

**TOWN OF SEAGROVE  
MINUTES  
REGULAR MEETING & PUBLIC HEARING  
October 2, 2012**

The meeting was called to order at 7:00 p.m. by Mayor Hale. Commissioners in attendance were: Edmonds, Hewitt, Mullin, Luther and Latham.

Mayor Hale introduced Dr. Ron Chaney who led the council in opening prayer.

**A. Approval of Minutes and Treasurer's Report**

Items approved by motion were:

1. Minutes for the called meeting of July 3 which had not previously been approved were presented for review. Motion to accept made by Commissioner Mullin with second by Commissioner Edmonds. Motion carried unanimously. Minutes will be posted on the Town website within a few days.

Then Minutes for the September 4 meeting were presented for approval. Motion to accept made by Commissioner Hewitt with second by Commissioner Luther. Motion carried unanimously.

Commissioner Mullin pointed out that Council had approved and passed the Planning & Zoning Board consulting expenditure for Mr. George Hayfield in the previous meeting.

2. Treasurer's Report for September was presented for review. Motion to approve presented by Commissioner Edmonds with second by Commissioner Mullin. Motion carried unanimously.

**B. Police Report** - Police Chief Maness detailed the number of miles driven (778), hours worked during September were 185 with 4 hours in court. There were 4 Special Assignments and 17 Field interviews. Six warrants were drawn. One arrest was made and 12 citations were issued along with 4 written warnings and 22 verbal warnings. There were 6 motorist assists for the month. There were 4 alarm calls and 9 miscellaneous calls with 20 miscellaneous reports. Approximately 5 grams of marijuana was seized with a value of \$40 and less than 1 oz. of Crystal Meth was seized with a value of \$80. A wallet was recovered and forty-three business checks were conducted. The Crystal Meth bust was a joint operation with the Sheriff's Dept. to serve a search warrant after numerous complaints. Officers have been working on evidence from the 80's and 90's to destroy it which has been a lengthy process but is almost completed. Congratulations were offered Chief Maness on the successful drug bust.

**C. Committee Reports** - Commissioner Latham plans to attend the next meeting of the Seagrove Fire Department and present a report at the next meeting or have a representative of the department present a report.



Commissioner Edmonds reported on his check of Hoyt Drive where he found pot holes and a section of the pavement in the curve where the water line was installed needs repair. The pavement is 9 feet wide at this juncture which does not leave much room to maneuver to avoid the pot holes with any on-coming traffic. The ground has sunk in this area and needs to be filled in. Commissioner Edmonds stated that he has ridden all the streets and this is the worst street in town. He recommends repairing the pot holes, filling in the sunken area and widening the street. The problem seems to have begun with the installation of the water line. No repair costs have been received. Commissioners Mullin and Luther recommended that bids for the repairs be solicited. Commissioner Luther made a motion to this effect with second by Commissioner Mullin. Commissioner Edmonds mentioned that the patching should be done prior to the onset of cold weather. All agreed that this should be done as soon as possible. Discussion ensued about the best way to expedite the process. Commissioner Mullin asked if this was for repairing the pot holes or widening the road. The answer was "both". The Powell Bill money should cover the cost as this is a responsibility of the Town. At the advice of the Town Attorney, Council agreed to obtain three bids and have a called meeting to review and decision the bids. Commissioner Mullin made a Motion to this effect which was seconded by Commissioner Luther. The Town's Attorney asked if the right-of-ways were in place if the road is to be widened. Commissioner Edmonds stated that there would be no problem with right-of-way. Motion passed unanimously.

Commissioner Mullin reported that the No Fishing & No Swimming signs are up at the park. Work to repair the wash-out area should have been completed. She reported that Mr. Poole is in the process of cleaning the streets and they are looking much better.

Commissioner Luther reported that the wheels have been broken off the trash can at the Ginger Bread House and this needs to be taken care of.

Commissioner Hewitt reported that frames for the zoning maps quoted at \$138 each was too much and that alternative ideas were being investigated with Commissioner Edmonds. Commissioner Hewitt had handled a request for yard sale during the month. She mentioned that Seagrove Video Express is closing and has requested refund of a portion of their privilege license fee paid in July. Further, Mike McLean would like to move into the space with a consignment shop. She is pursuing his business and privilege license applications.

Commissioner Mullin reported on the 100 year celebration committee and announced that Eddie VonCannon had agreed to be Chairman. She asked for calls from people wanting to volunteer to help on the committee. Commissioner Hewitt mentioned that Dr. Chaney had met with Commissioner Luther and herself last spring and provided his information from previous July 4<sup>th</sup> celebrations which will be very helpful to the committee. Mayor Hale said that the committee had been researching the archives and discovered numerous letters and documents which can be put on display for historical reference. He is working with the Library to set up a section to display these old documents for the enjoyment of the town. Seagrove has the distinction of having the first female mayor in Randolph County. Ollie Parks was the first Seagrove Policeman in 1920 according to Commissioner Mullin.



Clerk Knowles also reported on the request of Seagrove Video Express to receive a refund of a prorated portion of their privilege license after discontinuing business as of September 30. After discussion, Council agreed to refund \$10 of the fee. Motion by Commissioner Mullin with second by Commissioner Hewitt. Motion passed unanimously.

Clerk Knowles then reported on a \$34 overdraft fee which had been refunded by Community One Bank after an error by the clerk. The overdraft was covered immediately. Commissioner Mullin asked if the town still maintained a safe deposit box at Community One Bank. The town does have a box at no charge but it has not been accessed since 1987. The contents of the box, if any, are unknown. The key is missing. Commissioner Mullin made a motion to have the lock drilled to see if there are any contents in the box before turning it back over to the bank. The cost is \$200. Motion had no second and was defeated. Mayor Hale stated that the issue would be tabled until next month's meeting where discussion about disposition of the safe deposit box would be reconsidered. Commissioner stated that she would speak with First Bank about the \$110 annual fee to see if they would waive the fee for the town.

Clerk Knowles then reported that the new accounting software has been purchased and installed and he is in the process of updating the records. Computerized checks have also been purchased and were used in payment of 9/30 bills. As part of this process he requested that

GoToMyPC.com service be established to enable him to access the accounting system from his home computer and save on travel time while the accounting records are updated. The system is secure and costs \$9.95 per month. Greta Lint suggested the use of LogMeIn.com service which she uses and this service is free. Clerk Knowles agreed to look into this service and compare. If it works the same then he will utilize this service. Commissioner Edmonds made a motion that Clerk Knowles investigate the free service and, if it is not satisfactory, then sign up for the service up to the \$9.95 per month fee. Commissioner Mullin seconded the motion which passed unanimously.

#### **D. Old Business/Public Hearing:**

Mayor Hale introduced Emily Coltrane, Chair of the Planning & Zoning Board, to present an overview of the recommendations presented at last month's meeting by Planning & Zoning Board member David Fernandez. These recommendations have been available at the library for public review.

Chairperson Coltrane presented the following:

- The width of the corridor would be changed to 300 feet from the pavement centerline of highway 705.
- The overlay applies to non-residential, multi-family and commercial development.
- The overlay will not apply to single or dual-family residential property.
- There is a substantial amount of landscaping, screening and buffering requirements as well as plantings and the maintenance thereof
- There are signage standards and parking standards as well as exterior lighting requirements.
- Main differences between the former overlay district and the recommended overlay district are the width and list of prohibitive uses added. Also there are new design requirements.
- Permit fees are recommended but these will need to be set by the Town Council.



- All commercial development will require approval by Town Council as well.
- There are some similarities with the former overlay district in parking and signage.
- The goal of the overlay is to make commercial development easier and broader while still maintaining the small town character of the community.
- The proposed landscaping requirements are more strict, forceful and specific than in the old overlay district for the purpose of enhancing the overall appearance of the community into the future.

Mayor Hale then called for a motion to go into public hearing. Commissioner Mullin made the motion which was seconded by Commissioner Edmonds. Motion carried unanimously.

Mayor Hale confirmed that what was once called Scenic Business Corridor Plan will now be called a Highway Overlay District. He then opened up the discussion to the public:

Chad Hooks presented a question about the handling of property where a portion falls within the Overlay District but the remainder is outside the District. Chairperson Coltrane stated that if any portion of the property falls within the District then the entire property is considered to be within the District.

Phil Morgan mentioned that an Overlay District complicates commercial development and that the Zoning Ordinance should handle what is needed until there is a problem. He added that there are properties that front within the overlay but the majority of the property falls far away from the district and cannot be seen from highway 705. These property owners have to follow the overlay rules even though their actual development may not be within sight of the highway. Chairperson Coltrane stated the overlay is business-friendly.

David Fernandez stated that the overlay does not apply to residential and only a few commercial properties were identified within the city limits that the overlay will apply to. The desire was to make the overlay business-friendly to allow development of property while still keeping the flavor of the town. Restriction of business development was not an intention of the Planning & Zoning Board.

Paul Hopkins stated that multi-family, hotels, motels, large commercial are exempt.

Mayor Hale asked if there were any restrictions on size. There are no restrictions on size.

Mr. Fernandez said that there was some discussion about requesting that the owner of a larger-size development split up the façade to give the appearance of smaller “in-town” type of structure rather than a “big-box” type of structure. No vote was taken on this portion of the discussion by the Planning & Zoning Board. He recommended to Council that this be included in the ordinance.

Charles Blake, who works with the park to bring in people through travel tournaments, mentioned that there are small towns bigger than Seagrove that are dying because of overlays and restrictions are keeping businesses out. We need to do something to entice businesses to come to Seagrove. Long term businesses are going away and efforts to attract new business needs to be stepped-up.

Benjamin Burns stated that the ordinance encourages development and is a very good ordinance. It encourages a small-town look and feel and there are county rules for larger buildings.



Jim Bone stated that the restrictions are inhibitive to a lot of businesses. Mayor Hale stated that this overlay does not have restrictions on building design requirements and size. This makes it more friendly as to what can move in without having to come through the Board.

Julia Morgan said that the county still carries the scenic overlay that comes to the town limits. She recommended that the Seagrove overlay be compatible with the county overlay so that there is only one overlay for business developers to deal with. David Fernandez mentioned that the county overlay is more restrictive than the Seagrove overlay district to encourage more development from city limit to city limit on the 705 corridor.

Mr. Hopkins confirmed the boundaries of the county overlay and stated that the objective of the Seagrove overlay was to be less restrictive than the county. He said that the problem is that there is not enough infrastructure already in place to support more business development. Everyone needs to work together as a town to put in additional water & sewer that would make it more attractive for new business development in the town.

Jerry Lambert asked for confirmation that the overlay was 300 feet to each side of the center line of highway 705 for a total of 600 feet.

Charles Blake stated that the town needs to address what is going on with the water department for new water/sewer capacity in town.

Mr. Voncannon mentioned that Seagrove is a magical town but that more than 80% of the town has nothing to do with pottery. In its effort to keep out undesirable businesses, the town went too far in its ordinances. He recommended that restriction of undesirable business can be handled through the permit process and/or business plan process. Items of landscaping, etc. should be "suggested" and not "required". Prohibitive uses can control what need to be controlled.

Phil Morgan recommended that the overlay should stop at 300 feet and not include the entire property if just a portion falls within the overlay.

Benjamin Burns asked for clarification of the overlay boundary and whether it includes the annexed portion of the town. If the annexed property falls within the boundary of the overlay then the requirements will apply.

Regina VonCannon stated that when she came to town in 1982 there were many small businesses and there were no ordinances. While regulation and supervision are okay, laws do put pressure on business owners who do not want to be told the details of how they manage the landscape, parking, entry, etc of their property. She recommends that the overlay ordinances be rolled-back to an oversight function. Further, ordinances add cost and in this economy we do not want to add cost to a business/property owner. Lack of water/sewer infrastructure also hurts business in town.

Bonnie Burns questioned how the overlay corridor would affect development of a couple of larger properties in the town.

Mayor Hale asked Mr. Hunt about prospective purchasers of the property he owns along the overlay corridor. Mr. Hunt gets contacted and mentioned the zoning for various portions of his property. Mayor Hale stated that Council must determine whether or not the recommended overlay would entice development of business in the town. But Council does not have a crystal ball to forecast what will or will not happen in the future with possible business development.

Jerry Lambert mentioned that infrastructure was the main issue holding back business development in the town. The process should be streamlined to minimize the impact to the business person looking to develop property. Growth is related to the amount of infrastructure available as evidenced by the other towns in the area.



William Hunt stated that there is confusion as to whether property owners can hook into the existing water & sewer in town. A discussion on the size of the sewer line ensued but the issue at hand is that of the overlay for this public hearing.

Mayor Hale called for a motion to close the public hearing. Commissioner Mullin moved to close the hearing with second by Commissioner Luther. Motion carried unanimously.

Mayor Hale asked for comments from Council on the overlay recommendation. Commissioner Mullin said that 300 feet is too much and that 100 feet would be sufficient. She added that the line should stop at 100 feet and not include an entire property.

Commissioner Edmonds said that 100 feet is cutting it too short and that the overlay could end at 300 feet and not include the entire property.

Commissioner Hewitt said that the overlay should stop at the 300 feet and not include the entire property. Commissioner Luther agreed with this. Regular zoning regulations would apply to the remainder of the property.

Commissioner Hewitt asked if the overlay ordinance was pushing the landscaping too much relative to the type and height of trees and number/type of shrubs. This may be excessive.

Chairperson Coltrane explained that the front landscaping ordinance was comparable to what is found at the bank. The buffer and screening applies to sound barriers, etc between residential and commercial. The language appears more restrictive than when comparing it to the actual appearance of a property such as the bank.

Part 3, Section 8, items 1-6 were discussed as to the type of plantings and the specifics thereof. Commissioner Mullin recommended that the wording for item 4 be changed from "shall be" to "can be".

Commissioner Edmonds mentioned that the size of tree specified in item 1 would be expensive. Recommendation made to lower the initial height of the planting to 3 feet and the rate of growth cannot be predicted.

Recommendation was to stop the overlay district to 300 feet and not include the remainder of the property.

Mayor Hale called for a motion to accept the Highway Overlay Corridor with the changes recommended above. Commissioner Edmonds made the motion which was seconded by Commissioner Luther. The motion passed by a vote of 4 to 1 with opposition by Commissioner Mullin.

Mayor Hale then called for discussion on the Abandoned Vehicle Nuisance Ordinance (not open to public hearing because it does not affect property ownership and zoning; it is just a town ordinance). Commissioner Hewitt mentioned that penalties need to be established in the event of non-compliance. Commissioner Mullin suggested a penalty of \$50 per day for all violations of the ordinance in excess of the prescribed time limit charged based on ownership. Mayor Hale read the ordinance and stated that it generally follows the General Statutes of the State.

Motion to accept the ordinance with the \$50 fine after the warning and notice period to the owner of record was made by Commissioner Mullin with second by Commissioner Luther. Motion passed unanimously.



#### **E. New Business/Discussion:**

Mayor Hale then discussed the responsibility of the Council to elect a new representative every three years to the Seagrove/Ulah Metropolitan Water Board. There has been much discussion around the town on this topic. Town attorney Frank Marley was in attendance to address any questions posed by the Council. Mr. Marley has made numerous contacts in regards to the selection process for the representation and make-up of the Water Board. Mr. Marley did address the question of whether the representative was required to live within the town limits of Seagrove. The research and statutes address requirements of the County but do not address this requirement of living within the town limits. Therefore, without further legislative action or court proceedings, his interpretation is that the nominee is not required to live within the town limits of Seagrove.

Mayor Hale detailed certain obligations and decisions required to be made as elected officials of the town to include selection of attorney, selection of Town Clerk and who represents the Council on the Water Board. Therefore, nominations can only come from Town Council members. Mayor Hale then opened the floor for nominations from the Council for representation on the Seagrove/Ulah Metropolitan Water Board. Commissioner Luther nominated Edward VonCannon. She then provided insight into her nomination with background on Mr. VonCannon. There were no other nominations presented for consideration by the Council so Mayor Hales called for motion to close the nomination process. Commissioner Mullin made motion to close nominations with second by Commissioner Hewitt. Motion carried unanimously.

Motion to appoint Mr. VonCannon to the Seagrove/Ulah Metropolitan Water Board was made by Commissioner Mullin with second by Commissioner Hewitt. Motion carried unanimously.

Mr. VonCannon agreed to provide monthly reports to the Council as to the activities of the Water Board.

Mayor Hale then again introduced Dr. Chaney as an addition to the agenda to discuss the Christmas tree lighting event. Dr. Chaney reported that Saturday, December 1 is the tentative date for the event. An account with First Bank has been established for donations to help defray costs. The committee is open to ideas as to how to make the event as good as possible. Music will be provided and selection of a professional musician is underway along with sound systems, etc. The committee is also looking at a rain date of the following Saturday, December 8. Dr. Chaney asked for help in getting the word out and for donations. Mr. Blake mentioned Mr. King's generosity in allowing the event to be held on his property and covering of the insurance costs. Commissioner Hewitt mentioned thanked the NC Pottery Museum and potters for their participation in the event.

Mayor Hale proposed a Beautification Program to the Council. The purpose of Government is to create competition, not power and this program could serve this purpose. Commissioner Edmonds would head a committee to select monthly winners. There would be a page on the town's website to recognize the business and residence of the month on an alternating basis. The



website would include pictures and write-up which could serve as advertising for the business or story on the resident (no personal information on the winning residents will be included). Commissioner Luther said that the Council needs some time to think about the program and recommended that this item be tabled until the next meeting. Motion made by Commissioner Luther with second by Commissioner Mullin. Motion passed unanimously.

Mayor Hale then opened the floor for public discussion of any business to be brought to the Council.

Mr. Hooks requested a letter from the town giving approval to transfer power from houses that are to be demolished to a temporary power pole on the property. This letter is needed by the County Building Inspector. Motion to approve the letter made by Commissioner Mullin with second by Commissioner Hewitt. Motion approved unanimously.

Mr. Burns asked about the letter to be written about the billboard sign which was discussed last month. Commissioner Hewitt updated him on the status of this situation.

Mrs. Burns asked what constitutes a nuisance vehicle. Mayor Hale explained the definition from the ordinance.

Mr. Fernandez asked about the amount of the payment made to George Hayfield for consulting services and about the contract with the Fire Department. Mayor Hale addressed both of these questions.

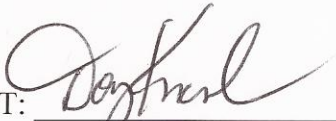
Emily Coltrane requested clarification on execution of the signage certificates which need to be signed by the Seagrove Zoning Administrator. She referred to Zoning Ordinance section 7-1 which states that the Chief of Police shall have the duty to enforce the Zoning Ordinance and administer the provisions of the ordinance. She asked if the Chief of Police is also the Zoning Administrator. Commissioner Mullin stated that the Chief always enforced the ordinance in the past but was not the Administrator. Commissioner Hewitt stated that she had signed as Zoning Administrator in her previous role as Chairperson of the Zoning Committee. Commissioner Edmonds made a motion that the Chief of Police is the Zoning Enforcer and the Chairperson of the Planning & Zoning Board is the Zoning Administrator. Motion was seconded by Commissioner Hewitt with unanimous approval.



There being no other business to address, motion to adjourn was made by Commissioner Luther and seconded by Commissioner Hewitt. Motion passed unanimously. Meeting was adjourned at 9:32 p.m.

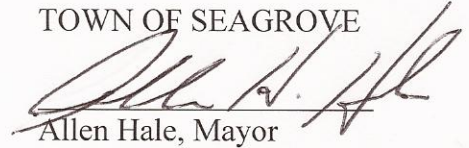
Town of Seagrove

ATTEST:



Doug Knowles  
Town Clerk

TOWN OF SEAGROVE



Allen Hale, Mayor