



MINUTES

REGULAR MEETING OF THE TOWN OF WALKERTOWN COUNCIL MAY 28, 2009

CALL TO ORDER -	Mayor Kenneth "Doc" Davis
INVOCATION BY -	Council Member Randy Mendenhall
PLEDGE OF ALLEGIANCE -	Council Member Sarah Welch

Mayor Davis called the meeting to order at 7:00 p.m. Present were Mayor Davis, Sarah Welch, Randy Mendenhall, Marilyn Martin, and Wayne Hester. Also present were Clerk Lynn McKinnie and Scott Snow. There were no audience members other than Don Whitaker, and Tom and J.T. Lane.

Approval of Agenda

By request, a Closed Session was added to the agenda.

143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

On a motion by Ms. Martin, seconded by Mr. Hester, the revised agenda was unanimously approved.

Approval of Minutes:

- APRIL 23, 2009 – REGULAR MEETING MINUTES
- MAY 7, 2009 – WORKSHOP MINUTES
- MAY 7, 2009 – WORKSHOP CLOSED SESSION MINUTES

Ms. Welch had a couple of typing corrections to the April 23rd minutes.

On a motion by Mr. Hester, seconded by Mr. Mendenhall the corrected minutes for APRIL 23rd, and the minutes for MAY 7th were unanimously approved.

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 and closed at 7:05 p.m. with no speakers.

BUSINESS

**1. FOR DISCUSSION AND/OR ACTION
PRESENTATION OF PROPOSED BUDGET FOR DISCUSSION AND REVIEW**

The proposed budget, as prepared by the Town Clerk for Fiscal Year 2009-2010 was presented to the Council for their review. No changes were made. The Clerk has advertised for June 11, 2009, a Public Hearing for the finalization of the budget. The Public Hearing will be held on June 25, 2009. Final approval of the budget is expected at that time. The council agreed to the proposed budget and public hearing.

**2. FOR DISCUSSION AND/OR ACTION
ANNEXATION ISSUE:
5015 WRANGLER DRIVE AND
5017 WRANGLER DRIVE
(SAME OWNER)
(1) RESOLUTION – CERTIFICATE OF SUFFICIENCY
(2) RESOLUTION – SET DATE OF PUBLIC HEARING TO ANNEX**

These addresses are owned by the same person and the Clerk has investigated and certified that both properties are available for annexation.

BY CONSENSUS OF THE COUNCIL:

**MOTION: TO ACCEPT CERTIFICATE OF SUFFICIENCY FOR
5015 WRANGLER DRIVE AND
5017 WRANGLER DRIVE**

**MOTION: TO SET DATE OF PUBLIC HEARING FOR JUNE 25, 2009
PURSUANT TO G.S. 160A-31 FOR ANNEXATION OF
5015 WRANGLER DRIVE AND
5017 WRANGLER DRIVE**

BY: MARILYN MARTIN

SECOND: RANDY MENDENHALL

VOTE: MOTION PASSED UNANIMOUSLY

**3. FOR DISCUSSION AND/OR ACTION
ANNEXATION ISSUE:
1943 OLD HOLLOW ROAD
AMENDED ORDINANCE:
TO REVERSE ANNEXATION ORDINANCE #09-006**

(DUE TO FORECLOSURE OF PROPERTY)

The clerk explained that due to this property going into foreclosure at some point during the last month, she did not feel comfortable going through with annexing this property. The property has not been registered as an annexed property. It was approved for annexation by Ordinance #09-006 on March 25, 2009 but the clerk would like to invalidate said ordinance and remove this particular piece of property from the annexation list.

MOTION: TO INVALIDATE ORDINANCE #09-006 PASSED ON MARCH 25, 2009 AND REMOVE 1943 OLD HOLLOW ROAD FROM THE ANNEXATION PROCESS (BEFORE THE ANNEXATION DATE OF JUNE 30, 2009.)
BY: SARAH WELCH
SECOND: MARILYN MARTIN
VOTE: MOTION PASSED UNANIMOUSLY

**4. FOR DISCUSSION AND/OR ACTION
DAVIS ROAD – SPEED LIMIT CHANGE
ORDINANCE – CERTIFICATION DECLARING SPEED LIMIT
MODIFICATIONS AND REQUEST FOR CONCURRING BY DOT**

The Town Council discussed the possibility of changing the speed limit on a particular portion of Davis Road from 50 mph to 45 mph – “.....From a point approximately 0.97 mile south of NC-66 northward to NC-66.....”

Upon a motion by Randy Mendenhall and seconded by Sarah Welch, the ordinance to reduce the speed limit on a certain portion of Davis Road was unanimously approved and the Clerk will certify to that effect on Ordinance #09-010.

This ordinance will be sent to the NC-DOT for their concurrence and then they will change the speed limit signage.

Ms. Martin questioned that if the town has the authority to reduce the speed limit on Davis Road, why can't the town reduce the speed limit on Hwy-158? Mayor Davis replied that we can. He said that, according to the TAC Chairman, we can change the speed limit by a town ordinance. This would only apply to the portion of roads within the town limits.

If the town wants to reduce the speed limit on 158, the procedure would be the same as the Davis Road reduction; however, it's not certain that DOT would approve a change on "their" highway (158).

Ms. Martin requested and the council agreed that this issue be placed on the next work session agenda.

**5. FOR DISCUSSION AND/OR ACTION
DISCUSSION OF DETENTION POND**

Ms. Martin said she would like to approve the "sample" ordinance included in the agenda packet with a change that the chain link fence be **5-foot size** rather than 4-foot.

Mr. Mendenhall responded that a 5-foot fence is considered an “unusual” size and would actually cost more than a higher size so Ms. Martin changed her request to **6-foot high fence.**

MOTION: TO ADOPT THE “SAMPLE” ORDINANCE IN THE
PACKET TITLED: **AN ORDINANCE CONCERNING**
FENCE REQUIREMENT AROUND DETENTION
STRUCTURE WITH THE CHANGE IN SECTION B FROM
FOUR (4) FEET HIGH TO SIX (6) FEET HIGH
BY: MARILYN MARTIN
SECOND: RANDY MENDENHALL
VOTE: MOTION PASSED UNANIMOUSLY

Before the vote, more discussion ensued. Mayor Davis asked who would enforce this issue? Ms. Martin replied that when anyone comes with a site plan, we would explain at that time that the town has an ordinance in place that all retention ponds are fenced in. Mayor Davis said we would have to set in place the enforcement procedures because Inspections (County) has already said they would not enforce this issue. Mr. Mendenhall asked that if it's on the site plan and we don't approve it unless it is on the site plan, then when they come to give them their permanent occupancy permit, would they just ignore that completely and give it to them? Mayor Davis said that according to what he was reading, it says it would not be a condition of rezoning – would have nothing to do with rezoning, or a final development plan. And, Gary Roberts' email says, “...would only be enforced by you folds and not Inspections”. Mr. Hester said that if we require it, it has to be enforced. We are paying for that service. He said if we require it in the town code, then they would be required to put the fence up. Mayor Davis asked the manager to find out better clarification on what he means with “enforce”. If the county does not want to enforce our ordinances, then there are other means and other code enforcers.

It was discussed also that a civil penalty could be assigned if the code was not followed regarding the fence.

6. FOR DISCUSSION AND/OR ACTION
NC-DOT AGREEMENT WITH TOWN OF WALKERTOWN

The Friendly Road sidewalks agreement was included in the packet. The NC-DOT will provide \$44,000 – with no town match. This will start on the east side toward Main Street and the south side of Friendly Road, near the graveyard. Sidewalk will terminate at Willoughby Road.

A separate project will be needed to finish from that point to Hwy-311 and to connect to the Morris Street project, which is still in design.

Phase II will be on south side of Friendly Road – with no crossovers. (DOT had recommended going halfway on one side then crossing over to the other side and do it on the other side.) The council does not want a cross-over – stick to one side of the road only.

Main Street – the agreement for Main Street has already been signed and will be reviewed and approved by DOT. Bidding process would start. This is an 80/20 match.

MOTION: TO APPROVE NC-DOT AGREEMENT WITH TOWN OF WALKERTOWN TIP #U-4741LB FOR FRIENDLY ROAD SIDEWALKS
(EAST END OF FRIENDLY ROAD TO BE CONSTRUCTED ON THE SOUTH SIDE)
BY: RANDY MENDENHALL
SECOND: MARILYN MARTIN / WAYNE HESTER
VOTE: MOTION PASSED UNANIMOUSLY

**7. FOR DISCUSSION AND/OR ACTION
FINANCIAL STATEMENTS FOR APRIL, 2009**

Financial statements for April were presented and approved on a motion by Wayne Hester, seconded by Randy Mendenhall.

**8. FOR DISCUSSION AND/OR ACTION
SET WORKSHOP MEETING DATE FOR JUNE 11, 2009**

The council set the workshop meeting for June 11th, at 6:00 p.m. at town hall.

9. JULY 4TH CELEBRATION

The music for the July 4th celebration will be from 4:00 p.m. til 7:00 p.m. with food being served from approximately 4:30 til..... Music will be provided by Jerry Goode again and possibly Mary Wilson's group – she is to get back with Lynn and let her know. It will still be two hot dogs per person – free – with drink and chips and cake. The Walkertown Area Historical Society will be allowed to operate a booth to sign folks up for the Society. Lynn is handling this celebration.

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 7:50 p.m. with no speakers.

REGULAR MONTHLY AND COMMITTEE UPDATES

NOTE: IF NO MEETING – NO COMMITTEE UPDATES

1. STREETS AND ROADS COMMITTEE
NC-DOT has been contacted for bidding on repairing some streets in Walkertown.
2. CONTRACT SERVICES COMMITTEE
Contracts have been renewed.
3. HOUSING CONSORTIUM COMMITTEE
Lynn sent an email asking why nothing has been done on the client – and they responded that nothing has been done since

2004. Lynn will set up a Housing Consortium meeting to move forward.

As for condemnations in Walkertown – Forsyth County has run out of money for this year but more money will be in the budget next year. The Forsyth County attorneys are reviewing the housing condemnation process for the county making sure everything in their ordinance works.

The town could think about hiring its own code enforcer.

MINUTES AND OTHER INFORMATION:

- 1. PLANNING BOARD MINUTES
MAY PLANNING BOARD MEETING WAS CANCELED – NO MINUTES

MOTION: TO GO INTO CLOSED SESSION AT 8:00 P.M.
BY: SARAH WELCH
SECOND: MARILYN MARTIN
VOTE: MOTION PASSED UNANIMOUSLY

143-318.11. Closed sessions.

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

MOTION: TO RETURN TO REGULAR SESSION AT 8:30 P.M.
BY: MARILYN MARTIN
SECOND: WAYNE HESTER
VOTE: MOTION PASSED UNANIMOUSLY

ADJOURNMENT:

MOTION: TO ADJOURN MEETING AT 8:30 P.M.
BY: MARILYN MARTIN
SECOND: WAYNE HESTER
VOTE: MOTION PASSED UNANIMOUSLY

ANNOUNCEMENTS

Recycling – every other week – Monday

JUNE **ROUTE A** – 1ST 15TH AND 29TH
 ROUTE B – 8TH AND 22ND
TOWN HALL IS ROUTE B

Town Council meetings:

Fourth Thursday @ 7:00 p.m.

JUNE	25	AUGUST	27
JULY	23	OCTOBER	22
SEPTEMBER	24		
NOVEMBER	19	– CHANGED DUE TO THANKSGIVING HOLIDAY	
DECEMBER	17	– CHANGED DUE TO CHRISTMAS HOLIDAY	

WORKSHOP MEETING JUNE 11, 2009

Planning Board meetings:

Walkertown Library @ 3:00 on 1st Tuesday - - - - **JUNE 2ND**

TOWNOFWALKERTOWN.COM