

STATE OF NORTH CAROLINA            )           OFFICE OF THE COMMISSIONERS  
  )           STOKES COUNTY GOVERNMENT  
COUNTY OF STOKES                    )           DANBURY, NORTH CAROLINA  
  )           JUNE 7, 2005

The Board of Commissioners of the County of Stokes, State of North Carolina, met in regular session (Planning) in the Council Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building), located in Danbury, North Carolina, on Tuesday, June 7, 2005 at 7:00 pm with the following members present:

Chairman John Turpin  
Vice-Chairman Leon Inman  
Commissioner Sandy McHugh  
Commissioner Joe Turpin  
Commissioner Jimmy Walker

County Personnel in Attendance:  
County Manager Richard Morris  
County Attorney Jonathan Jordan  
Clerk to the Board Darlene Bullins  
Planning Director David Sudderth  
Information Technology Director Dianna Fulp  
Information Tech. Systems Analyst Matthew Robbins

Chairman John Turpin called the meeting to order.

Planning Director David Sudderth delivered the invocation.

#### **GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE**

Chairman John Turpin opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

#### **GENERAL GOVERNMENT - PLANNING & COMMUNITY DEVELOPMENT**

Chairman John Turpin entertained a motion to switch the order of the Zoning issues with the Rezoning Request #165- Vernon Adams to be first.

Commissioner McHugh moved to approve the motion to switch the order of the Zoning issues with the Rezoning Request #165- Vernon Adams to be first.

Vice Chairman Inman seconded and the motion carried unanimously.

#### **Public Hearing**

**Rezoning Request #165- Vernon Adams**

**Rezoning Request #164 - Colonial Funeral Homes & Chapel**

Chairman John Turpin called the Public Hearing for the Rezoning Requests to order.

#### **Rezoning Request #165- Vernon Adams**

There were no public comments.

#### **Rezoning Request #164 - Colonial Funeral Homes & Chapel**

The following individuals spoke during the Public Hearing:

#### **Barry Dodson**

**Representative for Colonial Funeral Homes**

PO Box 117

Madison, NC 27025

**RE: Support - Colonial Funeral Homes & Chapel Rezoning**

Mr. Dodson spoke on behalf of Colonial Funeral. Mr. Dodson noted the need for a funeral home in the Sandy Ridge and Lawsonville areas. Mr. Dodson requested the Board ratify the decision of the Planning Board.

**Sandra Priddy-Bowen**

1045 Joe Scales Road  
Sandy Ridge, NC 27046

**RE: Opposition - Colonial Funeral Homes & Chapel Rezoning**

Ms. Bowen spoke in opposition of the placement of the funeral home. Ms. Bowen requested that the funeral home be placed in the business district of Sandy Ridge and not disturb the beautiful pastoral view of the existing property. Ms. Bowen also noted safety concerns, congestion associated with the existing church located near the property, water runoff, and the quality of life in the area. Ms. Bowen presented a 24-minute videotape for Commissioners to view at a later date.

**Lorri Amos**

1425 Amos Ridge Road  
Sandy Ridge, NC 27046

**RE: Opposition - Colonial Funeral Homes & Chapel Rezoning**

Ms. Amos spoke in opposition of the placement of the funeral home. Ms. Amos also requested that the funeral home be placed in the business district of Sandy Ridge. Ms. Amos expressed concerns with the amount of water usage, safety issues, and preservation of rural areas in the county. Ms. Amos reiterated that she did not oppose the funeral home in the area, just the particular site chosen.

Chairman John Turpin closed the Public Hearing.

**GENERAL GOVERNMENT-PLANNING & COMMUNITY DEVELOPMENT**

Planning Director David Sudderth presented the request to rezone approximately 1.50 acres from M-1 (Light Manufacturing) to H-B (Highway Business), site owner and applicant Vernon A. Adams.

**STAFF REPORT**

**Vernon A. Adams M-1 to H-B # 165**

**REQUEST:** Rezone approximately 1.50 acres from M-1 (Light Manufacturing) to H-B (Highway Business)

**SITE OWNER:** Vernon A. Adams

**APPLICANT:** Vernon A. Adams

**SITE LOCATION:** The property is located at 1351 Perch Rd. in Pinnacle.

**Map:** 593707

**Parcel:** 3518

**PIN #:** 5937-07-78-3518

**Deed Book:** 477

**Pages:** 590

**Township:** Yadkin

**SITE INFORMATION:**

**PARCEL SIZE:** Total tract 1.50 acres

**ZONING DISTRICT:** M-1 (Light Manufacturing)

**PROPOSED DISTRICT:** H-B

**FLOOD HAZARD AREA:** N/A.

**FIRM MAP #:** 370362 0125B

**FIRM MAP ZONE:** Property is located in Zone X, area determined to be outside the 500-year floodplain.

**WATERSHED DISTRICT:** WS-IV- Yadkin River

**SEPTIC/WATER APPROVAL:** Stokes County Environmental Health section.

**SCHOOL DISTRICTS:** N/A

**EMERGENCY SERVICES:** Pinnacle VFD, EMS - Station # 3 Pinnacle.

**EROSION CONTROL:** When construction begins, if necessary.

**ACCESS:** The existing business has a driveway access off of Perch Rd. (SR# 1147) (NCDOT must approve any changes to the existing commercial driveway permit).

**SURROUNDING LAND USE:** The subject property is located on Perch Rd., SR# 1147. The closest H-B (Highway Business) district to the site is located approximately .1 mile of the proposed site.



**SCHOOL DISTRICTS:** N/A

**EMERGENCY SERVICES:** Northeast Stokes VFD, EMS - Station # 2 Lawsonville.

**EROSION CONTROL:** When construction begins, if necessary.

**ACCESS:** The proposed business will have driveway access off of Hope Beasley Rd. (SR# 1615) (NCDOT must approve a commercial driveway permit).

**SURROUNDING LAND USE:** The subject property is located on the corner of Hope Beasley Rd., SR# 1615 and NC Hwy 704. The closest H-B (Highway Business) district to the site is located approximately 1.5 mile east of the proposed site near the intersection of NC Hwy 704 and Delta Church Rd.

**ISSUES TO CONSIDER:**

- Impact on surrounding development.
- Consistency with surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Need of services provided.
- Potential tax base increase due to commercial development.

**STAFF COMMENTS:** The rezoning request comes to the Board as a conditional use-zoning district; you may discuss the development plan of the proposed "Funeral Home" in detail. NC Hwy 704 is a major thoroughfare in the county and has mixed commercial and residential development throughout its length. This pattern of mixed development is common throughout the major thoroughfares of the county. The nearest (H-B) Highway Business commercial development is located approximately 1.5 miles east of the property, Oscar Wood's garage and store, and Ronnie Amos' Garage. Pinto's Café is located approximately 2.0 miles northwest of the proposed site on NC Hwy 704. Oak Ridge Baptist Church is located less than .1 of a mile from the propose site. There is residential and agricultural development adjacent to the site. The Oak Ridge Baptist Cemetery is directly in front of the proposed site across Hope Beasley Rd. The conditional use aspect of the request would allow the Board the opportunity and ability to regulate uses on the property and address any environmental or neighborhood concerns that might arise if approved.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted unanimously to recommend approval of the rezoning request. The Board stated that it was appropriate to locate commercial zones along the major thoroughfares in the county. The Planning Board also unanimously recommended approval of the Conditional Use permit along with the following recommended conditions. Mr. Barry Dodson, representative of Colonial Funeral Home and Chapel agreed to the proposed conditions.

Planning Director David Sudderth noted that there were additional citizens who attended the Planning Board in opposition of the rezoning request. Ms. Candace Lawson spoke on behalf of her mother, Beatrice Priddy, who was unable to attend who also opposes the rezoning request. (Ms. Priddy walks for exercise on Hope Beasley Road). Family members of Ms. Beatrice Priddy family reiterated concerns during the meeting opposing the rezoning request.

The Board discussed the following concerning the rezoning:

- Access on Hope Beasley Road
- Disposable of Hazardous materials
- Erosion Control Plan
- Safety issues
- NCDOT - commercial driveway
- Non profit status
- Concerns of the citizens
- Full service funeral home
- Location of other commercial businesses in the area
- Congestion associated with Oak Ridge Baptist Church

Commissioner McHugh moved to approve the request to rezone approximately 2.816 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for a "Funeral Home and Chapel " site owner and applicant Lynwood H. Shelton and require an erosion control plan to insure that there is no water runoff.

Commissioner Joe Turpin seconded the motion.

The Board discussed the requirement of an erosion control plan.

Commissioner McHugh withdrew the requirement of an erosion plan to insure that there is no water runoff from her motion.

Commissioner Joe Turpin withdrew his second from the motion for the requirement of an erosion plan to insure that there is no water runoff. (This will be added to the conditional use permit). Mr. Dodson noted that an erosion control plan has already been submitted to the State for approval.

The motion to approve the Request to Rezone approximately 2.816 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for a "Funeral Home and Chapel" site owner and applicant Lynwood Shelton carried (4-1) with Commissioner Walker voting against the motion. Commissioner Walker noted that he had no opposition to a funeral home, but would have liked more time to possibility work something out with the neighbors and businesses in the area.

Planning Director Sudderth read the following recommended conditions that were approved by the Planning Board and agreed to by Mr. Barry Dodson- Colonial Funeral Home:

**Recommended Conditions for Colonial Funeral Home H-B-CU #164**

1. NCDOT must approve a commercial driveway access for the site.
2. Applicant shall adhere to all applicable Federal, State, and local laws.
3. If any of these conditions are not met or complied with or the permit has not been exercised in or before one (1) year from the granting of the permit, the permit shall become void and of no effect.
4. All required permits must be obtained from the County Inspections Department prior to placing structures on the property, as well as any signage that may accompany the project.
5. Any structure shall post a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
6. If conflict arises between any conditions or the developer's proposed site plan or written text, the most stringent conditions or requirements shall be considered the governing requirement.
7. All costs and expenses associated with complying with these conditions shall be borne by the landowner/developer, with no expense being borne by the County.
8. Upon written request by the County, evidence of compliance with any of these conditions shall be provided to the County within ten (10) days after each request.
9. If any of the conditions shall be found to be unreasonable, invalid or otherwise impermissible by a court of competent jurisdiction then the County may impose such alternative reasonable conditions as it finds to be necessary and appropriate.
10. If any of these conditions once met are not continuously maintained, the permit may be revoked by the County upon the failure of the owner/developer to cure the deficiency in any specific condition within thirty (30) days after written notice to the owner/developer of the specific failed condition.
11. Appropriate hedgerow buffer mixed with trees on sides of property.
12. Parking lot and building lighting that does not project directly to surrounding properties.
13. Or any other condition that the Boards may deem necessary at the time the project is approved.

Commissioner McHugh moved to approve the addition of an erosion control plan to the recommended conditions for Colonial Funeral Home.

Vice Chairman Inman seconded and the motion carried unanimously.

**BOARD ACTION REQUIRES THE FOLLOWING FOR ISSUING CONDITIONAL USE PERMITS.**

The Board must respond and vote on each of the following items concerning the issuance of a Conditional Use Permit.

Planning Director Sudderth requested the Board's approval for the following conditional use permit requirements:

## Consideration of Conditional Use Permit

The responsible body shall approve, modify, or deny the application for use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made. (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. (5-0)
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. (5-0)
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. (5-0)
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. (5-0)

### Section 133. Conditions and Guarantees

**Prior to the granting of any conditional use, the Planning Board may recommend, and the responsible body (either the Governing Body or the Board of Adjustment) may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 132.5 above. In all cases in which conditional uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include, but not limited to, the following:**

- (a) Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- (b) Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide adjoining property with a buffer or shield from view of the proposed use if necessary.
- (d) Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal.

### Section 134. General Provisions in Granting Conditional Use

#### 134.1 Compliance with Other Codes

Granting a conditional use does not exempt applicant from complying with all of the requirements of other ordinances.

#### 134.2 Revocation

In any case where the conditions of a conditional use have not been or are not being met, the Enforcement Officer shall give the grantee notice of intention to revoke approval. Said notice shall be at least ten (10) days prior to action by the responsible body considering conditional uses.

#### 134.3 Expiration

In any case where a conditional use has not been exercised within the time limit set by the responsible body, or within one (1) year if no specific time limit has been set, then without further action, the approval shall be null and void. "Exercised" as set forth in this Section shall mean that binding contracts for the

construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are constructed in a substantial stage of development, or completed (sewage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use in operation is in compliance with the conditions which are set forth in the approval.

Chairman John Turpin entertained a motion to approve the Conditional Use Permit.

Commissioner McHugh moved to adopt the Conditional Use Permit with Recommended Conditions (1-14).

Vice Chairman Inman seconded and the motion carried unanimously.

## **PUBLIC COMMENTS**

There were no public comments.

## **GENERAL GOVERNMENT - INFORMATION SYSTEMS- PROPOSED SPAM (E-MAIL) FIREWALL**

Information Technology Director Dianna Fulp informed the Board of the recent increase of Spam (unsolicited or junk emails) that the County has been experiencing. The increased volume has strained both the email server and staff.

Director Fulp noted that the County had installed a trial version of the Barracuda on June 1<sup>st</sup> which has already proven to very beneficial (graphs presented to the Board pertaining to the performance of the Barracuda Spam Firewall 300 Filtering System).

Director Fulp requested the Board's approval to purchase the Barracuda Spam Firewall 300 Filtering System at a total cost of \$3,897. Information Systems has the funds to secure this system. Director Fulp also noted the estimated potential cost savings by installing the system.

Chairman John Turpin entertained a motion to approve the Budget Ordinance Amendment #131 which is to amend the General Fund to transfer funds to purchase Spam Firewall Filtering System.

The appropriations are to be changed as followed:

<b>Account Number</b>	<b>EXPENDITURES</b>	<b>Decrease</b>	<b>Increase</b>
	<b>Information System</b>		
100.4210.440	Misc. Contractual Services	\$623.00	
100.4210.511	Equipment- Non Capitalized		\$623.00
		<hr/>	
		\$623.00	\$623.00

This will result in a net increase of \$0.00 in the appropriations of the General Fund.

Commissioner Joe Turpin moved to approve the Budget Ordinance Amendment #131.

Commissioner McHugh seconded and the motion carried unanimously.

## **GENERAL GOVERNMENT - GIS/MAPPING - RESOLUTION DESIGNATING REVIEW OFFICER**

Clerk to the Board Darlene Bullins requested the Board's approval for the submitted Resolution Designating Amy T. Carter as a Review Officer (requested by GIS/Mapping Administrator Jake Oakley).

Ms. Bullins informed the Board that Ms. Carter had been appointed April 28, 2003 by the Board as a Review Officer for Stokes County. Register of Deeds Kathy Young requested Mr. Oakley submit Ms. Carter for reappoint by a Resolution according to G.S. 47-30.2.

Chairman John Turpin entertained a motion to approve the submitted Resolution Designating Amy T. Carter as Review Officer.

Commissioner Joe Turpin moved to approve the Resolution Designating Amy T. Carter as Review Officer.

Commissioner McHugh seconded and the motion carried unanimously.

## **CLOSED SESSION**

Chairman John Turpin entertained a motion to enter into closed session for the following:

- To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other public body, or to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the Board of Commissioners or of some other public body pursuant to G.S. 143-318.11(6).

Vice Chairman Inman moved to enter into closed session for the following:

- To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other public body, or to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the Board of Commissioners or of some other public body pursuant to G.S. 143-318.11(6).

Commissioner Joe Turpin seconded and the motion carried unanimously.

The Board re-entered the regular planning session of the June 7<sup>th</sup> meeting.

## **GENERAL GOVERNMENT - GOVERNING BODY - IMPACT FEES**

The Board discussed impact fees for schools with Planning Director David Sudderth.

The Board requested County Attorney Jonathan Jordan investigate the following issues pertaining to impact fees:

- Current Legislation pertaining to impact fees
- Specific areas in the County that can be charged impact fees
- Timetable for submission to the Legislature

There being no further business to come before the Board, Chairman John Turpin entertained a motion to adjourn the meeting.

Commissioner Joe Turpin moved to adjourn the meeting.

Vice Chairman Inman seconded and the motion carried unanimously.

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**Darlene M. Bullins**  
Clerk to the Board

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**John M. Turpin**  
Chairman