



REGULAR MEETING OF THE TOWN OF WALKERTOWN COUNCIL SEPTEMBER 24, 2009 MINUTES

**NOTE: RECORDER DID NOT RECORD ACCURATELY.
ANYONE NOT SPEAKING AT MICROPHONE COULD NOT BE
HEARD.**

Mayor Doc Davis called the meeting to order at 7:00 p.m. with Council members present being Wayne Hester, Marilyn Martin, Randy Mendenhall, and Sarah Welch. Staff present were Lynn McKinnie, Scott Snow, and Attorney Jennifer Kerrigan. Gary Roberts, Winston-Salem Planning Board was also present.

The agenda was approved as presented by motion from Mr. Hester and seconded by Mr. Mendenhall.

Approval of Minutes listed below as presented was accomplished by motion of Mr. Mendenhall and seconded by Ms. Welch.

- ▶ AUGUST 27, 2009 – REGULAR MEETING
- ▶ SEPTEMBER 17, 2009 – WORKSHOP MEETING

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 7:02 p.m. with no speakers and closed at 7:03 p.m.

BUSINESS FOR DISCUSSION AND/OR ACTION:

1. **PUBLIC HEARING**
WA-038 – OCULUS PARTNERS, II , LLC
#1 – REZONING REQUEST
TWO-PHASE
FROM: RS-20 --- TO: NO-S
#2 - SITE PLAN APPROVAL REQUEST
#3 - SIDA APPROVAL REQUEST

(SEE 09-01-09 PLANNING BOARD RECOMMENDATIONS ATTACHED TO PB MINUTES)

This issue has previously been discussed at workshops, Town Council and Planning Board meetings. Mr. Gary Roberts again gave an overview of this request saying it was a little less than 2 acres in size, located on the western side at the intersection of Highway 158 and NC-66. Property is currently occupied by two single-family homes and is zoned RS-20. Proposal is to rezone property to **NO-S** (Neighborhood Office – Special Use) and petitioners are requesting SIDA since it is in the Salem Lake Watershed (WS-3 watershed). If exceeding 24% built upon (rooftops, gravel driveways, etc.) SIDA (Special Intense Development Allocation) is required – and requested - for **.80** acres. This would allow Oculus

to use up to 70% impervious coverage. At this time, they are asking for SIDA only on the southern property – they would need to come back and ask for SIDA on the northern property when proceeding with developing that piece. This is a two-phase request – the first request concerning Tract 1.

Ms. Martin reminded Mr. Roberts that the retention pond to be built on the property is required by Town ordinance to be fenced.

Mr. Mendenhall said he had a problem with some of the uses listed in the NO-S zoning district and would like to eliminate the uses of (1) Daycare Center and (2) Residential Building – if it's multi-housing.

Mr. Roberts reminded the council that it is already zoned Residential-Single Family so duplexes or apartments could not be built on the site.

Ms. Martin recapped that turn lanes would be required and asked what the cost of the turn-lanes would be and was told about \$50,000.

Mr. Roberts stated that the Planning Staff concluded in its "Findings of Fact" that

- a. The project does not conform to the Walkertown Area Plan and actually recommends multifamily residential for this site; and
- b. The project is not compatible with the general surrounding land uses.

Mr. Roberts advised the council to address these two issues upon any decision on this project. He said the City-County Staff recommended DENIAL based mostly on those two findings and that the Walkertown Planning Board voted

- (1) DENIAL by a 3 to 2 vote on the Rezoning Request to NO-S
- (2) DENIAL by a 3 to 2 vote on the SIDA Request – but
- (3) APPROVAL by a Unanimous vote on the Site Plan Request

Mr. Roberts also told the council that on Page 6 under Prior to Issuance of Grading Permits the Staff had mistakenly left off under "a." – "...and sidewalks." This is a requirement.

Further discussion included the Land Use Plan's recommendation for the various sections – commercial, residential, etc.

Before the Public Hearing was opened, Ms. Martin spoke:

"Our lawyer advised me to just state before any of this that my husband and I do own property adjoining Ms. Brown's property but we don't stand to gain or lose in any way from the rezoning of this property."

PUBLIC HEARING WAS OPENED AT 7:25 P.M.

1. Patricia Fulp

5113 Reidsville Road

(Could not be heard clearly on tape)

When we had the original Planning Board meeting in August, I came and I asked 10,000 questions concerning water drainage and the holding pond and I hadn't heard any information prior to that so I was a little worried about drainage and we already had a lot of water issues.....Met with several people including Harry Boles, _____ Scott, etc. They're willing to work with us on the water issues, drainage issues to make sure – there's a mobile home on my property – and make sure that we don't have drainage problems to wash away the mobile home. I just wanted to let everyone know that we have come to an agreement on that portion – or the drainage part – and I support this.

2. Myrtle Meadows

5121 Reidsville Road

I'm the lady that you're debating on to get my property sold or not. The reason I am here tonight is that I hope that you will take concern for my health reasons – I need to get rid of my property and this is a good opportunity to sell this property. I'm not able to do any kind of work to my property.....I do need to do something.....I would like to ask you to take concern what I am and what I have to do with my life.

3. Mary Stafford

3825 Old Hollow Road

I am the realtor representing all three - the Browns, the Meadows, and the Freemans - in trying to work this property out. Ms. Meadows is really have some bad health problems – needs to get out of this property as quickly as she can and get into something where she doesn't have to mow yards, keep up roofs, etc. I have had this property listed for probably three years. I have had numerous people look at it – only for Highway Business or uses such as that. There's been no one interested in living there at this point and it would be very helpful to get this done. Ms. Brown, also, is wanting to get out of the rental property – that's the second lot right beside of Ms. Meadows – she's wanting to get out of that property. And, Dr. Freeman has a need for more space and a building of his own. He's currently leasing – he's run out of space, he needs more equipment. And so, we put the three together, which kind of made a happy move for everyone here. I brought pictures this afternoon – this is just to let you know what the Winston Eye Associates in Kernersville as far as their building over there.Also, you had a copy in your agenda tonight of the people who had signed – that was prior to the planning meeting. These two pages that I gave you extra – that's been signed since the planning meeting. So this is in addition to what you have in your agenda.

As per Mr. Roberts' suggestion, Mr. Snow said, "Mr. Mayor, these pictures have not been submitted through Planning Staff, as per Mr. Roberts. They're not examples of elevations and I am not sure exactly what the purpose was of the petitioner, but if approval is issued are the petitioners willing to commit to a building similar to this where these images would be attached to the request as Exhibits?"

Ms. Stafford explained that all properties that adjoined the subject property, other than the Martins, were in agreement with the requests, and most properties are zoned Highway Business. She asked that the Council give consideration to this request and vote for it because Dr. Freeman would build something that would be an enhancement to that area.

4. Dr. David Freeman

P. O. Box 700 - Walkertown

(Most of Dr. Freeman's comments could not be understood on tape)
Dr. Freeman has had an office in Walkertown since 1979. He said the reason for this piece of property is twofold - #1 is location. Folks from Walkertown and Walnut Cove can come up 66, make a right turn on to

158, then right turn into that property, then right turn to Darrow Road. No left turns. And, price. Price of this property is less than half of similar size. Glenwood Properties had property on the back side that was similar price-wise but he didn't want to be on the back side of the shopping center – it was a terrible location. DOT informed their surveyor that there would be one driveway cut.....There should be about 25 patient visits per day; staff of three.....

Mr. Hester asked Dr. Freeman if he knew of anyone who had shown an interest in the other lot, besides the one he was buying and Dr. Freeman said he didn't have any idea. Ms. Stafford spoke up saying, "Only for Highway Business". She said if we do both of these together, she can market this property as "market" – it wouldn't have to be marketed for anything else. She said it could be marketed for another office, medical, attorney, whatever is needed for that property – and that would be her marketing strategy – and not for a daycare center. "You don't need that many cars coming in and out there during the day for morning and afternoon and there's school traffic, too. She would never market it for a daycare center. She's had numerous people call. They've gone to Mr. Roberts' place with different things that they've wanted there and they would not go past the Forsyth County Planning Board, because of that. One wanted a sales office that wanted to put three houses there and sell off of those models. She's had many other different things that are wanting to be put there.....but they all wanted something to do with Highway Business".

Mr. Hester asked if the first phase is approved, the second phase is Special use, can the Town Council determine what will be put on there? Mr. Roberts said if the request is approved, it's "kind of" a package deal. But if the petitioner is agreeable to limit the uses on the other site – take out daycare center, etc. – then you can approve with that condition, but the petitioner would need to approve the condition.

Mr. Hester asked who exactly are the petitioners? Ms. Stafford responded that according to her understanding, if you zone both properties, they remove all Business-Special – and that's what they're going in for – if anyone is going in there, they have to come back to the Planning Board and to the Town Council to get approved. Mr. Roberts said that if both properties are agreeable to limiting that use, it can be approved that way. The property owners who signed the application would need to be agreeable to the conditions.

Mayor Davis said the real question is "Can it be limited to professional offices?"

- MOTION:**
- TO CONTINUE TO THE NEXT MEETING OR TO A**
 - SPECIALLY SCHEDULED MEETING TO GET A WRITTEN**
 - AGREEMENT BETWEEN THE OWNERS LIMITING**
 - USES OF THIS PROPERTY TO:**
 - (1) MEDICAL AND SURGICAL OFFICES;**
 - (2) PROFESSIONAL OFFICES;**
 - (3) OFFICES, MISCELLANEOUS;**
 - (4) GOVERNMENT OFFICES**
 - AND TO EXCLUDE:**
 - (1) CHILD DAY CARE CENTER;**

(2) MULTIPLE OCCUPANCY BUILDING

BY: RANDY MENDENHALL
SECOND: WAYNE HESTER
VOTE: MOTION PASSED UNANIMOUSLY

Before the final vote, Mr. Hester asked, "We were talking about "Single Family Dwelling" and that would be a single family dwelling. Professional offices are going to be one professional office instead of a duplex or quadruple offices?? Can we limit it to one professional office on the other lot? And one tenant in a building rather than four different offices?"

Mr. Roberts said that could be done if agreed upon by the owners.

Before the next meeting on this subject, Attorney Jennifer Kerrigan will check on the legality of the above mentioned MOTION.

2. PUBLIC HEARING - ROUTINE ACTION
CHANGE ZONING JURISDICTION FROM FORSYTH COUNTY
TO WALKERTOWN FOR RECENT ANNEXATION:
5015 AND 5017 WRANGLER DRIVE

These two properties have recently gone through the annexation procedures. This resolution is just the formal action of removing the zoning jurisdiction from Forsyth County and giving jurisdiction to the Town of Walkertown.

PUBLIC HEARING WAS OPENED AND CLOSED AT 8:14 P.M. WITH NO SPEAKERS.

MOTION: TO APPROVE ORDINANCE #09-014
CHANGING JURISDICTION FROM FORSYTH COUNTY
TO TOWN OF WALKERTOWN FOR PROPERTY
LOCATED AT 5015 AND 5017 WRANGLER DRIVE

BY: WAYNE HESTER
SECOND: MARILYN MARTIN
VOTE: MOTION PASSED UNANIMOUSLY

3. PUBLIC HEARING - ROUTINE ACTION
CHANGE ZONING JURISDICTION FROM FORSYTH COUNTY
TO WALKERTOWN FOR RECENT ANNEXATION:
3799 PINE HALL ROAD

This property has recently gone through the annexation procedures and this resolution is just the formal action of removing the zoning jurisdiction from Forsyth County and giving jurisdiction to the Town of Walkertown.

PUBLIC HEARING WAS OPENED AND CLOSED AT 8:15 P.M. WITH NO SPEAKERS.

MOTION: **TO APPROVE ORDINANCE #09-015**
CHANGING JURISDICTION FROM FORSYTH COUNTY
TO TOWN OF WALKERTOWN FOR PROPERTY
LOCATED AT 3799 PINE HALL ROAD
BY: WAYNE HESTER
SECOND: MARILYN MARTIN
VOTE: MOTION PASSED UNANIMOUSLY

4. **ORDINANCE – FOR ACTION**
AMENDING THE CODE OF ORDINANCES OF THE TOWN OF
WALKERTOWN WITH RESPECT TO NUISANCE ORDINANCE
SECTION 10-31

In working with Benchmark, Inc., the company now handling the Town's nuisance calls, the manager stated that Benchmark explained there are three state statutes giving the town authority to enforce: nuisance cases, residential housing code and non-residential building codes. The attached ordinance concerns nuisance cases. The Benchmark representative said that #9 gives the town authority to do but the town needs to have careful consideration before doing that.

9. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Manager or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises

An example that this clause applies to would be a building burns almost completely down and poses an immediate threat to health or safety, going through the complete process would present that threat. It would be used on a fairly limited basis.

Mayor Davis asked if it could be used on non-residential and Mr. Snow responded that it could be but the town would be want to be very considerate on the cases that we do use it on.

Attorney Jennifer Kerrigan said she had some concern about the town sending notices and the ordinance says "*last known address*". She suggested wording to the effect of "*the address the tax office has*" so that you have a definitive address to send the notice to. She also suggested sending "certified" or "registered" mail so that a receipt is obtainable. She felt this should be included in the ordinance. It was decided to amend the ordinance on page 2, #2 to read:

"By depositing the notice in the United States Post Office addressed to the owner at the last known tax office address with postage prepaid thereon."

MOTION: **TO APPROVE ORDINANCE #09-016**
AMENDING THE CODE OF ORDINANCES OF THE
TOWN OF WALKERTOWN WITH RESPECT TO
NUISANCE ORDINANCE WITH CHANGES LISTED AS
SUCH:

#1 PAGE 2, #2 - "BY DEPOSITING THE NOTICE IN THE UNITED STATES POST OFFICE ADDRESSED TO THE OWNER AT THE LAST KNOWN TAX OFFICE ADDRESS WITH POSTAGE PREPAID THEREON."

BY: MARILYN MARTIN
SECOND: WAYNE HESTER
VOTE: MOTION PASSED UNANIMOUSLY

**5. RESOLUTION:
DIRECTING TOWN CLERK TO INVESTIGATE VOLUNTARY
ANNEXATION PETITION FOR VACANT PROPERTY LOCATED ON
DAVIS ROAD (ALBERT T. DAY)**

This request is the by property owner for his vacant property, located on Davis Road, to be annexed into the Town of Walkertown. His request was submitted to the Town Clerk on September 2, 2009. By action of this resolution, the clerk will research whether or not the property is actually feasible to be annexed.

**MOTION: TO APPROVE RESOLUTION 09-034
DIRECTING TOWN CLERK TO INVESTIGATE
VOLUNTARY ANNEXATION PETITION FOR VACANT
PROPERTY LOCATED ON DAVIS ROAD
(ALBERT T. DAY)**

BY: WAYNE HESTER
SECOND: MARILYN MARTIN
VOTE: MOTION PASSED UNANIMOUSLY

**6. RESOLUTION – FOR ACTION
DIRECTING TOWN CLERK TO INVESTIGATE VOLUNTARY
ANNEXATION PETITION FOR 761 SAGEBRUSH TRAIL
(JONATHAN BOUSMAN)**

This request is the by property owner for his property, located at 761 Sagebrush Trail, to be annexed into the Town of Walkertown. His request was submitted to the Town Clerk on August 24, 2009. By action of this resolution, the clerk will research whether or not the property is actually feasible to be annexed.

**MOTION: TO APPROVE RESOLUTION #09-035
DIRECTING TOWN CLERK TO INVESTIGATE
VOLUNTARY ANNEXATION PETITION FOR PROPERTY
LOCATED AT 761 SAGEBRUSH TRAIL
(JONATHAN BOUSMAN)**

BY: RANDY MENDENHALL
SECOND: WAYNE HESTER
VOTE: MOTION PASSED UNANIMOUSLY

7. **FINANCIAL STATEMENTS**

✓ **AUGUST 2009**

Financial statements for the month August were presented by the clerk and unanimously accepted by motion of WAYNE HESTER and seconded by RANDY MENDENHALL.

Finance Officer Hester mentioned that he and Lynn will move forward with moving money to various banks.

8. **TOWN PARK – PARTF – UPDATE**

The Town was officially notified that the town was not awarded the PARTF grant for the Town Center Park. SARAH WELCH moved to reapply for the grant next year; WAYNE HESTER seconded and council voted unanimously to do so. We will try again next year.

9. **SET WORKSHOP MEETING DATE**

Council set workshop meeting date for
6:00 P.M. THURSDAY, OCTOBER 8, 2009.

✓ **ONGOING UPDATES (IF ANY):**

- Wickenham Park Building has the sheeting on roof – waiting on inspector to inspect rafters this week – then they can put roof on.
- Sidewalk pre-bid meeting will be October 1st at 2:00 p.m. at town hall.
- Engineering firm sent bidding advertisements out today.
- Bid opening is October 16th at Town Hall with a specific time designated for each of the three projects (2:00 p.m., 2:30 p.m. and 3:00 p.m.)
- Mayor Davis said to be prepared to discuss 2010 Fall Festival at the workshop meeting. (Chairman is Randy Mendenhall).

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 8:37 P.M.

1. Don Whitaker stated that he had heard on 66, light poles were going to be replaced and thought the man said they were going to move them closer to the road. (This will be looked into.)

PUBLIC SESSION WAS CLOSED AT 8:39 P.M.

MISCELLANEOUS MINUTES AND INFORMATION:

1. PLANNING BOARD MINUTES AND RECOMMENDATIONS
SEPTEMBER 1, 2009

ANNOUNCEMENTS

RECYCLING – every other week – Monday

OCTOBER

ROUTE A – 5TH AND 19TH
ROUTE B – 12TH AND 26TH

TOWN HALL IS ROUTE B

TOWN COUNCIL MEETINGS:

Fourth Thursday @ 7:00 p.m.

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 - - - - **OCTOBER 6, 2009**

ADJOURNMENT

MOTION: TO ADJOURN MEETING AT 8:39 P.M.
BY: WAYNE HESTER
SECOND: MARILYN MARTIN
VOTE: MOTION PASSED UNANIMOUSLY

Submitted by:

Lynn McKinnie
Town Clerk