



Town of Walkertown, North Carolina
Website: townofwalkertown.com
Walkertown Town Council Meeting
Walkertown Library Auditorium
THURSDAY 7:00 P.M. JULY 27, 2006

MINUTES

The meeting was called to order at 7:02 p.m. by Mayor Kenneth Davis. Council members Brenda Mabe, Ralph Landreth, Sarah Welch, and Wayne Hester were present. Staff present were Clerk Lynn, Manager Bell, and Attorney Garland. Also in attendance was Aaron King from the W-S Planning Board.

MOTION FOR CONSIDERATION OF AGENDA

MOTION: **TO APPROVE AGENDA AS PRESENTED**
BY: **BRENDA MABE**
SECOND: **WAYNE HESTER**
VOTE: **MOTION PASSED UNANIMOUSLY**

MOTION FOR CONSIDERATION OF COUNCIL MEETING MINUTES

- June 22, 2006

MOTION: **TO APPROVE JUNE 22, 2006 MINUTES AS PRESENTED**
BY: **RALPH LANDRETH**
SECOND: **WAYNE HESTER**
VOTE: **MOTION PASSED UNANIMOUSLY**

Mayor Davis read a letter from the family of Horace Warner.
SEE NEXT PAGE.

July 27, 2006

Town of Walkertown
5177 Main Street
Walkertown, NC 27051

Dear Mayor Davis, Council, Town employees and Citizens,

The family of Horace Warner would like to express our deepest gratitude for the heartfelt tribute given to Daddy's life and legacy at the June 22, 2006 Town Meeting. It is an evening we will always cherish.

We appreciate the presence and the dear comments of each friend and colleague. These memories help us endure our loss.

We look forward to the opening of the Horace G. Warner Conference Room. It will be so special to have his public service recognized within the Town Hall and just blocks away from his childhood home. We know he would be so humbled by this recognition.

Thank you all for your caring and your friendship. Thank you for keeping us as a family in your thoughts and prayers.

Sincerely,
The Horace Warner Family
Virginia, Debbie, Lee and Patti

PUBLIC SESSION

THIS SESSION IS FOR NON-AGENDA ITEMS ONLY AND IS LIMITED TO 3 MINUTES PER SPEAKER
WHEN SPEAKING TO ANY ITEM, PLEASE RESTRICT YOUR REMARKS TO THE SUBJECT AT HAND.

Public Session was opened 7:05 p.m.

- Marilyn Martin
2733 Martin Street

I would like to thank the council and Mayor Davis for their hard work that they've been putting in for our town – we appreciate it. Lynn, also, has been doing a tremendous job and we really want to recognize her. And we hope our town manager is settling in and getting halfway acquainted with us. Walkertown is kind of at a crossroads. We are growing a lot. I see members from the Planning Board here; I'm sure they'll agree with some of it. Right now, we could learn a lesson from Kernersville because we're where they were a few years ago. And we really need to get some guidelines for our future growth in place. Now's the time to do it – not after the fact! That's some of the things I know the Planning Board's been discussing, about sidewalks, etc. We need to preserve – more people means more traffic and we already see this. More crime and need for law enforcement in the future, and of course, more development. And despite what people think – I'm not against development. I would just like to see it done in the right manner. We need to preserve our small town now and not turn the future over to the developers. They come in and promise the moon and stars and say they're interested in Walkertown but, remember, their main interest is to make money –

and that's fine. That's the way we operate in this country. But, George Sowers is the prime example. He came to our town; he talked about what he could do for Walkertown; he was so concerned with our citizens and what this development would look like and the White Hall example.....and now, he sold out to another developer!! George, at our town meeting, said when our then-council approved rezoning of the property he wanted to put White Hall on, "If I pull out of this project, the owners would sell to other developers." He – George Sowers – also said he planned to build \$200,000 houses in this development but other developers could build houses of \$90,000 or less. So now we have another developer ---- what happens? If I was on this council, I would think long and hard before approving any zoning changes for Mr. Sowers ever again. Mr. Sowers did not even have the courtesy to call Town Hall to let them know of his decision. If any improvement is to be made to help the traffic situation on Highway 66 because of this new development, such as turning lanes, which will require moving the utilities to make room for this, let the developer bear the cost – and not the Town of Walkertown! Be careful when choosing people that will be making decisions for our town - the Planning Board and our Town Council. Have they lived in the town? To have a real sense of community and neighbors, our heritage and understand the value of our past and the lessons we learned there. Seek out the small people – not just politicians and others who stand to gain from the decisions that will be made for our town. Our council needs to listen to the citizens' concerns about rezoning and the impact it will make on their lives. I know you're tired of hearing me say this, but we need growth – but growth with a conscience and think about this will affect your neighbors. Thank you.

- E. A. Jumper
5028 Klondike Road

There's nothing I can add to what Marilyn said but just a couple of comments. One, I'm sure if ya'll read the Letters to the Editor, I won't get any personal items involved, but one written this past week condemning environmentalists. Now, I don't agree with everything environmentalists do, but right across on the same page, they were talking about the water down at the coast is so contaminated for two or three days after the rain – it's not even safe to go into the ocean! Because everything is being so paved over, concrete, asphalt and so forth. So the environmentalist is not always our enemy. If it weren't for them, we'd probably be a slab of concrete and asphalt between here and the coast. That would not be good! And there's one more – there's a questions – I don't know if I can get an answer tonight.... The road that Sowers promised to build from 66 to Sullivantown, can this new developer be held to that promise? Will the road be cut through? That will take a lot of traffic away from the school zone. I only hope that Keystone is of a higher caliber than what Mr. Sowers was. Thank you.

Mayor Davis spoke saying, "Mr. Jumper, you asked some very poignant questions and we'll have to get Steve to give us some answers. I don't know if we can hold anybody's feet to the fire from one developer to another but we'll talk to our representative over here.

Public Session was closed at 7:12 p.m.

5. **FOR DISCUSSION AND/OR ACTION**
RESOLUTION #06-036
ACCEPT GANT DONATION OF TOWN HALL

DISCUSSION:

Mr. Bell: The Councilmembers have a revised page in front of them at the table. Basically, this takes the various pieces of the whole deal, so to speak, and wraps it into one resolution. One piece is the Gant Oil is donating the Gant Oil building to the Town of Walkertown for its use. The other piece is that in return for that, we agree to lease-back office and storage space as we've previously discussed with the council the details and Gant has agreed to. And then tying up the purchase contract that the town entered into to purchase the adjoining property and what the resolution does is terminate that contract. In other words, we're not bound to buy that piece of property. We still have the offer to buy it; we have the opportunity to buy it; we just don't have to buy it in order to get the building and enter into the other parts of the agreement.

Mayor: Each of you has a copy of the agreement. Are there any questions or concerns? Down next to the last paragraph, that is the option to purchase the vacant lot. It's not mandatory any longer. It was not mandatory in the beginning. It became mandatory somewhere along the road of discussions and this removes that intent to where it is optional. We still don't know the plusses and minuses on buying that property.

Mr. Bell: We've been in discussions with Roger and with Steve and with the engineers and I had intended to get a summary of that in your box before the packets went out and I didn't, I apologize for that. I'll have one early next week. But, basically, as Steve likes to call it – a "known unknown" – Steve is looking into what rights and privileges, if you will, would transfer to the town with the Superfund that's accepted this property if we bought it from Gant. In other words, would we step into their shoes and have the same rights and would the state still treat it the same way; would it kick it out? What would happen with that? That'll sort of define it a little bit but it still looks like there'd be some amount of liability that we would not be able to identify or get rid of. I'll update the council on that as well. Steve pointed out that we have 90 days – if the council approves this agreement tonight, then we have 90 days in which to purchase the property at the offered price of \$48,000 and change.

Mayor: Okay. Ninety days on the option to purchase the lot adjoining and that is for the same set amount, I assume, at \$45,000?

Mr. Bell: Yes. Lynn corrected me on that.

MOTION: **TO APPROVE RESOLUTION 06-036 AS WRITTEN – TO ACCEPT DONATION OF GANT OFFICE BUILDING TO THE TOWN OF WALKERTOWN**

BY: **WAYNE HESTER**

SECOND: **SARAH WELCH**

VOTE: **MOTION PASSED UNANIMOUSLY**

Mayor: And this is no action on the option, for the adjoining property, is that correct?

Mr. Hester: Correct! Hold that option for ninety days.
Mr. Garland: May I say one thing? Implicit in that is also the authorization that the Mayor executes any document that needs to be executed.
Mayor: Okay. Is there any further discussion? This means that it will bring to an end the saga of the town hall that it would once and for all be owned by the town!
Mr. Hester: I'd like to say that I think the town manager, the attorney, Lynn have all been working hard on this and it's turned out well and probably as good as we could expect it to. Very good job!
Ms. Mabe: And I appreciate all the work. And I know at one time we thought we were at a standstill but I felt confident in our staff that we would get there. And so we've been looking forward to this day and it's been a hard time getting here but it was worth the wait.

6. **FOR DISCUSSION AND/OR ACTION**
RESOLUTION OF INTENT
TO SET PUBLIC HEARING TO CLOSE DARROW ROAD

DISCUSSION:

Mr. Bell: One quick correction. This resolution should read "Walkertown Middle School" – that's where the Darrow Road section is being closed. It should read Middle instead of Elementary.
Mr. Garland: And the second thing should be that assuming that you all want to pass this, there's a four week advertising period – you could not really do this for the August meeting. And there's a blank in here for when the hearing would be. And I would suggest that be September 28th, which is your September meeting.
Mayor: Aaron, I'm assuming you're going to tell us where this unopened, undeveloped street is?
Aaron King: Yes!! This comes to you as part of a condition of approval for a Planning Board Review item for Walkertown Middle School. Some months back, the School System came back, in order to add some of these mobile units out to the site that they needed, they came back through the Planning Board for review. And one of the conditions, as part of that, this portion of Darrow Road's right-of-way ---- it's basically a "paper" right- of-way now ---- there's no road in there!! After you cross over on the north side of Ruxton Drive, right there. Our inspections folks basically asked them to clean that up because currently in there, there's a portion of the gym, there's some parking in this right-of-way. Obviously, you can't have parking and a gym inside a public right-of-way. So, as part of that, our folks from inspections placed a condition on there that prior to the school system getting their occupancy permits, they clean up this existing situation and this is the process that we need to go through to get that fixed – is the public hearing process to close that right- of way. Just from looking at it, and we've looked preliminarily, it doesn't affect anybody. The school system owns all the property around it so it's not cutting any access off for anybody, any surrounding property owners. And they're the ones asking to do it, so...
Mayor: I daresay you couldn't find anybody that knew the street went that way!!!

Mr. Hester: I lived there and didn't know it!!
Mayor: If Wayne didn't know about it and Ralph didn't know about it, it didn't exist!!
Mr. King: But it is unimproved right-of-way that's been there and nothing's been done with it, so it's more or less housekeeping.
Mayor: Okay, This undeveloped, unopened street – would ya'll be willing to close this street, council??

MOTION: **TO AUTHORIZE THE TOWN CLERK TO SET A PUBLIC HEARING FOR THE SEPTEMBER 28TH MEETING WITH THE INTENT TO CLOSE THAT PORTION OF DARROW ROAD OWNED BY THE FORSYTH COUNTY SCHOOL SYSTEM**

BY: WAYNE HESTER

SECOND: BRENDA MABE

VOTE: MOTION PASSED UNANIMOUSLY

7. **FOR DISCUSSION AND/OR ACTION**
WALKERTOWN-KERNERSVILLE ANNEXATION AGREEMENT
MAYOR DAVIS TO UPDATE

DISCUSSION:

Mayor: The manager and myself met with Mayor Swisher and their interim manager to discuss the possibility of going back to the original agreement that was set to expire August, 2007. We've got a discussion started on going back to begin our talks. They proposed that we go back to the original boundaries. I think some of you may have some other ideas but we want to discuss that tonight. We have about 13 months on the current boundaries and this is for annexation. This is where we draw the line; where we won't annex beyond that point and they do the same. We have a color-coded map that we can see. Thoughts and discussions on this? This will not be voted on tonight; please understand that all we're doing is discussing this tonight. We'll get with Kernersville – they're not going to put it on a public hearing until we all get together on where we want it to be.

Mr. Hester: I'd like to say that definitely I disagree with the Valley School Road portion of it. I haven't really studied all of it that well but that shows that Valley School Road – people on the north side would be Walkertown; people on the south side living 100 feet away from each other would be Kernersville. Seems very confusing to me that you would have services on a section of road that's probably, what ¾ of a mile? Half a mile?

Mayor: I'd say at least half a mile; I would guess that at least three or four blocks.....

Mr. Hester:And the services being split. I disagree with that! And I would say that we should ask the mayor and manager to go back and have more discussions and see what can be worked out with that and any other problems anyone might have on it.

Ms. Mabe: I also agree with Mr. Hester. I do not like to divide a street. To me, that's dividing the community and I would like to go a little farther down on 66. On one side we're in Walkertown, and the other side, it's in Kernersville. I

still like to keep --- I'd hate to say "I'm over here and I'm in Walkertown and you're over there, you're in Kernersville!"

Mayor:What I think I hear you saying is that you'd like to have a more in a block fashion – rock it out? Kind of like they did when you were going down on Old Hollow Road on the right hand side to Beulah Lane, it takes in all the Dilhast(?) Estates there on the right. I thought at one time it splits, but it doesn't.

Ms. Mabe: I feel like we need to discuss this with the manager and have our input and tell him how we feel. It's like this, when you come with a piece of pie – I want a little more of a piece of pie. But, like I'm saying, you may have a friend across the street and I just don't like that. I think that's dividing a community. And I went to school with a lot of people on Old Valley School Road and a lot of people live there that I know that associate with Walkertown. I just think it's a bad choice and I would like for us to go back and look at the map again and go back to the council and therefore work out an agreement. I'm sure we can sit down and discuss this and have more of an open area – I'm concerned that we're conflicting with each other and I just like to have community be with community.

Mayor: Okay. If you would, between now and -- we've got to, our task would be to get back with the people from Kernersville, discuss our differences on the boundary lines – is there other areas other than Old Valley School Road that anybody wants to discuss? If it is, rather than just holding everybody to a discussion tonight – if you would, let the manager know. He'll have the map and we can possibly make some.....we don't want to mark up the original map but if we could make some small ones of this disputed area, color-code it for everyone so they could, on one side is one, one the other, so we could see where would be the best to possibly negotiate the new boundaries. Would that be pleasing to everyone on the council?

Mr. Landreth: Yes. It would be nice to get some input from those folks that live there --- see what they think.

Mayor: Yes. That would be fine. We're talking, as you all know, we're probably talking – not in our lifetime!

Ms. Mabe: I know. I know. But, like we were talking while ago – we're looking for the future and planning like Ms. Martin was talking about. And this council, we've been discussing and doing things on this council – it's not just for us right now. We're looking for the future of Walkertown and I am not against development and things but I am concerned, we have so much going on right now and I want us to be careful what we're doing. My old saying is, "There's a lot of things I want, but that doesn't mean that I need it!" So I'm looking what the town really is concerned right now. And so, I'm looking for the future of Walkertown on this annexation. We need to be prepared for that because we need to know how far we're going to grow in a certain way and so we need to have that portion sort of stated for us, as well.

Mayor: All right. I hear the council saying then they would like for us to go back to Kernersville and re-negotiate that boundary of Old Valley School Road and each of you will give your input at Town Hall as to where you think it should be. Is that correct?

(ALL COUNCILMEMBERS REPLIED IN THE AFFIRMATIVE).

Mr. Hester: And we will check the other boundaries and if anyone has any other ideas or discussion on it.....

Mayor:Right.....If there are others.....This is a pretty large map.....That's one of the only areas it looks like may be controversial.....

Mr. Hester:Right.....It's the only one I saw. I think it would be just for the convenience of either town for Kernersville and for Walkertown to be able to handle, instead of having it split. Who's going to pay for the street lights? Who's going put this up? Who's going to fix the road?

Mayor: Well, we know we have a problem now with garbage service and recycle in some areas where we've got five houses out of twenty in the town and a good many outside the town and it's hard to police, isn't it, Ms. McKinnie? I don't think we need to vote on that, do we, Steve? All we're doing is discussing and going back and getting further information and negotiate and then we'll come back. The process will be – we'll come back again to the council. We'll form, if we can reach an agreement on a formal boundary line, then we will, once that's done, we will advertise the public hearing at the next meeting, have the public hearing and then we would be ready to take a vote. Is that correct, Steve?
(YES)

8. **FOR DISCUSSION AND/OR ACTION**
RESOLUTION #06-035
APPROVE CITY-COUNTY PLANNING BOARD FEE SCHEDULE AS PRESENTED TO TOWN COUNCIL

DISCUSSION:

Mayor: (Jokingly to Aaron King) You've got the nerve to get up there for this?

Aaron King: I'll be brief on this!!

Mayor: No.....Go ahead! Take your time..... We probably got lots of questions on this!!! We're talking **money** here!!!!

Mr. King: It's not Walkertown's money! That's a good thing. Our Planning Board and our staff were charged with coming up with a more comprehensive fee schedule that did a better job of cost recovery for the fees that we charge for these rezonings/subdivisions that come up here to you as well as the city and county that we also provide services for. Our fees, the ones that we currently have in place, don't come close to recovering the amount of work that we put in – the amount of time and work that we charge to put into these rezonings and these subdivisions for the review of them. So, after about a year's worth of meetings from our task force that looked at this – the task force consisted of folks from the Homebuilders Association, Chamber of Commerce, from the City-County Planning Board and staff, as well, and these are the numbers that we have come up with – that you see here on the new fee schedule that you've got in your packet. You should have a copy of the old one, as well. But these are the numbers that we have come up with and this is more or less, in comparison with other counties and municipalities around the area, this is more or less kind of a middle ground. It's higher than some municipalities but it's lower than others. After those meetings, again, it is supported by the Home Builders Association, the Chamber of Commerce and by our Planning Board, City and Council, County Commissioners as well. We would ask for your support in

adoption of this fee schedule. Again, these are the fees applicants pay in order to rezone subdivisions. That is money that comes out of their pockets.

Mr. Bell: If I may, as I understand it, these are fees paid by the individuals applying for the permits so the more money you get from them, the less we have to pay you?

Mr. King: Well, yeah. More or less. I mean, there is additional fees that come out... less on that.....

Mayor: The one question, when we advertise a zoning, who pays for that?

Mr. King: Not sure.....

Lynn: We pay for any advertising that we do.

Ms. Mabe: I thought we did, too.

Mayor: Why wouldn't that be somewhere in here when you seem to have every base covered on your fee schedule? I'm not saying it's bad, I'm just saying why would we foot the bill for zoning or rezoning rather than the person asking to have it zoned?

Mr. King: I can check on that for you, Mayor. That's been the policy, I guess, since I've been here and we just carried it forward. But I can certainly check on that and see if we can get you an answer on that.

Mayor: I don't know why the townspeople need to absorb that cost if every other zoning thing involving all these other issues are paid by the developer or the person asking for the zoning. Looks like the advertising fees, it would make sense to me, that that would also be paid by them, rather than the townspeople.

Mr. King: I can check on that. And just to clarify a couple of things. A lot of them aren't ---- the big fees that you see on there that stand out to you aren't really applicable to Walkertown. The Research Park District, the MRBS, the UDO-118, the NCO – I mean, Walkertown doesn't have those in place, so again, those are fees that aren't currently applicable to Walkertown.

Mayor: Any big, major changes that we're going to hear from on the people you know?

Mr. King: Probably the one I would guess is going to be – we kind of had a provision in here for Single Family zoning – you could do General or Special Use and if you were under an acre and a half in size, it was \$375. Now, it's gone up to \$1,000. That's probably the biggest! But that's probably one of the furthestest below that we had to come up on to get it back to kind of a normal price.

Mayor: So that's listed now as 2 or Less acres where it was listed as 1.5 acres or less?

Mr. King: Yep.

Mayor: So you've gone up to 2 acres, but.....

Mr. King:But the fee's gone up from \$375 to \$1,000. The other change is that we've gone to more of an acreage based fee schedule.

Mr. Hester: All of these rates went up according to other towns basically about like they did here. I mean, the copy fees went up from 55-cents to \$5.00?

Mr. King: Yes. If Walkertown adopts it, it will be the same set of fees for all the places we provide services for: Winston-Salem, Forsyth County, Clemmons, and Walkertown. This would be a uniform set of fees that will be applicable to everybody that we deal with.

Ms. Mabe: In our budget, this would not – before we – Money is a concern but not that many have changed, though. It's a few things but it's not that much. And if we're going to comply like everyone else, we're in the same boat with them.

Mr. Hester: There's not a lot that can be done about it anyway.

Mayor: But just for clarification – these are not budget items. I just wanted to be sure. I thought you were

Ms. Mabe:No.....No.... I didn't mean to say.....I correct myself. But, most of these really didn't change that. The acreage is the only thing I noticed that change.

Mayor: I think that they changed the acreage and therefore the change..... Probably affect more people on the single family dwellings from \$375 to \$1,000 fee.

**MOTION: TO APPROVE RESOLUTION #06-035
APPROVE CITY-COUNTY PLANNING BOARD FEE SCHEDULE
AS PRESENTED TO TOWN COUNCIL**

BY: BRENDA MABE

SECOND: WAYNE HESTER

VOTE: MOTION PASSED UNANIMOUSLY

Ms. Mabe: I wonder what would've happened if we hadn't passed it!!

9. **FOR DISCUSSION AND/OR ACTION**
**RESOLUTION TO DECLARE AS SURPLUS PROPERTY
VACANT LOT AT SALEM ROAD AND LEIGHT STREET
(SAMPLE RESOLUTION ATTACHED)**

- Put lot up for bid?
- Interested party has approached Town Hall.

DISCUSSION:

Mayor: This is something that was talked about by the council at one of the previous meetings – the retreat one.

Mr. Garland: Mayor, I don't think you have to take that action tonight.....

Mayor:Right..... We do not.....

Mr. Garland:If you decide it's something you want to do, you could do that in connection with deciding whether or not to accept offers. As you know from the wells, there are three ways you can sell the property:

1. Sealed Bid
2. Negotiated Offer and then Upset (the way you sold the well properties, which is frankly, the way most property is sold to private parties)
3. Public Auction

So if you were going to go the negotiated offer and sell route which is what we generally do. You can wait or solicit offers and then in connection with accepting the first one, you would declare it as surplus property and then you would go – Lynn and I have a fair amount of experience with the upset bid procedure.

Ms. Mabe: Well, I think we don't plan to use the property – we discussed that. And I think we should – how would we go about putting it up for

bid, or whatever we do. We discussed this at the retreat. I think we need to start moving on some of the things we had planned on. This is one of the things I feel like we need to move on and go on and take care of.

Mayor: There has been a verbal offer made, but it was a verbal only. It was nothing in writing with no deposit, because the property has actually not been for sale. It hasn't been declared surplus, but there was a verbal offer made – well --- well --- well below the appraised value! So don't get excited!

Mr. Hester: I agree. I don't think we'll use the property – it's in a dangerous area for the citizens to cross over to, and I think we should proceed with the idea like Steve said, decide what type of sale would be on it, and bring it up at the next meeting.

Mayor: Do you want to move forward, then, council, is that what I hear you saying?

(AFFIRMATIVE FROM ALL)

Mayor: To propose that we do declare this as surplus property. Do we need a time frame on that, Steve? Or what do we need?

Mr. Garland: Again, Mayor, I don't think so. I think it sounds like ya'll are interested in selling the property, then probably the thing to do is let the person who provided you the verbal offer know that you are receptive to "receiving" although not necessarily "accepting" a written, more formal offer. And then when we've negotiated with that person on an offer you might be willing to accept, then I think that's when you bring it back for action at the council meeting. You move to accept that offer and that sets up the "Upset Bid" process to start. Lynn would publish the current offer and people would have a certain period of time to upset that bid – and we keep going and going, based on the process we are all familiar with!

Mayor: Is there a motion that we want to declare this as surplus property and move forward with the sale?

Mr. Landreth: I make a motion that we do.

MOTION: **TO DECLARE THE TOWN-OWNED VACANT LOT AT THE CORNER OF LEIGHT STREET AND SALEM STREET AS SURPLUS PROPERTY AND OPEN UP THE PROPERTY FOR THE NEGOTIATED OFFER AND UPSET BID PROCESS**

BY: **RALPH LANDRETH**

SECOND: **SARAH WELCH**

VOTE: **MOTION PASSED UNANIMOUSLY**

Mayor: Okay, Mr. Landreth, do you want to include the method of sale in that motion? Negotiated offer and upset bid?

Mr. Landreth: Yes.

10. **FOR DISCUSSION AND/OR ACTION**
WIDENING OF HIGHWAY-66
(SAMPLE RESOLUTION ATTACHED)
COST PROJECTED FOR:

- **NC-DOT**
- **DEVELOPER (KEYSTONE HOMES, ETC.)**
- **TOWN OF WALKERTOWN**

DISCUSSION:

Mayor: Okay. You see the resolution in your packet. The resolution, as written, is to approve town participation with D.O.T. and the developer in construction of widening of Highway 66. The motion would be made by council and seconded, of course, and then NC-DOT, the Town of Walkertown, the developer of the housing project located on Highway 66, now called Keystone Homes as the developer, instead of George Sowers, has agreed to participate in the construction of widening of Highway 66 from the eastern edge of Keystone Property – or what was known then as Whitehall Development, as we talked about, to the end of the 3-lane section of the roadway at the intersection of Darrow Road. So it would run, I'm assuming Ron, would this run all the way to Avalee Street or not? Would it run just to the road where they're cutting the road in across from Bellaire Drive?.....

Mr. Bell:It would go to the far end of the Keystone Property, heading towards 158...

Mayor:So it would go east of Bellaire Circle.....

Mr. Bell:Correct.....

Mayor:To almost to Avalee Street, then?

Mr. Bell:Right.....

Ms. Mabe:Halfway to Avalee Street?.....

Mr. Bell:I'm sorry, I don't know.....

Mayor:Well, their property goes to Fred Whicker's? We've got a resident across the street there. Isn't that right, Don? It doesn't?

(DON WHITAKER SPOKE FROM THE AUDIENCE BUT COULD NOT BE HEARD)

Mr. Landreth: But, we don't know how far it goes down???

Mayor: No. We know it goes to the development... You.....

Mr. Bell:It goes to the far end of the developer's property.....

Mayor:You see where they've got it graded? I'd say, it's about --- less than 500.....

Mr. Landreth:Well, how far does the stakes go down? They've surveyed that?

(MORE DISCUSSION FROM MR. WHITAKER)

Mayor:So it doesn't come down as far as your house?

Mr. Hester:Well, doesn't it go right to the very back of those property owners, or the land, right there on Avalee Street? Their property ran right to their yard, didn't it?

Mayor:He was saying there was one lot between that. So I don't know. I can't answer that.

Mr. Hester:Some of it on back in there, not right on the road. It's still going to be down almost to Avalee Street. So if it goes to the farthest boundary east of there, would it take it up that far?

Ms. Welch:Ms. Duggins has a little bit.....

Mayor:Well, the way this is written, it says to the eastern edge of Keystone Property. But I don't know if it goes that far or not.

Mr. Bell:Yes, it does. The frontage of the property on the road...

Mr. Hester:Oh, it's the frontage of the property but it's not the property back in there that would go over to Avalee Street?.....

Mr. Bell: ...The eastern edge of the frontage of that property is where....

Mayor:Ok. So you're probably talking less than 500 feet east of Bellaire Circle, though? So, you're not talking that far.

Ms. Mabe:Five hundred feet ---- just past Bellaire Circle?

Mayor: Yes.

Mr. Landreth: About 300-feet, I'd say.

Mayor:Yeah. Less than 500....

Ms. Mabe: ...Well, is the center lane that's going to come in there...will the people who are coming from Kernersville coming to Walkertown --- will there be enough center lane there for them to pull in to be able to turn left into Bellaire Circle? In other words, are we going to be benefiting the people on Bellaire Circle? I was hoping this was going all the way to 158.

Mayor: Yes. Center lane will be for either way. Bellaire Circle will line up with the street going into the development, the way I understand it. So, yes, it will do both sides of the road. This is not going to 158. That was my suggestion to the manager.

Mr. Bell:If it would be possible to do at least the right turn lane on to 158 going towards Winston-Salem and that's not ---- now, we can ask for the rest of it but they can't get that out of the monies they have available. This is a separate fund from the normal construction funds and they just can't do that at this point.

Ms. Mabe: How much would it cost to go down to Avalee Street?

Mayor: Well, why doesn't Mr. Bell tell us the cost of this?

Mr. Bell: As I said, D.O.T. approached the town with this and what they're proposing is basically, take the money that the developer would have to put in to the turn lanes on his side and so forth; put it into the pot with D.O.T. and add a little bit from the town. They're estimating currently that the cost is around \$600,000 for the total project. They asked us to participate and they said \$10,000 would be acceptable – which is like buying a \$60,000 Mercedes for \$1,000. So, it's really an opportunity to try and go ahead and get the road improved using the developer's money. I was asked not to ----- the relocation, but the stakes were put out there to indicate the right-of-way. I have not found a telephone pole that's in the right-of-way so it appears that we would have little or no relocation costs at all. It would be very minimal. I haven't seen a pole. So, I believe it's an opportunity. Under the resolution, I need to clarify that – where it says “....contributing \$10,000 for the construction and relocation of all utilities...” I would like to change that to read, “.....contributing \$10,000 for the construction and by paying the cost of relocation of all utilities.....” so that it's clear that any

costs would be in addition to the \$10,000, although I don't believe there would be much, if any, relocation costs.

Ms. Welch: Why can't they take the cost of the utilities?

Mr. Bell: Well, the D.O.T. is paying for \$590,000 of it so

Mayor:I don't think she's talking about the D.O.T., are you?

D.O.T. does not move utilities. One thing I must note as we've discussed many times before, Powell Bill money does not move utilities. We do know that. And Powell Bill money cannot be used for this project because it's a state maintained road. Can it not be used for widening of this road?

Mr. Bell: No. It is a state road. Powell Bill funds are for the town's maintained roads. There are funds in the budget that can be used. I believe it's an opportunity. The D.O.T. apparently has this discretionary fund and they've seen an opportunity to try to sort of leapfrog this improvement of the road ahead and I think it's an opportunity for the town to be helpful to all the citizens. And, also, when they do this portion, they'll shape the contour so when, as most likely will happen eventually, additional lanes are added, the contour will be in line to add those lanes so the cost of doing that will be less and may even improve the chances of moving it up in priority so it's got several aspects that are favorable to the town.

Mayor: Okay, Council, what is your feeling? This resolution that you see before you what the D.O.T. is proposing – the first part of it is, if the town is willing to be responsible for relocating all utilities; and the second part of it is that the town would participate to the sum of \$10,000.

Ms. Welch: Well, am I not mistaken that Mr. Hennigan had to pay for the utilities over on 158? As the developer.

Mayor: Yes. Uh huh. That is correct.

Mr. Hester: That's what I was wondering. If the D.O.T. is doing this and it says, "*municipality shall be responsible for all relocation...*"

Mayor:This is our resolution.

Mr. Bell:If the developer just did what he was required and we didn't widen it, he would have to relocate the poles, that's true. But, basically, the money he was putting in to relocate utilities is being thrown into the pot for paving so it's sort of six of one, half dozen the other. He's still putting in the full money as if he had relocated the poles as indicated. He told me, from his survey, on his part, he only one pole that was in question as to whether it might have to be relocated so we're really talking about a very small cost here – a few thousand, maybe, at the outside, on the relocation.

Mayor: Well, Council? We can draft this resolution. Do you want to participate in the \$10,000 part that D.O.T.'s wanting the good faith effort, on our part.

Mr. Hester: I would go with the \$10,000 and get more information on the relocation or either have the developer handle that as they have before.

Mayor: Is this in the form of a motion?.....

Mr. Hester:I'll make it a motion.....

Mr. Bell:Mr. Mayor? I might add that the terms were set by D.O.T. so we can make that motion but D.O.T. won't accept it. I can take it but this is how they would have to have it.

Mayor: Well, now, they did accept it on 158 last.....

Ms. Welch:They sure did.....

Mayor:They did.....
 Ms. Mabe:And I'm not supportive.....
 Mr. Bell:All I can do is relate to you how it is.....
 Mayor:I understand.....
 Mr. Bell: But, again, the relocation costs should be nominal or none. The only reason they can't come out and say how much --- they staked it so we could look at it, but because it hadn't been surveyed and they hadn't done their preliminary work, they don't have all the engineering work so they could come to us and say what it will cost. But after they staked it, I did not find any poles that are in the right-of-way so I think, practically speaking, we're talking about little or no cost at all on the relocation.
 Mayor: That's amazing and I hope what you're saying is true because this little stretch on Main Street was almost \$18,000 – and it was like two blocks.
 Mr. Bell: But, if you look at the poles – the poles, they may have been relocated some time in the past. I don't know but they're significantly back from the road. It's noticeably back from the road, for whatever reason, which is a fortunate thing.
 Mayor: Okay, Council, what is your pleasure? Was yours a motion?
 Mr. Hester: Yep.
 Mayor: And your motion was to (1) Pay the \$10,000.....
 Mr. Hester: And (2) Ask the developer to pay for the relocation. I mean, if it's not going to be any more than that, he shouldn't mind going ahead and paying that, too.

Mayor: Mr. Hester says a motion that the town pay the \$10,000 to participate in the widening of the road and that we ask the developer pay the relocation of the utilities, since it is going to be so minor.
 Ms. Mabe: Ok. We're not going to be in for the utilities.....we're just going to have to pay the.....
 Mayor:That's what his motion says. We do not pay for the utilities but we will pay the – his motion was to pay the \$10,000. Is that correct?
 Mr. Hester: Correct.

MOTION: **TO APPROVE TOWN PARTICIPATION IN THE WIDENING OF HIGHWAY 66 BY PAYING A TOTAL SUM OF \$10,000 AND BY REQUIRING DEVELOPER TO PAY FOR ALL RELOCATION OF UTILITIES**
BY: **WAYNE HESTER**
SECOND: **SARAH WELCH**
VOTE: **MOTION PASSED UNANIMOUSLY**

Ms. Mabe: This is the situation – There is going to be much congestion here, and I know it. I do not like to help a developer. But then I turn around and think about the people on Bellaire Circle that could use this to get in and out – the flow of traffic. And the people that live on 66. I was hoping we would go all the way to 158 – I pray that that will get taken care of. I have really reservations about this but if it will help that section, where there's 400 homes coming in and we know it's going to be heavy congestion and since we're just going to be

paying for the pavement and the developer has to pay the rest, then I have to agree with this one. But still, we're reserved. And I hope in the future that we make sure that things are more clearly stated with the developer than we have in the past.

Mayor: The resolution will have to be re-written, is that right, Steve?
Mr. Garland: Sure. _____ Say, "The developer shall be responsible for all relocation of all utilities...." And then just leaving everything at the end and that should serve the purpose.

RECOMMENDATIONS FROM STREET COMMITTEE:

Ms.Mabe: Ralph Landreth and I rode around and looked at Walkertown and we told you we were going to look. We went on Martin Street and that's been fixed. And we have recommended:

- A signal light at the intersection of Main Street and Old Hollow Road.
- Sullivantown Road, the road is very narrow, widen it at least a foot on each side.
- Depot Street needs to be paved.
- Leight Street needs to be paved.
- Pave all dirt streets in town.

If anybody else in the town knows of anything else, call Town Hall and we'll go out and look at it.

Ms. Welch: How soon are you anticipating paving?

Ms. Mabe: We're riding and looking. We'll bring it back to the council and the council can agree upon it.

11. **FOR DISCUSSION AND/OR ACTION**

RESOLUTION #06-033

APPROVE COLLECTION OF 2006 TAXES BY FORSYTH COUNTY TAX COLLECTOR

THIS IS A ROUTINE, ANNUAL RESOLUTION

MOTION: TO APPROVE RESOLUTION #06-033
APPROVE COLLECTION OF 2006 TAXES BY FORSYTH COUNTY TAX COLLECTOR

BY: BRENDA MABE

SECOND: WAYNE HESTER

VOTE: MOTION PASSED UNANIMOUSLY

12. **DISCUSSION AND/OR ACTION**

RESOLUTION #06-034

APPROVE COLLECTION OF PRIOR YEARS TAXES BY FORSYTH COUNTY TAX COLLECTOR

THIS IS A ROUTINE ANNUAL RESOLUTION

MOTION: TO APPROVE RESOLUTION #06-034
APPROVE COLLECTION OF PRIOR YEAR TAXES BY FORSYTH COUNTY TAX COLLECTOR

BY: SARAH WELCH
SECOND: RALPH LANDRETH
VOTE: MOTION PASSED UNANIMOUSLY

13. **FOR DISCUSSION AND/OR ACTION**
FINANCIAL STATEMENTS

- JUNE 2006

MOTION: TO APPROVE FINANCE STATEMENTS FOR JUNE, 2006
AS PRESENTED BY TOWN CLERK

BY: BRENDA MABE
SECOND: RALPH LANDRETH
VOTE: MOTION PASSED UNANIMOUSLY

14. **FOR DISCUSSION AND/OR ACTION**

- **EXTRA-TERRITORIAL JURISDICTION**
(NCGS INFO ATTACHED AS INFORMATION)
- **DO-NUT HOLES**

DISCUSSION:

Ms. Mabe: I asked for this and I'd like for the attorney to look into this. I know sometimes business can come into an area that maybe we have no control over unless we this. We want to make sure that certain businesses – I don't know how we go about doing this – I'm not going to say a mile wide because some places we don't want to do that, but we need to be looking into this and getting it done because a situation has come up and

Mr. Garland:Excuse me.....But I can tell you from my Lewisville experience that Lewisville has consistently asked the county – I'm sorry, let me back up. The county has jurisdiction where we don't outside of our towns. We can't just take Extra-Territorial Jurisdiction – they have to grant us Extra-Territorial Jurisdiction. But as a flat rule – they don't. Lewisville has asked for it and even though Lewisville has an annexation agreement with Winston-Salem, and one with Clemmons, so you could pretty much guarantee what would be within those areas that would be able to be annexed by each of those different communities, the county has just said that they do not grant Extra-Territorial Jurisdiction. So, again, we can ask, but that would be the only way to do it. And the answer may be that if they don't do it, there's nothing we could do.

Ms. Mabe: Well, like to the north of us. We have no agreement up this way and my concern is someone could buy something up there and we can't say much. I'm trying to protect our future growth that way as well as citizens. I'm looking for the future and the well-being of the citizens of this town. And also the citizens that live out – how we can protect them as well.

Mayor: There's property just beyond our boundaries that's in the process of being rezoned – at Vance Road and But we have no input into that, is that correct?

Mr. King: Short of attending the County Commissioners' meetings and voicing your opinions..... It's their jurisdiction and it's their vote.

Mr. Garland: And they often will listen to the community so if the community has an interest in it, they'll often, I know, for example, again, Lewisville, Tobaccoville doesn't have their own zoning but they will go to the Board of Commissioners and voice their opinion one way or the other with respect to what they said. I guess the Area Plan is just about to be adopted and it includes the outlying area, too, so, again, you might not have the actual authority to deal with it there but you at least have the capability of going in and banging your fist on the Area Plan, which the County hasn't adopted yet; but assuming they do, you'll have that to be able to bring to their attention. I guess Mr. Bell is the best person to go ahead and see if any policy has changed. There might be a better possibility – donut holes – to the extent that there's areas that are surrounded by Walkertown - that may present the county with a little bit different scenario than just an area beyond the border. But it may be that those areas are not going to be much of a difficulty anyway with respect to rezoning.

Mayor: I don't think the donut holes are the real issue here. We can deal with the donut holes because no one else can take them anyway. They're pretty well protected.

Ms. Mabe: They've been talked about for so long, we need to be moving on on this one. How do we do this one?

Mayor: Well, we'll just throw the ball to Ron if the council is agreement to that and let him pursue it. Ron can report back on what he comes up with.

(COUNCIL AGREED UNANIMOUSLY)

15. **OTHER BUSINESS TO BE DISCUSSED AND/OR ACTED UPON:**

1. **CODE ENFORCEMENT ISSUE**

Ms. Mabe asked how we were doing on property that is not up to standards. Several still have not been taken care of and owners don't seem to be doing anything. What recourse do we have to make the owner move a little faster? Mr. Bell said that Lynn has sent out letters giving them a time to respond; then sending a second letter. After that you're faced with doing it yourself at the cost of the town and then trying to recoup the cost by taking a lien against the property which may not ever pay the town back. He said at the council's direction we can pursue that and pay somebody to clean up individual's properties but then it is a question of whether that money would ever be repaid at some point. It may not ever be repaid until the property is sold. Mayor Davis said we had several eyesores that's been brought to attention recently and that one on Old Hollow Road with the roof falling in. Mr. Bell said the first letter is being prepared to be sent. Also, the house on Old Walkertown Road has the Health Dept being involved. On the house with the hole in the roof, if the owner does not repair it, again, you are faced with paying for the remedy yourself, which is quite often, demolition. But that can cost \$8,000 or \$10,000 to tear it down and haul it off. So, again, you're putting that money into the property with no assurance of getting it back so you need to be comfortable with that before you start the process. Mayor asked why a lien on that property would not be worthwhile since he knew for a fact that the property was worth more than that. Mr. Bell said it was

for sale and the property is worth that much so the likelihood of the money being returned to the town is much greater. Ms. Mabe also mentioned a piece of property – a brick building business on 311 right below Morris Street on the right – has furniture, tables, chairs, grass growing. Mayor Davis asked if the council was prepared to spend any money to correct the various situations if there is no recourse? Mayor said one of the strong things we were looking for was code enforcement. Mr. Hester mentioned the one on Friendly Road (they've received the first letter and getting ready to send a second). Council was urged to give Mr. Bell a list of any code enforcement issues. Mr. Bell was authorized aggressively pursue some of the issues.

2. RECREATION ISSUE

Mayor said we owe a game plan right away. A meeting was to be set up with Ms. Quick to let her know what we are thinking about. There are a lot of issues going on at this time that would impact the recreation money.

- Town property to be sold.
- Grant money to be applied for.
- Other monies from other areas to be donated.

Mr. Garland asked that a meeting be set up with Ms. Quick in early September with Mr. Garland, Mr. Bell, and a committee member to be decided.

16. PUBLIC SESSION

THIS SESSION IS FOR ANY TOPIC AND IS LIMITED TO 3 MINUTES PER SPEAKER
WHEN SPEAKING TO ANY ITEM, PLEASE RESTRICT YOUR REMARKS TO THE SUBJECT AT HAND.

Public Session was opened at 8:20 p.m.

1. Marilyn Martin
2733 Martin St.

Ms. Martin spoke about the property on Vance Road. She said the citizens in that area are very upset. It's a dangerous intersection and it's not good for the town or citizens to have that property rezoned to Highway Business. There is lots of opposition. It is presently zoned RS-20.

2. Dorez Thomas

Mr. Thomas represents the Walkertown Wolfpack Football League. He said the League has grown from 90 to 235 kids over the past three years. Their equipment is very dilapidated. The town has helped out previously and he is asking for another donation. The town's previous donations were \$1,000 for help with a scoreboard. Last year's donation was \$2,500 for a hot dog cart to generate money; however, no one would sponsor the hot dog cart due to health concerns. The WWFL needs any size donation this year. The NFL has said that any money the WWFL raises, they will match that amount. Another issue is the parking problem. In honor of Councilman Warner, Mr. Thomas is going to make sure that no one will

park on Ruxton this year. He said they are desperate for any amount that the town could give. He will get with Lynn on the NFL Grass Roots program so that the council could look through it. It would help them generate money and also help update facilities. The season starts Monday and they need money. It would not be for a scoreboard or for a hot dog cart. It would be for equipment. He will give Lynn a copy of the budget to give copies to the council.

3. Councilmember Wayne Hester

Mr. Hester just wanted to let everyone know that he is scheduled for surgery next Thursday and will be sidelined for a couple of weeks. He asked for prayers for him, but more importantly, for the doctor!!

Public Session was closed at 8:30 p.m.

17. **ANNOUNCEMENTS:**

- Recycling in Walkertown continues every two weeks.
AUGUST 7TH AND 21ST
- TOWN COUNCIL MEETINGS: (4TH THURSDAYS)
7:00 p.m. at the Walkertown Library Auditorium on:
FOURTH THURSDAY @ 7:00 P.M.
AUGUST 24
SEPTEMBER 28
OCTOBER 26
NOVEMBER 16 – CHANGED THANKSGIVING HOLIDAY
DECEMBER 21– CHANGED CHRISTMAS HOLIDAY
- PLANNING BOARD MEETINGS: (1ST TUESDAY)
LIBRARY @ 3:00 P.M.
August 1st
September 12th *Due to Labor Day holiday
October 3rd
November 7th MEETING TO BE HELD AT TOWN HALL
December 5th

18. **ADJOURNMENT AT 8:31 P.M.**

MOTION: TO APPROVE

BY: WAYNE HESTER

SECOND: BRENDA MABE

VOTE: MOTION PASSED UNANIMOUSLY

MISCELLANEOUS MINUTES ATTACHED:

- Planning Board Meeting Minutes –

>> JULY 11, 2006

- Recreation Advisory Committee Minutes:
>>NONE

ATTEST:

TOWN OF WALKERTOWN:

Lynn McKinnie, Town Clerk

Kenneth R. Davis, Mayor