



WALKERTOWN PLANNING BOARD MEETING WALKERTOWN LIBRARY AUDITORIUM

AUGUST 1, 2006 3:00 P.M.

MINUTES

The Planning Board meeting was called to order at 3:00 p.m. by Chairman Chuck Trivette. Present were Mr. Trivette, Harvey Neal, Arlyn Wilson, Al Slater, and Don Whitaker. Also present were Staff – Manager Bell, Clerk Lynn, Attorney Houff, along with Aaron King from City-County Planning Board. In the audience were Robert Butler, Ralph Landreth, and Brenda Mabe.

The agenda was unanimously approved as presented on a motion by Al Slater and seconded by Harvey Neal.

The July 11, 2006, minutes were unanimously approved on a motion by Arlyn Wilson and seconded by Harvey Neal.

PUBLIC SESSION - Please limit your talk to 3 minutes.

Public Session was opened and closed at 3:01 p.m. with no speakers.

BUSINESS AT HAND

1. Continued from last meeting

Update: SIDA

A brief SIDA update was given by Aaron King. He handed out a breakdown of the SIDA usage for various Walkertown developments. Mr. King said Ms. Leight was asking how Walkertown went from 85 acres originally allotted to the 41.8518 that is available today. The first sheet shows the total used in the Salem Lake Watershed was 43.1482 out of an original 85 acres available. Remaining SIDA acreage is 41.8518. The second sheet explains how Walkertown ended up with 85 acres of SIDA. In 1993, Walkertown had approximately 1700 acres in Salem Lake Watershed. The amount of acreage Walkertown now has in Salem Lake Watershed is 2237 acres. For additional SIDA, Walkertown would be asking for the additional acreage based on how much was picked up. Ms. Wilson asked if Walkertown would be allowed to go with 5% of the 2237 acres and Mr. King responded that “Actually it’s 10% of what you picked up since then – 537 acres have been picked up; 356 of that came from Forsyth County and 181 from Winston-Salem. Technically, you can ask for 10% of that 537 acres for SIDA allocation which would add on to the 41.8518 that you currently have in the bank. With that, you would have to go to the County Commissioners for their part of it and also to Winston-Salem City-County for that part in Winston-Salem zoning jurisdiction.” Mr. Slater asked if of that 2237 acres, is that the acreage that is actually in the taxpayers of Walkertown or just the area that Walkertown actually claims? He explained his question by saying there’s people that pay taxes and people that do not pay taxes in this area and it’s considered Walkertown, is that 2237 acres including both sets? Mr. King said that he couldn’t say on the taxes, but that it should be based on what his staff uses as corporate limits of Walkertown. Mr. King said he thought

Kernersville had all their numbers knocked out and was ready to proceed with formally asking for more SIDA – he would let Walkertown know when he finds out. He also thought that Walkertown should let Kernersville go ahead and see what happens to them, what problems they may encounter before Walkertown follows through.

Ms. Wilson stated that it would be better to wait for Kernersville **but keep this item on the agenda as an update until further notice.**

2. Continued from last meeting

Update: Sidewalks and Curb and Guttering

After checking with some of the municipalities around, the manager confirmed that within the right-of-way it actually is a legal requirement for the town to maintain the sidewalks. He had not talked with our town attorney, however. Mr. Bell said the ones he talked to had the policy pretty much like our subdivision policy where they are required to put in the sidewalks, curb and guttering, and then assign that to the town and then the town would take over the maintenance of such property. Ms. Wilson asked if they were automatically deeded to the town when they were built and Attorney Houff replied that when they record the plat of the subdivision, it should contain the indication that this part of the property is dedicated for right-of-way. Mr. Slater said that if we wanted that change to be made, then the Planning Board needed to make that recommendation to the council, that that provision be made in the ordinance – that the town will be responsible for the maintenance. Mr. Bell said it is actually a requirement that the municipality accept responsibility for any sidewalks in the right-of-way. Mr. Slater said that the previous ordinance stated that the homeowner would be responsible so that would have to be changed in the ordinance. Attorney Houff said there are some maintenance requirements within the right-of-way easements, particularly the property owner to handle such as cutting the grass, etc. but whether it's a legal requirement or not, he said he hasn't looked up that issue. Whether it's a legal requirement that the town do it or not in terms of statutory requirements, it's almost certain to be a liability because the town is to be presumed to maintain the right-of-way. Ms. Wilson said that in accordance with the ADA, the sidewalk ordinance states that *sidewalk maintenance shall be the sole responsibility of the property owner* (Ord #04-015 dated October 28, 2004) so that word “sole” should be something to look into.. Mr. Houff said that the nature of an easement is that you technically own the land, but subject to an easement to encroach or not to encroach on property for purposes of sidewalk or utility lines. It's a little different if the street is privately maintained. Chairperson Trivette said that based on the discussion, the ordinance needs to be re-worded to specify the responsibility of maintenance and he would have a proto-type rewording for the next meeting. Attorney Houff stated that typically Aaron and/or the town staff will prepare a resolution amending the sidewalk ordinance to delete that portion of the sidewalk maintenance language that said property owner and insert a line saying, *“The town shall be solely responsible for the maintenance....”* Mr. Slater said to add that even though our town does not have a maintenance division to take care of that, but as the other smaller towns in the county, they do it by contract. Mr. King said that some of the roads in Walkertown are maintained by D.O.T. He asked Robert McMath if there was any problem with letting private individuals maintain sidewalks in the D.O.T. right-of-way and Mr. McMath said no. They would prefer to have Homeowner's Association do it but if it came down to individual property owners maintain it, they would have no problems in D.O.T. right-of-way.

This item will be continued to the next meeting agenda.

RECOMMENDATION: **THE PLANNING BOARD WOULD LIKE THE TOWN COUNCIL TO CONSIDER AN AMENDMENT TO THE SIDEWALK ORDINANCE WITH REGARD TO RESPONSIBILITY FOR MAINTENANCE**

BY: ARLYN WILSON
SECOND: AL SLATER
VOTE: UNANIMOUS

3. Discuss: Annexation Agreement between Kernersville and Walkertown

Ms. Leight had asked for this to be put on the agenda and in her absence, unless there are questions or comments, this will be **continued to the next meeting agenda.** It was asked if the new school and the Keystone Development area has been annexed – it’s not in the Salem Watershed so would not affect SIDA – but the named property is in the Town of Walkertown. The back part of the Sowers project has not been annexed.

4. Update: Keystone Homes / Highway 66Expansion

Mr. Bell said D.O.T. had proposed widening of 66 but the Town Council voted to decline the re-locating of the utilities. He had no direct knowledge of Keystone as to what their plans are, where they are in their process.

Continue this item to next meeting also.

ANNOUNCEMENTS:

2006 MEETING SCHEDULE

LIBRARY @ 3:00 P.M.

September 12th

*Due to Labor Day holiday

October 3rd

NOTE!!!!!!-----> **November 7th (MEETING TO BE HELD AT TOWN HALL)**

December 5th

ADJOURNMENT

MOTION: **TO ADJOURN MEETING AT 3:30 P.M.**
BY: **ARLYN WILSON**
SECOND: **HARVEY NEAL**
VOTE: **MOTION PASSED UNANIMOUSLY**

POSTMEETING:

No post-meeting. Next meeting will have a Public Hearing on WA-009 – Final Development Plan of Grant Chilton/Autec Car Wash.

LEGAL AD

Notice is hereby given in accordance with the requirement of applicable law on the following proposed zoning request and related matters:

The Walkertown Planning Board will hold a Public Hearing in the **Walkertown Library Auditorium** at 3:00 pm on Tuesday, **September 12, 2006.**

1. **WA-009** - Final Development Plan of Grant Chilton/Autec Car Wash in a HB-S (TWO PHASE) Zoning District: property is located on the south side of Old Hollow Road east of US 158 -Reidsville Road; property consists of ±0.57 acres and is a portion of Tax Lot 227, Tax Block 5357 as shown on the Forsyth County Tax Maps and on a site plan on file in the office of the City-County Planning Board.

Lynn McKinnie
Town Clerk

Respectfully submitted,

Lynn McKinnie
Planning Board Secretary