



**Town of Walkertown, North Carolina**  
**Website: townofwalkertown.com**  
**Walkertown Town Council Meeting**  
**Walkertown Library Auditorium**  
**THURSDAY 7:00 P.M. JANUARY 25, 2007**

**MINUTES**

**(TAPE NOT ACTIVATED FOR FIRST PART OF MEETING)**

Mayor Doc Davis called the meeting to order at about 7:00 p.m. Present were Mayor Davis, Council members Ralph Landreth, Brenda Mabe, Sarah Welch, and Wayne Hester. Also present were Attorney Garland and Manager Bell. Clerk Lynn was absent due to school in Raleigh.

After a short invocation by Mayor Davis; the Pledge of Allegiance was led by Ms. Welch.

On a motion by Sarah Welch, and seconded by Ralph Landreth, the agenda was approved unanimously.

On a motion by Sarah Welch, and seconded by Wayne Hester, the meeting minutes of December 21, 2006, were unanimously approved.

**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 with one speaker.

- (1) Beverly Lung  
 ???

**ITEMS FOR DISCUSSION AND/OR ACTION:**

- 1. **PUBLIC HEARING #1**  
**HEARING IS CONTINUED FROM THE DECEMBER 21, 2006 MEETING**  
**NO NEED TO RE-ADVERTISE**  
**WA-029 – WALGREENS AND MCDONALD’S - KA WALKERTOWN**

**ORDINANCE #07- FOR ZONING MAP AMENDMENT – TWO PHASE  
AND FOR SIDA REQUEST**

Public Hearing was opened at 7:07 p.m. Closed at 7:30 p.m. Eight speakers.

**(TAPE NOT ACTIVATED FOR PUBLIC HEARING)**

**Public Hearing - Walgreen's McDonald's**

Aaron King recommended that the Council continue the public hearing until February

1. Coleman Alderson  
Owns property on Bellaire Circle. Lives outside of town – near Beverly Lung
2. Ed Zotian  
Developer. Is OK with continuance, but not in favor of returning to Planning Board.
3. Chuck Anas  
3619 Annie Lane
  - Not in favor at this location.
  - Problems coming out of Annie Lane
  - Must go North on Hi-Way 66
  - Opposed to any U-Turns on Hi-Way 158
4. Mike Kelley  
1076 W. 4<sup>th</sup> Street.  
Mr. Martin was correct on the Right-of-Way issue that was finally resolved with DOT.  
There is a scheduled meeting with DOT on 2/1/07 at 2 PM for the Town officials to meet with them to discuss the issues regarding traffic. (Aaron to check with DOT per Doc to make sure it is scheduled)
5. Beverly Lung  
Against this project
6. Marilyn Martin  
2733 Martin St.  
Against.  
Traffic  
Congestion.
7. Peggy Leight

5150 Sullivantown Road

Against.

Hope to have a chance to speak on it at the Planning Board meeting.

Asked what would happen if the Continuance weren't granted.

Steve Garland responded :

- a. No restraint on time to get through Council
- b. No requirement to send back to Planning Board
- c. Not granting a continuance is not a good option because there is no input from the Planning Staff for the Council to use in making a decision.

8. Fred Martin  
2733 Martin Street.  
Has problems with DOT – if they missed the Right of Way issue, then what else may be missed?

**MOTION:** **TO REMAND THE WALGREEN'S AND MCDONALD'S  
PLAN BACK TO THE PLANNING BOARD**  
**BY:** **WAYNE HESTER**  
**SECOND:** **RALPH LANDRETH**  
**VOTE:** **UNANIMOUS**

**DISCUSSION:**

Ms. Mabe: I remember in December when we met – I recommended it then, that there was some changes and I was concerned that the Planning Board should have looked at it before we even discussed it. And I'm going to agree to go back – but my question is this, how many times are we going to look at this same site? Nothing has changed. The site's gotten no larger and the traffic is getting no smaller. The safety issue is here. My concern is the thing with the community but I do not want to be saying that I won't give a person the opportunity but my feeling is that this is not a well-located location to build this type of business. Walgreen's and McDonald's are both fine establishments and I have no problem with neither one of them – they build - reputation is great - employees – great business. But in the morning, you can't get out of the town now. My concern is when we get the 400 houses in and those people come flying down Bellaire Circle to get a morning biscuit and a cup of coffee, then how are they going to get out? We've got school buses – and then we have a high school coming. And then over on Belews Creek Road, there's another development going in and those people want to go up there and get them something for breakfast. And they go up there and make a U-Turn ---- and I'm concerned with

the U-Turn. And I've looked at all the sites – and I appreciate all the calls – I appreciate your support – and I'm trying to work with the citizens of the town – not just the people on Martin Street – because I've got a lot of calls from all over the town – and I thank you for the input. But I'll agree with this because I want to make sure I've crossed all my "T's" and dotted all my "I's" --- but I wanted this done in December because when I saw the plans, I thought there was some major plans and I'm sorry you wasn't here in December. Thank you.

2. **PUBLIC HEARING #2**  
**ADVERTISED 01-13-07**  
**ORDINANCE #07-001**  
TO APPROVE ANNEXATION AGREEMENT  
BETWEEN WALKERTOWN AND KERNERSVILLE

Public Hearing was opened and closed with no speakers.

**DISCUSSION:**

Ms. Welch: The Town of Kernersville has already agreed to what we had discussed and where the boundary is now; so why should we want to differ?....

Mayor: .....Hold on, Ms. Welch.....I'll have to ask you in the audience to be a little quieter, please..... Go ahead now.

Ms. Welch: .....Well, seeing that they've already agreed to it and we've agreed to it – I don't see anything else to do; I mean, not really, to go back, because I think where we've already got the lines drawn is perfect. And it doesn't make the people on one side of the road and the others on the other side.

Mayor: Are you making a motion?

Ms. Welch: I can. I would like to make a motion that we accept to approve the Walkertown / Kernersville Annexation Agreement.

Mr. Garland: .....Pursuant to the ordinance – I think that there's a copy of that in the agenda packet.....

Ms. Welch: .....Ordinance 07 ---- it doesn't have a number.

Mayor: .....It's number 07-whatever.....

Ms. Welch: .....Well, Lynn will have to put the other number in there.

**MOTION:** **TO APPROVE ORDINANCE #07-004 - ANNEXATION**  
**AGREEMENT BETWEEN KERNERSVILLE AND**  
**WALKERTOWN**  
**BY:** **SARAH WELCH**  
**SECOND:** **WAYNE HESTER**  
**VOTE:** **MOTION PASSED 3 TO 1**  
**YES - WELCH**  
**HESTER**  
**LANDRETH**

## NO - MABE

### **DISCUSSION:**

Ms. Mabe: It's me again! Well, I look over here and I see blue and blue is Walkertown and dark brown is Kernersville. My concern is for the watershed, SIDA, and the rain run-off. Because 158 things change. I feel like we are being boxed in. They have conceded on some points and I agree to that. That was wonderful but I still think we can still negotiate and we need a little more ---- I feel like the people on Valley School Road – some areas – and on Vance Road, that always thought that was Walkertown. So I can't support this. I feel like this is not in the best interest for Walkertown. So that's all I have to say. Thank you.

### 3. **PUBLIC HEARING #3**

#### **ADVERTISED 01-13-07**

TO CONSIDER CHANGING TERMS OF ELECTED OFFICIALS  
ONLY PUBLIC HEARING WILL BE HELD TONIGHT ----  
ORDINANCE WILL BE VOTED ON AT FEBRUARY MEETING.  
THIS AS PER N.C.G.S. 160A-102  
(ORDINANCE ATTACHED FOR INFORMATION ONLY)

### **DISCUSSION:**

Mayor: Only the Public Hearing will be held tonight. There will be no voting tonight. Anyone wishing to speak?

Public Hearing was opened.

- (1) Harvey Pulliam  
415 Holt St.  
Kernersville NC

I'm a little apprehensive about this because I do reside in Kernersville but we're neighbors and a lot of things we do in Kernersville affect you - as the alderman spoke while ago about the Annexation Agreement. Brief history – in 1998, some of the citizens of your town and citizens of our town – we had some people do some study at Wake Forest Law Library and we come up with a referendum to change the terms of office from four-year terms to two-year renewable terms; therefore, holding the elected officials accountable because they are servants and they do our will. I want to remind you that this morning I went up to list my taxes in Forsyth County. I am required to do that each and every year. I remind you that we are required to get our automobiles, Mr. Mayor, inspected every year. I file a sales tax report and they are due either monthly or they are due either in ninety days – period. There's accountability there, to me. I'll remind you that the United States House of Representatives – all 435 of them, Mr. Mayor, respectively, are elected for two-year terms – all at one time. I would remind you that the North Carolina House and the North Carolina Senate are elected for two-

year terms – and there’s a reason for that. It’s called checks and balances. We’re a nation of laws .... And words make up laws. We heard them tonight during your hearings and developing. You’re held accountable to the people to serve them and sometimes we’re all evaluated ---- I’m evaluated almost every day! You evaluate your town manager every year, as do we evaluate our town attorney every year and our town manager – we evaluate them. And we have them accountable. Why should we not hold our elected representatives, that’s in county and municipal elections, accountable – at least every two years? Because they do make laws that affect our property and they affect our rights and, certainly, it’s the right thing to do. And it should be done. I’ll remind you that you took an oath of office to the North Carolina Constitution – which I have here in my hand. And I will tell you that

Article I, Section 2, Sovereignty of the People

“All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.”

Now, to back up our findings, when we started this in 1998, we ran in to a lot of opposition that people needed – we needed experience. And, we surmised that if our town, and the Town of Walkertown had gotten so large that they were bigger than the United States House of Representatives – and they elect their officials – their representatives, Mr. Mayor, all of them are subject for evaluation every two years. It’s only the right thing to do. You make decisions that affect lives of our people all the time – almost every day. I’ll remind you that

Article I, Section 9, Frequent Elections

“For redress of grievances and for amending and strengthening the laws, elections shall be often held.”

There’s a reason that’s in our Constitution and I’ll remind you that elected representatives swear to uphold this Constitution – and I think they should. I’ll also remind you of

Article I, Section 12, Right of Assembly and Petition

“The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assemble for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.”

Now, I did not just come up with that. That’s in our North Carolina Constitution. We have a super Constitution in North Carolina – and it’s been chewed away at and it’s been devalued and the vote of the people has been devalued and it has been done by having extended, staggered terms – four-year terms. It’s been devalued by having district or ward voting in the county in municipal elections. I would respectfully ask you to reconsider this. You should represent the people and represent their will. After all, they are the boss! They really are and you ought to be accountable to them. ....

Mayor Davis: ..... I'll have to ask you to bring it to a summary, please, sir.

Mr. Pulliam: .....All right. I will, Mr. Mayor, and I want to tell you that I am available for any questions anybody has about this. I'm willing. I go in various towns and I will tell you that the Town of Thomasville voted to change their terms of elected officials from four-year staggered terms to two-years and they also adopted a referendum to have at-large elections – no more ward systems. This was just validated by the Federal Courts. We have a reporter here that's from Thomasville. This just happened that the people had a right to determine the lengths of their terms of office, Mr. Mayor. And I respectfully appreciate your attention and thank you for letting me come over and address your Board. Thank you very much.

(2) Enos Jumper  
5028 Klondike Rd.  
Walkertown NC

Thank you, Mr. Mayor. It's a very interesting history lesson you gave us here. I don't think – let me rephrase that – no, I **know** we don't need somebody from another town coming and telling our council how to run the town!! I think you are wise enough to make an in-depth, wise decision how to run it. Now, when a town has 7, 9, 11 – there's a small chance of having all new wheels in two years. He keeps talking about "*getting rid of*" – "*getting rid of*" --- we're trying to work on getting good people and keeping them!! Not for four years – maybe eight years, twelve years --- if Thomasville wants two years, that's fine. As he said, the Constitution gives them that right. If all other towns want it --- but if we get good people in here....and he kept referring to Congress...last week, I hope some of ya'll heard this. I read it in the paper, too. They're elected two years. The first six or eight weeks, they spend getting an agenda together. Then they work about three months, then they go on summer break. They come back in the fall, work a few months; then they get out and start campaigning – raising money again. So, I've seen a time in my life, I'd love to have a job – get two years pay for eight months work!! That's what they're doing. So when you come on Board new – one year you spend learning. Brenda's been on here before but I bet she spent first year learning again – because things constantly change! Our attorney can tell you, I'm sure all of ya'll know without me telling you this that it's an ongoing thing. So we're not interested in trying to get rid of ya'll. We want to keep those that we get in. Pick the best. Get the cream of the crop. Keep the best. You've got eleven – you might get four turned over and still got some wisdom on here. We need to keep experience on the Board – to the best of our ability. And I think ya'll have the wisdom to make the right decision. Thank you.

Public Hearing was closed.

Mayor: As noted on your agenda, this ordinance will be voted on in February – and not tonight.

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

- **07-001**  
**BUDGET AMENDMENT #4** –TO MOVE MONEY \$2,250 FOR SOUTHERN SOFTWARE TO ANOTHER LINE ITEM
- **07-002**  
**BUDGET AMENDMENT #5** - TO PAY FOR PROPERTY TAXES FOR TOWN HALL BUILDING \$562.00

**DISCUSSION:**

Mayor: This is a Budget Amendment to move money for Southern Software. This is a budget item. We've changed the line item to declare it rather than just software, Ms. McKinnie had a budget item change and this is not additional money from the budget – this is not allocating new money in the budget. This is just allocating a specific item for Southern Software and she has asked that this particular item be approved. Can we do these two together?

Mr. Garland: Sure.

Mayor: Okay. And the second item is Budget Amendment #5 – which will be an addition - we'll vote on these two together if ya'll are in agreement with that. This is to pay our pro-rata share of the property taxes on town hall that we're required to pay when we received the town hall property from Gant Oil Company. They paid it from January 1<sup>st</sup> through the end of August and we picked it up at the end and this is the amount for that and it's listed \$562.00 – that's how much that's for. So we need a motion for these two Budget Amendments – Amendment #4 and Amendment #5.

**MOTION: TO APPROVE BUDGET AMENDMENT #4 AND TO APPROVE BUDGET AMENDMENT #5 AS SHOWN**  
**BY: BRENDA MABE**  
**SECOND: WAYNE HESTER**  
**VOTE: APPROVED UNANIMOUSLY**

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

**ORDINANCE #07-\_\_\_\_\_.**  
CONCERNING LOITERING MANIFESTING THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY IN PUBLIC PLACES

**DISCUSSION:**

Mayor: I don't know if you want to deal with this tonight – if we've got the final draft – this is concerning loitering.

Mr. Garland: Yes, sir, Mr. Mayor. This is the first time it's appeared. Ya'll are welcome to take action on it if you would like but I just had intended --- I think I gave it to Lynn and Lynn probably passed it around about last week. I had

intended it for ya'll to be able to look at it but if you'd like to take action on it at a subsequent meeting, that's fine.

Mayor: Anything to highlight?

Mr. Garland: No, sir. What I've tried to do is use as a model the provisions from other towns that have taken this up and it's pretty much a mirror of Winston-Salem and some other towns that have taken it up. I think Lynn has given it to the Deputy Sheriffs and I'm not sure if she's had comments back from them so it might be good idea, again, to wait until the next meeting in case something were to come up. But I believe this one sort of matches the types of statutes people are passing these days.

Mayor: Any comment on this? Would you like to vote or would you like to continue this while you study over this.....?

Ms. Mabe: I'd like to continue because I would like to study it a little bit more and maybe get some input from the Sheriff's Dept. as well before we make the final decision on this.

Mayor: Okay. Is it okay with council to continue this item for "No Consideration".....

Ms. Mabe: .....Yeah ..... "No Consideration" .....

Mayor: .....tonight and just continue it to next meeting.....?

Ms. Welch: .....Yes.....No Consideration.....

ALL MEMBERS AGREED.....

Mayor: Okay. Is that in agreement? All in favor, let's see a show of hands.....

**MOTION: TO CONTINUE THE "LOITERING" ORDINANCE TO THE FEBRUARY MEETING**

**BY: BRENDA MABE**

**SECOND: SARAH WELCH**

**VOTE: MOTION PASSED UNANIMOUSLY**

Mayor:; Is that okay with you, Steve?

Mr. Garland: Yes, sir. And I think that Ms. McKinnie has been coordinating with the Sheriff's Department so when I spoke with her, I understood that she had wanted to get it in front of ya'll but did not expect ya'll to take action on it tonight.

**6. FOR DISCUSSION AND/OR ACTION:  
GANT LOT PURCHASE DECISION**

**DISCUSSION:**

Mayor: I feel like we need a "Dragnet" – dum de dum dum.....

Ms. Welch: We don't have anything in our packet on this, do we?

Mayor: All right. Is there a motion? This is to purchase – we can discuss this – but we need a motion to go forward if we want to do it. We divided the lot – what did you finally decide, are there four lots, five lots????

Mr. Garland: I think there's four lots plus a little bit of an alley there, so....

Mayor: All right – Four lots and an alley!

Mr. Garland: It's the property that referenced in the lease that we have the option to purchase. I think we all know what the property is and there is .....

Mayor: .....It's the two lots north of town hall and the two lots east of those two lots.....

Mr. Garland: .....Two lots sort of along side and two lots behind, I think, Gant, plus the little alley and the area that's encumbered by the Department of Health - Department of Natural Resources - I'm sorry, **restriction would be the lots alongside but not the lots behind town hall**. That was the process we've been going through here over the previous number of months to be able to get to this point. If ya'll are inclined to move to exercise that option, then I think the language of the motion would be to exercise the option under the lease to purchase the Gant property adjacent to town hall for a purchase price of \$45,000 with the final documents to be in form and with terms approved by the Mayor, Town Attorney and Town Manager.

Mayor: Remember – this is the two lots north of town hall on the corner of Depot Street and Main Street and then the two lots behind – or to the east of it – which is behind town hall. It's about 2 ½ to 3 acres.

Mr. Bell: Yeah. Less than that.

Mayor: Is there a motion concerning this?

Ms. Welch: I make a motion that we accept ..... I can't .....

Mr. Garland: .....Well.....I was going to say.....You could sort of say, "So moved" and that would move.....what I just said.....

Mayor: So moved!!

Ms. Welch: So moved ---- right!! Okay.

Mr. Hester: I second.

Mayor: Motion and second to purchase these lots from Gant Oil company – two of which are listed as contaminated – the remainder are not. The two of which we realized that in the beginning they will be parking lot facilities **only**. The other two are unrestricted. They've been separated by deed to where they would be unrestricted! Everybody straight on that? Clear on that? We have a motion and a second on the floor. Is there any further discussion concerning these lots? Purchasing all lots – the motion is to purchase all of these lots at one time, even though they're separate deeds, they would all be in one money.

Ms. Mabe: Mr. Mayor – we have been discussing this for a long time and we know we have some questions. And I have some reservations – but, this is close to town hall. We're looking for land and this would answer some of our needs. So I'm in favor of it – with reservations! But, at the same time, I know that we can't continue ... I do not want to continue discussing this. We've discussed it – we've hashed it – we've done everything we possibly could do with it. So, therefore I am in support of this but still, with reservations.

Mayor: Any other discussion? All in favor of the motion to purchase these group of lots, which is a total of four lots and an alley or five lots – everhow you want to describe it – that are north of town hall, at the corner of Depot Street

and Main Street and the two lots adjacent, to the east, for a price of \$45,000 – raise your hand. Motion carries.

**MOTION:**                    **RESOLUTION #07-003**  
**TO EXERCISE THE OPTION UNDER THE LEASE TO**  
**PURCHASE THE GANT PROPERTY ADJACENT TO**  
**TOWN HALL FOR A PURCHASE PRICE OF \$45,000**  
**WITH THE FINAL DOCUMENTS TO BE IN FORM AND**  
**WITH TERMS APPROVED BY THE MAYOR, TOWN**  
**ATTORNEY AND TOWN MANAGER. PROPERTY**  
**CONSISTS OF TWO LOTS ALONG SIDE TOWN HALL**  
**AND TWO LOTS BEHIND GANT, PLUS THE LITTLE**  
**ALLEY AND THE AREA THAT'S ENCUMBERED BY THE**  
**DEPARTMENT OF NATURAL RESOURCES**

**BY:**                            **SARAH WELCH**  
**SECOND:**                    **WAYNE HESTER**  
**VOTE:**                        **MOTION PASSED UNANIMOUSLY**

7.     **FOR DISCUSSION AND/OR ACTION:**  
       **POLICY FOR MAINTENANCE OF STREETS**

**DISCUSSION:**

Mr. Bell:                    The council directed at the work session – I did prepare a draft policy but it's in your folders but it wasn't available for the packet that went out so just ask that you review that. I can describe it briefly if you'd like or ...

Mayor:                      All right. This is the one where we took a ....

Ms. Mabe:                 .....We were still discussing it. We hadn't really come up to the final language – still looking at all options of other towns. And before we make any final decisions, we want to look at all the options that we have before we say yes or no. And we've had some policies in town before and so what Ralph and I have discussed, we are going to look at the other options that the other towns have had and we think we need to come together and do what's best for the citizens. And before we say 'No, we're not going to do this.' Or 'Yes, we are going to do that.' We need to look at all things. And so tonight, I recommend that we study this issue before we make any final decision on any of the streets in town.

Mayor:                      One of the issues in there was that several of the towns have used a sample – something like an 80/20 rule – the citizens would be asked to pay 20% of the streets that were not up to standards to help meet standards and the town would be responsible for 80% with a cap of \$5,000. That was one example. (Lewisville) There were several others with stipulations in here and we're trying to adopt something that's workable. Right now that looks like possible that there's a number of streets we're looking at that are not up to standard and if that would be the case, then, if we decided to do that, the residents would be responsible for 20% to bring them up to standards. The town

would be responsible for 80% and then the town would agree to take them over, if I understand, and do the repairs after that. Is that correct?

Mr. Bell: That was the percentage that Lewisville used. That was a temporary ordinance the council could set the percentage mix. That was just what Lewisville had used.

Mayor: This is just a proposal.....

Mr. Bell: .....It's a combination.....of three towns – Clemmons, Lewisville, and Rural Hall – and tried to address.....all the issues and really looked at it as an overall policy of taking roads into town so it also states that they have to be up to D.O.T. standards. Then there's a section that addresses, if the town participates to bring them up to standards or not. So it's intended to be a comprehensive proposal.

Mayor: All right. Brenda suggested that we study this further until the next meeting --- and then decide --- because we have some data. We do have some examples from Lewisville, from Clemmons, from what other towns are doing to assist their citizens.

Ms. Mabe: I recommend that we put this on the next meeting. And Ralph and I can discuss – and also we hope to have a list of some streets that we hope to have upgraded as well, that's already state-supported, but they need to be repaved and stuff. And some issues on the town with traffic we're looking at. But before we jump into anything and agree to either 20, or 30, or whatever, we need to look at all the issues before we make a decision.

Mayor: Are you making that a motion?

Ms. Mabe: I make a motion that we discuss this at the next meeting.

Mr. Hester: Second.

Mayor: Motion and a second. Any other discussion on this? If not, all in favor, raise hands.

**MOTION: TO CONTINUE THE STREET MAINTENANCE POLICY DISCUSSION TO THE FEBRUARY MEETING**  
**BY: BRENDA MABE**  
**SECOND: WAYNE HESTER**  
**VOTE: MOTION PASSED UNANIMOUSLY**

8. **FOR DISCUSSION AND/OR ACTION:**  
**FINANCIAL STATEMENTS**  
• **DECEMBER 2006**

**DISCUSSION:**

Mr. Hester: You have the Financial Statements for December in front of you. Anybody have any questions on any of that? .....

Mayor: .....There are financial statements at the back if anyone wants a copy..... Is there a motion to approve what you see?

Ms. Mabe: I make a motion to approve the budget (Financial Statements).

Mr. Hester and Ms. Welch: I second.

**MOTION:** TO APPROVE DECEMBER 2006 FINANCIAL STATEMENTS AS PRESENTED BY TOWN CLERK  
**BY:** BRENDA MABE  
**SECOND:** WAYNE HESTER  
**VOTE:** MOTION PASSED UNANIMOUSLY

9. FOR DISCUSSION AND/OR ACTION  
FRIENDLY ROAD WELL PROPERTY

DISCUSSION:

Mayor: If you'll recall, at our last meeting we decided not to accept a bid that was given. Since that time, in the work session, we've discussed it further. And since the work session, Ron, you want to bring us up to date. I think we do have a bid on it for you to present to council.

Mr. Bell: There was bid of \$2,000 was brought to .....

Mayor: .....How much?

Mr. Bell: .....The original bid was \$2,000. Are you referring to that one? I'm not aware of an additional bid beyond one we addressed last month.

Mayor: All right. That wasn't what I heard, but that's okay. Are you sure that's right? I think the original bid was \$3,000.

Ms. Mabe: I thought it was \$3,000.

Mr. Bell: Okay. I'll double check that. Lynn.....

Mr. Hester: I thought it was \$3,000.

Mayor: Is that correct? Okay. There's a bid for \$3,000 on the well property. It was received this week with a deposit. Would you want to take action on this bid?

Mr. Hester: I think we should take action. We had a minimum bid set at our work session and this exceeds the minimum bid and I think we should go ahead and accept the \$3,000 bid and it would still be set aside for upset bid after that.

Mr. Garland: ...I think, again, the action would be to acknowledge the \$3,000 bid. You always reserve the right to reject all bids which would include the original offer and then the motion would be to have Lynn initiate the upset bid process pursuant to the statutes.

Mr. Hester: So moved.

Mayor: Okay. The motion is to acknowledge the \$3,000 bid on the Friendly Road well property and to begin the upset bid process, which is we advertise the \$3,000 bid and what's the time frame on that, Steve?

Mr. Garland: Ten days.

Mayor: Ten days. If the bid is not upset, the council has the discretion to either accept the \$3,000 bid or reject it at that time. Is that correct?

Mr. Garland: That's correct.

Mayor: Okay. We've got a motion to acknowledge this bid and go forward with the upset bid process.  
Ms. Mabe: Second.  
Mayor: Motion and second. Any further discussion? All in favor of this action, raise your hand. Okay. The bidding process begins. We've started at \$3,000 and we'll advertise and go forward.

**MOTION:** **RESOLUTION #07-004**  
**TO ACKNOWLEDGE RECEIPT OF \$3,000 BID FOR**  
**FRIENDLY ROAD WELL PROPERTY WITH \$150**  
**DEPOSIT AND AUTHORIZE TOWN CLERK TO**  
**INITIATE UPSET BID PROCESS**  
**BY:** **WAYNE HESTER**  
**SECOND:** **BRENDA MABE**  
**VOTE:** **MOTION PASSED UNANIMOUSLY**

### **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 and closed with no speakers.

### **ANNOUNCEMENTS**

- RECYCLING in Walkertown continues every two weeks.  
**FEBRUARY 5<sup>TH</sup> AND 19<sup>TH</sup>, 2007**
- TOWN COUNCIL MEETINGS: (4<sup>TH</sup> THURSDAYS)  
7:00 p.m. at the Walkertown Library Auditorium on:  
**FOURTH THURSDAY @ 7:00 P.M.**

<b>FEBRUARY</b>	<b>22</b>
<b>MARCH</b>	<b>22</b>
<b>APRIL</b>	<b>26</b>
<b>MAY</b>	<b>24</b>
<b>JUNE</b>	<b>28</b>
<b>JULY</b>	<b>26</b>
<b>AUGUST</b>	<b>23</b>
<b>SEPTEMBER</b>	<b>27</b>
<b>OCTOBER</b>	<b>25</b>
<b>NOVEMBER</b>	<b>29 – CHANGED DUE TO THANKSGIVING HOLIDAY</b>
<b>DECEMBER</b>	<b>20 – CHANGED DUE TO CHRISTMAS HOLIDAY</b>
- PLANNING BOARD MEETINGS:  
LIBRARY @ 3:00 P.M. ON 1<sup>ST</sup> TUESDAY OF MONTH  
FEBRUARY 6<sup>TH</sup>

MARCH 6<sup>TH</sup>  
APRIL 3<sup>RD</sup>  
MAY 1<sup>ST</sup>  
JUNE 5<sup>TH</sup>  
JULY 3<sup>RD</sup> \*DUE TO JULY 4<sup>TH</sup> HOLIDAY  
AUGUST 7<sup>TH</sup>  
SEPTEMBER 11<sup>TH</sup> \*DUE TO LABOR DAY HOLIDAY  
OCTOBER 2<sup>ND</sup>  
NOVEMBER 13<sup>TH</sup> \*DUE TO ELECTION DAY  
DECEMBER 4<sup>TH</sup>

**Mayor: Be sure to check the website for lots of valuable information. Ron Conrad does an excellent job and I want to thank him publicly for keeping our website up to date.**

### **OTHER INFORMATION ATTACHED**

(1) Planning Board Meeting Minutes for January 9, 2007

**MOTION: AT 8:07 P.M. TO RECESS INTO CLOSED SESSION FOR  
PURPOSE OF  
§ 143-318.11. Closed sessions.**

(a) Permitted Purposes. – It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

**BY: RALPH LANDRETH  
SECOND: SARAH WELCH  
VOTE: MOTION PASSED UNANIMOUSLY**

**MOTION: TO GO BACK INTO OPEN SESSION  
BY: RALPH LANDRETH  
SECOND: SARAH WELCH  
VOTE: MOTION PASSED UNANIMOUSLY**

**ADJOURNMENT**

**MOTION: TO ADJOURN**  
**BY: WAYNE HESTER**  
**SECOND: BRENDA MABE**  
**VOTE: MOTION PASSED UNANIMOUSLY**

**ATTEST:**

**TOWN OF WALKERTOWN:**

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**Lynn McKinnie**  
**Town Clerk**

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**Kenneth R. Davis**  
**Mayor**