



Town of Walkertown, North Carolina

Website: townofwalkertown.com

Walkertown Town Council Meeting

Walkertown Library Auditorium

THURSDAY 7:00 P.M. OCTOBER 26, 2006

MINUTES

PROTOCOL:

The meeting was called to order at 7:00 p.m. by Mayor Doc Davis. Present were Mayor Davis, Councilmembers Wayne Hester, Ralph Landreth, and Sarah Welch.

Councilmember Brenda Mabe was absent. Also present at the meeting were Clerk Lynn, Manager Bell, and Attorney Garland.

A brief invocation was said by Mayor Davis, and the Pledge to the flag was led by Wayne Hester.

MOTION FOR CONSIDERATION OF AGENDA

Councilmember Landreth asked to add an item to the agenda to discuss the need for a working session. This item was added to the agenda as Item #7. With this addition, Mr. Hester motioned for approval of the amended agenda.

MOTION: **TO APPROVE THE AGENDA AS AMENDED BY ADDING 'DISCUSS WORKING SESSION' AS ITEM #7**

BY: WAYNE HESTER

SECOND: SARAH WELCH

VOTE: UNANIMOUS
(HESTER, WELCH, LANDRETH)

MOTION FOR CONSIDERATION OF COUNCIL MEETING MINUTES

- September 28, 2006
- October 18, 2006 – Closed Session Minutes

MOTION: **TO APPROVE THE MINUTES AS WRITTEN OF THE REGULAR COUNCIL MEETING OF SEPTEMBER 28, 2006 AND THE CLOSED SESSION MEETING MINUTES OF OCTOBER 18, 2006**

BY: RALPH LANDRETH

SECOND: WAYNE HESTER

VOTE: UNANIMOUS
(HESTER, WELCH, LANDRETH)

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 7:04 p.m. with three speakers:

1. Kim Marshall
5245 Sullivantown Road
Walkertown NC

I know that there is a proposal on the agenda for support of the school bond but I'm here more to speak and ask for the public support of the school bond. I'm also the Chairman of the School Committee for the town. Last night we had the forum with Dr. Martin – we'd like to have had more participation from the community but actually was pretty satisfied with the discussion that went on. For those of you that couldn't attend, we had between 50 and 60 folks there, over at the Elementary School. Those included our mayor, and Councilmember Welch, all of the School Committee folks. We had two County Commissioners that came out – Mr. Plyler and Mr. Marshall, as well as three members from the School Board came out last night, in addition to Dr. Martin and a couple of folks with him. Some good discussions – and I think they answered a lot of questions for those folks that had questions. I'd like to have seen some more of the folks from around town that had questions there to ask those questions. I hope that what we saw last night was that people are in favor of this bond and so they didn't have any more questions. And we'll move forward. We've been looking for a high school back in this town for some 40-odd years now and this is our opportunity for the near future. My personal fear is that if we don't get it this time around, it may be quite a while before it comes back and get another opportunity. I'd like to thank the mayor and Councilmembers and town staff for where we are today with this and I'd like to encourage the citizens to get out and vote. This is our opportunity to get out, as the old saying goes, to get out – put up or shut up! Because this is our opportunity to get out and support our schools.

2. Marilyn Martin
2733 Martin St.
Walkertown NC

The Commissioners passed our Comprehensive Land Use Plan Monday night after two years of hard work! Some of the members are here tonight so I'm just glad to get that done and over with.

3. Steve O'Ferrell
4783 New Walkertown Rd.
Walkertown NC

Even though we passed this, it looks to me like a lot of where the town is going to be is dictated by the people who buy the land and want to develop it. And it seems to be all out there on 158. That kind of concerns me, too. Course, Stokesdale is like that, too. You go on up to Stokesdale, 158 is developed on the left side of the train tracks. I just don't want us to get a town that's more or less determined by the land developers because we've had discussions about our town center. It just seems like we don't have any say-so – whoever buys the land's going to develop it and we're stuck with it.

Public Session was closed at 7:10 p.m.

ITEMS FOR DISCUSSION AND/OR ACTION:

1. **FOR DISCUSSION AND/OR ACTION:**

RESOLUTION #06-____

SUPPORT FOR WINSTON-SALEM/FORSYTH COUNTY
SCHOOL BOND PROPOSAL

DISCUSSION:

Mayor Davis: This resolution is for the school bond referendum as Kim has spoken on, and has worked diligently after. It's rather interesting the other night, they were talking about this school, which will be a multi-grade school and I felt like I needed to share with them, that they were saying that it's terrible to think you're going to have grades 6 through 12 – all in one school. And I wanted to share with them that I wasn't totally warped but I attended on that same site, a school that was one through twelve – and it didn't seem to hurt us too bad! But that was the way it was. What's the council's pleasure? This is in support of the bond referendum which will give us a school. We will be on the latter end – there's not an exact date. Many people felt that they were misled in the 2001 bond referendum when they were buying property for the school but that's what it was technically for. They've got the property. It's already acquired and we should be on somewhere around the latter part of 2007, early to mid-2008, in starting construction on the school here. It will be, tentatively, right now, grades 6 through 12, a combination. And they estimate that to last maybe from four to six years like that, depending on the growth – the area, the growth and the housing market, the economy change. So they're rolling a lot of dice, looking far ahead trying to – some of the schools they've built need to be added on to before they hardly get into them. It's a difficult task but they're trying their best to meet the needs of overcrowding in providing adequate buildings and facilities. And, too, one thing they pointed out, I think it's only 65% of the lottery money goes to pay prize money and run the lottery; 35% goes toward education – and of that 35%, only 14-cents out of every dollar goes to actual building. So it's a little misleading when you see all those large numbers. But only 14-cents out of every dollar actually gets to the brick and mortar – and that's the only thing it can be spent on. It can't be spent on salaries or anything else. Do you like this resolution, Council?

MOTION:

**TO APPROVE THE RESOLUTION IN SUPPORT OF THE
SCHOOL BOND PROPOSAL AS WRITTEN**

BY:

SARAH WELCH

SECOND:

RALPH LANDRETH

VOTE:

UNANIMOUS

(HESTER, WELCH, LANDRETH)

2. **FOR DISCUSSION AND/OR ACTION:**
UPDATE: GANT VACANT PROPERTY BY TOWN HALL
DISCUSSION:

Mayor Davis: This is for the lot just north of town hall and the two lots to the east of that lot. One lot fronts Main Street and corners to Depot Street. The other two lots – one of them would front on Depot Street and the other is directly behind town hall. That’s the three lots we’re talking about. We had an option to buy this property but the option was to run out the end of this month, is that right, Steve?

Mr. Garland: That’s correct. It originally was set up to run out the end of this month. At the time we thought it would end at the end of this month, we’d been working with the Gant folks and their law firm on finalizing it. We’d hoped we’d be able to have it finalized by now but we actually don’t. They’ve given us an extension of two more months to make sure we get all the “i’s” dotted and the “t’s” crossed on it to be able to make sure that ya’ll voting on knowing exactly what the provisions will be. So I am hopeful to be able to come back to you in November with it, but we have to after our December meeting.

Mayor Davis: One of the reservations on this lot is the front lot that is on Main Street is restricted to its use due to the contamination. It was the bulk fuel plant so that lot is restricted. The other two lots, we feel certain now, will not be restricted. They originally were included but our latest information tells us that we will know that definitely in black and white, writing, by the time we make the final decision. But it appears, from what we can tell at this time, that the Department of Environmental Affairs will not require them to be restricted.

Mr. Garland: That’s correct.

Mayor Davis: That’s what we’re understanding. So with that in mind, I feel like we should table this, if you’re willing to do this, council, and not take any action on this tonight until we hear the final word from our legal counsel and we should know this by --- probably the next meeting?

Mr. Garland: I’m hopeful by next meeting. The extension is until December 26th. It’s two of our meetings. The thought was with holiday meetings, we just wanted to be sure that we had the time.

MOTION: **TO TABLE THE GANT PROPERTY ISSUE TO THE NOVEMBER 2006 MEETING**
BY: **SARAH WELCH**
SECOND: **WAYNE HESTER**
VOTE: **UNANIMOUS**
(HESTER, WELCH, LANDRETH)

3. **FOR DISCUSSION AND/OR ACTION:**
INFORMATION CONCERNING CHANGING TERM LIMITS
N.C.G.S. 160A-102 & 103

DISCUSSION:
Mayor Davis: This is information concerning changing term limits. Steve, would you speak to that, please?

Mr. Garland: Actually, Ron is going to speak to that.

Mr. Bell: Just to try to summarize what's in there – basically, all we have to have is a Resolution of Intent that says you want to vote on it. Then you have to have a Public Hearing to allow the public to speak and, of course, publish a notice for that. And then adopt an ordinance. For this particular change, you don't have to go to the legislature. And then you can adopt an ordinance after you have a public hearing and the ordinance just implements an amendment to change the terms in the charter. So it's a fairly straight-forward process. It actually can be done between two meetings if the publication date for the notice falls right or you can let it stretch out intentionally over two months to allow the public time to think about it and come to public hearing.

Mayor: All right. And what this would be doing – the council had mentioned at one time to restructure the election process, if I'm stating it correctly, to allow part of the council to be elected at staggered terms. Overall, there would be a four-year term for the majority of them and two seats with a two-year term.

Mr. Bell: First election, the top two vote getters get the four-year terms; the bottom two vote getters would get the two-year terms and then when those two-year terms expire, then they would fall into the four-year.

Mayor Davis: They would all be four-year terms. Is there anything we need to do on this tonight?

Mr. Bell: This was intended just for discussion. If the council so wished, yeah, you could actually pass a Resolution of Intent to consider an ordinance amending the charter or you could table it til next month and have a little more time to prepare that document. If you could, take a voice vote of the council and see if that's the direction they want to go and that could be prepared next month for your consideration.

Mr. Garland: Or the other potential would be if you do decide that you want to have a work session, it could be one of the topics of your work session.

Mayor Davis: I believe this was an item from our last work session!

Mr. Landreth: It did. So we can follow that up!

Mr. Hester: Let's go ahead and get started with it.

Mayor Davis: Mr. Hester, what are you saying you want to do with it? Do you want to go forward and change the term limits?

Mr. Hester: Go forward with it, yes. Change it to a four-year term and.....

Mr. Bell:Basically, you need to say that you have a Resolution of Intent that you want to consider that at the meeting and the council says, "Yes, we agree. We have the intent to consider that at the next meeting." And Lynn will get the wording on the resolution.

Mr. Garland: And I guess actually looking at --- I hadn't understood you were really going to be taking action tonight. The way the Statute reads, it says that '*at the same time that a Resolution of Intent is adopted.*' you have to set the public hearing on the proposed charter amendment; which I think would then mean that you should have a charter amendment in front of you at the time you do the notice.....

Mr. Hester:Oh! Well, I withdraw that request --- until the work session.....

Mr. Garland:So I think.....I was going to say..... I think what you could do tonight is say that you do want to proceed. But that would then mean that at the November session, we'd come back with a charter amendment.....

Mr. Hester:All right..... Well, I withdraw it until the work session.....

Mayor:All right. Do you want your motion to be that we do proceed; is that what you want to say?

Mr. Hester:No. I'm just going to leave it. I withdraw the motion and then we'll pick it up at the work session and go from there.

Mr. Garland: Either way, it can still be put on next month's agenda.

4. **FOR DISCUSSION AND/OR ACTION**
RESOLUTION #06-__
DECLARE FRIENDLY ROAD WELL PROPERTY AS SURPLUS
PROPERTY

DISCUSSION:

Mayor: This is the Friendly Road well property. This is a resolution to declare this property as surplus. As you know, we are not using these wells. This is the last well that the town owns. We've sold the Fulp Well, the Dillon Street Well, and the Shirley Street Well. Do ya'll want to declare this property surplus? And then we have to decide on how you want to handle the surplus, if you decide to do that. What's the feeling of the council on this?

Mr. Garland: There's a draft resolution in your packet that would do that in back and offer it for a negotiated sale.

Mayor: Do you like the one that's written here or do you want to rewrite it?

Ms. Welch: I like the one that's written here – it's fine. That's the way I'd like to make a motion. We didn't have anything but resolution number 0-6 – we don't have another number to go with it, do we?

Lynn: No. I'm not putting the final number on them until ya'll approve them because it messes up my booking

MOTION: **TO DECLARE THE FRIENDLY ROAD WELL AS SURPLUS**
PROPERTY

BY: **SARAH WELCH**

SECOND: **WAYNE HESTER**

VOTE: **UNANIMOUS**
(HESTER, WELCH, LANDRETH)

Mayor: There should be some information about the size of it here. It's 1.24 acres. So it's about close to 55,000 square feet then – 43 would be an acre.....

Mr. Garland:Let me just mention one thing. That second WHEREAS clause probably should be deleted from the resolution.

Mayor: That's what we were voting on!

Mr. Garland: We haven't really done that yet and we always have the right to reject all bids so I guess what I was thinking was to leave that out. Declare it surplus property and sell it according to negotiated offers.

Mayor: You want that to read, 'WHEREAS, the council agrees to declare it as surplus property.....'??

Mr. Garland: Yeah. The first WHEREAS clause is fine. What I'm saying is just delete the second one – that whole WHEREAS clause – and the resolution is fine. You're offering it for sale to the highest bidder you're not requiring yourself to accept the highest bidder.

Mayor: We reserve the right to reject any and all bids, is that correct?

Mr. Garland: That's correct.

Mayor: Has that well house been cleaned out? We had a lot of pipe stored there at one time. The pipe --- it was fenced in.....

Mr. Garland:And when we accept, you remember the deed says, "Sold As-is". To the extent that there's items on there, we're not responsible for cleaning them up.

Mayor: We do need to check to see if there's any other equipment being stored there and deal with that accordingly. Because on the other wells, we left the pumps, everything in service, in the wells.

5. **FOR DISCUSSION AND/OR ACTION**

UPDATE: ANNEXATION BOUNDARY AGREEMENT WITH KERNERSVILLE

DISCUSSION:

Mayor: This is the annexation boundaries – resetting the boundaries between Kernersville and Walkertown. We had a discussion at the last meeting. The council instructed myself and the manager to meet with Kernersville to redraw the line on Old School Valley Road to include all the portion of Old Valley School Road to request it to be in Walkertown as far as we went, which is about Wilson Dairy Road is where it comes out to be. Both sides of Old Valley School Road would be in Walkertown and we would go to the back line but our line on the east side of 66 would go to the back, meaning the north side, of the property lines of the property owners of Valley Dale Drive. We did not want to move it one street and still split the street so we went to the back of the property lines. If you'll remember, the concern was Walkertown being on the north side of Old School Valley Road, providing services ten or twenty years from now and Kernersville being on the south side of Old Valley School Road, running the same route providing services. This way, by bringing it, which is a good move, Walkertown will provide services down to right about Wilson Dairy Road where it crosses, or intersects, Old School Valley Road. All that property to the west of that line, on both sides of Old Valley School Road would be included in Walkertown and that's been added from the center line of the road south to include all of the boundary lines of the property owners facing Old Valley School Road on the south side. Is everybody as clear as mud on that?

Mr. Hester: Very clear. Just what we wanted.

Mayor: Has everybody had a chance to look at the map? And everybody agreed that that's where we should be and what we've discussed and it is what we discussed? Okay. Are we in agreement, Steve, give me a little help here... do we need a public hearing on this?

Mr. Garland: Yes. We're going to actually have to have an agreement that we would have a public hearing on. Kernersville would have one and we would have one and we would be able to sign it after that. And we're just going to need to look and set up the timing for the public hearing. We have to see if Kernersville also agrees to that and then we would actually draft the agreement; and then propose adopting the agreement – that's when the public hearing would be. And then after the public hearing in both places, each of the boards would then adopt it, assuming that neither one of us don't make any changes, and then we'd be able to adopt it after the public hearings.

Mayor: Incidentally, I must correct you since you used the word "changes" --- we did agree to the change of coloring the map one color or the other or either one of four colors. Either it's in Walkertown or proposed for Walkertown; it's in Kernersville or proposed for Kernersville. Everything is in that. Before, there was some areas that were white, meaning, that was no-man's land – that anybody could go out and, even though we don't do satellite annexation, it was possible that that could've happened. So we agreed to what was in their territory that they could either color it as in Kernersville or proposed to be in Kernersville or what was in Walkertown territory, it's either in this city limits or it's proposed to be annexed in the city limits.

Mr. Garland: And that's the way most communities do.

Mayor: Right. It has not been colored in in the past but we did.

Mr. Bell: We added a section down at the bottom cross hatched to show where there was Winston-Salem a piece on the map that was part of the agreement between Walkertown and Winston-Salem where Winston-Salem had the right to annex, we just did that cross hatch those little lines.

Mayor: All right. Where would that be? On 311?

Mr. Bell: West side 158 down.....Stanley....

Mayor:They can come to Stanley?

Mr. Bell: ...Yeah. I believe.....

Mayor: They can't come across Stanley. Stanley has two ends.

More discussion on where the "cross-hatching" goes.

Mayor Davis asked each councilmember if each had had a chance to look at the map and if they had any questions.

Mayor: Okay. Are we ready to be in agreement that this is what we want and to go forward, Steve?

Mr. Garland: That would be what we'd need.

MOTION: **TO APPROVE THE ANNEXATION AGREEMENT AS PRESENTED AND TO GO FORWARD WITH THE PLANNING OF THE PUBLIC HEARING AND THE RESOLUTION**
BY: WAYNE HESTER
SECOND: SARAH WELCH
VOTE: UNANIMOUS
(HESTER, WELCH, LANDRETH)

6. **FOR DISCUSSION AND/OR ACTION**
FINANCIAL REPORTS

- SEPTEMBER, 2006

DISCUSSION:

Mr. Hester: Does any of the council or anyone have any question on the financial statement? We have UNRESTRICTED FUNDS of \$2,348,139.63. RESTRICTED FUNDS are \$1,331,827.97 for a total of \$3,679,967.60. So, as Fred Martin, Jr., would say, "We're in good shape for the shape we're in!"

MOTION: **TO APPROVE THE FINANCIAL STATEMENTS AS PRESENTED**
BY: RALPH LANDRETH
SECOND: SARAH WELCH
VOTE: UNANIMOUS
(HESTER, WELCH, LANDRETH)

Mayor: Ms. McKinnie, we certainly appreciate the way you keep our records. You do a great job. Thank you.
Lynn: Thank you!

7. **FOR DISCUSSION AND/OR ACTION:**
WORK SESSION (As added to agenda)

DISCUSSION:

Mayor: The only other item that we have left is planning a work session. What kind of time frame are you looking for that?
Mr. Landreth: I was looking for early November but would skip December, since it's a busy month. The reason I said early November is because Wayne will have surgery on November 22nd.

The Council, Mayor and Staff worked at trying to fit their schedule around early November. It was finally decided to hold the Work Session at Town Hall at 6:30 p.m. on November 9, 2006.

Lynn will be unable to attend because she will be in Duck the entire week of November 4th through 12th celebrating her 39th wedding anniversary! Ms. Welch will be in New York the last week of November. Mr. Garland will be on vacation also during the 2nd week of November.

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 7:46 p.m. and closed at 7:46 p.m. with no speakers.

OTHER BUSINESS

There was no other business.

ANNOUNCEMENTS:

- Recycling in Walkertown continues every two weeks.
OCTOBER 2, 16, AND 30
- TOWN COUNCIL MEETINGS: (4TH THURSDAYS)
7:00 p.m. at the Walkertown Library Auditorium on:
FOURTH THURSDAY
@ 7:00 P.M.
NOVEMBER 16 – CHANGED THANKSGIVING HOLIDAY
DECEMBER 21– CHANGED CHRISTMAS HOLIDAY
- PLANNING BOARD MEETINGS: (1ST TUESDAY)
LIBRARY @ 3:00 P.M.
November 7th MEETING TO BE HELD AT TOWN HALL
December 5th
- RECREATION COMMITTEE MEETINGS: (AS DESIGNATED)
NOVEMBER 2, 2006 @ 7:00 P.M. @ TOWN HALL

ADJOURNMENT

MOTION: TO ADJOURN MEETING AT 7:47 P.M.
BY: SARAH WELCH
SECOND: WAYNE HESTER
VOTE: UNANIMOUS
(HESTER, WELCH, LANDRETH)

ATTACHMENTS:

- **PLANNING BOARD MINUTES**
>>None – Planning Board Meeting for October was canceled
- **SCHOOL COMMITTEE**
>>Minutes of 10-10-06
- (See separate packet of Recreation Information)
- **RECREATION COMMITTEE MINUTES**
>>Meeting of 09-26-06
>>Meeting of 10-12-06

REMEMBER THE DATES OF THE NOVEMBER AND DECEMBER MEETINGS WILL BE CHANGED DUE TO THE HOLIDAYS!!!!

ATTEST:

TOWN OF WALKERTOWN:

Lynn McKinnie, Town Clerk

Kenneth R. Davis, Mayor