



## **Town of Walkertown, North Carolina**

**Website: [townofwalkertown.com](http://townofwalkertown.com)**

**Walkertown Town Council Meeting**

**Walkertown Library Auditorium**

**THURSDAY 7:00 P.M. FEBRUARY 22, 2007**

# **Minutes**

Mayor Doc Davis called the meeting to order at 7:00 p.m. and said a brief invocation. Present were Mayor Davis, Council members Wayne Hester, Brenda Mabe, Ralph Landreth, and Sarah Welch. Also present were Clerk Lynn and Ron Bell. Steve Garland, attorney, and his future replacement, Amy Lanning were in attendance. Council member Wayne Hester led the Pledge of Allegiance.

Before the agenda was approved, Mayor Davis added a "Major Announcement" to the agenda as Item #7A. A motion approving the amended agenda was made by Ms. Mabe, seconded by Mr. Hester and unanimously approved.

Upon a decision by the council members to include all minutes listed in the motion of approval, a motion was made by Ms. Mabe to approve the minutes and seconded by Mr. Landreth and unanimously approved:

- JANUARY 18, 2007 – WORKSHOP MEETING MINUTES
- JANUARY 25, 2007 – REGULAR MINUTES
- JANUARY 25, 2007 – CLOSED SESSION MINUTES
- FEBRUARY 15, 2007 – WORKSHOP MEETING MINUTES
- FEBRUARY 15, 2007 – WORKSHOP CLOSED SESSION

### **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 7:03 p.m.

1. Jeff Watson  
5335 Reidsville Road  
Walkertown NC

I live just outside Walkertown. I'm here tonight to represent a new triple SA 12 and under baseball team – mostly seated here in front of you. We are affiliated with, as I said before, new Triple SA – as well as AAU. We play invitational tournaments in the 12 and under age brackets – mostly in the local area. It's made up of children – and you've got a flyer there in front of you – that are all local children. They attend school here in the community as well they play in the Walkertown Little League. Now, this team does not play in the Walkertown Little League – it's a totally different association – just to clear that up if there's any issues. Our main reason for being here tonight is to introduce you to the Walkertown Warriors. We had a fund raiser a couple of weeks ago at the park up here in Walkertown that we had some folks come up and say, "Well, who are the Walkertown Warriors?" And we told them we were a baseball team and I actually had one lady said, "I've lived in Walkertown for seventy years and I've never heard of you!" So tonight was a

good night to start! We want to get our name out there for you guys to know who we are. We formed in the summer of 2006 and we've played in several tournaments locally here last fall. We have some team goals that I want to tell you a little bit about just so you know just what kind of character the team has. And those are (1) the importance of teamwork; as well as (2) the importance of leadership. And we believe that those are important characteristics and traits to teach young people to be our leaders in society in the future, just as yourself. We want to improve, obviously, and develop strong baseball players. We want to have fun, and like any team, in any team sport, we'd like to win occasionally. Reason I want to take your time tonight, and, I'll be kind of brief here, obviously to kind of introduce ourselves. And to tell you how important it is that we represent the community of Walkertown. In choosing the name that we chose, we decided to include the name "Walkertown" in it. A lot of the travel teams, a lot of the teams that we play against, have their own individual names and we said, "*Well, we're all from this community. We're all proud of where we're from.*" And we felt like we would include that in the name. You'll note with the handout that I've given there is also a second page and that is our pin. And if you know anything about baseball, kids like to trade pins – they're trading pins – and we're going to have some of those made up and they'll be available for us to trade or kids to trade with other teams that we play. And we pretty much highlighted "Walkertown, North Carolina" on that pin. We do have a special tournament that's coming up that I want to make you aware of. It is on a national level. It occurs in the fall of 2007 – this year – actually, the third week in August. We will be playing in the National Invitational Tournament at Cooperstown, NY – which is the home of the Baseball Hall of Fame. Some of you are shaking your heads as if you're familiar. That is, I guess you could say, a very prestigious tournament and a once-in-a-lifetime opportunity for the children. You have to be the right age, first of all, and you have to have the right kind of team to be accepted to play. There will be, as it says, approximately 100 teams in this tournament the week that we're there – actually, it's 96 – and we will represent Walkertown on a national level. I looked at the websites recently and there are teams from all over the country and also teams from Canada that play in this tournament. So we're going to be handing out pins that say "Walkertown, North Carolina" and introducing ourselves as being from Walkertown, North Carolina to these teams and these family members and folks from all over the country. The kids will have some honors that will be presented upon them. One of those honors – they will be inducted into the Youth Baseball Hall of Fame – just for playing in the tournament. Their names will be inscribed and their pictures will be on the wall in that Hall of Fame from here ever after, as representing Walkertown, once again. They will also receive a ring indicating that they are members of the Youth Hall of Fame, which is quite like a class ring. This is one of those honors that I don't think any group of youth have had an opportunity to be involved in, from this community, ever before. At least, I've never heard of it and I've been living in this community for about twenty years now. So I've never heard of that before. What we're asking for – and there's always a catch line – or hitch to everything you get involved in, is first of all, the Town to recognize us as being representative of the Town. And, I think, speaking with Lynn, the Town Secretary, she's going to post our flyer there in the Town Hall and we want you to know who we are so when folks come up to you and they say, "*We*

hear about this ball team.....” And that’s who we are! And you’ll have some kind of idea of what we’re all about. Also, we understand that there’s some funds that you have available to you for recreational reasons and facilities and things of that nature. We’re looking at – and the flyer kind of indicates – we’re looking at a minimum cost of about \$10,000 for our team, as a whole, just to play in the tournament. That doesn’t include the cost of the pins and each family is looking at about \$150 there. Doesn’t include the cost of travel. Doesn’t include any of the additional costs that will be incurred as a result of going to this tournament. We have done several fund raisers and haven’t been able to --- pretty successful in raising monies. We would ask that the Town give us any consideration that they would deem necessary or fit for our needs along that line. Any questions?

Mayor Davis:                    Approximately where are you with your fund raising now, Jeff? ..... Just a ballpark – I don’t need a ----

Mr. Watson:                    .....Uh. .... Looks like right now, I think we’re ..... we’ve raised somewhere close to \$3,000 to \$4,000 ... (from the audience someone said “around \$3,000”).

Mr. Hester:                    Also, will you be posting schedules of team, when they will be playing in this area, that could be posted or someone could find those pretty handily around here?

Mr. Watson:                    We – we’re actually working – I think what we’re eventually planning to do is have a team website. Having just got off the ground last summer, those are one of the things that you see with a lot of the teams that are more set in to place and that would be posted on the team website.

Mayor:                            Could you also get the information and let us put it on our website, too?

Mr. Watson:                    Yes, sir. We could.

Mayor:                            Any other questions for Jeff? ..... That’s the only person signed up to speak. Does anyone else wish to speak this evening.

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

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

1.     **CHANGING TERM LENGTHS FOR COUNCIL AND MAYOR**  
(FIRST ADDRESSED AT 01-25-07 PUBLIC HEARING MEETING)  
**ORDINANCE #07-\_\_\_\_\_ AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF WALKERTOWN TO IMPLEMENT FOUR-YEAR STAGGERED TERMS FOR THE MEMBERS OF THE WALKERTOWN TOWN COUNCIL AND A FOUR-YEAR TERM FOR THE MAYOR**

### **DISCUSSION:**

Mayor:                            This is a continuation – the Public Hearing was held in January and tonight we’ve come to consider this ordinance. Is there comments or is there a motion?

Mr. Hester:                    I’ll make a comment and a motion. I think that we do need to do this and it will be great for the people that are elected – to have a longer term, get used to doing whatever they’re doing - learning the job and

serving the Town. So I'll make a motion that we do accept this ordinance and start with four-year staggered terms.

Ms. Mabe: I'll second that motion because I want to tell you. Based on my experience – I have served before on four-year term. And a two-year term, and I'm serving that now, and a four-year term to me is superior. It takes time – at least one or two years – to learn. So if you're new on the council and you don't know anything, it takes a while to learn the job, and your responsibility and your authority to enact regulations. And you need time to study proposals and to establish goals. And, two years does not allow time to plan and enact town goals.

**MOTION:** **TO APPROVE ORDINANCE #07-002  
AN ORDINANCE AMENDING THE CHARTER OF THE  
TOWN OF WALKERTOWN TO IMPLEMENT FOUR-YEAR  
STAGGERED TERMS FOR THE MEMBERS OF THE  
WALKERTOWN TOWN COUNCIL AND A FOUR-YEAR  
TERM FOR THE MAYOR**

**BY:** WAYNE HESTER

**SECOND:** BRENDA MABE

**VOTE:** MOTION PASSED UNANIMOUSLY

2. **FOR DISCUSSION ONLY:**

UNIFIED DEVELOPMENT ORDINANCE (UDO)

Discussion of items to be "cleaned up" by Planning Staff

.....AARON KING, W-S PLANNING STAFF

**DISCUSSION:**

Aaron King: I just got this one item on the agenda for you tonight. It's the UDO text amendment. As you've probably seen from the hand-out, it's a pretty lengthy document here, with quite a lot of information in it. Just wanted to come to you tonight and just kind of give you a briefing on just kind of what this is, and why it's coming to you. I guess first I'd like to start and give you a little history on this:

In 1995, City-County Planning Department worked to form what we now know today as the UDO – the Unified Development Ordinances – and purpose behind that was to get all the ordinances a developer would need, the subdivision regulations, zoning ordinance, environmental ordinance, into one document that a developer could use. Forsyth County went a little bit farther in that than some other communities do but when they tried to fold in all the municipalities within Forsyth County ---- Winston-Salem, Forsyth County, Clemmons, Lewisville, Kernersville, Walkertown ---- into there, the idea being that when text amendments were proposed, they'd be sent to the City Council for adoption and County Commissioners and on to the small towns and we'd just fold those back into the book with the amended language. Problems with that started to occur, and rightfully so, when different towns would adopt different versions of text amendments. And what that would mean is we would have one UDO, we would have maybe a section for signs and there would be a sign section for Walkertown, for Winston, for Forsyth County, Clemmons, Lewisville, Kernersville --- we'd have these multiple sections, with different language, for each municipality. And it became very difficult to keep up with. In fact, it became impossible to keep up with. And, so, fast forward ten years from 1995 up to 2005. That's when the breaking point started where we said, "*We can't do this.*"

*It's impossible to maintain and keep all of these text amendments in here for all of the small towns and make sure everything is accurate.*” So, our staff, Glynnis Jordan, on our staff, called together all the small towns – and I know Lynn came to our meeting, where we called the towns together. And we said, *“We’re going to pay for the consultant. We’ll put up the \$30,000 to have somebody come in and take all of the small towns out of the UDO and make any corrections or revisions that are necessary along the way.”* So that process has taken about two years to finally get all that done. Where we stand today, in 2007, is that we’ve gone through, made all the corrections, and fixed any inconsistencies in the UDO that will become Walkertown’s UDO – **will only have specific references to Walkertown**. Like I said, right now there’s references in UDO to Kernersville, Lewisville, Clemmons – the whole nine yards. What this will do will give Walkertown a UDO that is specific to their town. Only the regulations that Walkertown has adopted up to this point, or will adopt in the future, will go into this ordinance. That’s kind of why we’re here today. What you’ve got in front of you --- there’s kind of a second part to that. What you’ve got in front of you, as I’ve said before, is a very lengthy document and I’m not going to attempt to go through it all tonight. I just wanted to brief you on why you are here. But, as you can see on the first page, again, the very first page of it, makes mention to all the references to the small towns and replaces those with references that are current and specific to Walkertown. The second part of that is that there have probably been about sixty or so – maybe fifty – text amendments that have been adopted by Forsyth County County Commissioners that Walkertown has not adopted. So, our staff, along with Inspections staff, went through those and picked out the ones that were pertinent to Walkertown that you probably need to get your ordinance compatible with Forsyth County and Clemmons and the other small towns in the County. So that’s what makes for the length of this document – is probably about twenty-five or thirty text amendments that are also incorporated with this. I tell you – there is no major, major text amendments; no complete overhaul of any part of the ordinance – it’s more or less just kind of fixing small parts in there. But, bottom line, is that, like I said, once this is all over, and Council adopts this, it will create Walkertown’s UDO, specific to the town. All of the other towns had to go through it. I know Steve went through it with Lewisville and I just wanted to come out tonight and kind of brief you guys --- give you guys some time to review the information and what we had planned to do was...we brought it to the Planning Board at their February meeting as we did to you tonight.....just to give you a real general briefing. And we plan to bring it back in March to the Planning Board and then to the Council for a Public Hearing and a vote on that. So, I’ll be glad to answer any questions if you have any. Please call me or email me with them and we’ll get you the answers before we come back to you in March.

Mayor: This incorporates the changes that we made, I guess, the last year?

Mr. King: Those are already in the book. We’ve already got those – all the ordinance amendments that Walkertown has adopted up until now, are already in there.

Mayor: Okay. Because I know one of the changes was it came back to the Council with the final word – not the Planning Board. That was one of the ones we changed.....

Mr. King: .....Um hmmm. It’s already folded in there. That was part of the consultant’s work to incorporate those changes in.

Mayor: Good enough. Any questions for Aaron?  
Ms. Mabe: Not right now, but I'll probably give you a call.  
Mr. King: Okay. Sounds good.  
Ms. Welch: Later --- after we get to reading....  
Mr. King: There will be a quiz on this next week..... Thank you.

3. **FOR DISCUSSION AND/OR ACTION:**  
**AN ORDINANCE CONCERNING LOITERING MANIFESTING**  
**THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY**  
**IN PUBLIC PLACES**

(CONTINUED FROM 01/25/07 MEETING)

**DISCUSSION:**

Mayor: This is continued from the January meeting and you'll notice there is a change in your packet that we've got. This is the loitering ordinance concerning loitering – manifestation for the purpose of engaging in drug-related activity and also, if you'll notice under #3 the change under – it's highlighted in your packet – to include the illegal sale, possession or consumption of alcohol in addition to the drugs – illegal drugs – not those sold by our legal pharmacists. This is pretty much a uniform, Forsyth County?? I shouldn't use the word uniform because.....

Steve Garland: .....Yes, sir. .... Well, we used Winston-Salem's as base, the theory being that general loitering statutes that don't reference, for example, the drug control issue or the illegal consumption or sale of alcohol but general loitering statutes that just say you can't stand around have had some difficulty in courts and so we were using the base Winston-Salem one, which does, I think, just reference the drug activity, but the deputies wanted it to be a little broader than that so we added in the other illegal activity – which would be illegal alcohol consumption, sale, or for use. But it is, yes, pretty much based on the Winston-Salem model.

Mayor: We dealt with this, I think, part of it in December. We dealt with it in January. This is continued from January. Is there a motion to go forward with this ordinance tonight?

Ms. Welch: I make the motion that we accept the ordinance.

Mayor: We adopt this ordinance?

Ms. Welch: Yes, sir.

Mayor: Okay. We have a motion on the floor to adopt this ordinance as written and on the revised version, which is a two-page.

Ms. Mabe: .....The possession of alcohol beverage.....

Mr. Hester: I second.

**MOTION:** **TO ADOPT ORDINANCE #07-003**  
**AN ORDINANCE CONCERNING LOITERING**  
**MANIFESTING THE PURPOSE OF ENGAGING IN DRUG-**  
**RELATED ACTIVITY IN PUBLIC PLACES**

**BY:** **SARAH WELCH**

**SECOND:** **WAYNE HESTER**

**VOTE:** **MOTION PASSED UNANIMOUSLY**

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

**D.O.T. INTERSECTION PROJECT**

**DISCUSSION:**

Mayor: Somebody want to bring us up to date on this?  
Mr. Bell: Yes, sir. This is the intersection project that we applied for grant funds for with 20% matching. This is the one – the intersection at 66 and 311 – New Walkertown. East bound lane will get a left turn lane installed. Total estimated cost is \$2,500 and our match is \$500.  
Mayor: Eastbound of 311?  
Mr. Bell: Coming from the west, crossing over 311, heading east towards 158.  
Mayor: So, Old Hollow Road gets a left turn lane.....?  
Mr. Bell: .....Left turn to turn on to 311 north.....  
Ms. Welch: ...It really isn't designated, really.....  
Mr. Bell: .....There's a space.....  
Ms. Welch: .....But people do.....  
Mr. Bell: .....That's just got the striping on it.....  
Mayor: ....I'm amazed – I'm absolutely amazed that they would grant this there and won't up here at this.....this just blows my mind!!  
Mr. Bell: ...Bottom line is the bottom line. They don't need any right-of-way. They basically can go in and change some marking and a little pavement and they're done...  
Ms. Mabe: Is this – when I went to the TAC meeting in July, and they talked about the grant?  
Mr. Bell: ....Yes, ma'am....This.....  
Ms. Mabe: ...And then we applied for in September? You know, when I came back and told you to apply.... We were not on the list when I was in the meeting but we sent it in. But we had to have it in. I'm so glad. I was so excited in July when I found out we were going to have grants for intersections. Well, at least we got one! So that means we've got some more to work on but at least they heard us!  
Ms. Welch: I just think it was mis-marked when they put it down there because people do pull out in that yellow spot that's marked no turn. That's the only way they've got to go!!  
Ms. Mabe: Well, all of our intersections need to be updated.  
Mayor: I guess I've let the cart get before the horse. We need to have a motion if we're going to go forward with this. Do you want to approve this?  
Ms. Mabe: I make a motion.....  
Mr. Bell: .....For \$500 and also indicates – confirms to them that no right-of-way is needed.....  
Ms. Mabe: I'm going to make a motion. I'm glad that we've got this and any money that we spend for the safety of our streets, I'm for it. So I make a motion.  
Mayor: Motion to approve this joint venture with D.O.T. on this intersection improvement.  
Mr. Landreth: I second the motion.

**MOTION:** TO APPROVE RESOLUTION #07-005  
TO APPROVE 20% MATCH OF FUNDS AND  
JUSTIFICATION OF NO NEED TO PURCHASE  
RIGHT-OF-WAY FOR PROPOSED PROJECT AT  
INTERSECTION OF NC-66 AND US-311 (NEW  
WALKERTOWN ROAD)  
**BY:** BRENDA MABE  
**SECOND:** RALPH LANDRETH  
**VOTE:** MOTION PASSED UNANIMOUSLY

Mayor: I guess if I looked a little dismayed, I was – on that one. Not that we didn't need it, I just thought.....

Ms. Mabe: Now, I know those meetings haven't been wasted that I've been going to!!! (The TAC) There are grants out there and I enjoyed that. And when they said that we had grants – I got so excited!

Ms. Welch: Well, they've been out there working on it.

5. **FOR DISCUSSION AND/OR ACTION:**  
**DRAFT ROAD ACCEPTANCE POLICY**  
**OTHER TOWNS' POLICIES**

**DISCUSSION:**

Mr. Bell: This is the, uh .....

Ms. Mabe: ..... I'm still studying on this one .....

Mr. Bell: .....Road acceptance policy – the draft of the policy that we looked at previously and I attached the policies from the three other towns for reference.

Mayor: Right. And we said at the work session, we would have these so we could review them and decide if you wanted to act on it.

Ms. Mabe: I would like to have a list of the streets and things so I know – if we could get a list of all the streets .....

Mr. Bell: ..... That's what I said I would bring in March to have a list for consideration.....

Ms. Mabe: ... So, we ..... yeah?

Mayor: Is there any discussion, any motions or anything you want to do about this?

Ms. Mabe: I would just table it until next meeting..... I would like to table it until we have the information before we could make a decision that would be usable for the town and for the citizens.

Mayor: Are you asking for a "No ?? on it?? What's that word, Steve?

Ms. Mabe: .....A "No Vote" on it – yes. Because I want to see the information.....

Mr. Garland: .....No Consideration.....

Mayor: ...Yes! No Consideration – that's our word. Thank you, Steve. .... All right. We'll take this up at the March meeting.

**NO CONSIDERATION ON THIS ---- BY BRENDA MABE**  
**MOVE TO MARCH MEETING.**

6. **FOR DISCUSSION AND/OR ACTION:**  
RESOLUTION 07-\_\_\_\_\_  
TO ADOPT ACTIONS OF THE FORSYTH COUNTY  
BOARD OF COMMISSIONERS WITH REGARD TO  
REFUNDS, RELEASES AND REDUCTIONS OF TAX CLAIMS

**DISCUSSION:**

Mayor: This is the standard practice of they collect our funds. We need to authorize them also and we need to be able to carry out such refunds and releases and reduction of claims where people have claims against us to reduce the taxes when they've been overpaid. Is this correctly stated, Steve or Ms. McKinnie? Okay. It's a formality that we have to do. Is there a motion to approve?.... And a second?

**MOTION:** **TO APPROVE RESOLUTION #07-006**  
**TO ADOPT ACTIONS OF THE FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS WITH REGARD TO**  
**REFUNDS, RELEASES AND REDUCTIONS OF TAX**  
**CLAIMS**  
**BY:** WAYNE HESTER  
**SECOND:** BRENDA MABE  
**VOTE:** MOTION PASSED UNANIMOUSLY

7(A). **FOR DISCUSSION AND/OR ACTION:**  
**ANNOUNCEMENT ADDED TO AGENDA BY MAYOR DAVIS**

**DISCUSSION:**

Mayor: For some time we've used the services – enjoyed the services – of Steve and ... Steve is going to be leaving us after March.  
Mr. Garland: I am leaving the practice of law but I'm not necessarily retiring! The only thing I would say is that of all the work I do, this is the work I derive the most pleasure from and I will miss ---- I may not miss coming to all the meetings I've gone to during the – in connection with the town meetings; meaning just the repetition of them, but I will certainly miss all the people and being at the meetings where things like the new AAU baseball team were discussed. So, this is where some of the most important work of the country is done in connection with politics and things. And I've enjoyed my part in it but it's not really me, but you all and your citizens who actually make the community what it is. I just like to help! But, that being the case, I've always considered and I think when we started out I think I made – had the conversation with Wes – we considered the firm to be the town attorney for the towns that we've represented. So, again, I haven't considered my not being here as a big thing because I've always used any number of the people at the firm. I think we've talked here – General Luckey was involved in some of the work with ya'll and Bo Houff has always worked with the Planning Board. Bo is going to continue working at least as the most experienced, and senior, attorney with each of the towns – Lewisville, Walkertown, and Tobaccoville. And Amy Lanning, who is with us here tonight, is also going to be working with Bo and will probably be attending the actual meetings, I think, for Tobaccoville and Walkertown, as Bo handles the

other meetings for Lewisville and the planning meetings for Walkertown. So, if you have any questions, that's sort of where we are.

Mayor: We want to introduce Amy tonight. Amy, we are glad you are here.

Amy Lanning: Thank you very much. I'm glad to be here.

Mayor: .....And we look forward to continuing our good relationship with the firm and with you on board. And, Steve, of course, we'll miss you but you will be here one more time?

Mr. Garland: That's correct.

Mayor: One more round. Okay. Well, we are not going to pull out the hankie tonight, then!!!

Ms. Mabe: Well, I'm waiting to see if Amy brings the big things like Steve carried.....

Ms. Lanning: .....I'm going to have to buy some bigger bags!!!!

7(B) **FOR DISCUSSION AND/OR ACTION:**  
**FINANCIAL STATEMENTS**

- **JANUARY, 2007**

**DISCUSSION:**

Mr. Hester: The financials are about the same as last time. There have not been that many changes – or no changes – so I make a motion that we accept the financial statements as presented.

**MOTION: TO ACCEPT FINANCIAL STATEMENTS FOR JANUARY, 2007, AS PRESENTED BY TOWN CLERK**

**BY: WAYNE HESTER**

**SECOND: SARAH WELCH**

**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 at 7:32 p.m. with no speakers.

**MOTION: TO RECESS INTO CLOSED SESSION AT 8:00 P.M. 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: BRENDA MABE**  
**SECOND: SARAH WELCH**  
**VOTE: MOTION PASSED UNANIMOUSLY**

**A BRIEF RECESS WAS HELD BEFORE RECESSING INTO  
CLOSED SESSION AT 7:43 P.M.**

**MOTION: TO RETURN TO OPEN SESSION AT 8:23 P.M.**  
**BY: BRENDA MABE**  
**SECOND: WAYNE HESTER**  
**VOTE: MOTION PASSED UNANIMOUSLY**

Mayor: Okay. We are back in Regular Session.  
Mr. Garland: I think here the issue is that you are contemplating the sale of the Maintenance building property.....  
Mayor: .... Right.....Since we're contemplating the sale of the maintenance facility, or since we're buying the fire station property, we would be contemplating the sale. Now, how do you want to sell – if you want to sell – the maintenance facility, which I think has been our general consensus that we're willing to do this – how do you want to sell it?  
Ms. Mabe: I suggest we use Sealed Bids.  
Mr. Garland: I guess all I'm thinking right now is I'm not sure -- you may be putting the cart before the horse, in that, first of all, I don't think we really identified the property that we were contemplating buying.  
Ms. Welch: The Griffith property?  
Mayor: No. No. He's talking about the Fire Department.  
Mr. Garland: So. We are contemplating the possible sale of the maintenance building unless you feel like something is going to happen between now and next meeting, trying to get a contract with the guy that wants to buy it – that might have an interest in buying.  
Mayor: It will. He's wanting to move quickly.  
Mr. Garland: You think he's going to.....?  
Mayor: .....As soon as he gets his appraisal, I think he'll come through with a .....

Mr. Bell: .....The.....The appraiser.....was out today...so....  
Mayor: .....I think he will get.....The appraiser, you know, they work at the speed of lightning.....Probably be another week.....  
Mr. Garland: .....Here's.....Here's what I think, then. If you're not really sure whether you want to use the Sealed Bid process or the Upset Bid process.....  
Mayor: .....Correct.....  
Mr. Garland: .....I would wait maybe until he comes in with a contract so that you can look and see what his interest is and you can either then decide, take that as the basis of an Upset Bid process or use that as the model of the agreement that you would agree to agree to in a Sealed Bid process.

Mayor: .....Well.....Here's my question.....Once he comes in with a contract; here's his contract for "X" number of dollars. Does that then become a Sealed Bid if we decide to do it? Totally open?

Mr. Garland: No.

Mayor: Okay. Then.... For him to be back in the running, he must make a Sealed Bid either this much amount.....

Mr. Garland: .....That's right.....That's right.....That's right..... Here's the ..... It gives you the idea of whether or not you're going to have a "floor" you can live with or whether you are going to have set it. If he comes in at \$280K and it has a property tax value of \$340 and you thought it was going to be more in that range, you know that you're probably not going to want to do the Upset Bid based on his \$280K.....

Mayor: .....Yeah..... Because you've got a long way to get.....

Mr. Garland: .....Because you've got a long way to get to.....

Mayor: .....Well. If we set a floor, we would reject any bid under that and we wouldn't have to worry about it.

Mr. Garland: Right. I guess what I'm saying is you'll have a better idea of where your floor is going to be when you get a bid from somebody who's had an appraisal done. We're trying to set it all up tonight – we're theorizing without facts.

Mayor: I feel like we'll get a bid probably within the week on that.

Mr. Garland: Okay. Then maybe what you'll need is a special council meeting. I'd be reluctant to set the procedure now not knowing. In other words, if \$360K it comes in at, you might then want to do the Upset Bid procedure because there might not be an upset bid.

Mayor: These people were interested in leasing this property and Steve gave me some information tonight. Why don't you share that?

Mr. Garland: There is a statute that says you can lease property to a third party if you deem it to be surplus – sort of similar to disposal of property...

Mayor: .....Which we have not deemed as surplus yet.....

Mr. Garland: .....Right.....But we need to do that.....And then number two, if it's less than a year, there's no process – you can just go ahead and do it after you deemed it surplus. You have to lease the property for a fair market value. You can't just --- when I say no process, I don't mean you're allowed to do whatever you want – you're allowed to do something that's of fair market value – what you don't have to do is do a notice that you're going to do it. If it would be longer than a year, you would have to do a notice that you're going to do it. If it was longer than ten years, you have to treat it like a sale. And then the other thing is that you can't – you couldn't have a lease and an option to purchase and get around all the sales stuff.

Mayor: It wouldn't be connected to a lease/option to buy.

Mr. Garland: A lease would have to be just a lease. And if it's less than a year, you wouldn't have to do a notice. If it's more than a year, you would have to do ten days notice – and I think it's ten days notice just before you approve it. I don't think you actually have to a hearing but then again you have your \_\_\_\_\_ so then \_\_\_\_\_.

Mayor: One final item before we leave. Do ya'll want to think about this while we're back in regular session?

Ms. Mabe and Ms. Welch: Yes. Yes.

Mr. Hester: Do we want to decide on an amount tonight or think about it?

Mayor: I say let's decide on an amount and do it.

Ms. Mabe: Decide on it now.

Mr. Garland: Can I make one suggestion? And that is, there are some restraints on what you can – how you're supposed to fund some of these things. You're supposed to be sure that it goes to the benefit of Walkertown. It might be useful, particularly if you give something and then you have five more people show up.....

Mr. Hester: .....It will happen!.....

Mr. Garland: .....Meaning that it might be good to have a little process by which they give you some form that indicates that even though those folks go to Walkertown Elementary School, or Middle School, that they live in Walkertown, you know. And that they certify that the cost is going to be "X" and that when they spend the money they'll report back to you.....

Ms. Welch: .....We usually require receipts.....

Mr. Garland: .....Please understand.....I'm not.....

But it didn't sound like they really needed you all to get back to them today. I think it might be useful for the ultimate accounting for things to have something where they do some sort of little application so that the next time people come and they ask you and you want to tell them no then you'll have --- or yes! --- you'll have a process by which they go through to get it.....

Ms. Welch: .....We want all of them treated alike.....

Mayor: .....Why don't we.....

Mr. Garland: .....I don't want to be Mister.....

Mayor: .....No.....Why don't we..... Why don't we develop.....I think it would be good.....and keep Ms. McKinnie out of the.....at least help her to get the right information that we get the same from everybody..... We asked you for ten-page documentation and we asked the other guy for nothing.....Yeah.....I see.....

Mr. Garland: .....Yeah.....I just remembered.....that there was.....that you had that problem.....it might be a way to avoid that problem.....in the future.....

Mr. Hester: .....It would be just like that street policy we.....

Mr. Garland: .....Right.....

Mr. Hester: .....It's a policy that you go by that treats everybody equally.

Ms. Welch: Equal.....

Mayor: So --- do you have any samples that you could.....? ..... Okay..... Would you.....?

Mr. Garland: .....I think Lewisville does. Check with Lewisville.....

Ms. Mabe: .....I thought.....I thought.....

Mr. Garland: .....They've gone through the same problems.....

Ms. Mabe: .....Also, I thought.....Well, if they have books, I'd like to know how their money is spent.....And I would like.....to know.....

Mayor: .....Well, like we do with the Little League right now. We do get a financial statement from them.....

Ms. Mabe: .....And we need that.....

Ms. Welch: .....Well.....We appropriated \$1,000 to the ones over .....

Mr. Hester: .....Football.....

Ms. Welch: .....at Walkertown Stadium. They haven't brought us anything and they haven't gotten any money yet either....

Mr. Garland: .....Right.....And as much as anything, that was for \_\_\_\_\_ - rather than have a problem on that, again, this isn't aimed at anybody. It's just that I think if you have a process, though, you can then make distinctions that you're going to want to make when you do that.....

Ms. Mabe: .....Yes.....I agree with you. We want to serve the students and the kids who live in Walkertown and that's what the money's going to. We don't want to be paying for somebody that's coming out come in here.....

Mr. Garland: .....And, frankly, again, Lynn will tell you and the auditors will tell you, there are constraints. You're not really supposed to spend the money on anything but what would benefit Walkertown. And, again, I'm not saying here that you can't but you'd like to have checks and balances in place.....

Mayor: .....Sure!!!.....We don't need any accusations that.....

Ms. Mabe: .....And that we're playing favoritism or we're just handing money out to anybody comes along and asks for it.

Mayor: So --- you're going to give us some samples?

Mr. Garland: Yes.

Ms. Mabe: Appreciate that, Steve.

Mayor: Okay. Give us some samples and we'll go forward with that. Is that okay with you, Ms. McKinnie?

**MOTION: TO ADJOURN MEETING AT 8:35 P.M.**

**BY: WAYNE HESTER**

**SECOND: BRENDA MABE**

**VOTE: MOTION PASSED UNANIMOUSLY**

Mayor: WELCOME ABOARD, AMY.

### **OTHER INFORMATION ATTACHED**

(1) Planning Board Meeting Minutes for FEBRUARY 6, 2007

- **ANNOUNCEMENTS**

- **RECYCLING** in Walkertown continues every two weeks.  
**MARCH 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>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</b>	<b>– CHANGED DUE TO THANKSGIVING HOLIDAY</b>
<b>DECEMBER</b>	<b>20</b>	<b>– CHANGED DUE TO CHRISTMAS HOLIDAY</b>

- **PLANNING BOARD MEETINGS:**

LIBRARY @ 3:00 P.M. ON 1<sup>ST</sup> TUESDAY OF MONTH

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

**ATTEST:**

**TOWN OF WALKERTOWN:**

---

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

---

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