

Public Hearing was held on March 7, 2013 at 7:00 p.m. at 103 West Stanly St- outside due to capacity issues. The purpose was to hear comments concerning the subdivision and re-zoning of parts of two tracts of land, on Hwy 200- TR # 3816-2.80 acres rezoned from R-20 to GB-CD and TR # 15468-8.65 acres rezoned from R-20 to R-A and building specifications as submitted by James Michael Castonguay and Lorrie Sharpe Castonguay.

There were comments made for and against this re-zoning. Anyone that wanted to speak had an opportunity. After everyone spoke the board of commissioners and mayor started the regular business meeting inside the town hall.

Present: Mayor Kevin Barbee, commissioners Larry Sides, Jerry Williams, Greg Lucas and Town Administrator Bob Harvey.

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## **Minutes of Regular Meeting March 7, 2013**

### **Determination of Quorum**

A quorum was determined with the presence of Mayor Kevin Barbee, Commissioners Jerry Williams, Greg Lucas, and Larry Sides. Jason Smith arrived 8:23 due to stuck in traffic from job.

### **Call to Order**

Mayor Kevin Barbee called the meeting to order at 7:45 p.m.

### **Approval of agenda**

**Greg Lucas made a motion to accept the agenda as written with the exception of moving the planning and zoning part after the mayor's report. All were in favor, motion carried**

### **Approval of minutes**

**Larry Sides made a motion to accept the minutes as written. All were in favor, motion carried.**

### **Approval of Bills**

**Jerry Williams made a motion to pay the bills. All were in favor, motion carried.**

### **Public Comment**

Todd Claver asked a question; "What is going on with the West Stanly Swim Club?" He was just curious and had seen work going on. He wanted to know if the Town of Stanfield has taken ownership.

The board did reply that an individual has purchased the West Stanly Swim Club and the town has no ownership.

## **BUSINESS MEETING**

### **Finance**

The percentage report was handed out and discussed. We are still on track with the budget. The tax assessor report will be available by the end of April, due to properties being re-evaluated and new software. Bob Harvey explained a rate case from the NCLM. Kevin Barbee asks that Bob look at other medical insurance options for town employees also for the new budget. Kevin Barbee also asks that we do our projections by next month to make sure we stay within budget.

**Larry Sides made a motion that we join the NCLM support league rate case for \$100.00, all were in favor, motion carried.**

### **Public Safety**

Police report was handed out and read.

## Transportation

Nothing at this time

## Environmental/Sanitation

White Goods pick up March 12, 2013, Brown/Bulk Goods pick up April 9, and limb pick up by Town of Stanfield maintenance department every Tuesday in the month of April.

## Parks & Recreation

Nothing at this time

## Water & Sewer

The Check Valve was replaced at the main pump station on February 27 & 28, 2013. This work was done during the middle of the night. A mop head and a body towel were found in the valve.

## Town Administrator

Nothing at this time

## Mayors Report:

Kevin mentioned that we received a letter from NC Wildlife about the Deer Urban Archery Season,

**Jerry Williams made a motion to renew the Town's participation in the Deer Urban Archery Season, all were in favor, motion carried.**

**Jerry Williams made a motion to take a recess for about 15 minutes, all were in favor, motion carried.**

Jason Smith is on his way he would like to be a part of the planning and zoning discussion.

Jason Smith arrived 8:23- meeting continued

## Planning and Zoning

Kevin Barbee explained to Jason Smith a summary of the public hearing- smell, noise, property value, small business and use of property. There were more people to speak against the rezoning than for. No one spoke specifically against the approval of the final subdivision plat.

Jerry Burleson spoke on behalf of James & Lorrie Castonguay. They could not be present due to a death in Lorrie's family. Jerry Burleson went through a presentation about the value of property, the dog kennel and the grooming shop. The mayor and every commissioner had a hand out of the presentation.

The board of commissioners at this time did address the public to explain the rationale of the proposed decision and recommendation from the Planning and Zoning Board. The board of commissioners discussed the re-zoning and the proposed use of the property.

The concerns expressed during the public hearing concerning the ordinance rezoning Tract # 15468 to R-A to allow for the proposed kennel about noise, safety, and odor failed to take into account that the new kennel as proposed was a completely indoor kennel surrounded by a perimeter fence, and hooked to the Town sewer system or approved septic system with no permanent long-term resident animals. The structure and distance would buffer any noise. The fence would increase safety. The use of the sewer or septic system would reduce or eliminate odors. Further, the proposed rezoning to R-A was entirely consistent with and merely extended the R-A district from a very large tract immediately to the east and south of Tract # 15468. This adjoining R-A tract also adjoins the property of some of the citizens who appeared in opposition and contains an outdoor kennel with resident animals for which no buffer is currently required. Tract # 15468, if rezoned, would be subject to a buffer requirement.

The proposed ordinance rezoning Tract # 3816 to G-B subject to a Conditional Zoning Overlay District is entirely consistent with the official Land Use Plan that the town adopted in 2007 after broad participation by the citizens of the town. The rezoning of Tract # 3816, if approved, would permit a pet grooming business to be located within the tract subject to the Conditional Zoning Overlay District that contains restrictions concerning the business agreed to by the owners. If the owners fail to abide by the Conditional Overlay Zoning District restrictions, the business would be out of compliance with the zoning of General Business (GB) as well. Because of the conditional Zoning Overlay District, no adjoining properties should have any reason to expect rezoning to GB without a Conditional Zoning Overlay District.

With respect to both ordinances rezoning Tracts # 3816 and 15468, some citizens in opposition expressed their own opinion that the proposed rezoning would have a negative effect on their property values but the only analysis of effect on property values was offered by Jerry Burleson, a local real estate agent familiar with the market and did not show a likely negative effect.

After discussion, the Town Administrator advised the Board that a protest petition had been received and verified. Due to the protest petition, a supermajority of 75% of those voting would be required to pass any ordinances changing the zoning of these two tracts.

**Following this statement of rationale Jason Smith made a motion to approve the recommendation made by the Town of Stanfield Planning and Zoning Board to approve the proposed final subdivision plat and enact ordinances rezoning parts of two tracks of land owned by James and Lorrie Castonguay, TR # 3816-2.8 acres rezoned from R-20 to GB-CD and TR # 15468-8.65 acres rezoned from R-20 to R-A located on NC Hwy 200 N in Stanfield: Individual Council Roll Call Vote: Jason Smith- yes; Jerry Williams- yes; Greg Lucas- yes; and Larry Sides- yes- motion carried.**

**Jerry Williams made a motion to go into closed session, all were in favor, motion carried.**

**Jason Smith made a motion to come out of closed session, all were in favor, motion carried.**

**Jason Smith made a motion to accept town attorney Michael Taylor's resignation as of March 7, 2013 and accept Robert E. Cansler as our new town attorney as of March 7, 2013.**

**Jason Smith made a motion to adjourn at 10:00, all were in favor, motion carried.**

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Mayor

Date

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Town Clerk

Date

## Summary Page:

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