

**MOUNT AIRY, NORTH CAROLINA
REGULAR MEETING MINUTES
December 6, 2007**

MEMBERS PRESENT: Mayor Jack Loftis, Commissioners Mike King, Swanson Richards, Todd Harris, David Beal, and Tom Bagnal

APPROVAL OF AGENDA: On motion by Commissioner King, seconded by Commissioner Harris and passed unanimously, the agenda was approved.

PUBLIC FORUM: Mayor Loftis opened the public forum for anyone to speak. There were no speakers so Mayor Loftis declared the public forum closed.

APPROVAL OF NOVEMBER 15, 2007 REGULAR MEETING MINUTES: On motion by Commissioner Harris, seconded by Commissioner King and passed unanimously, the November 15, 2007 regular meeting minutes were approved.

COMMENTS BY COMMISSIONER KING AND COMMISSIONER RICHARDS:

Commissioner Richards wished the new and old commissioners and the citizens all the very best. Commissioner King gave thanks to all.

Mayor Loftis presented Commissioner Richards and Commissioner King a plaque for their years of service as Commissioner.

SWEARING IN CEREMONY:

Commissioner Dean Brown: Mayor Loftis administered the Oath of Office to Dean Brown.

Commissioner Deborah Cochran: Ricky Bowman administered the Oath of Office to Deborah Cochran.

Commissioner Todd Harris: Judge Oliver administered the Oath of Office to Todd Harris.

COMMENTS:

Mayor Loftis stated he has enjoyed serving as Mayor to the Board. They have had disagreements and differences on issues but they discuss them and resolved them and he has always supported the majority vote of the Board. Welcome to Dean and Deborah to the board. They will make excellent members because he feels they are there to represent the interest of all the tax payers of the City. Swanson and Mike represented the tax payers well during their time on the Board and thanks to them.

Commissioner Beal thanked everyone in attendance for supporting the newly elected commissioners and the other commissioners. They are ready to do the business of the city. He applauds Todd, Dean, and Deborah for their decision making in running, for the campaigns, and they have been very gracious in their winning capacities. They know this will be a board that will sit together and hear what people have to say and render the decision they make accordingly. He looks forward to that.

Commissioner Cochran thanked God for a moment like this. She is profoundly grateful for this opportunity to serve as Commissioner. She wants to make a difference in Mount Airy. A citizen came to her and spoke two words-help us. The words "Help Us" speak volumes and with God all things are possible. She asks they pray for the city, the citizens, and the elected officials. She is especially humbled thinking about the hard work from so many people to get her there. Thanks to the citizens for making this happen.

Commissioner Brown is thankful for the support he received so far. It has been an honor to get this far. He wants to work hard to bring industry to the area, to work to lower the water rates and to spend the money conservatively. The original purpose of the democratic government is to provide for the general welfare of the citizens on an equal basis. It is his desire to continue to work in that direction. There may be times when studying the situations which he is to vote on, he may not always vote what friends, family, a stranger, or group wants, but he can assure his decisions will be based on his conscious, good judgment, and for the benefit

of the majority of the citizens. He has no personal goals other than to serve the city. May God bless the City of Mount Airy and its citizens.

Commissioner Bagnal stated Mark Twain once wrote: "Loyalty to petrify an opinion never yet broke a chain or freed a human soul." They all tend to develop an inclination to turn some of their beliefs into granite and won't change some of them unless challenged to do so. Even then, change is hard to come by. That is why it is good to have persons who may bring a different perspective, some new undiscovered insights, who can cause them to at least consider new ideas or a new way of doing things, and realize that their old ways aren't always relevant to the challenge. He welcomes the two new members of the board and looks forward to watching their metamorphosis into seasoned commissioners who will make a positive contribution to this work that is so important to the success of this city.

Commissioner Harris said the way he votes is what he feels is best for the vast majority of the citizens. He will continue to do that.

ORGANIZATIONAL MATTERS:

Election of Mayor Pro Tem: Commissioner Beal has served as Mayor Pro Tem for the past several years. The city doesn't have a tradition in place that one person serves as Mayor Pro Tem for a period of time. He has enjoyed it and it has been nice to serve. He nominated Todd Harris as Mayor Pro Tem.

On motion by Commissioner Beal and seconded by Commissioner Bagnal and passed unanimously, Todd Harris was elected as Mayor Pro Tem.

Committee Assignments by Mayor: Mayor Loftis distributed to the Commissioners their assignments for the standing committees.

OLD BUSINESS:

Board to Comment on FY 2006-07 CAFR Presented at the November 15, 2007 Meeting:

Commissioner Bagnal asked about occupancy tax collections. What happens if there is money left over and they don't spend it all? John said the TDA has their own set of financial statements and just like the City, they have their own budget. There is no net income from the funds, it is carried over.

Mayor Loftis stated they can ask questions any time they need to, not just at this meeting.

NEW BUSINESS:

Consent Agenda: On motion by Commissioner Harris, seconded by Commissioner Beal and passed unanimously, the following items were approved by way of Consent Agenda:

- **ORDER #08-003-CLOSING AN UNOPENED STREET OFF COUNTRY CLUB ROAD:**

ORDER NUMBER 08-003

AN ORDER CLOSING UNOPENED STREET OFF COUNTRY CLUB ROAD

WHEREAS, the City of Mount Airy adopted a resolution of intent to close an unnamed and unopened street off Country Club Road, said portion shown on the map attached to this Resolution as "Exhibit A" and incorporated herein by reference; and

WHEREAS, as required by NCGS 160A-299(a), said resolution was duly adopted on October 18, 2007, and a public hearing was called; and

WHEREAS, notice of said public hearing was published in The Mount Airy News once a week for four (4) successive weeks prior to the public hearing; and

WHEREAS, a notice of hearing was prominently posted along the affected street as required by law; and

WHEREAS, the Board of Commissioners of the City of Mount Airy held a public hearing on November 15, 2007, on the matter of closing the above mentioned unopened street; and

WHEREAS, the Board of Commissioners of the City of Mount Airy has determined that the closing of this street portion is not contrary to the public interest and that no individual owning property adjoining said street portion would thereby be deprived of reasonable ingress to his property:

NOW, THEREFORE BE IT RESOLVED:

1. That the Board of Commissioners of the City of Mount Airy hereby orders the closing of said unnamed and opened street off Country Club Road as shown on the attached "Exhibit A" map. The area of the street is described as follows:

BEGINNING on the Southeast corner of the property of Patricia Easley Underwood, runs thence with said property in a Northwesterly direction to a point in Country Club Road; thence with Country Club Road in an Easterly direction, to a corner of the Mary Lynn Haynes Personal Trust property; thence with the Mary Lynn Haynes Personal Trust Property South 29 degrees 53' 14" East 149.48 feet to a point in the line of other Trust property; thence with Trust property South 59 degrees 03' 56" West 24.00 feet to a point of BEGINNING and being shown on Plat Book 1, Page 135, Surry County Registry, being further shown on map attached hereto designed by red slash marks.

2. That the City Clerk file a copy of this order in the office of the Surry County Register of Deeds.

Approved and adopted this the 6th day of December, 2007.

- **ORDINANCE #08-015-REZONE PROPERTY AT 901 CARROLL STREET AND 232 HICKORY STREET:**

ORDINANCE NUMBER 08-015

AN ORDINANCE TO REZONE PROPERTY IN THE CORPORATE LIMITS OF THE CITY OF MOUNT AIRY, NORTH CAROLINA

WHEREAS, the Board of Commissioners of the City of Mount Airy has been petitioned by Cooke Properties of NC, LLC, and Jancie Coe Poplin to rezone 901 Carroll Street (Tax ID 5021-18-31-1887) and 232 Hickory Street (Tax ID 5021-18-31-0882) from R-6 General Residential District to Conditional Use B-2 General Business District in the ETJ; and

WHEREAS, the City of Mount Airy Planning Board has reviewed the petition and recommended the request to the Board of Commissioners for their consideration and approval; and

WHEREAS, the Board of Commissioners of the City of Mount Airy adopted a resolution directing that a public hearing be conducted on the 15th day of November, 2007; and

WHEREAS, the City Clerk caused a notice of public hearing on the request to be published on the 6th and 11th day of November, 2007; and

WHEREAS, the Board of Commissioners, having conducting the public hearing and reviewed the recommendations of the Planning Board, concur that the property herein described be rezoned:

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Mount Airy that the properties as shown on the attached Exhibit A identified as 901 Carroll Street (Tax ID 5021-18-31-1887) and 232 Hickory Street (Tax ID 5021-18-31-0882), be rezoned from R-6 General Residential District to Conditional Use B-2 General Business District.

BE IT FURTHER ORDAINED that Conditional Use Permits for the aforesaid properties are hereby authorized with the following conditions attached:

1. No port-a-john storage.
2. No trash truck storage.
3. Only empty containers stored on site.
4. Six foot screened fence around entire property.
5. Driveway access per state or city regulations.
6. Mrs. Poplin's parcel (5021-18-31-0882) may remain a residential rental property.

BE IT FURTHER ORDAINED that the Zoning Map of the City of Mount Airy be amended to reflect this change.

BE IT FURTHER ORDAINED that this Conditional Use Permit shall be perpetually binding upon the subject property unless subsequently changed or amended by the Board of Commissioners of the City of Mount Airy.

Approved and adopted this the 6th day of December, 2007.

- **RESOLUTION #08-039-SETTING PUBLIC HEARING TO REZONE PROPERTY AT 137 LANDFORM LANE FROM R-20 RESIDENTIAL TO CONDITIONAL USE M-1 INDUSTRIAL:**

RESOLUTION NUMBER 08-039

RESOLUTION OF INTENT TO HOLD A PUBLIC HEARING

WHEREAS, Sawyer's Sign Services, on behalf of LGS Transport and Charles W. & Martha Vaughn, has submitted a petition to rezone 137 Landform Lane (Tax ID 5929-00-10-5048) from R-20 Residential District to Conditional Use M-1 Industrial District in the ETJ; and

WHEREAS, the Planning Board of the City of Mount Airy has recommended approval of the rezoning of this property to Conditional Use M-1 Industrial District, subject to certain conditions on file with the City of Mount Airy Planning Department, and has recommended this request to the Board of Commissioners for a public hearing:

NOW, THEREFORE, BE IT RESOLVED:

1. That a public hearing be scheduled for January 3, 2008, to hear public comment regarding the above listed item.
2. That notice of the public hearing shall be published in the Mount Airy News, a newspaper having general circulation in the City of Mount Airy, at least ten (10) days prior to the date of the public hearing.

Approved and adopted this the 6th day of December, 2007.

• **RESOLUTION #08-040-MAKING APPOINTMENTS TO PARKS & RECREATION COMMISSION:**

RESOLUTION NUMBER 08-040

MAKING APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION

WHEREAS, there are two vacancies on the Parks & Recreation Commission; and

WHEREAS, it is the recommendation that Traci Hamilton and Jimmy Norman be appointed to serve on the Parks & Recreation Commission:

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF MOUNT AIRY BOARD OF COMMISSIONERS MEETING IN OPEN SESSION THAT:

Section 1. The City of Mount Airy Mayor and Board of Commissioners hereby appoint Mrs. Traci Hamilton to the Parks and Recreation Commission to serve a three year term expiring December 1, 2010 and that Mr. Jimmy Norman be appointed to the Parks & Recreation Commission to serve a three year term expiring December 1, 2010.

Section 2. This resolution shall become effective upon approval by the Board of Commissioners of the City of Mount Airy.

Approved and adopted this the 6th day of December, 2007.

• **BOARD TO RECEIVE REPORT FROM NC RURAL CENTER'S "RURAL WATER AND WASTEWATER PROJECTS: GETTING TO SUCCESS WITH YOUR CONSULTING ENGINEER" SEMINAR:**

Community Development Coordinator Martin Collins presented a written report titled Talking Points for Participants "Getting to Success with your Consulting Engineer" as part of the City Board agenda. This material was distributed to each board member and placed on the agenda and accepted on motion by Commissioner Harris seconded by Commissioner Beal and passed unanimously.

(end of consent agenda)

305 Cherry Street Property Comments:

Commissioner Bagnal stated he is disappointed that the 305 Cherry Street property isn't on this agenda. He understands the reason that it isn't on the agenda is because of an eight day rule pertaining to when an item can be added to the agenda. They have violated that rule numerous times based on the importance of an issue and he thinks this is an important issue. He isn't completely sure what they gained with the called meeting on November 29th regarding this issue. Perhaps they should have declared the house important to the city and rescinded the resolution they passed a while back that designated the house as surplus. He would hope this item would be on the next meeting at least to discuss.

Commissioner Harris said he is disappointed as well that the 305 Cherry Street property isn't on the agenda. He asked Commissioner Cochran and Commissioner Brown what their thoughts are on this issue-do they want to put it off. He would have liked to have it done tonight and get it out of the way as soon as possible. He wants to be here when this item is voted on.

Mayor Loftis said they have overlooked a commission that looks after the recreation facilities. He asked this item be put on the Parks & Recreation Commission agenda for their next meeting to discuss whether they truly believe this property is surplus or property they need to retain and he would like to have the input of that board. He wanted to put it on the next agenda. He doesn't see a sense of urgency that this had to be done overnight. He would like the input from citizens and revisit this item. He is here as a service to the Board and he thought some input was overlooked at the last meeting and is requesting that the Board revisit it.

Hugh Campbell said the property is still surplus.

Commissioner Harris said he would be reticent to make a motion concerning Mr. Jerry Byrd's offer absent some input from Commissioner Cochran and Commissioner Brown on how they feel and what their time table is for the issue.

Commissioner Bagnal said he doesn't feel they have rushed into this. He said they should go ahead with it.

Commissioner Brown said he has done some studies and has toured the house. In reality, he wouldn't give \$1,000 for the house. It is damaged severely-the walls have holes, the floors slope, the walls have asbestos, there are no appliances or heating, windows are broken, paint has lead, plumbing system isn't up to standard, etc. On the other hand, the house is in the Historical District, which is listed on the National List. With proper funding, the house could be repaired and meet the historical preservation guidelines. It would enhance the neighborhood and may even raise the homes on Cherry Street. Right now, the house doesn't bring in any taxes but if someone fixed it up, then the house would bring in some taxes. He don't like to rush into things, he has questions about the legal aspects of it. He was prepared to vote to put it off to the next meeting.

Commissioner Cochran has also toured the house and stated it needs lots of repairs. She isn't in favor of tearing the house down-it is a way the city can get some money. She isn't prepared to vote tonight.

This item will be put on the agenda for the January 3, 2008 Board Meeting.

REMARKS BY OFFICIALS:

David Beal: Merry Christmas to everyone and Happy New Year.

Deborah Cochran: No comment.

Dean Brown: No comment.

Tom Bagnal: Has a problem with putting the Cherry Street Property off but will abide by the consensus of the Board.

Todd Harris: Wants them to make the right decision on the Cherry Street Property.

Hugh Campbell: No comment.

Barbara Jones: Welcome to the new commissioners.

Mayor Loftis: Attended the exhibit of the painting of the Queen at the Gertrude-Smith House.

November 29th was the Tree Lighting Ceremony at City Hall.

Attended the DARE Graduation Program at Millennium Charter School on November 30th.

December 7th is the DARE Graduation Program at Jones Elementary School.

Ribbon cutting today for the new restaurant at the Elks Lodge.

Merry Christmas to everyone and have a safe and happy New Year.

Roger McCreary: Animal Control picked up a rabid raccoon on Woodruff Street. They have met with residents on that street and looking after the situation.

Don Brookshire: Please exercise caution with wild animals. Glad to have a great Board to work with and look forward to the next few years working with this board.

Merry Christmas to all.

ADJOURNMENT: On motion by Commissioner Bagnal, seconded by Commissioner Brown and passed unanimously, the meeting was adjourned.

Approved this the 3rd day of January, 2008.

Jack A. Loftis, Mayor

ATTEST:

Barbara A. Jones