



Town of Walkertown, North Carolina

Website: townofwalkertown.com

Walkertown Town Council Meeting

Walkertown Library Auditorium

THURSDAY

7:00 P.M. JUNE 23, 2005

MINUTES

1. The meeting was called to order about 7:00 p.m.
Present were Mayor Davis, Councilmembers Duggins, Warner, Welch and Larrimore, and Town Attorney Garland. Clerk Lynn was absent due to medical situation in Memphis.

2. INVOCATIONPhil Wagoner, Walkertown First Baptist

3. PLEDGE OF ALLEGIANCECouncilwoman Sarah Welch

4. APPROVAL OF AGENDA

Changes to Agenda:

- 1) Mr. Warner requested that Item #15 be added to include motion of a resolution congratulating our Town Clerk, Ms. McKinnie, on her achievement in reaching certification of Certified Municipal Clerk.
- 2) Mr. Warner requested that Item #16 be added to make the Interim Town Manager consideration.
- 3) This will move OTHER BUSINESS to Item #17 and then the Public Session will be 18 and Announcements will be #19.
- 4) Mr. Garland asked if the intention for Item #16 would be to go into Closed Session to discuss Interim Town Manager; and if this is the intention, he suggested moving that item to the last item on the agenda to close the meeting. He said, "You might want to have that to be just before Adjournment so you wouldn't have to have people wait around outside of a Closed Session to come back in and have your Public Session." This was verbally agreed upon by the Mayor and Council. So the Interim Town Manager item will be moved to the end, after the announcements.

MOTION: TO APPROVE AGENDA AS AMENDED WITH ABOVE CHANGES

BY: HORACE WARNER

SECOND: DOT DUGGINS

VOTE: MOTION PASSED UNANIMOUSLY

5. APPROVAL OF MINUTES

- May 26, 2005

MOTION: TO APPROVE MAY 26, 2005 MINUTES

BY: DOT DUGGINS

SECOND: HORACE WARNER

VOTE: MOTION PASSED UNANIMOUSLY

6. PUBLIC SESSION

Public Session was opened and closed with the following speakers:

- (1) E.A. Jumper
5028 Klondike Rd.

I speak against the liquor by the drink. I stand against it for several reasons. First, it's a little misleading when the people say it will bring tax money into our town. It will at great cost. I did some research some time back. The state of Georgia had one of the best ratios for giving returns. For each dollar they got, it cost them \$3.50. The state of Massachusetts had one of the worst. Each dollar in alcohol tax, it cost them \$8.00. Just looking at it from a business standpoint, no one would invest money into something like that. It's not a working thing. This is to say nothing of the spousal abuse, children going cold, hungry, that would follow such things as this. I know this is not going to set well with some people but that's the facts, nevertheless, and I'm not going to take a lot of time - other people want to speak. I do thank you for the time.

- (2) Marilyn Martin
2733 Martin St.

I'm speaking against liquor by the drink. I don't feel that this will in anyway enhance the quality of life for anyone in Walkertown, either financially or morally. I also find it hard to think that this was put on the agenda to put to a vote to the people, when one of the most important things that happened to Walkertown and it's determining our future now, was the sewer and the former council and mayor, decided this for us. So I can't see, in my opinion, liquor by the drink is not a priority.

- (2) Paula Davis
2950 Main St.

Usually I'm the quiet member of the family, so when there's something I feel so strongly about, I feel it's my turn to speak up. And this is one of those and I am opposing liquor by the drink. I am privileged to work with the very heart, soul and future of Walkertown – I'm the Curriculum Coordinator at Walkertown Elementary School. And there is no more precious thing that we have in this community as our families and our children. And I just want to encourage the council as they think about this issue to remember, "Let's keep Walkertown as pure, as clean, as wholesome and as untainted as long as we can; for the sake of our families, our children, and our future."

7. PUBLIC HEARING #1
Advertised June 6, 2005

- Presentation of Budget for Town Council Approval
- **ORDINANCE #05-010** – BUDGET ORDINANCE – For Approval

DISCUSSION:

Public Hearing was opened.

Mayor: This is Wesley Hutchins, our Fire Chief from Walkertown.

Wes Hutchins: Mayor Davis asked that I address you just for a few brief minutes. I noticed in your budget tonight that there is consideration for the fire protection for the Town of Walkertown. I'd like to say that we pride ourselves with the Walkertown Volunteer Fire Department providing the service that we think is a really important service for most of these folks that are in the room with us tonight. Also, for folks that live in some of our rural districts of the Town of Walkertown which could have greater impact on down the road. I hope you keep in mind that the service that we provide for you is a very valuable service for what you are getting with the budget consideration. As you well know, our staff is primarily volunteer – we do have some paid part-time folks but we employ no full-time position. The majority of our folks with the fire department do it out of concern and well-being for the citizens of the community and also for – it's an actual part and pride of providing a service to the town. I hope that when you do make your budget consideration, you give good consideration to the services that we provide for you. We maintain quite a good reputation with folks throughout the state and also with folks with insurance industry, that we maintain a Class 5-9 insurance rating. I'm sure you're familiar with some of those things. To continue to provide that service, we need a continuation of funding and the budget issues that you're faced with and on behalf of our Board of Directors, and our Department, we'd like to say thanks for a good working relationship with the Town of Walkertown and also with the citizens that we have. Our doors are always open. Feel free to drop by anytime. We'll give you a tour of our building, tell you a little bit about our services, and be glad to answer any questions.

Mr. Larrimore: I'd like to make a comment. We tweaked this thing right up to the last minute and then our manager quit but he had it pretty well set. But, since then, we've got a \$100,000 check in to add – we didn't get it added to this, to our budget side, but as anybody knows, your checking account has to be tweaked every month. So with that in mind, everything looks great in here – Lynn did a good job on it. But we will have to ---- I know there's a lot of construction going on right now that's going to add to this bottom line for us. It's going to be an ongoing type thing with things like that \$100,000 coming in and we know we're getting another \$100,000 for the kids so with that in mind, what do you think? Is everybody pleased with the budget?

Mr. Warner: Could I add one comment to that? If everyone will notice, we anticipate collecting \$627,000 in ad valorem tax. Now, that \$627,000, we will spend, or propose to spend, \$617,000 in direct service to our citizens. That is, your public works and your public service --- which includes fire protection, street lights, garbage service, pick-up, and, of course, public works – to maintain some maintenance within the town. So, my point here is, we're basically giving ever citizen a dollar service for a dollar tax. And I can't be embarrassed over that.

Mr. Larrimore: There was one thing that we changed back here, if you'll notice back here on Schedule A – Miscellaneous Fees and Charges. We went up to \$100 per hour – one hour minimum for labor rate for employee, and copies per page is ten cents – course that's what it's always been. And return check fee is \$25.00. I think that is universal. That was the only change that we made – we went up on the employee a little bit.

MOTION: **TO APPROVE GIBSON AND COMPANY AS OUR TOWN AUDITOR FOR FISCAL YEAR 2004-2005 AT A PRICE OF \$14,875**
BY: HORACE WARNER
SECOND: DOT DUGGINS
VOTE: MOTION PASSED UNANIMOUSLY

Ms. Duggins: They have done a very good job and have done it for several years now and I see no reason, especially with them giving us a good price compared to the others, that we should stay with them.
Mr. Warner: We might say, for public information, that there were seven bid requests sent out and only three replied. Three said they would not be interested, one said they would, but they never send in a reply, so we only got two figures, but we were fortunate to have the low one.

10. **TO AGREE TO SELL SHIRLEY STREET WELL TO AUBREY STOLTZ RESOLUTION #05-018**
To Accept Offer to Purchase From Aubrey Stoltz for Shirley Street Well Property "As-Is" in the Amount of \$7,000.00

DISCUSSION:

Mayor: This is the resolution to accept the Offer to Purchase the well on Shirley Street by Aubrey Stoltz. This is property to be sold "as is", "where is", of course, for \$7,000.00. And this is subject to no further offer, or upset bids that we do not know about – Ms. McKinnie is not here to tell us about.

Mr. Garland: It would be my understanding that since the ad ran on June 9th, the time period had run, I believe, by the time this matter was put on the agenda so I don't believe that there's an opportunity for another upset bid. I did actually speak with Ms. McKinnie about this, too, and she did say that she thought the two people that had been bidding had talked and that there was not going to be a separate upset bid – at least, from that point.

Mayor: That was my understanding as well but I just wanted to make that clear.

MOTION: **TO APPROVE RESOLUTION #05-018 TO ACCEPT OFFER TO PURCHASE FROM AUBREY STOLTS FOR SHIRLEY STREET WELL PROPERTY "AS-IS" IN THE AMOUNT OF \$7,000.00**
BY: HORACE WARNER
SECOND: WALLACE LARRIMORE
VOTE: MOTION PASSED UNANIMOUSLY

11. **TO DECLARE AS SURPLUS - DILLON STREET WELL PROPERTY AND TO ACCEPT OFFER TO PURCHASE DILLON WELL PROPERTY FROM LORI NORMAN RESOLUTION #05-019**

To Declare the Dillon Street Well Property as Surplus Property; To Accept Offer to Purchase From Lori Norman For Dillon Street Well Property “As Is” In the Amount of \$2,000.00

DISCUSSION:

Mr. Garland: This is the same process we’ve gone through on the other two and on this one, when you make the motion, have it be subject to the contract. I have not been able to get together with Ms. McKinnie and Ms. Dillon (Norman??) to hash out the contract sign although we do have the bid in hand – that’s why the dollar amount is set forth.
Mayor: Note the bid price of \$2,000 for this property “as is” – “No improvements to be made”.

MOTION: **TO APPROVE RESOLUTION #05-019**
TO DECLARE THE DILLON STREET WELL PROPERTY
AS SURPLUS PROPERTY; TO ACCEPT OFFER TO
PURCHASE FROM LORI NORMAN FOR DILLON STREET
WELL PROPERTY “AS IS” IN THE AMOUNT OF
\$2,000.00
BY: DOT DUGGINS
SECOND: HORACE WARNER
VOTE: MOTION PASSED UNANIMOUSLY

Mr. Larrimore: I would note that this property is adjacent to her home property there.

12. **TO RENEW WORKERS’ COMP AGREEMENT WITH NCIRMA**
RESOLUTION #05-020
To Become a Member of the North Carolina Interlocal Risk management Agency – For Workers Comp Insurance

DISCUSSION:

Mayor: This is a risk-sharing pool in the state – not my favorite way to do workers’ compensation because it’s a self-insured pool and we join in with others, but for now it’s what we’re dealing with. This resolution is that we’re pretty much locked into contract since we would’ve had to have notified them by May 15th if we did not want to renew. And our premium, as you see, is \$2,878.00 and this is for a one-year premium but it’ll probably be less than that as our payroll went down some and it is based on payroll. I would imagine that would come down.

MOTION: **TO APPROVE RESOLUTION #05-020**
TO BECOME A MEMBER OF THE NORTH CAROLINA
INTERLOCAL RISK MANAGEMENT AGENCY – FOR
WORKERS COMP INSURANCE
BY: SARAH WELCH
SECOND: DOT DUGGINS
VOTE: MOTION PASSED UNANIMOUSLY

13. LIQUOR BY THE DRINK ISSUE
NCGS 18B-600-603

DISCUSSION:

Mayor: This is the liquor by the drink issue, NCGS 18B-600-603, to where a town can call for a referendum by vote of the council.

Ms. Duggins: I'd like to speak to that, please. The reason this is on the agenda tonight is that we had a request from one of the restaurants in town, which is no doubt we are going to be getting these requests. No doubt they got a request from some of their patrons who must want liquor by the drink. In fact, I just came from the Mexican restaurant and someone was interested in a margarita. Now, keep in mind that if we put this on the ballot for November to vote on, that you're not only voting on margaritas, you are also voting on liquor by the drink anywhere, you are voting on being served at any of the restaurants, and you are also voting probably for an ABC store. Now, I doubt there is a single one up here that is interested in having liquor by the drink in Walkertown but here is why I put it on the agenda. We, as a council, are required to hear when someone has requested that they get to serve liquor by the drink. It's been our responsibility to see whether or not the rest of the council wants to do it and not just one person make that decision, but all of us make that decision. Now, the other thing with this is, this can come up every single --- when a town starts like this, generally, what happens, is every two years, or every four years -- however the elections happen to fall, someone will put it on. So it's your -- it's not our decision -- our decision is only whether or not it goes on to the ballot. It is your decision whether or not there is liquor by the drink sold here in Walkertown. There are ways to control bars; I know people start thinking "bars" but I don't know --- Steve can probably tell us what the law is on that as far as food -- as far as how much proceeds can come from liquor, drinks, rather than food. It is a higher percentage and you can control some of it that way. But if it was put on the ballot, if the vote goes that way, then you people who, and all of us people who are against liquor by the drink, need to really come out and vote heavily. When you do that, you are sending a message, probably will not be on the ballot the next time because if it's a large number of people, then, that's going to send a message. If the majority of the people in this town want liquor by the drink, then they have a right to vote on that also. Saying that, now, that's all I have to say about it. But it was on the agenda for that reason.

Mr. Garland: Can I raise one thing? I have not been involved in this and frankly, until recently hadn't understood that due to a family emergency, Lynn wouldn't be here. She's up to speed on this one. One thing I do understand, however, is that I believe that any resolution for a vote has a window -- it can't be closer than 60 days from the vote and it can't be further than 120 days from the time that the council asks for it to be on the ballot. If that's the case, you could not, if you want to hold it in conjunction with the November election, we could not act tonight to do that, I don't think, if I'm right, because 120 days is what? Four months? Four months from now only gets us to October so if we're going to want to hold it in conjunction with November, this fall's election, we would have to actually take it up and vote on a resolution next meeting. I would

suggest that when Toby thought about bringing it back up in June or July, which I think is what happened when it originally came up in February, I would suggest that ---- I'm sorry. Ya'll can take action tonight if you'd like....I'm just suggesting that we wait until next month if there's a possibility that it's going to be a favorable vote because if you want to hold it in conjunction ----- if you would want to hold it, I think you would want to hold it in conjunction with the election. That would be the cheapest way to have it done. And if that's the case, then you'd want to have this vote at the next meeting, rather than this meeting. It would also allow Lynn to have a resolution for you that you could vote on, as opposed to just sort of voting without a resolution. So, again, that would just be my suggestion based on what I understood to be the possibility of timing in connection with the November election.

Mayor: She indicated to me that there needed to be a vote this meeting is all I know. I don't know if it is that important or not. Toby indicated that it had to be done prior to July.

Ms. Duggins: I think, isn't it because of printing the ballot in July?

Mr. Garland: It says here, State Law says an ABC referendum cannot be introduced more than 120 or less than 60 days from the date of the election. And, again, I think back in February, what Toby said was that if ya'll wanted to place this on the ballot, you can't request the Board of Elections to do that until about July. So, again, given the 60 to 120 days, I know we don't fall within that right now if we were going to do the November election so I've got to say, in my understanding of it, limited though it may be, your next meeting, if you would take the vote then, that's the meeting that would allow it to be within that window that the statute allows.

Mr. Garland: The only other option would be if you don't intend to pursue this all, and wanted to put that to a vote, you could put that to a vote at this meeting and then that would remove any necessity of having another vote in June (YES, HE SAID "JUNE") so I'm not trying not to take any sort of vote. I'm just saying the vote with respect to holding it in conjunction with the November election cannot have it tonight. But you could certainly have a sense of the council as to whether you want to even reconsider it in June.

Mr. Warner: I appreciate the counselor's advice and suggestion. More, I appreciate the latter part of it in that as I look among here, we will have the same sitting council in a month as we do now so I think we might as well go ahead and have this issue tonight. We're prepared for it; there will be no change in the council and again, I respect and honor and appreciate the suggestion.

Mr. Larrimore: I'd like to ask our lawyer one question; if we don't do anything and we don't have an election, can't they just start selling it, like they do beer, right out of the....you can buy gas and while you're buying gas, you go and pay and you can fill your trunk full of beer right from the same place?

Mr. Garland: No. I don't think restaurants.....again, frankly, it's not area of expertise, but, my guess is they're doing whatever they can do now, they can do, whether you vote this way or not. But I know they wouldn't be able to sell mixed drinks.

Mr. Larrimore: What I'm saying is that they could probably circumvent going through the county or the state or something else.

Mr. Garland: I'm unaware of any way they can do that.

Mayor: Not within the town limits, they couldn't.

Mr. Larrimore: Well, they're doing a lot of things I didn't think they could do.

Ms. Duggins: I think to sell it by the drink, it has to be.....We already have people who buy beer and wine at the grocery stores... But this restaurant owner asked for to be able to serve by the drink. And we can choose to vote tonight and vote not to put it on the ballot or we can choose to vote to put it on the ballot or to delay it – if we know tonight that we're not going to pass it, like the attorney said – we need to go ahead with the vote and say "No, we will not put it on the ballot, this time." But it will come up, I will bet you, again and again.

Mr. Larrimore: Since we've got a month to play with, why couldn't we let our lawyer get some real expertise on the thing.

Mr. Garland: Well, my expertise isn't really going to do much, I don't think, on that. I think you're either going to have liquor by the drink or not so that's why I'm suggesting that it's possible for you tonight just to go ahead and decide whether or not you're going to take it up next month. I think that would resolve the issue one way or the other. If you were to vote in favor of it, then next month you would have to actually vote again to hold the election.

MOTION: **TO NOT PUT LIQUOR BY THE DRINK ON THIS YEAR'S BALLOT (REFERENDUM) SUBJECT TO WHATEVER MAY HAPPEN IN THE FUTURE**

BY: **HORACE WARNER**

SECOND: **SARAH WELCH**

VOTE: **MOTION PASSED UNANIMOUSLY**

14. FINANCIAL STATEMENTS

- MAY, 2005

DISCUSSION:

Mr. Larrimore: Well, she did put that \$100,000 in our checking account and we had \$50,000 in there so that made it \$150,000. She moved \$1,680 to the correct account (to Hotel Occupancy from General Fund – due to Forsyth County mistakenly putting amount in wrong account). The Hotel Occupancy account has \$291,761.60 and like I've been trying to get us to do – if this other check comes in for \$100,000 that'll put that up to \$391,000 plus our year's allowance from the state, will put it over \$400,000.....

Mayor:If I can interrupt you for a minute.....I think we've got to have a plan for recreation before obtaining that check. It's got to be a recreation project, not necessarily for children, but just a recreation project according to Ms. Quick.

Mr. Larrimore: Yes. She's a lawyer for that firm. It was pretty emphatic and you know it was brought up in here, let's wait for matching trust fund from the state or something like that. And that wasn't the way the will was written up. It didn't include "if the state" or somebody else would give us another \$100,000 ----- this \$100,000 is supposed to be used for kids!

Mayor: Well, this is really not the financial statement matter. We're really dealing with the financial statements.

Mr. Larrimore: But, when we just meet once a month, Mr. Mayor, we have to get things settled – or wait another four weeks!

Mayor: Well, we can put it on the agenda as an agenda item if we wanted to discuss recreation. It's not on the agenda tonight so we have the item as financial.....

Mr. Larrimore:I can speak to whatever I want to speak to, sir!.....

Mayor:Yes, sir. I understand that.

Mr. Larrimore: Okay..... I am the Financial Director. Has anybody got any questions about the finances?

Mr. Warner: I have a statement I'd like to make. When you move, I assume you will, that we approve the financial statements, let's approve it with the stipulation that there will be an amendment to the budget to offset this \$51,889 overspent on paving on Powell Bill because that has to be done before June 30th.

Mr. Larrimore: Like I said, it's got to be tweaked every week – we got \$7,000 coming in for that well and another \$2,000 for the other well and we're coming up to July starts a new year. We'll start getting our money for Powell Bill and everything else.

Mr. Warner: I think most of the other overspendings – there are a few minor ones – but the paving is such a gross one that we ought to – as you approve, I think you need to recommend that the budget be amended to take care of that.

MOTION: **TO APPROVE THE MAY FINANCIAL STATEMENTS WITH THE KNOWLEDGE THAT WE WILL CHANGE IT MONTHLY BECAUSE THERE'S A LOT OF THINGS HAPPENING IN OUR TOWN WITH THE BUDGET AMENDMENT FOR \$51,889.15 ON THE PAVING ACCOUNT**

BY: **WALLACE LARRIMORE**

SECOND: **HORACE WARNER**

VOTE: **MOTION PASSED UNANIMOUSLY**

15. RESOLUTION

DISCUSSION:

Mr. Warner: I make a motion for a resolution congratulating Ms. McKinnie. What we're doing here is the resolution will indicate that she's earned the designation of Certified Municipal Clerk as awarded by the International Institute of Municipal Clerks. Now, this is given to those who complete the demanding educational requirements and who have a record of significant contribution to their local government, their community and state. And I will get with Ms. McKinnie ---- it's ironic that she'll be the one who'll have to draft this resolution. But if we approve it, then I'll get with her and we will do that. But, unfortunately, she's not here tonight – as you know she has a family emergency. But I think the least we can do is certainly recognize that accomplishment and the dedicated work that she's put in to this certification.

MOTION: **TO APPROVE DRAFTING A RESOLUTION CONGRATULATING MS. MCKINNIE ON EARNING THE CMC AWARD**

BY: **HORACE WARNER**

SECOND: **SARAH WELCH**

VOTE: **MOTION PASSED UNANIMOUSLY**

Ms. Duggins: Lynn has worked hard to get to this point and attended many classes which has enabled her to gain more knowledge and she is an excellent clerk and has always been willing to help any of us in anything we need her to do.

Mayor: I agree with that wholeheartedly.

Ms. Welch: I do, too.

Mayor: The extra mile, if there ever was one!

16. OTHER BUSINESS
No "Other Business".

17. PUBLIC SESSION

Public Session was opened with one speaker:

- (1) Marilyn Martin
2733 Martin Street
I just want to thank the council even though we only had three people speaking against liquor by the drink. I did not see anyone step forward to speak for and I am glad that you acknowledged that. I will be interested in knowing how many private citizens call the council after the meeting. I'm very relieved that you've put it off.

Public Session was closed.

18. ANNOUNCEMENTS:

- Recycling in Walkertown continues every two weeks.
July 11 and 25, 2005
- TOWN COUNCIL MEETINGS: (4TH THURSDAYS)
7:00 p.m. at the Library Auditorium on:
07-28-05 10-27-05 08-25-05
11-17-05 09-22-05 12-15-05
- PLANNING BOARD MEETINGS: (1ST TUESDAY)
07-11-05 4:00 p.m. Town Hall – Pre-Meeting Session
07-12-05 3:00 p.m. Library (Actual Meeting)
- LAND USE COMMITTEE:
July 21, 2005 – 6:30 P.M. @ the Library
- SCHOOL COMMITTEE:
To be scheduled

MOTION: **TO GO INTO CLOSED SESSION PURSUANT TO NCGS**
143-318.11(a)(5)(6) FOR EMPLOYMENT MATTER
BY: **HORACE WARNER**
SECOND: **WALLACE LARRIMORE**
VOTE: **MOTION PASSED UNANIMOUSLY**

MOTION: **TO RETURN TO OPEN SESSION**
BY: **HORACE WARNER**
SECOND: **WALLACE LARRIMORE**
VOTE: **MOTION PASSED UNANIMOUSLY**

19. ADJOURNMENT

ATTACHED AS INFORMATION ONLY – NO ACTION:

- Planning Board Meeting Minutes of June 7, 2005
- Land Use Committee Minutes of June 16, 2005
- Spencer Cobb Waggoner Bequest Info
- Privilege License Applications Mailed Out 06-16-05
- International Institute of Municipal Clerks *Certified Municipal Clerk* (CMC) Awarded to Clerk Lynn

ATTEST:

TOWN OF WALKERTOWN:

Lynn McKinnie, Town Clerk

Kenneth R. Davis, Mayor