Road on 5.76 acres, and stated that Town Administrator Ken Jacobs would expound on this item under New Business.

### **2. Enforcement Committee**

Enforcement Officer Ken Jacobs stated that no committee activity had taken place this month.

### **3. Enforcement Officer**

Enforcement Officer Jacobs reported that since last month's Council meeting, one Development Clearance Permit Certificate had been issued to contractor J&W Service to install gas pack, piping, and ductwork at 564 NC Hwy 100.

### **4. Town Administrator**

Town Administrator Jacobs reported on his attendance at the following meetings:

- Nora Carr, GC Schools Chief of Staff, to offer opinion on the approach used for collecting late listing penalties owed the Board of Education.
- Transportation Advisory Council with mention made following the meeting about repaving Whitsett Park Road.
- Gibsonville to discuss water and sewer issues.
- Wanda Baldwin, CPA, of Cobb, Ezekiel, Loy & Company to discuss upcoming audit process and needs—very intensive meeting.
- City of Burlington to discuss continuing sewer issues.

Jacobs then, as requested, provided to Council Members an informational sheet on modifications to Town development processing fees and violation penalties, which will be subject to public hearing and adoption.

Town Administrator Jacobs introduced suggestions to Council on improvements and repairs needed for the Town Hall building and its grounds. These included (1) paving the driveway and a parking area in front of the building, (2) cleanup, grooming, and mulching the playground; repairing equipment and fencing, etc., (3) repairing a roof leak in the southern stairwell that leads to upstairs, and (4) replacing the ball field backstop and making repairs to the infield.

Also, with regard to the ball field operation, Jacobs stated that the ball field contract needed a total rewrite to address demands and conditions of the agreement that have not been adhered to by previous ball league directors. Reimbursement for the Duke Energy charges has been a chronic problem, and mowing and field maintenance continually unmet.

For these tasks and undertakings, Mayor Fennell made a motion to give Town Administrator Jacobs the jobs of soliciting bids for building and grounds needs, as well as drafting a new, aggressive ball field contract, where legal counsel will also be sought. The motion was seconded by Council Member Lee Greeson; and motion carried by unanimous vote.

## **NEW BUSINESS**

### **1. Variance Application and Findings of Fact**

Council Members had received copies of the above documents in their mailed packets; and Town Administrator Ken Jacobs presided to refresh Council Members on circumstances. Jacobs explained that back in 2003 when the mini-warehouse operation was first conceived and a rezoning request was applied for to accommodate plans, ordinance conditions were developed that read the lot size shall be a minimum of two (2) acres and a maximum of five (5) acres.

It was later discovered that for the project to conform to Town-required setbacks, acquisition of  $\frac{3}{4}$  acre would be necessary, but this add would then not comply with the maximum 5-acre standard. An exception, i.e., variance, therefore, should have been applied for and granted. And, although the Planning Board and the Town Council discussions concurred in the added acreage at that time, no paper trail to this effect could be found at Town Hall.

Remediation for this oversight would be to now apply for a variance to square away records, which could retroactively be approved by Council; and moving forward—notably with new ownership of the facility—files would be complete and accurate, alleviating any risks of future problems.

The Planning Board, charged with the responsibility of completing the Findings of Fact worksheet had developed justification defending the need for the variance. The Board's recommendation to Council would be to approve the variance, which would be acted upon by Council Members during a regular monthly meeting following a public hearing being advised for October 10.

**2. Set Public Hearing for October 10, 2017**

Mayor Fennell asked for a motion to set a public hearing for next month to invite public comment on two items: (1) variance request and recommended Planning Board approval for 6605 Burlington Road, and (2) proposed changes to Town development processing fees and violation penalties. A motion was made by Council Member Lee Greeson to set the public hearing for October 10; motion seconded by Council Member Jerry Rice. By unanimous vote, the motion for next month’s hearing passed.

The notice of public hearing will be published in a newspaper (*Times-News*) of general circulation as required by statute.

**3. Any Items from Council Members**

Mayor Fennell asked for any items from Council members; and there were none.

**4. Announcements**

Mayor Fennell asked for any announcements; and there were none.

**3. Speakers from the Floor**

Mayor Fennell asked for any speakers from the floor; and no one asked to be recognized.

**ADJOURNMENT**

With no further business before the Council, Mayor Fennell invited a motion to adjourn. Council Member Jerry Rice made the motion to adjourn; motion seconded by Mayor Pro Tem Andy Brown. Motion passed by unanimous vote; and the September 12, 2017 Town Council meeting was adjourned at approximately 7:27 p.m.

The next regular meeting of the Whitsett Town Council will follow the public hearing that has been scheduled for 7:00 p.m., Tuesday, October 10, 2017 at the Whitsett Town Hall.

/s/

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Jo Hesson, Town Clerk

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Richard Fennell, Mayor

**APPROVED:** October 10, 2017

