

MINUTES

REGULAR MEETING OF THE TOWN OF WALKERTOWN COUNCIL JANUARY 22, 2009

At 7:00 p.m., Mayor Doc Davis called the council meeting to order. Constituting a quorum were the mayor, Marilyn Martin, Randy Mendenhall, Sarah Welch, and Wayne Hester. Present at the meeting were Staff Lynn McKinnie and Scott Snow. Attorney Amy Lanning was also in attendance with her temporary replacement, Jennifer Kerrigan.

After a short invocation by Council member Hester, Ms. Martin led the flag pledge.

Approval of the Agenda as presented was accomplished by a motion from Mr. Hester, seconded by Ms. Martin, and unanimously approved.

Minutes of the following meetings were unanimously approved as presented on a motion from Ms. Welch and seconded by Mr. Hester:

1. MINUTES - TOWN COUNCIL SPECIAL CALLED WORKSHOP MEETING OF DECEMBER 16, 2008
2. MINUTES – CLOSED SESSION – DECEMBER 16, 2008
3. MINUTES – REGULAR COUNCIL MEETING – DECEMBER 18, 2008

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 at 7:03 p.m. with one speaker signed up:

1. Kathy Whicker
4880 West Ray Lane
Walkertown NC

I am the community contact person for Food Lion here in Walkertown and it's that time again! It's the start of the year. Last year, we were very honored to start a program that's called "Get Healthy Walkertown!". And it is a program that is just to bring awareness to a lot of obesity, starting with our younger generation and we were very honored that the Town Council joined us. That set the example for all of Walkertown and especially our younger generation in our schools. We had the churches and schools involved and we did a walk with over 800+ kids and I'm going to tell you - - - It was so amazing to see those kids get so excited and walk around the track without realizing that they were keeping theirself healthy. They had a ball! And Mayor Doc Davis was the leader with the principal at Walkertown Elementary and it was amazing! We have so many great pictures, but all the kids were saluting us and they were screaming and they were shouting and when they finished, we said, do you realize that you're exercising and you're having fun? If we start at the younger generation, their future, we get them healthy now, then they're going to teach all the others just to move a little bit more and to make better choices while you eat. So that's what we want to do. So, we're going to start the program again this year and we're asking the mayor and all the

town council and, of course, all the community in Walkertown, if they will join us and take the "Get Healthy Walkertown!" challenge for the second year. And what it is, is a ten week program. It starts from February 8, 2009, through April 11, 2009 and what it is, is that we ask you just to, every day, write down that you're going to do a little bit of exercise. You're going to make better choices of your food and that you're going to move more. Okay? That's all you gotta do! And the goal is if you do that and you lose at least one pound in ten weeks – that's ten pounds – and think of all the great things you can do. I know it's hard! We've got McDonalds and Bojangles – but – they do have some healthy selections and that's just a good thing for all of us! Will the town council accept my challenge?

MAYOR: First of all, I guess you might as well go ahead and announce and recognize last year's biggest loser!

MS. WHICKER: Right. Our last year's biggest loser – stand up and take a bow – RANDY MENDENHALL. And he did a great job – but I want you to realize, town council and mayor, you are a big impact for our students and our community. And that's why we've come to you. Because when we start the word from here and we spread it out, it makes a difference. We had the program by getting started and I feel great by getting healthier, I really do. And, believe me, I've still got a long way to go but I'm going to do it. So I'm going to take the challenge.....will you go with me??? Mayor??? Everybody??????? Let me see you raise your hands up – everybody!!! Yayyyyyyy.

MAYOR AND TOWN COUNCIL ALL RAISED THEIR HANDS.

MS. WHICKER: And we hope to see you in the store – we've got some great deals but we also hope to have everybody we can and I'll get all the information to you – and, of course, Lynn always gets everything together for us. And we'll have lots of prizes.....

MAYOR: Did she raise her hand?

MS. WHICKER: She's gonna do it with us!! Lynn!!!

MAYOR: I didn't see Scott.....

MS. WHICKER All of the audience.....how many????????????

MAYOR:What about the back row back there (Tom Lane).... That's what I was worried about.

MS. WHICKER Well, thank you and we hope that we do make a difference because it's very, very important that we do care for our community, okay?

MAYOR I guess we're gonna have the same kind of weigh-in type???

MS. WHICKER Yeah. We're going to do a weigh-in so that we know you don't cheat – and at the end, we'll do a weigh-in. We learned a little bit from what we went through last year so..... And, believe me, it was hard!! It was hard on me.....

MAYOR What do you mean, you *learned a little bit*??? Are you learning some of our tricks?

MS. WHICKER Well.....Yeah, we did! That's what we learned - - - so that we can show a big difference to our kids. And the more that we can show our kids in the generation, then that's what it's all about! So, thank you so much for all you did last year – and this year's going to be even more fun!!

MAYOR Thank you, Kathy, for your enthusiasm and your support for this program!
MR. HESTER And, since the council is doing this on a volunteer basis, Food Lion is going to help and give samples out of healthy food so we'll have something to go by!!??
MS. WHICKER Absolutely !!!
MAYOR: All right. Now, that we're committed to being losers.... Anyone else wishing to speak at this public session?

PUBLIC SESSION WAS CLOSED AT 7:08 P.M.

BUSINESS

1. PUBLIC HEARING

WA-UDO-12 – Text Amendment to Amend UDO

A. Chapter B

1. To simplify Zoning application procedures

(a) Eliminate requirement that petitioner obtain certified copy of Ownership information

B. Planning Board Recommendation – APPROVAL

DISCUSSION:

GARY ROBERTS This is UDO Text Amendment #12 – and it's based upon the text amendment that we did in Winston-Salem recently, UDO-192. It's actually simplifying things – taking away some language, not adding language – so that's a good thing. Since 1967, for rezoning cases, we've been requiring petitioners to go to the county tax office and get a copy of the tax map and a print out of the subject property and all the surrounding property owners. What this does is, it cuts out that step – because now we have all that information on GeoData that we can access. It's the same information, really, so it just cuts out a step for people that want to rezone their property and it makes it easier for us because the new format that the county tax office uses to give that print out is harder for us to generate the labels that we use to mail out to adjoining property owner notices. So, it's really a win-win. It was adopted by the Winston-Salem Council on December 1st – Staff recommends approval. It's generated by Staff. Planning Board recommended approval unanimously at their last meeting and I'll be glad to answer any questions.

MAYOR And it's really simplifying, is that true?

MR. ROBERTS That's correct. It's actually, as you can see on the second page of the Staff Report, under Article VI, Chapter B, Section 6-2.1.....

MAYOR I see you marked out a lot of it.

MR. ROBERTS Yeah. And all that area that's stricken through – that's language that's going to be taken out so that's a good thing whenever we can reduce the regulations rather than add on layers of regulations.

MAYOR Any questions for Gary before we have the Public Hearing? We'll open the public hearing. All this does is actually remove a step in the process to make it easier for petitioners.

PUBLIC HEARING WAS OPENED AT 7:10 P.M.

There were no speakers so...

PUBLIC HEARING WAS CLOSED AT 7:11 P.M.

**MOTION: TO APPROVE WA-UDO-12
 TEXT AMENDMENT TO AMEND UDO
 A. CHAPTER B
 1. TO SIMPLIFY ZONING APPLICATION PROCEDURES
 (A) ELIMINATE REQUIREMENT THAT PETITIONER OBTAIN CERTIFIED COPY OF OWNERSHIP INFORMATION**

**BY: RANDY MENDENHALL
 SECOND: MARILYN MARTIN
 VOTE: MOTION PASSED UNANIMOUSLY**

MAYOR: Are they adding this extra verbiage back to somewhere else that we don't know about? It's really cutting down – it's really a "reduction"?

MR. ROBERTS: Yes.

MR. MENDENHALL: This actually just saves a complete step so you're talking 30 to 60 days shorter period – one end to the other??

MR. ROBERTS:time period – it still takes two to three months _____ . They don't have to go to the county office – save _____ .

2. PUBLIC HEARING

WA-036 – Final Development Plan Request

A. Petitioner – George Paloumbas – Seafood Shack Restaurant

1. Request Restaurant with Drive-Through Use (more parking spaces)
2. Location - West side of Darrow Road, North of Poindexter

B. Planning Board Recommendation – APPROVAL with condition

DISCUSSION:

MR. ROBERTS: This is a final development plan for property zoned Highway Business – Special Use. It's shown here in yellow. It's about 4.75 acres in size. It fronts on Darrow Road here. You have Poindexter a little bit to the south and Old Hollow Road here, NC-66, just to the north. Again, the property is zoned HB-S. It was rezoned as part of the overall Center Stage development – this portion right here. Center Stage shopping center here – also zoned HB-S. And these outparcels - we have one coming in a month here for O'Reilly Auto Parts – these outparcels, which were not shown a building footprint when it was originally approved, were approved as what's called "two-phase" zoning. So they get the zoning in place, but once they find a tenant or an actual building program that they want to get approved, then they come back for what is called "Final Development Plan" approval. This is the Seafood Shack Restaurant here - - you have Walkertown Family Practice here – zoned LOS just to the south....single family homes across Darrow Road, zoned RS-9 – and a convenience store here zoned HB ---- but it's not actually changing the building footprint. It's just adding parking, but because it's going into this undeveloped HB-S portion here, it has to

receive a Final Development Plan approval. So that's the zoning map here. I'll show you just briefly.....

MAYOR: What's the distance of the east leg of that – I don't know what you'd call that – the east leg on Darrow Road, from Old Hollow Road to the end of the property? In the yellow.....

MR. HESTER:From the yellow all the way back, coming down.....

MAYOR:What's the east leg of that, what's the distance?

MR. HESTER:No! Go to the corner of Right there! And then back down.....

MAYOR:What's the distance of that?

MR. ROBERTS: 503 feet..... Significant frontage there. So that's the zoning map there. The petitioner is George Paloumbas. And this is a 2005 aerial – kinda shows the development pattern there.....can see the subject property there....and the restaurant parking around there. Parking would be added in this area. No new driveway cut on to Darrow Road – they would just change the circulation inside a little bit – have a drive cut there – move this driveway a little bit further away from Darrow Road. Here's the actual site plan.

MAYOR: So there won't be an entrance from off of Darrow Road to the rear, is that what you're saying?

MR. ROBERTS: No, sir.....

MAYOR:It'll all come through the front just like it does now?

MR. ROBERTS: That's right. No new driveway cut on to Darrow Road. So this is the restaurant here – it's about 4990 square feet parking area located here – drove by tonight on the way in – it's slam-full! These are the proposed new parking spaces. It's approximately 70 spaces that would be added here. Circulation here, here and here – and then another connection on to this private drive that goes to the shopping center. Planning Staff recommended approval. Initially, the sidewalk which is an ordinance requirement was not shown on the site plan. The Planning Board unanimously recommended approval with the sidewalk on there and the petitioner is agreeable to install the sidewalk. Again, Staff recommended approval and the Planning Board recommended approval. I'll be glad to answer any questions.

MAYOR: What's the plan for the balance of it?

MR. ROBERTS: Well, it is – and I didn't mention – the property is in the Watershed of Salem Lake, so it's limited in its impervious coverage. But, because they're using to some degree, tying up this amount of property here, they don't have to apply for SIDA (Special Intense Development Allocation).

MAYOR: Right. Like 27% or something?

MR. ROBERTS: 27%. And they can go up to, I think, it's 35%, based upon what was here pre-1993.

MAYOR: You mean you're going to count that against him, too?

MR. ROBERTS: We're not - - - we're just going by the ordinance - - - we're not counting anything against anybody!! But, they're not showing any plans for this but they can go up to 35% - they're at 27% now – so they could add a small building on this property – or add square footage here, and bump the parking down. They've still got some play area. But, unless they requested SIDA, which would allow them to go up to 70%, they couldn't develop all of this without your approval.

MR. HESTER: So anything else that went on there would have to come here for our approval.

MR. ROBERTS: That's correct. We have done some Staff changes, like if they wanted to move this driveway connection around a little bit or maybe even add two or three spaces - - - as long as they're well below the impervious coverage, cause we hate to send somebody back through our \$1,000 application fee and a three-month review period to add two or three parking spaces. Obviously, this is closer to 70 so we couldn't do that at Staff level.....

MAYOR:We would hope you wouldn't do that!

MR. ROBERTS:Yeah - - we definitely wouldn't. But, if somebody wanted to add two or three spaces, I'd probably call up the manager and he would bounce it by ya'll – something like that. If they wanted to do anything significant, it would have to go back by the Planning Board and you, the Council.

MAYOR: So, the drive-through is not really changing – nothing to that.

MR. ROBERTS: No. Drive-through is already there – it would stay the same.

MS. MARTIN: There was something about a small building they might have to move?

MR. ROBERTS: That's correct. There's a little storage building located right here - and that's shown to be relocated right there – it's' within the front step back of Darrow Road so that would be moved.

MAYOR: All right, Gary. Any questions for Gary? Well, if you notice in your file the Staff recommends approval – our Planning Board has heard this and they recommended unanimous approval. Is there a motion?

MR. MENDENHALL: I make a motion.....

LYNN: Wait! Hold on!! You have to have the Public Hearing before you make any motions.....

MAYOR:Wait a minute! I'm premature. We have to have a Public Hearing. Thank you, Ms. McKinnie. We'll go back and have the Public Hearing.

PUBLIC HEARING WAS OPENED AT 7:18 P.M.

1. Steve Causey
Allied Design
4720 Kester Mill Rd.
Winston-Salem NC 27103

Not a lot I can add to what Gary said in terms of the site plan. Certainly be glad to answer any questions if I can – just speak a word to our timing. We helped Mr. Paloumbas prepare the site plan. He expressed a dire need for additional parking, as I've heard several times. We probably started the process mid-last year some time, June or July. Had to come to terms with what we wanted on the plan first of all but once we got there, we started through the process and, as Gary mentioned, we were required to put the sidewalks in, per your ordinance. In addition to that, NC-DOT is also requiring him to relocate his driveway. That was a condition that came from them and actually get a new permit for the driveway connection to Darrow Road. All that to say, we kinda had significant investment in time and energy and money in developing this site plan and going through the process. Basically, just want to let you folks know tonight, that probably, there's not going to be any immediate improvements made – we're probably two to three

years out on those improvements and we just want to be comfortable that the site plan will be valid and really to let you know that we kinda have to let our funds replenish before we start construction because there are some pretty significant investments in terms of moving the driveway and the sidewalk, and in addition to what he wants to do. So, just wanted.....

MAYOR: Are you relocating – you mentioned relocating the driveway off Darrow Road?

MR. CAUSEY:Well..... it's actually the driveway internal to the shopping center. There was an issue with the amount of stacking or storage between Darrow Road and his drive..... they're trying to push it further into the shopping center to minimize conflict.

MR. HESTER: Okay. And on the back right now, I notice there's a place where people are pulling in off of Darrow Road onto the property.....

MR. CAUSEY:In the back of.....

MR. HESTER:Yeah Right there where the new parking is going. They've, like, made a driveway there..... Is that driveway going to stay there?

MR. PALOUMBAS:No. It's not a driveway. It's out there so there wouldn't be a lot of potholes – that's where my employees park – behind the building so there is more room for my customers.

MR. HESTER: But that won't be an open driveway there?

MR. PALOUMBAS: No, sir.

MR. CAUSEY: It's certainly not permitted – I guess it would be an enforcement issue

MAYOR:Well, there will be a sidewalk there, anyway.

MR. CAUSEY:That's correct. Yes. Yes. There is no proposed driveway shown.....

MAYOR:And it looks like that's going to be 120 feet... What it'll move back to What is the _____, Gary, do you know?

MR. ROBERTS: I'm sorry. What.....

MAYOR:The distance to the driveway off the shopping center entrance to George's place?

MR. CAUSEY:The front edge is about 50-feet – if you kinda count the spaces.....

MAYOR:So this would bring it back to – the back edge – to 120-feet, looks like.

MR. CAUSEY:It's at least that. There's about 10 or 12 spaces at 9-feet each and an island.....

MAYOR:It shows about 10 spaces here..... I believe on the drawing.....

MR. CAUSEY;And, again – that kinda came from NC-DOT in an effort to try to help the functionality of the driveway....

MS. MARTIN:So, even though the sidewalks are not shown on this plan, he iswilling to complywith our ordinance.....??

MR. CAUSEY:We don't really.....have a choice, yes, ma'am. And honestly, it was a convenience and cost issue just not to revise the plan. Gary and I have a couple of other minor tweaks we need to address so we got some minor tweaks there to make. But, no ma'am, he got.....to do the sidewalks.....whether they're shown or not!

MAYOR:So the total additional parking spaces.....well, what will be the net gain, when it's over?

MR. CAUSEY: The net gain – Gary and I discussed that – is actually about 66. We had a previous version where the sidewalk pushed a little closer to Darrow - - - we kinda didn't realize there was an ingress easement and we had to back off of that – we lost about four spaces. That's why my statement is incorrect that there's 70 proposed spaces. We're losing about 13 on site; we're making up about 6, I think, and we're adding about 73, or 80, I think - - - the net at the end of the day is about **66**.

MAYOR: So you should have about 66 new – total of about 127, I think?

MR. CAUSEY: I think that's about right, yes, sir.

MAYOR: You think that'd be adequate, George?

MR PALOUMBAS: Hope so!

MR. CAUSEY: He hopes they're full!

MR. HESTER: Hey – are you adding an entrance to the back of the restaurant now?? (JOKE!)

MR. CAUSEY: Someone asked about the drive-through – it's not moving or changing, but we are eliminating a couple of spaces in that area to hopefully make it a little easier to get through there. So, there's a couple of spaces noted to be removed.

MR. PALOUMBAS: It'll make it a whole lot easier for people to get in and out because right now it's so tight there.

PUBLIC HEARING WAS CLOSED AT 7:24 P.M.

MOTION: TO APPROVE WA-036 – FINAL DEVELOPMENT PLAN REQUEST
A. PETITIONER – GEORGE PALOUMBAS – SEAFOOD SHACK RESTAURANT
1. REQUEST RESTAURANT WITH DRIVE-THROUGH USE (MORE PARKING SPACES)
2. LOCATION - WEST SIDE OF DARROW ROAD, NORTH OF POINDEXTER
WITH THE STIPULATION THAT PETITIONER MUST FOLLOW TOWN SIDEWALK ORDINANCE ON DARROW ROAD

Ms. Martin said she added the stipulation after reading the Planning Board recommendation to approve with the same condition.

BY: MARILYN MARTIN

SECOND: WAYNE HESTER

VOTE: MOTION PASSED UNANIMOUSLY

MAYOR: Appreciate the job on the Staff and the Planning Board on this – makes it a lot easier when they've already breezed the trail before we get there.

3. TOWN CENTER PARK UPDATE

RESOLUTION:

TO APPROVE THE TOWN OF WALKERTOWN APPLYING FOR NORTH CAROLINA PARKS AND RECREATION TRUST FUND (PARTF) GRANT IN AN AMOUNT UP TO \$___ TO BUILD A RECREATION AREA/PARK BEHIND TOWN HALL

DISCUSSION:

MR. SNOW: You should have a preliminary site plan that is a site plan that we are proposing that we submit to PARTF for funding. Jeff Johnson from Alley, Williams, Carmen and King is here and if you have any questions about any changes that we've made to the preliminary plans but basically the results of the public hearing the public comment sessions that we had to get input about type of facilities that the community would like in the park and also the results of the surveys that we mailed out later this fall. And this is the concept that we got of what the results of those were. It is basically a facilities that would provide an open air experience for those that attended the park with three picnic shelters, two with the restroom facilities, playground area, gazebo, horseshoes and also a quarter mile walking trail there so and we also have proposed two parking lots. One on Depot Street with 25 cars and then one behind the old fire station facilities with 13 cars.

MAYOR: Now, does that contemplate..... I'm assuming it contemplates no water tank?

MR. SNOW: Yes, sir. We are assuming at the point we begin that construction, the water tank will be removed at in some way or another.

MAYOR: Have they backed out on us?

MR. SNOW: They haven't fully back out on us – they – the contact that we have had with them is that they are interested in taking it – they are reviewing their plans and assessing their needs and what will be I guess the best direction for them in their community but I believe that even if that doesn't work out we should be able to find somewhere to have it removed it to.

MAYOR: The price of steel dropping didn't help matters either.

MS. MARTIN: I see the changes were made that we had talked about – the playground area in one section and.....

MR. SNOW:Yes, ma'am. That was.....

MS. MARTIN:That was the biggest thing they wanted.....

MR. SNOW:That's probably the major difference you'll see.....other than converting.....we originally had a band shell instead of a gazebo, but we thought maybe a multi-use gazebo would be more – be more usable.....for that area. We also did consolidate the playground facilities. We don't have to get specific with the PARTF grant – exactly what goes in the playground that can be decided once we're approved but they did try and put that in one area so that that would not be spread out.....

MS. MARTIN:So we can go ahead with getting a grant without specifics on exactly how the playground will be? We can do that later?

MR. SNOW: Yes. You can put in "X" amount for playground equipment, slide, swings – but you don't have to say specifically which slide – which slides and swings you're going - you're going - to purchase. And also the same with the support facilities – the benches and the picnic shelters – we have to give dimensions and height – or dimensions of it – but we don't have to say exactly what type of picnic shelter it would be.

JEFF JOHNSON: Our experience with PARTF grant also is if, say, we've got an extra \$60,000 in there for playground – if it turns out to be \$64,000, but something else is less – as long as your total doesn't go over, you're okay.

MR. SNOW: In your packet, under Tab 3, we have an estimate of the probably cost that Jeff worked on setting up for us. With the PARTF grant, we have to give what we plan to spend on site demolition and site prep, you know, for the parking lot so we don't have to say, we don't have to give the exact plans for the, for the parking.

MAYOR: How big is this gazebo going to be?

JEFF JOHNSON: It's about 36-feet in diameter – it's fairly large....

MAYOR: I know who's the instigator of the gazebo!!!!

MS. WELCH: Well, I go along with it!!

MAYOR: Well, I know you want it too because if she wants it....
I know you want it!!

LYNN: It's my gazebo!!! I'm calling it "Lynn's Gazebo for Rest and Relaxation"..... (JOKE!!)

MAYOR: Thirty-six feet? Okay. I knew it had to be a good-sized one.....

MS. WELCH:For you to get in??????????

MAYOR:No!!! I didn't mean..... I was referring to the amount allocated - \$80,000 – I knew it had to be a nice one!!!

MR. SNOW: The concept we had for the gazebo was to make it so that it could be used more or less, what we would do – normally would do with a band shell but so you could have events there and also have a tiered stairs there so that, you know, it would be kind of risers – if you had a choir or a band that they could use that as well so, you know, they will be it will be multi-use in that it could be used for events or for presentations but also in the time that it can't be used it could be used, you know, by the park or for their pleasure.

MAYOR: Picnic shelter is 24' X42' which that's a good size and the other one is the same thing. Okay.

JEFF JOHNSON: Two large ones with restrooms and then the small one.

MAYOR: Now, does also contemplate sewer connections?

JEFF JOHNSON: Yes.

MAYOR: That's contemplated with restrooms?

JEFF JOHNSON: Yes.

MAYOR: Questions, council?

MS. MARTIN: What's the date for turning this in?

MR. SNOW: Monday, February 2nd by 5:00.

MAYOR: We don't want to be late.

MR. SNOW: Nah. I believe we should have everything in hand but we it'll be there before 5:00. What we need with – however, we would need to have the resolution passed that authorizes the submittal of the application then have a dollar amount set that the town wishes to submit for the application...

MAYOR: So our dollar amount that's recommended is \$367,325, correct?

MR. SNOW: \$367,325 is what we would submit for approval by the PARTF foundation that meaning that the town would have to be willing to match that point. Anything that goes above the \$367,325 town would have to compensate for that – that would be the cut-off point for them. So, if for some reason, we did go over budget, the town would be responsible for that.

MAYOR: What's the story when we seek \$367 and our plan calls for that with matching funds, and we get \$300?

JEFF JOHNSON: If, say, the bids come in low???

MAYOR: No! They don't give us what we need!

JEFF JOHNSON: Well, they will give up to \$500,000. Then I would think we would have to scale back a little bit.

MAYOR: Okay. I just wanted to be sure that was - - - I'm not anticipating that but just..... I know the money in Raleigh is extremely tight..

JEFF JOHNSON: This is probably one of their least troubled – I won't say they're in great shape – but they are the least troubled in Raleigh, so....

MAYOR:Well, with their state health program - \$300million in the red; and the highways, \$1.7billion in the red, they may be taking money from anywhere!

JEFF JOHNSON: Fortunately, the way this is set up, DOT can't borrow from it!!

MAYOR: We learned last week that all these rules are made by the legislature and when the legislators are down there, they can change the rules, so what they can't do, can be changed!! I just wanted to be sure it would be – if we got less than anticipated in the grant, we would have to scale back.

MR. SNOW: We could adjust it.....

MAYOR:Not anticipating doing that but we've got to be realistic. Instead of a 36-gazebo, we may have to cut it down to 25 maybe. You'll get your gazebo!!!! Don't worry!

MS. MARTIN: I think this is a generous gift for the town to start the park and I think the town's been good stewards of the money by trying to get a grant so that we could do a little bit more and have a nicer place for the citizens.

MAYOR: Um hmmm. Yeah – that doubles the Waggoner fund money, which would be used for that – goes a long way by using it for a grant. Okay.

**MOTION: TO APPROVE RESOLUTION:
TO APPROVE THE TOWN OF WALKERTOWN APPLYING
FOR NORTH CAROLINA PARKS AND RECREATION
TRUST FUND (PARTF) GRANT IN AN AMOUNT UP TO
\$367,325 TO BUILD A RECREATION AREA/PARK
BEHIND TOWN HALL**

BY: WAYNE HESTER

SECOND: RANDY MENDENHALL / MARILYN MARTIN

VOTE: MOTION PASSED UNANIMOUSLY

MAYOR: You see the plan, you see the figures. Does everybody understand what the game plan is? We're applying for the grant of \$367,325 and therefore, we'd be committed to match this grant in order to receive it to go forward with the plans on the park. Is everybody in agreement? Show of hands – it's approved.

**4. CONTINUING DISCUSSION OF FENCING ORDINANCE AROUND
RETENTION PONDS**
DISCUSSION:

MAYOR: This is continuing our discussion of having an ordinance around retention ponds. If I remember correctly, I believe Ms. McKinnie told me that she searched and no other towns had this. Is that correct?

AMY LANNING:Yes.....

MS. MARTIN: I would like to do “NO CONSIDERATION” for this this month until we have time to study this – since it is new

MAYOR: Didn’t we do NO CONSIDERATION for this last month?

LYNN:No. I think we continued it.....

MS. MARTIN:But we didn’t have anything on it – that’s why we did. We just gotten this – we haven’t had time to discuss it or look at it.....

MAYOR:i don’t think we can continue but I don’t think we can do two NO CONSIDERATIONS – I believe that’s the way - - - isn’t that right, Amy?

AMY LANNING: That would be better.....It’s what you did last time but.....

MAYOR:We continued???

AMY LANNING: I think so.....

MS. MARTIN:I appreciate the hard work ya’ll did on this. I went on the computer and found some things

MS. WELCH:No. It was “continued”.....

MS. MARTIN:Nobody wants to touch this, for some reason.

MAYOR:What ? Amy, give us the benefit of your advice on what ya’ll have run into as far as research.... I see the sample solutions and... the pros and cons.....

AMY LANNING:I would like introduce JENNIFER KERRIGAN – she’s another attorney in our office and she’s actually the one who did the research and really put this together after Lynn and I spoke. Jennifer is going to be filling in when I am out on maternity leave in July and so I wanted to make sure that she got to come to a meeting. And, it’s a “**two for one**” special tonight – you’re only paying for one attorney, by the way! But Jennifer did a lot of research on this, like Lynn said, she couldn’t find anything here in North Carolina and so Jennifer did research on what she could find in other states, really, where they had tackled this issue. And so the memo is really to highlight just some things to think about. As Marilyn said, you guys can take a look at this – and some things that other towns have considered as far as when it’s appropriate – or when it may be appropriate to have a detention pond – whether – you could have one – require one - all the time – or you may want to just have it when certain conditions are met. Speaking with Lynn, I think your main concern is safety – that people don’t accidentally fall in.

MAYOR:We’re more concerned with children. This that brought this up is right beside of an apartment complex that’s got lots of children in it.....

MS. MARTIN:And it’s a steep drop – and sidewalk right there!

AMY LANNING:Yeah..... Um hmmmm.... Okay.... So the kids riding their bike can veer off and fall right in. And when Jennifer was doing the research, as you’ll see from the memo, when you just have a shallow – when you don’t have a steep drop-off, it’s much less likely that somebody would accidentally fall in – putting any kind of fence around anything is not going to

keep somebody out who really wants to get in. But it sounds like that you more want to just prevent people from accidentally falling in.....

MAYOR:Our guess is that the water would be more attractive to kids anyway. More so – although, I see your point #4, Jennifer – says that, “*The fence only serves to attract children to the pond....*” I would think the water would attract them more than the fence.....

MS.LANNING: Probably more teenagers are attracted by a fence than – hmmm, what could I do to get over that fence – and what’s behind it?

MS. MARTIN: Well, I would like to see at least a four-foot fence with landscaping around it – on all the retention ponds – and then make decisions as to whether it should be higher or what needed to be done by the depth of it or how large it was.....?

MS. LANNING:Um hmmm. And I think as long as you keep objective criteria tied to depth and the degree of the slope so that you’re not arbitrarily opposing – imposing – fences on certain developments and not other ones.... Also, you have to think about what – or are you going to do anything about existing ponds or is this going to be for new ones only???

MAYOR: This is all in the thinking stage. I don’t know – I guess the question would be – if it’s a thinking issue – can kids fall in an existing ponds or just a new one?

MS. LANNING: I don’t know!!!!!! We’d have to think about that for a minute!!!!!!!!!!

MAYOR: I mean, that would have to be the question answered!

MS. WELCH: They could fall in the one we’re discussing real easy!

MS. LANNING: And, then, the other thing to think about, that when Jennifer was doing research, she found – or one thing we talked about when we were talking about this – is you also have ponds in residential neighborhoods that are really stormwater retention ponds – but they make them look like they’re amenities to the neighborhood and whether you want to require them, in circumstances like that, or whether you’re more concerned with the situations like you’re talking - - - but, that’s all just things to consider and think about when you’re determining what the requirements are going to be and what the criteria are going to be for those. But Jennifer’s laid out the memo - - - the ordinance, Jennifer prepared that as well, and it’s quite lovely, by the way. Of course, you guys can do with it what you will but that’s a sample she put together based on some information that she found.

JENNIFER KERRIGAN: Shockingly, there really is no uniform consensus across the United States. I mean, it’s obviously been highlighted recently because there was a death – a child out in California – so there is a lot of information out there – but everybody is conflicted on actually what to do about this.

MAYOR: Take your municipal hat off and put on your developer hat. What would you advise your developer client to do with that open pond?

Don’t worry about it – nobody would fall in !!

MS. LANNING: Well – not every developer – but, yeah, it depends on where it is – and a lot of times people just do what they have to do when it comes to new developments. If you’re not going to require one, they’re not going to put one in voluntarily - - - can be expensive.....

MAYOR:They definitely will not but what would you advise them for their liability?

MS. LANNING: Oh! For their liability?? If you don't have an ordinance that requires it, I'd tell them they didn't have to do it.

MAYOR: So, you're putting the monkey on our back?

MS. LANNING: Yep!

MS. KERRIGAN: Certainly, there's a distinction between a detention pond right behind an apartment versus one in a commercial setting that's not children necessarily running around so that might be one of the criteria you think about when adopting an ordinance.

MS. MARTIN: And, then, like I said, maybe make specification in here that we would take in on individual basis but a fence around all of them of a certain height.....

MS. LANNING:I think you just have to be careful – you need the objective criteria so that you're not – you don't make it seem like it's just an arbitrary decision per development and per pond. So, if you put in the objective criteria that no one can argue that you're leaning one way towards someone and allowing someone else to do something different.

MS. KERRIGAN:And one way to do that might be to make the distinction between whether it's zoned commercially or residential – would be one way to have that objective criteria.

MS. MARTIN: I know in reading on the computer, stuff that I looked up, they said the developer, of course, is responsible in commercial setting and, also, in residential – and then the tenants, of course, that buy into this when it's turned over to them – they would have that responsibility. But, if a child gets hurt or an adult or whatever, it still falls back on the town often.

MS. LANNING: I think the slope is one big thing to take into consideration – if it's really being concerned with accidents and things and then developers are going to think more about – to avoid – if you had that kind of criteria, to avoid – then they'll think more about making a pond wider and shallower instead of smaller and steeper, where it makes it easier for children to fall in. The other things to think about, too, are – when you require fences – the town doesn't want things to become an eyesore either. You have to stay on top of enforcement – of maintenance and things like that. Jennifer has been doing some looking into if there are any extra requirements for emergency personnel to be able to access and she's still looking into that. She didn't find anything in the state statutes

MAYOR:What would that....? I don't know what that would entail. What are you referring to there? Because they can get into most anywhere. Are you talking about they couldn't get through the gate?

MS. LANNING:That you need to have a gate wide enough for emergency personnel to get in would be important. Because if a child is being mischievous and decides to actually climb over the fence, I mean, a 4-foot fence – a kid can climb over it if they really want to, if they're not being supervised. And then a fence can be a hindrance when the police or ambulance comes in to get a child out when they made a big effort to get in.

MAYOR: How do you see a difference, in this and our local swimming pool fence ordinance? No – it's a county ordinance...

MS. KERRIGAN:Requires a fence around it.....

MAYOR:Four foot with a self-closing gate, chain link or equivalent.

MS. KERRIGAN:One distinction I saw in the research I did was a man-made artificial structure versus detention ponds or stormwater drainage

areas – and, while, yes, they are somewhat man-made, they are not completely artificial so there is a difference _____.

MS. LANNING: They're not made for swimming, I suppose.

MAYOR: Right – but you know youngsters. It's not that we're trying to eliminate the liability from the developer or the landowner because I guess if they're young enough, it would become a strict liability situation – we're just thinking about the safety of anybody involved.....

MS. LANNING;Um hmmm. And especially in the situation you brought up – just riding your bike down a - - - I mean, a 10-year old – someone who isn't with their parents all the time - - - riding their bike, you just get startled, get distracted – take a fall down the hill - - - that's obviously a big concern.

MS. MARTIN: Can we, if we adopt an ordinance like this, after we critique it and get some more information from you, can we go back with the ponds that are already in existence?

MS. LANNING: Did you find any information, Jennifer, with the research that you did?

MS. KERRIGAN: Whether it can be retroactive??? I did not specifically research that - - - that was a question I posed to you folks, on whether you wanted it to be retroactive for existing detention ponds. It sounds like you are wanting that. So, I'll have to do more.....

MAYOR:We haven't made a statement on that – it's just a matter of where's the hazard? Scott, in looking at the ordinance that Jennifer's drawn, could you tell if that one's needed by reading this?

MR. SNOW: I haven't fully read through it yet?

MAYOR: Would you be able to ride out and take measurements and see if you should have a fence or no?

MR. SNOW: Uh.... I think it would be enforced by I believe whenever the site approval process – by Inspections Dept – if it is adopted – at that point, the Inspections Dept., I guess, with whatever criteria you set out, I think probably what we're looking at is the concerns of the slope and what type of fencing required for a particular slope so I would expect that the process would be that for site approval and to get, I guess, a _____ or whatever is needed at that point for them to finish up the construction of that would be determined by the _____ It would be based upon _____ so _____ and _____

MS. MARTIN: I think Lynn had been in contact with the developer about the pond close to the apartment and he decided that he didn't want to do anything about it. He just refused to, so I just wondered how we would stand if we said we have an ordinance and a second and gonna go back and you're going to have to do something. Can we do that?

MS. LANNING: We'll look into that. It's obviously certainly harder to enforce retroactively – force people to go back and do something than it is going through the site plan approval but we'll look into that a little bit more so that's something you can consider on whether you're going to make it retroactive or not – and whether you can.

MAYOR: I don't think we would want to go somewhere it's isolated and far away. I don't think that's our intention.

All right. There's already been a request to CONTINUE this item to the **next meeting**. Is there a second on that?

MR. HESTER: I second.

COUNCIL VOTED UNANIMOUSLY TO CONTINUE THIS ITEM TO THE NEXT MEETING.

**5. MANAGER UPDATES:
SCOTT SNOW**

1. Street lights at 158 – High Knolls Subdivision

MANAGER:: We had a request about from residents in High Knolls Subdivision in 2nd Phase – which some houses are starting to be built and moved into in that area – and we had a request from some of those residents about the town considering installing some street lights there to provide some visibility on the streets there. We had come to the conclusion that we would come up with a plan for installing street lights there. We arranged for the agreement with the developer, who still owns the majority of the property there, to have two street lights installed at the intersections on the two back roads there and Duke Power has been given a notice to install those street lights and as far as I know they should have those installed fairly soon. They're arranging in their work schedule to have them put int. I haven't received the contracts yet for the service on it but they should be able to get those in as soon as they can. So at that point hopefully that will be resolved for the residents there.

MAYOR: So that will be two at each intersection?

MANAGER:: Two total ---

MAYOR: Oh. Two total – one at each intersection.

MANAGER: Yes. The developer had requested that we at the point where more of that area is developed we install the street light that would assist them in coming up with the plans for developing the area and then we could have more – a better lighting plan for whatever gets developed in there at a later time so at this point we thought it would be more appropriate just to put them at the intersection to give a better visibility on the street and that typically is where you would prefer to have a street light is at the intersection for driver visibility so those should be installed shortly and hopefully that will resolve the request that we had from the residents there.

2. Sell Road and Melvin Lane – Pavement project

MAYOR: Sell Road and Melvin Lane - - - that's stealing a little bit of Randy's thunder but go ahead.

MANAGER: On Sell Road and Melvin Lane, we've been looking into the possibility of bringing those two streets into the municipal system and perhaps servicing those roads. Melvin Lane appears to be a fairly straightforward case. It's a NC-DOT maintained road currently, I believe, we'd be able to give a presentation if we do set up a February workshop meeting to give more detailed information about it but I've approached DOT about the possibility of us taking in to our municipal system and, of course, they had no issue with that and also was a possibility that they may be able to do the work for us and that would save us significantly on the cost of doing that.

MAYOR: When are we doing that?

MANAGER: Well, we can discuss it in the workshop meeting. Suggested in the process that we do have a public hearing regarding it and notify the residents there to make sure they are willing to participate in it and have no objection to it. Given that, if the council does approve, we could give a public notice set one up at the February meeting have it in March and then if the council

does go ahead with that project, it could be done onwhatever schedulethe council wants.

MAYOR:I know we want.....to go ahead with it.....As long as we've been dragging over this thing.....It's been going into three terms.....we've been dragging over this.

MANAGER:But, Melvin Lane is fairly straightforward process.....

MAYOR:So what do we need to do?? We need to have a resolution on it????

MANAGER:It's suggested that we have a public hearing on it to make sure --- to get the input of the residents there and also anyone else in the community who wants to do that. You're not required to, but it's suggested as giving an opportunity for the.....

MAYOR:Let's. Let's..... public hearing for the next meeting.....if we can..... Can we do that, Ms. McKinnie? Is that possible, Ms. McKinnie, for the next Town meeting?

MANAGER:I suggest if we do that it be for Melvin Lane only.....not for both..... We probably need to separate these.

MAYOR:Yes. That's what we're speaking about – Melvin Lane ONLY!!!

COUNCIL AGREED TO SET PUBLIC HEARING TO START PROCESS FOR MELVIN LANE.

MAYOR:What about any further word on sidewalks? You got any ready to let the bids on?

MANAGER: Main Street – all our paperwork in is- - - all our paperwork has been submitted to NC-DOT for a municipal agreement and a Notice to Proceed. There have been some changes in the project numbering with the state. I spoke with Brett Abernathy at the Division office and he said that he is working out those issues of getting a number from the state – a project number – and once that's assigned, he'll _____ permit - - - municipal agreement and a Notice to Proceed so as soon as that's taken care of, we'll be able to send it out for bids, so

MAYOR:Is that..... don't have anything to do with the grant we got ??

MANAGER: No. Well. Nah. It's somewhat tied in – it goes – the TCC staff there has to – he has to work with them to get a number for it too to make sure it matches up with their requirements for the money but it in no way should delay.....

MAYOR:What's the time frame you estimate?

MANAGER: We still believe we should be able to start early spring so estimate if that goes ahead we should be able to set it out for bid sometime in March I believe.

MAYOR: Bid process thirty days?

MANAGER: Yes, sir.

MAYOR: You think it'll be March before we set the bids out or take bids by then?

MANAGER: Ummm. We could probably start taking bids – or submitting - - -

MAYOR:Maybe let them in February?

MANAGER: Possibly by the end of February.

MAYOR: What about the other sidewalks?
 MANAGER: Through Ruxton, Friendly, and Morris, there's some right-of-way issues that the engineers are working out....
 MAYOR:That the one on Friendly?
 MANAGER:Friendly – we've about got that one ready to finish out the plans for that. We've had some issues on Ruxton about relocating a utility pole, which has proved to be more difficult than what we expected – it would be several thousand dollars more than what we thought it would be so we're adjusting our plans some way to route it around the pole so we may need to require quite a bit more right-of-way than what we had anticipated but once those are those details are worked out but we still believe we should have those ready to go in the same time _____.
 MAYOR:You've got the issue of the retention wall?
 MANAGER:The retention wall??? Yeah, we _____
 _____ - - - it would need to be replaced as it is – pretty good chance it may fall down before you start anyway. But – we – that would be replaced – that's some – that detail we believe we got worked out but there's some minor issues we're working through but we still believe those should be ready to go in the spring as well.
 MAYOR: Any other updates you need to give us?
 MANAGER: That's it.

6. FINANCIAL STATEMENTS FOR – DECEMBER, 2008

MR. HESTER: The financial statement is here in front of you. Restricted funds is one that we can start working on before long when we get the park thing going – we can get rid of some of this recreation money.

MOTION: TO ACCEPT FINANCIAL STATEMENTS AS PRESENTED
BY: WAYNE HESTER
SECOND: MARILYN MARTIN
VOTE: MOTION PASSED UNANIMOUSLY

MAYOR: You'll note that out of the restricted funds, we could be spending \$370,000 on the town center park this year – out of that fund.
 MR. SNOW: Just a note – with the PARTF grant, you're not required to spend that all in one budget year – you can budget up to three years for it so if you'd like to stretch it out you can go for three years – they don't require you to spend it all in one year so if you would like to budget it to _____ it in, that is a possibility.
 MAYOR: Yep. Well, regardless of when we spend it – we've got that amount so – we do have that amount in with the \$545,000 and we're looking to spend considerable also at the Wickenham Park so between the two, we're probably looking at close to \$600,000 – between the two, probably! Restricted funds. Which all of that – we've got a little over \$500+ so we'll go into the fund balance somewhat on that. Any questions or further discussion on finances? Powell Bill funds will also be decreasing. We'll see quite a bit of expenditures with the sidewalks this year probably, \$350+ ??
 MR. SNOW:Well - - - Ummm – For Main Street, it would be the \$25,000 for that project – the three other streets, we haven't got a cost estimate

for those yet but \$_____ probably would not be unreasonable to expect that (\$200,000 or \$300,000???)

MAYOR: So that'll drop that fund balance – that'd drop the balance on the Powell Bill funds from a million down to probably under \$700,000.

7. SET WORKSHOP MEETING DATE FOR FEBRUARY

MAYOR: Need to set a workshop meeting date for February.

AFTER VARIOUS DISCUSSION AMONG THE MEMBERS AND STAFF, IT WAS DECIDED THAT THE **WORKSHOP MEETING** WILL BE HELD ON:
THURSDAY FEBRUARY 19, 2009 6:00 P.M. TOWN HALL

8. SET FORTHCOMING RETREAT MEETING DATE – SPRING?

The council by consensus decided to wait until the workshop meeting to set a date for the RETREAT MEETING.

REGULAR MONTHLY AND COMMITTEE UPDATES

NOTE: COMMITTEE UPDATES MAY NOT BE AVAILABLE IF NO MEETING WAS HELD

1. STREETS AND ROADS COMMITTEE

Mayor Davis said for the streets and roads committee the only two they've had was Sell Road and Melvin Lane – the only ones they've been working on. There's nothing else to report for this committee.

2. CONTRACT SERVICES COMMITTEE

Ms. Welch said nothing has come up on Contract Services – Lynn said the Waste Industries (trash) contract expires June 30, 2009 and that the mayor should expect a letter from Roger Marcum soon on this. Lynn said the Waste Management (recycling) contract – she thought – was on a year-to-year basis, but she would check that out.

3. HOUSING CONSORTIUM COMMITTEE

Ms. Welch said we would probably have a meeting pretty soon but said that we need names to research and see if the committee can help. Mayor Davis said we need to look at this closely before the next budget year because if we're not finding anybody, we may not need to continue. Lynn said the committee has helped many residents in and around Walkertown over the past 12 years that she has worked for town hall. Mr. Snow said the requirements are so strict – Lynn said people just don't want the government involved in and knowing their business.

4. NORTHWEST PIEDMONT COUNCIL OF GOVERNMENTS

Ms. Martin said she missed the last month's meeting. She said with all the job losses, they had a mobile unit that goes around to different plants and places with job losses to provide help with resumes, etc. The next meeting is next Tuesday.

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 AND CLOSED AT 8:15 P.M. WITH NO
SPEAKERS.

MINUTES AND OTHER INFORMATION AS TRANSPIRED:

1. EMAIL FOR WALKERTOWN ELEMENTARY SCHOOL MARKINGS
2. WATER TANK UPDATE
3. MINUTES - PLANNING BOARD MEETING OF DECEMBER 2, 2008
4. MINUTES – PLANNING BOARD MEETING OF JANUARY 6, 2009
 - RECOMMENDATION – WA-UDO-12
 - RECOMMENDATION – WA-036
 - RECOMMENDATION – NC-66 & OLD SCHOOL VALLEY ROAD
5. MINUTES – MAYOR ROUNDTABLE MEETING AT WALKERTOWN ON
JANUARY 8, 2009
6. MINUTES - REGIONAL LEGISLATIVE UPDATE – JANUARY 14, 2009

MOTION: TO ADJOURN MEETING AT 8:16 P.M.
BY: WAYNE HESTER
SECOND: MARILYN MARTIN
VOTE: MOTION PASSED UNANIMOUSLY

ANNOUNCEMENTS

Recycling – every other week – Monday
 FEBRUARY **ROUTE A** – 9TH AND 23RD
ROUTE B – 2ND AND 16TH

Town Council meetings:

Fourth Thursday @ 7:00 p.m.

FEBRUARY	26	
MARCH	26	
APRIL	23	
MAY	28	
JUNE	25	
JULY	23	
AUGUST	27	
SEPTEMBER	24	
OCTOBER	22	
NOVEMBER	19	– CHANGED DUE TO THANKSGIVING HOLIDAY
DECEMBER	17	– CHANGED DUE TO CHRISTMAS HOLIDAY

Planning Board meetings:
Walkertown Library @ 3:00 on 1st Tuesday
FEBRUARY 3, 2009

ARE YOU INTERESTED IN SERVING ON THE PLANNING BOARD AS AN
ALTERNATE MEMBER? IF SO, PLEASE CALL LYNN OR DOWNLOAD
APPLICATION FROM WEBSITE. WE NEED INTERESTED MEMBERS!!

ATTEST:

TOWN OF WALKERTOWN:

Lynn McKinnie
Town Clerk

Kenneth R. Davis
Mayor

Respectfully submitted,

Lynn McKinnie, CMC
Town Clerk