

WALKERTOWN TOWN COUNCIL MEETING

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TUESDAY JUNE 8, 2004 7:00 P.M.

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MINUTES

APPROVED 06-22-04

PROCEDURAL ITEMS:

ITEM #1: CALL TO ORDER @ 7:01 p.m. By Mayor Pro Tem Horace Warner

(1) DETERMINATION OF QUORUM Quorum present

Present were: H. Warner
D. Duggins
S. Welch
W. Larrimore
T. Linville
L. McKinnie
B. Houff, Att'y
Absent was: K. Davis

(2) INVOCATION By Jerry Lee Lineberry, Citizen

(3) PLEDGE OF ALLEGIANCE By Councilman Wallace Larrimore

ITEM #2: AGENDA ADDITIONS / CHANGES / APPROVAL

MOTION: TO APPROVE AGENDA AS PRESENTED

BY: Dot Duggins

SECOND: Wallace Larrimore

VOTE: Unanimous

PUBLIC SESSION: Please limit your comments to three minutes.

Public Session was opened at 7:05 p.m. with 4 speakers.

- 1) Greg and Lauren Willard
1255 Forestwood Dr.
Lewisville, NC
"We currently live in Lewisville. We bought nine acres off of Williston, actually it's called Lee Haven Lane and we would like to know what we need to do to go through the rezoning process so that we can ---- We have a pond on our nine acres and we'd just like to charge people to come out and fish. That's really all we want to do. We're building out there right now and we've got a little house going up and the pond....we cleaned it up. The site that we bought was deemed an illegal dump site. It was owned by Reverend R. Anthony and we bought it and we cleaned it up. I'm a school teacher. Last summer we worked every day cleaning and just got it looking nice. And that's all we want to do – is just charge people to fish."
- 2) Farrell Byers
"I speak on behalf of the Willards'. I own the property adjoining the Willards and I wish someday that this could be fixed to where they could have the pond and could charge. They have spent thousands of dollars. They cleaned up a nine and a half illegal dump that's been there for years. The county was after the people to clean it up and never was anything done. It decreased the price of my property. I spent thousands of dollars on property adjoining that. These people came in; they cleaned it up and they made it something that's nice where people can take their kids fishing. And all they want is some lights at night and have an opportunity to do this thing."

Mr. Warner: "We might ask for a little more information, if someone can tell me. What is the real hang-up? As I've been told, you have asked for lights and they have declined you because of the zoning of the property and you need to proceed from there. And I would think you might need a legal opinion, but if it's a zoning situation only, it would proceed through our Planning Board and then they would make the staff report back to the Council. Beyond that, you might want to ask someone that knows more than I know to direct you in the right direction."

Ms. Duggins: "They have to be residents of the town. They have to be annexed into the town before....."

Ms. Welch: ".....They're already in?? Okay. Then our Planning Board is who you would go through."

THE FOLLOWING DISCUSSION WAS NOT SPOKEN INTO THE MICROPHONE SO WAS NOT HEARD CLEARLY...

Bo Houff: "....You're RS-9? You would have to do a rezoning to get into at least an RS-15. It's one tract of land, so you could do an RS-40. Your fishing with fee charge is allowed in these zoning districts – they're in the YR, that HH and then RS-40, 30, 20, and 15. And then once you have the rezoning, you're not done. You're still going to have to go the Board of Adjustment and get a Special Use Permit in order to allow you to do that. So those are the two steps you have to go through ---- Rezoning process, and then the Board of Adjustment will have to issue a Special Use Permit. The rezoning which will be the prerequisite doing it would be done through Town Hall."

Mr. Linville: "Now, you've talked with Suzy Gallaway?"

Ms. Willard: "Yes."

Mr. Linville: "And that's where you start because she does our staff report and takes the applications and then sends it to us."

Ms. Willard: "That's what I didn't know. Since it is the Town of Walkertown, do we come to you or do we go through City of Winston-Salem?"

Mr. Linville: "You go through them because they do our staff work."

Mr. Houff: "This council will be the final determinant on whether they get to rezone it. As far as the Special Use Permit, and that's going to be the Board of Adjustment – you use the City-County Board of Adjustment presently, so that's the one that decides for Winston-Salem and County of Forsyth and also is Walkertown's Board of Adjustment hearings on Special Use Permits."

Ms. Willard: "Get it rezoned first and then do a Special Use Permit?"

Mr. Houff: "Right. Because you don't the right to do it as you are presently zoned. You told me you are RS-9. So you need to get it up to anywhere it's allowed. Suzy Gallaway is the person I would talk to because you'll have to arrange with her to do the petition. Ask her what other particulars there may be, whether there are any development standards, whether there are _____ ---- lot of times they'll have a _____ that says 'No light may be cast on adjacent property'. It's probably _____ that's your _____."

Ms. Willard: "There's a Land Use meeting scheduled for this Thursday. Does that fall into any of this.....?"

Mr. Houff: ".....You'll see them during normal business hours....."

Ms. Willard: "Okay. So we're going to meet with Suzy and then eventually it will work its way over to this Board."

Mr. Warner: "Have we got you on the right road now....."

Ms. Willard: "....Yes, sir....."

Mr. Warner: "...to proceed with that. Thank you for your patience, folks."

3) Patrick Hennigan
132 Green Hill Lane
 Mooresville NC

"The reason I wanted to come tonight is just to follow up on the Neal property annexation and also to apologize because I'm not going to be here on the 22nd. I have to go to a family reunion, nephew's graduating from high school type of thing. And Steve Vincent, who works with me is here and he'll be here on the 22nd but I thought I'd come tonight and just answer any questions, pass out some information and just try to....."

Mr. Warner: "Council, are there any questions you'd like to ask Mr. Hennigan tonight? Mr. Hennigan, no one has any questions but I thank you for coming. And, of course, anyone would feel free to contact you through your channels if there are other questions to arise."

- 4) E. A. Jumper
5028 Klondike Rd.
Walkertown NC
"I'd like to encourage anybody to go out and take a look at what he (NOTE: THE WILLARDS) have done. I know what used to be down there. I went out, my wife and I, and took a look – I was pleasantly surprised – but greatly surprised at the work he's done there. I have no idea how many thousands of dollars ---- I'm glad it was his money and not mine, because I'd be in debt! But, there's been a lot of work put there and that just goes to show that you can take almost nothing and make something positive for our town of it. There's more places that can use that same kind of attention and I think it would be worthwhile, anybody's time, to go out and take a look at what they've done. Course you can't see what it was before but I imagine you've seen illegal dumps before....use your imagination and go from there. They've done a great work and I appreciate what they're trying to do. And I appreciate any consideration ya'll would give them."

Public Session was closed at 7:13 p.m.

OLD BUSINESS:

ITEM #1: FOR DISCUSSION AND/OR ACTION:

- A) Town Council Minutes for Regular Meeting of May 26, 2004
- B) Agenda Setting Meeting Minutes for: June 1, 2004

MOTION: TO APPROVE

- A) Town Council Minutes for Regular Meeting of May 26, 2004
- B) Agenda Setting Meeting Minutes for: June 1, 2004

BY: Sarah Welch

SECOND: Dot Duggins

VOTE: Unanimous

NEW BUSINESS:

ITEM #1: FOR DISCUSSION AND/OR ACTION:

MR. DAN KORNELIS, DIRECTOR OF HOUSING
FORSYTH COUNTY DEPARTMENT OF HOUSING

(MR. KORNELIS COULD NOT MAKE THE MEETING, SO MR. DOUG KALE SPOKE IN HIS STEAD).

DISCUSSION:

Mr. Warner: "Mr. Doug Kale of the Forsyth County Department of Housing is here to speak on the Housing Consortium. We've been a member and have retained our membership each year. I'll let him explain the program and we would like to become more active than we have been in promoting this program because it's certainly an opportunity, as he will tell you, and I won't take away from his words. And incidentally, I did ask him earlier if there's anyone that has a question – we don't want to overdo it – but he will make himself available at the end to answer your questions."

Ms. Duggins: "At the end of your talk, I'd like for the members of the Housing Committee to stand so that you can see which ones are on that committee."

Mr. Doug Kale: "Okay. Thank you for this opportunity to speak. I will begin tonight by explaining what services the Forsyth County Department of Housing offers for its taxpayers within Forsyth County. Then I will explain more specifically about the rehab program and the

services that benefit your community. First of all, the Forsyth County Department of Housing handles three main areas of services for this county: (1) The Minimum Housing Code Ordinance, (2) First Time Home Buyers Assistance, and (3) Home Owner Rehabilitation Assistance.

The Minimum Housing Code Ordinance that we are required to enforce is a complaint driven system. Any citizen who notices a home or apartment complex outside the city limits of Winston-Salem, but within Forsyth County, that has severe neglect, such as broken windows, gutters or roof shingles can call this department and provide the address of the property in question. The call making the complaint will need to provide his/her name, phone number, address and also list those items that they noticed were in disrepair. If the caller is concerned with retribution, we will keep their name and address confidential. We will inspect the property within two weeks after the complaint is received to see if a basis for complaint exists. If we verify that the complaint is valid, we will then send an order letter requesting a hearing with the tenant or landlord and negotiate a time limit as to when the repairs could be completed. Some times this can be a lengthy process that can take months. It is very important to note that outside the Winston-Salem city limits, Forsyth County does not the tall grass ordinance, so if we get calls from Forsyth County residents about tall grass, there's no ordinance that addresses that particular issue. What that means is that homeowners don't have to cut their grass. As far as the other complaints go, as far as broken windows, broken gutters and things like that, we can fine a homeowner up to \$50 a day if they don't make the repairs as requested. I want to talk a little bit about the First Time Home Buyer Assistance Program. This is for low income individuals and families that have never owned a home, or have not owned a home the past three years. We provide as much as \$20,000 as a down payment assistance, which, when combined with bank financing, will reduce their monthly payments. Our loan is zero-percent interest and doesn't have to be paid back until the property is sold.

Homeowner Rehabilitation Assistance is for low income individuals and that's really what I came here to talk about tonight. This is for low income individuals and families who own their own homes then cannot afford to make needed repairs. We offer zero percent financing and either a loan that is forgiven each year in equal amounts or a loan that is paid back only when the property is sold. The terms depend on the amount of money borrowed, which can vary from \$1,000 to as much as \$35,000 – depending on the needs of the homeowner and the level of family income. I mention needs, because we cannot use funds to pay for non-essential repairs, or what I like to call, a person's *wants*. That is to say, things like hot tubs or swimming pools, we obviously can't use government money for those types of things. But we can provide, as a priority, any handicap accessible upgrades, such as grab-bars, widening doors, or adding high-boy commodes and roll-in showers. All requests for homeowner assistance that we receive will at some point in the application process be referred to our loan review committee for their approval as to the feasibility of making the loan. The loan review committee consists of five impartial members, which include an attorney, a budget analyst and a banker. There are three major areas that they consider when determining the feasibility of the loan. One area is will the repairs add to the value of the property and is the home structurally sound? The tax value of the house cannot exceed **\$147,000**, otherwise we could conceivably end up working on very expensive homes and, again, the taxpayers --- that would not look proper with the taxpayers. Believe it or not, there are some poor people living in very expensive homes, which we come across quite frequently! So \$147,000 would be the maximum value of the home that we could work on. Another area is whether enough equity exists in the home to cover our loan in the event that there would be a foreclosure. And, also, are their taxes current? We want to make sure the taxpayer investment is reasonably secure. The third item is quality of life issues. What will the repairs do for the family? How many people in the household will be served? Are there handicap issues? There are other issues that are discussed as well but those are three of the main issues as I mentioned that will determine if the loan is recommended for approval. The committee that I think that was established by the Town of Walkertown will be very helpful for us toward identifying and pre-qualifying those individuals in your community with the most needs. The Department of Housing will provide any assistance to the Walkertown committee that they request. I've made a copy of the minimum requirements that are needed to pre-qualify an applicant which is this handout here. What that shows is

the HUD income limits and it's a checklist and it gives you an overview of the type of things that we need to know about an applicant before we can pre-qualify them for assistance. If the answer is 'No' to any of the questions on this list, then it is unlikely that we'll be able to help them out. And some of the questions on here, ie: Does the household income, based on family size – which is on the 2nd sheet – does the household income exceed the income limits on the attached HUD income limits guideline. So, for instance, a family of five could not make more than \$48,450. If they made less than that, they would qualify for our program. So that's all I have. I'd be more than happy to entertain your questions. The main thing is we'd like to help Walkertown establish their committee and do whatever we can so that we can help you to help us to bring in more homeowners from the Walkertown area."

Ms. Duggins: "Could you explain #3 on that pre-qualifying a family? Because that's a little high. I want you to explain to the audience why that's rather high. It's not indicative of Walkertown, if you would."

Mr. Kale: "It's an excellent question. That limit is established in HUD in Washington. What they do is they determine what the median value of a home in certain areas are worth. So for this area, for Greensboro, High Point and Winston-Salem, the median value --- the median value is actually \$147,250 – I kind of rounded it off. But that limit is established by HUD and the idea is so we don't work on the mayor's \$200,000 home....."

Ms. Duggins: "I just wanted the people to know that, in Forsyth County, Walkertown is on the low end, as Clemmons is on the high end. We're included with Greensboro and Winston-Salem in this, so that's where the median household's, can be, tax value, has to be less than that \$147,000.... So it's rather high for us, which is good."

Mr. Kale: ".....That's a good point. Right. Because I don't think that Walkertown would have any problem with this, maybe in a few cases, but, really, as you say, they're more on the low end working their way up, as opposed to a community like Clemmons."

FROM THE AUDIENCE: "Is that based on the tax value??"

Ms. Duggins: "Yes."

Mr. Kale: "Well, I left out the appraisal part and I probably should have put that in. But we can use the appraised value in lieu of the tax value....one or the other....and I should have included that in this analysis. What'll happen, after the repairs are made, the appraised value will naturally go up so the repairs will increase the value of the home."

Ms. Duggins: "Could that be, for instance, a home that was valued at a higher price – appraised at a higher price – and then someone had perhaps destroyed it, and then someone else bought it that had lower income and needed to have help to fix it up but they're living in it.... Would that fit that criteria?"

Mr. Kale: "Yes and no. And I don't mean to sound evasive but a lot of it depends on the feasibility of repairing the house and one of the things I mention is that 80% of the if the repairs exceed 80% of the value of the home then it's unlikely it would be feasible. Because one of the things we look at also is what does the person owe on the house? We want to make sure that we secure the taxpayers' money....."

Ms. Duggins: ".....That it would be worth fixing....."

Mr. Kale: ".....Yeah. We look at it in that sense as a business loan, even though we try to be altruistic in our view toward helping citizens and taxpayers. We also feel responsible for making sure that we use that money responsibly so we want to make sure that that money is secured and it's secured with a Deed of Trust. But one of the things I haven't talked about, though, are the terms and, I mean, I mentioned the terms of the loan but I haven't really elaborated on that because it's a really excellent deal. Zero percent loans – if a person falls in the 50% income limit bracket, which, again, is on this 2nd page, they would qualify for what's called a CDBG Deferred Forgiveness Loan. And the way that works is that if a person were to --- if we did \$10,000 worth of repairs for that family, that loan would be forgiven at a rate of 20% per year for five years. So the loan would just completely go away – you wouldn't pay any of it back. Now if the person – if it was a single person, or if it was a family, of course, the wife or the husband would have the right of survivorship, but if it were a single person and they passed away, say, in the third year, then what that would mean is then the due – the balance of that loan would be due and payable. So the whole idea behind this loan is to encourage people to stay in their homes in the event of the person's death, then they would be credited with having paid off however long they lived in the house --- if that were two years or if it was ten years or five

years, whatever that happens to be, they would be credited with having paid off that amount of the loan. And then the balance of the loan would be due and payable. So the whole idea is if you stay in your home for ten years, then the loan would completely go away. It'll be forgiven and you won't have to pay any of it back. And zero percent interest as well."

- Ms. Duggins: "Now, can you tell us, this committee, how we can be of help to you, other than identifying the people that perhaps need this."
- Mr. Kale: "I would say, and I didn't get into a lot of detail here because I didn't really think it was necessary, but I think that something like this sheet that I provided, pre-qualifying for a family, if you could ask these questions of somebody that you think might qualify and, based on what they say, if you have any doubts as to whether or not they qualify, you can always call us and we'll be more than glad to go out there and talk with them."
- Ms. Duggins: "I think that we had thought that you would do the investigation and we would just supply you with names of people that we felt fit this criteria."
- Mr. Kale: "That's correct."
- Ms. Duggins: "We wouldn't --- I don't think we'll feel comfortable to go and question people. I think we'd prefer that you do that."
- Mr. Kale: "Okay."
- Ms. Duggins: "Now, I needed to know if there's anything else before we have our first meeting, as to what we need to think about, other than what you've given us. And you've given us ample information."
- Mr. Kale: "We would be more than happy to meet with anybody that you feel would be a good candidate for our program. We'd be glad to set an appointment, meet with them. This is something that we do anyway. The idea was to get some up-front information about the person to see if you knew for a fact that that person lived in a \$200,000 home, then you could say, 'Well, you know,"
- Ms. Duggins: ".....'You don't qualify'."
- Mr. Kale: "Yeah. So this would kind of.....and also #4 there, where I ask are the taxes paid? Well, that information is readily available on Geo-Data on the County website. I'm not trying to get you all to do our job but what I'm trying to do is speed up the process so that we can help more people. That's the whole idea behind why it's desirable if you could ask a few questions, you know, in a non-invasive way. But any doubts you may have, we'll be more than happy to answer any questions if you're unsure of what to ask, we'll be more than glad to meet with or call that person."
- Ms. Duggins: "Well, we're very pleased to do this and all of our committee has committed themselves to this. Would our committee stand?"
- Mr. Warner: "If you will, introduce them by name, please."
- Ms. Duggins: "Please introduce yourself."

THE HOUSING COMMITTEE INTRODUCED THEMSELVES:

- Maxine Warren
- Bob Wilson
- Jenny Morris
- Rudy Hilton
- Dot Duggins

- Mr. Warner: "We have one absent, do we not?.....Jenny..?"
- Ms. Duggins: "No, that's it. Five, counting me."
- Mr. Warner: "Jenny Morris?"
- Ms. Duggins: "Jenny's here. All the committee is here."
- Mr. Kale: "I'm sorry. I didn't mention, I also included a description of our program."
- Ms. Duggins: "I'll get them copied and make sure everyone gets a copy of these – or mail them to you."
- Mr. Warner: "Let me ask you one quick question. You have here Item 3 – or 4 – are all taxes paid? Let's say, you have a client, or a potential client that is in arrears on taxes, can they make payment on the taxes to then qualify or would they just then be pushed aside?"
- Mr. Kale: "Well, we would not permanently turn them away. If at some point in time, they paid their taxes....."
- Mr. Warner: ".....They could come back....."

Mr. Kale: ".....They could come back. No, there's no permanent turning them away. If they pay their taxes, if they bring them up to date, even if they were in bankruptcy.... We've had several families that went through the bankruptcy process and their debt was discharged so the slate was wiped clean. So we, on a few occasions, we've gone back and we've helped those families that had been through the bankruptcies. Some of them had been through bankruptcies five or ten years previously so enough time had elapsed where their debt was discharged so we were able to go back and help them."

QUESTION FROM AUDIENCE: "Is that based on income or on wealth? If you have a person out here who has \$16,000 coming in but is worth a million dollars and has a run down house."

Mr. Kale: "Excellent question. It's based on income but also we look at their assets. So if a person has assets where they're receiving money from that asset, if they have some type of investment account, we would consider that as well. So that's part of it as well – their assets. Is it an income producing asset."

Mr. Warner: "Mr. Kale, thank you very much. I might add that I appreciate Councilwoman Duggins' taking this committee chairman so these that are serving with her because we have failed to promote this properly in more recent years. And, of course, there are reports that what has been done in the Walkertown community and even in the Walkertown municipal limits, too. So I hope that this will be the beginning of a big promotion that will be beneficial to our area. And I thank you Ms. Duggins and committee members."

ITEM #2: **FOR DISCUSSION AND/OR ACTION:**
RESOLUTION #04-014
ANNEXATION CERTIFICATION OF SUFFICIENCY
FOR ANNEXATION #8:
A) WILLIE COBBLER – 5110 CLOVER TRAIL
B) NOBLE H. VAUGHN, JR. – VACANT LOT
C) NEAL FAMILY ACREAGE

DISCUSSION:
Mr. Warner: "Clerk, this has been properly certified, is that correct?"
Lynn: "Yes."
MR. WARNER THEN READ THE RESOLUTION ALOUD.

MOTION: **TO APPROVE RESOLUTION #04-014**
ANNEXATION CERTIFICATION OF SUFFICIENCY
FOR ANNEXATION #8:
D) WILLIE COBBLER – 5110 CLOVER TRAIL
E) NOBLE H. VAUGHN, JR. – VACANT LOT
F) NEAL FAMILY ACREAGE
BY: **Dot Duggins**
SECOND: **Wallace Larrimore**
VOTE: **Unanimous**

ITEM #3: **FOR DISCUSSION AND/OR ACTION:**
RESOLUTION #04-015
TO SET DATE OF PUBLIC HEARING PURSUANT TO G.S. 160A-31
ON ANNEXATION #8 (SEE ITEM #2)

DISCUSSION:
MR. WARNER READ THE RESOLUTION ALOUD.

MOTION: **TO APPROVE RESOLUTION #04-015**
TO SET DATE OF PUBLIC HEARING PURSUANT TO G.S. 160A-31
ON ANNEXATION #8 (SEE ITEM #2)
BY: **Dot Duggins**
SECOND: **Sarah Welch**
VOTE: **Unanimous**

Mr. Warner: "I might remind the council that even though we've voted on some things here that are pretty much according to our past practices, we had determined that the first meeting of the month would be more of an information meeting and the primary voting period would be the second meeting. And, of course, we have deviated from that, I think, according to what we have in past practice. So we move on now to Item #4. And these remaining items I think that would be more appropriate than we have had at the past items."

ITEM #4: **FOR DISCUSSION AND/OR ACTION:**
MANUFACTURED HOUSING MORATORIUM

DISCUSSION:

Mr. Warner: "I'm going to yield to my colleagues on information on this one. The intent of this is to try to plan the growth of Walkertown to be a good and viable community and not necessarily to exclude anyone but, on the other hand, do not _____, am I correct in that? Not to be overwhelmed by any one type of development or residency and keep a mix of it all. Have I properly stated that? We may need our attorney's advice on some of this, too."

Mr. Linville: "The question has been raised, could we have a moratorium on any new manufactured housing until our land use plan is completed so that it, hoping that it could specify where manufactured housing could go. Before you, you've got the table of permitted uses showing where manufactured housing is allowed and then another group of papers. First is a North Carolina State Statute showing the General Assembly's order that manufactured housing cannot be outlawed. It has to be allowed in every community. Then after that is a page of definitions showing what these different classes of manufactured homes mean. Finally, there is the conditions placed on each one of the classes. Currently, a manufactured home – double wides, single wides and there's two different classes of single-wides, there's two different classes of single-wides – there's a flat roof or a pitched roof single-wide. But the double-wides are allowed in most every residential zoning district by a Board of Adjustment Special Use Permit. Then the single-wides vary among the different towns. You know, we follow Forsyth/Winston-Salem ordinance because that's the one we adopted so there's differences between what Forsyth and, actually, we follow Forsyth County, so there's some differences what Forsyth and Winston allow and of course the other towns as well. But I spoke with the attorney that deals directly with the Board of Adjustment and he said he didn't really have any problem with us changing but that what the statute says you can outlaw manufactured housing and he said if you do a moratorium you need to have a certain date. He said, 60, 90 days, 120 days. He said saying 'when the land use plan is completed' would probably not be a good idea. That leaves you open for a lawsuit if it warrants it, you know. I don't know. Let Bo address it too."

Ms. Duggins: "What is the longest time that we can have a moratorium? Given our land use...."

Mr. Houff: ".....Let's talk about that. The length of time itself is probably not a directly relevant matter. What you're really wanting to do is to state in whatever consideration you may have is to what the reason is. Why it is that you want to postpone it for any amount of time and there can be any kinds of things. There could be some pending state legislation that everybody knows is coming out – that's not the case right now but let's say there might be some pending legislation that will deal with how manufactured homes are constructed or installed, or something like that. There may be some legislation that's pending that deals with restrictive covenants and when they apply – a number of communities or subdivisions don't allow manufactured housing, irrespective of what anyone might say. If you based it on that, you might have a longer period of time. We know that this matter is being taken up by the General Assembly in a session that's going to begin whenever and we want to await the resolution of what might happen during that session and so you would say, 'We're going to pend this for 180 days because that's how long it will take to maintain. The important thing is to show that there is a rational basis and a goal for what it is you are trying to accomplish – not simply a moratorium to say, 'We don't want to have a breathing period' simply to not allow any sort of _____ whether it's manufactured homes or anything else. That's one of the crucial areas of any sort of moratorium, especially as it relates to zoning as this does, is that you point to a goal that you are trying to reach. In this instance you're looking at your comprehensive land development and I'm not sure whether ---- comprehensive plans do, from time to

time, although they don't have to, deal with manufactured housing issues. Some folks' comprehensive plans will have something called a *preferred land use plan* where they'll kind of lay out --- this is, where in town we'd kind of like to see this sort of development. Here is what we'd kind of like to see this sort of development. And that may get as specific, usually it doesn't, but it can get as specific as dealing with manufactured housing. Usually it deals more with residential, commercial, industrial, and public and institutional kinds of uses. But you'll say, this is kind of where we want to lay this out. And until we do, we don't ---- and we know the comprehensive plan is in the work. We think it's going to be completed within 120, 150, 180 days – whatever you think that may be. And so tying it to that, we want to have a moratorium so that we don't allow zoning petitions to come in that might be in contradiction to what our comprehensive plan's going to suggest. So you always want to tie it to something! You don't want to be viewed as, whether it's true or not, you don't want to be viewed as simply saying, we don't want – we want to do whatever it takes to stop this sort of development for right now. It's a long way around the park to get to the answer to your question but the important thing is to tie it to what you're trying to accomplish and not to a set period of time. And look at what you're trying to accomplish, figure out how long you think that might take and look at your timing accordingly. All that having been said, though, it's rare to see moratoria upheld for more than 180 days. You don't want to have like 3-year moratoriums because, if challenged, it's not going to succeed."

Ms. Duggins: "Well, as I understand it, our land use plan will be finished within a year so at the end of this year is what we are trying....."

Mr. Houff: ".....By the close of this year.....?"

Ms. Duggins: ".....By the close of this year, 2004."

Mr. Houff: "Well, certainly that's well within the, what is normally, in the cases that I see....."

Ms. Duggins: ".....And it's not to say that we are against manufactured homes because there are people who, this is all they can afford and we don't want to exclude them. But we do not want to have an overrun of these because of their lack of paying enough taxes to pay for their needs that the town, you know, to support the needs that we spend on them."

Mr. Houff: "And another thing that your council may want to address, and I'm not suggesting what you ought to do, I'm only suggesting what has been considered by some others, as you look at the permitted use table that was handed out to you, you'll see that Forsyth and Winston-Salem have a fairly wide use of residential zoning classifications in which they allow manufactured housing. But when you look at some of the other municipalities within the county, they're a little more restrictive. At present, you allow manufactured housing in all of the single-family residential areas and the YR ---- the agricultural zone. You allow that in _____. But if you move down to Kernersville, they allow single family residential only in RS-40..... I'm not suggesting what you ought to do, I'm suggesting that that may be something that this council will want to look at. Do you want to allow manufactured housing in RS-7 zoning classification or not within Walkertown? That's something that you may want to address. And that would be a valid basis for a certain kind of moratorium. One of the problems that you have with manufactured housing _____ with that because they've got --- moratorium that would go so far as to restrict all manufactured housing within Walkertown would probably not be allowed. The process, though, for manufactured housing is not simply to have property – you don't rezone property with the exception of one small area, which there is a listed use – NH – you'll see about halfway across your permitted use table, which is manufactured housing use, typically for mobile home parks. But other than that, if you live in property that is zoned residential-single family, you're already, as far as strict zoning is concerned, you're already zoned to allow a manufactured home to be installed, by the that you don't have restrictive covenants that don't allow it. The next step that you have to do is you go through the Board of Adjustment and you have to have a Special Use Permit – that's pretty much county-wide. You have to have a Special Use Permit that you come before the Board of Adjustment and you have to present evidence of four things, that you meet all the requirements, square footage and it's located not too close; that it doesn't injure the value of adjoining land; that it doesn't create a safety or health hazard; and it's in compliance with UDU(?) – comprehensive plan and legacy. Presently it's Legacy is your comprehensive plan, when you have your own, it'll be in compliance with Walkertown

comprehensive plan. You have to make those four showings and you have to present evidence on those. Similarly, adjoining landowners can come in and they can present evidence on the other side, saying 'The manufactured home next to my home is going to result in the reduction of the value of my land', and if they can make that showing effectively, then they don't get a special use permit. Attempting to place a moratorium on the Board of Adjustment receipt of Special Use Permit applications could be problematic. I don't know that I've ever seen that particular mechanism used. Now, as far as having a moratorium on the MH zoning, receiving petitions for MH zoning, I think that may fit nicely with what may be your perceived goals here – not the occasional location of the manufactured home on a site that's of appropriate size and fits within the community and the land that are surrounding it. That's probably less your concern – I don't want to speak for you – but I think that may be less your concern than would be someone wanting to have property rezoned in a place that the comprehensive plan, when it's developed, may not want to have manufactured housing park.....”

Ms. Duggins: “.....That's exactly.....”

Mr. Houff: “..... Where you have 30, 40, 50, 100 manufactured homes located on one site. A moratorium to restrict the receipt and consideration of applications for rezoning to MH classification is something that would be something you could handle. And would seem to be logical to what I think I'm hearing, are your stated concerns.....”

Ms. Duggins: “.....You're right. That's exactly – you stated it exactly.”

Mr. Houff: “Well, again, I tend to say perhaps more than you wanted to hear but I think those are pretty much the limitations of what you're going to be able to validly do to sustain your action in the face of any challenges that may be made.”

Ms. Duggins: “I'm sure that coming up Thursday night --- we're having the land use plan where we ask the community to come in and discuss what they would like to see in their community and how they would like to see their community --- and this was what brought this to mind that we had discussed this on several occasions, limited discussions, and I thought it would probably be a good time for us to talk about this. So it'll probably be on, since we're not going to take action tonight.....”

Mr. Warner: “.....That's right.....”

Ms. Duggins: “.....We will”

Mr. Warner: “.....In other words, try to get more information.....”

Ms. Duggins: “..... Do it at our next.....”

Mr. Warner: “.....Also, this is an opportunity that our public will get also information too if they will go to the website, pull up the minutes from this meeting.....”

Mr. Linville: “.....Well, really, the Planning Board needs to hear this and give you a recommendation.....”

Ms. Duggins: “.....Yes. Yes.....”

Mr. Warner: “.....Right.....”

Mr. Linville: “.....First, so”

Mr. Houff: “.....Toby, you and I talked about this and I may have misspoken. I'm not sure whether they have to as far as the moratorium is concerned because it's not, strictly speaking, zoning ordinance – I don't know that you have to ---- You may want to have Planning Board input on that. You may want to have those levels of consideration so that you hear from the public in advance of your determination of it. You probably wouldn't want to give some sort – you know, have Planning Board talk about, you know, about timing, you know, and, again, you _____ about by December 31, based upon what you think is going to be the comprehensive plan treatment and I think you want to be careful to, in fact, have the comprehensive plan discussions and you said that's going to happen. You want to do have – you do want to have a relationship between that timing and, in fact, the fact that the comprehensive plan is going to address that issue. And then have staff begin to work on a resolution or an ordinance _____ be a moratorium.....”

Ms. Duggins: “.....It.....it.....go ahead, I'm sorry.....”

Mr. Larrimore: “.....Unfortunately, some time you get stuck with what's already here, been here fifty years.....”

Ms. Duggins: “.....Well, we are!.....”

Mr. Larrimore: “.....And we're stuck on a lot of things that we're going to have to work through on a”

Mr. Houff: ".....You're going to be stuck with folks who want to proceed to Board of Adjustment to seek a special use permit where they're already allowed as of right to seek that. The good thing though is you have – you know, there's protection in place. That special use permitting process should address concerns of adjoining landowners, that their property is going to be injured. Now, at the same time, you don't --- you can have moratoriums to address the situation – you also, you know, the council sits as a political determinant about what the town's wishes are, and you could simply not take actionawait a manufactured housing petition, simply say, 'At this point in time, we don't believe it's appropriate' or 'We'd like to seek a delay in determining that because we have the comprehensive plan' – and deal with it on a case by case basis. Either one of those would be acceptable....."

Ms. Duggins: ".....Would work...Okay.....Thank you."

Mr. Warner: "Sounds like you put us at least in a starting place on safe ground. There's a lot to be considered. Any further questions?"

ITEM #5: **FOR DISCUSSION AND/OR ACTION:**
TOWN COUNCIL MEETING DAYS UPDATE
CALENDAR OF EVENTS

DISCUSSION:

Mr. Warner: "We have proposed this before that we are going to a one meeting per month and that be on the fourth Thursday, if I remember, but we will have a meeting on June 22nd – that will be the last bi-monthly meeting we have. So we do have a new calendar here given to us. But we will again have our first, what you call one meeting per month, on July 22nd here at the Library. Do we have to process this resolution today to finalize that? Did we do that at our last meeting? I think we did so there's no further action required other than just to make the public aware of that. Don't let me confuse you; remember, we still have one meeting, the 22nd there – there'll be some important votes at that time. Is there any further discussion of this matter from the council?"

ITEM #6: **FOR DISCUSSION AND/OR ACTION:**
RESOLUTION #04-016
TO APPROVE PRIVATE SALE OF SURPLUS WATER PIPE

DISCUSSION:

Mr. Warner: "I'll read the resolution and then comment on it."
MR. WARNER THEN READ THE RESOLUTION ALOUD.

MOTION: **TO APPROVE RESOLUTION #04-016**
TO APPROVE PRIVATE SALE OF SURPLUS WATER PIPE

BY: **Dot Duggins**
SECOND: **Sarah Welch**
VOTE: **Unanimous**

DISCUSSION BEFORE FINAL VOTE:

Mr. Larrimore: "That pipe has been laying there a long time. It needs to be out of our lot."
Mr. Warner: "Actually, we had this property when we actually had authority and operated our own water system but this is..... Now the pipe has deteriorated somewhat in the seals and things like that, over time, aged, and would not be valuable as far as standard price. This seems to be, and I'll ask for a better opinion than mine, this seems to be a reasonable offer on it to dispose of it. At the time we converted the water system, I remember the statement was made to see if we couldn't trade this to City-County water but that was never accomplished so we now have the opportunity to sell it."

ITEM #7: **FOR DISCUSSION AND/OR ACTION:**
FARMERS MARKET UPDATE

DISCUSSION:

Mr. Warner: "I guess everybody brought their produce!!! I might add, say this that Mayor Davis has asked, he's very interested in trying to get something accomplished ----- I think it's because he has a big garden over here!! So everybody's invited to bring your basket, on my authority....."

Ms. Duggins: ".....Wanting to get rid of it!!!....."

Mr. Warner: ".....But there were couple of things remaining that's been talked about, to find a site that was approved or permitted to go. I think the site now is the Town Hall. The other was Love's Church – That does not yet have approval and I did speak with the minister there today and he expects to have either a yes or no but he talked like the possibility....so I don't know whether the council would want to entertain this on the basis of saying this, that we would potentially set a starting date of June 19th with the location to be announced. And the reason for that being that those that are interested can sign up and participate. Also, have we not talked about the possibility of getting a Hold Harmless signature?"

Mr. Linville: "I would suggest going ahead and setting June 19th at Town Hall and if it gets too big for that area, then we could consider Love's if they offer it."

MOTION: **TO SET UP THE FARMERS MARKET FOR SATURDAY, JUNE 19, 2004, FROM 7:30 A.M. TIL 12-NOON AT TOWN HALL**

- 1) **SELLERS TO SIGN HOLD HARMLESS AGREEMENT;**
- 2) **TOWN HALL TO WAIVE PRIVILEGE LICENSE FEES FOR PARTICIPATION IN THIS EVENT**

BY: Dot Duggins
SECOND: Wallace Larrimore
VOTE: Unanimous

OTHER BUSINESS:

Manager Update:

Mr. Linville: "I have nothing."

Mr. Warner: "Did you want to make mention of budget adjustments that are in the process of being made?"

Mr. Linville: "Yes. We do need to talk about the budget....I forgot about that!"

Mr. Warner: "We delayed a final vote on that til the meeting of the 22nd but we went ahead with the Public Hearing so these are just a few adjustments that come for further review."

Mr. Linville: "We had lowered some of our projected revenues based on what we've actually gotten in this year. They were originally, especially the sales tax, were originally based off the state estimates and we haven't gotten as much as they had hoped. Another item was Powell Bill interest because that account has been lowered due to all the paving we've done and the Hotel Occupancy was lowered because we haven't received but about \$18,000 this year so now that we've gotten almost 11 months of revenue in from last year, we have a little better idea of what we've earned. We had reduced the revenue by \$19,000 and we just took that out of expenditures to balance that back out. We had over-inflated the salary line so we reduced it down to exact amounts, which changed FICA and retirement. We lowered electricity because with these new heat pumps, maybe electric won't be as bad. Reduced unemployment claims to what state quoted. That's it."

Mr. Warner: "Any further comments?"

Mr. Larrimore: "I think we're going to be in good shape with all these construction going on, and new houses coming on and that one over there where the minimum load is about \$240,000. So when you have several of those houses coming in, it may not show up immediately but it will, you know, it's just like having money in the bank – it's coming."

Mr. Warner: "I think that brings to the surface another comment. I think that I'd like to make a suggestion that the council consider that we annex based on a period _____ on December 31st, petitions have been received and processed and maybe even go back and do it on June 30 – twice a year. And then let this be known early enough that anyone interested in planning, development, individual property owner, that everyone would be aware well in advance of what would happen. I just kick that out for thought and would ask Town Hall to give advice on that – what they think's appropriate. For that matter, our

council over there, too. Be sure to treat everyone fairly. We don't know when the revenue is coming in, like Mr. Larrimore said. But if we did that on December 31st, that would normally be subject on listing of January 1st and then at the next tax billing period, we'd get revenue. That would take away some of the when, where, or how.”
 DISCUSSION CONTINUED ON THIS SUBJECT.....

- Les Mitchell's apartments on Rocky Branch, when finished, will be 48 units, and valued at between \$4.8million and \$5million.

PUBLIC SESSION:

Please limit your comments to three minutes.

Public Session was opened at 8:14 p.m.

- 1) Marilyn Martin
 2733 Martin Street
 Walkertown, NC
 “I see Peggy's here and she addressed this last week. But the Comprehensive Land Use Committee is having their open meeting June 10th, Thursday, and encourage all your neighbors to come and give us some input. We need some help. And I don't think we'll be through in a year. My understanding was we started meeting in May so it may be next May – however long it takes. But we'd like to see a big crowd here so we can get busy on getting this done. Thank you.”

ANNOUNCEMENTS :

TOWN COUNCIL AGENDA SETTING MEETING:

07-06-04 1:00 p.m. Town Hall

TOWN COUNCIL MEETINGS: (4TH THURSDAYS)

06-22-04 7:00 p.m. Library Auditorium
 07-22-04
 08-26-04
 09-23-04
 10-28-04
 11-18-04* CHANGE DUE TO THANKSGIVING HOLIDAY
 12-23-04

PLANNING BOARD MEETINGS: (3RD TUESDAYS)

06-14-04 4:00 p.m. Town Hall – Pre-Meeting Session
 06-15-04 3:00 p.m. Library (Actual Meeting)

LAND USE COMMITTEE: (1ST AND 3RD THURSDAYS)

06-03-04 7:00 p.m. Library
 06-17-04 7:00 p.m. Library

FESTIVAL COMMITTEE:

06-02-04 4:30 p.m. Town Hall

SCHOOL COMMITTEE:

???

MISCELLANEOUS OTHER:

06-09-04 Town Hall Day in Raleigh
 06-08 thru 06-12 Mayor Davis out of town
 08-28-04 10:00 a.m. Walkertown Community Day in the Park Festival

ADJOURNMENT

MOTION: **TO ADJOURN AT 8:20 P.M.**
BY: Wallace Larrimore
SECOND: Dot Duggins
VOTE: Unanimous

ATTEST:

TOWN OF WALKERTOWN:

By: _____
Lynn McKinnie
Town Clerk

By: _____
Kenneth R. Davis
Mayor