



MINUTES

REGULAR MEETING OF THE TOWN OF WALKERTOWN COUNCIL OCTOBER 22, 2009

PROCEDURAL ITEMS:

Mayor Doc Davis called the meeting to order at 7:00 p.m. Present were the mayor and council members Wayne Hester, Marilyn Martin, Sarah Welch, and Randy Mendenhall. Also present were Attorney Jennifer Kerrigan, Gary Roberts, Lynn McKinnie, and Scott Snow

The Agenda was amended to add:
ITEM #10 – Booe House Proposal
ITEM #11 – Fall 2010 Festival Update

Approval of amended agenda was accomplished by motion from Mr. Mendenhall, seconded by Mr. Hester.

Approval of Minutes as Presented

- SEPTEMBER 24, 2009 – REGULAR MEETING
- OCTOBER 8, 2009 – WORKSHOP MEETING

Both sets of minutes were approved on a motion by Ms. Martin and seconded by Mr. Hester.

Mayor Davis introduced our state representative for this district, **Dale Folwell**, saying Mr. Folwell has several items he would like to bring to the town's attention.

MR. FOLWELL:

Thank you, Mr. Mayor and Secretary and Board for allowing me to do this. A couple of people in this audience have heard this speech before, either in Kernersville or Tobaccoville – so forgive me, we're doing it all over again! I'm really honored to represent Walkertown.

- You know, you always seem to forget the most important thing and redistricting is coming up next year and one of my legislative goals, if I'm honored enough to be re-employed by the people of this district, is to put Walkertown back together again. It's **Walk---rrrr----town** – because Walkertown is represented by three different members of the House of Representatives. It's ridiculous! So we'd like to put Walk-rrrr-town back into one word in the next redistricting.

But just really briefly, want to talk about some things that I think will be of interest to you as a community.

- Number one is -- the first bill talked about the standards on pre-K classrooms – believe it or not, Raleigh had two kinds of standards for four-year olds. If you are in a four-year old classroom, Pre-K, you had to have one toilet for every 16 kids; different lighting; different walls; and a hot-

- water heater. But if you had a four-year old in a kindergarten classroom, there were none of those requirements. So I passed a piece of legislation that says that whatever is “safe enough” and “good enough” for a kindergartner in North Carolina, it should be “good enough” for a pre-kindergartner. Wake County has estimated that this bill is going to save \$2,400 per classroom in new construction or renovation costs.
- The second one, which I think is really important to the mayor, is gang prevention legislation that I passed. It’s going to be shocking to many of you parents. There’s something called “Gang-Net” which is a federally licensed software. And on the Gang-Net legislation software license agreement, it says that any information off that computer screen can only be shared between sworn law enforcement officers. So if you have an SRO (School Resource Officer) at Carver, or East, or Reynolds High School, the principal is not a sworn law enforcement officer, are they? The principal is not a sworn law enforcement; superintendent; so I passed a bill to clarify that. It says that if our students are in danger, our pupils, our personnel, or our property are in danger, that now the sworn law enforcement officer can communicate that to the principal or the superintendent. I know this sounds like common sense stuff to people in Walkertown but in Raleigh – it’s kind of hard getting this stuff passed.
 - The Nicholas Safety – School Bus Safety Act – you’ll know who Nicholas Atkins was – the 16 year old who was killed in Rockingham, North Carolina, boarding a school bus this year. Unfortunately, every year we have to name this bill after another student. Twenty-one hundred times today people pass stopped school buses when their stop arm was extended. Today! In North Carolina! Twenty-one hundred times! So, we got a new technology coming out – cameras that we are going to start using on our school buses, for school bus stop arms. This technology we’re using only costs \$300 – as long as the school bus itself has a camera inside – and we’re test piloting this right now. We’re getting Rotary Clubs, Civitan Clubs, Ruritan Clubs to help pay for this. I think if people know that their picture is going to be taken for doing the most serious moving violation on the roads of North Carolina, I think people will start using a little more common sense when it comes to passing stopped school buses.
 - The one I’m most proud of, and, I think, particularly to this community, is the Volunteer Fire Fighter Act. I know I talk fast – and talk loud – but basically, I’m the mule. Most of these ideas came from people just like you. Now, the Volunteer Fire Fighter Act – you’re not going to believe this, but our volunteer fire departments of North Carolina are providing 70% of their fire protection tonight in this state. Not the City of Winston-Salem, or Mecklenburg, or Charlotte – but the volunteers are providing 70%. And what these people do is they keep property tax rates low and they keep homeowner insurance rates low. Well, OSHA, that big ole group up in Washington, came down into North Carolina and said, “All the Junior Cadets of the Volunteer Fire Departments of North Carolina – 15, 16, 17-year olds – are all employees.” You know what happens when you classify a 16-year old as an employee, who’s around a fire truck, they can’t do anything anymore. So, with the help of Vienna Fire Department, Walkertown Fire Department and the Chief Fire Marshal of the state,

- Wayne Goodwin, we got the Volunteer Fire Fighter Act passed. It's kind of simple – it's three sentences. It just reclassifies the folks as educational activities, like ROTC, Civil Air Patrol, and all these other things.
- The last two I'll go over, are the Taxpayer Recovery Act – you've read about this. We had some Hall of Famers in Forsyth County and across North Carolina who are calling 9-1-1 for the sole purpose of collecting \$526.13. Now, I can take my phone out right now and call 9-1-1 ... will they have to answer? Yes! I'm complaining of chest pains, are they going to dispatch? Yes! I'm 50 years old – mathematically, understand I use the word '*mathematically*' – overweight! I'm 51 years old and mathematically overweight and I'm complaining of chest pains – are they going to transport me to the hospital? Yes! Once they get to the hospital can they make me go in?? No!! Now, I just got through talking to the folks over at Wake Forest – student - ate a piece of pizza, didn't drink anything, may have a little heartburn, I get over to the hospital and say, "I think I just had a little heartburn. I'll be okay." Well, ten days later, I get a check for \$526.10 from the State Health Plan – which is bankrupt. Your state tax dollars. Now – I love riding motorcycles – many of you know that. I could take that check and buy a new motorcycle helmet – go up here at Second Chance or a new tire or anything else. There was nothing that forced me to send that money to the EMS. Crazy!?! Kenersville News just did a great editorial on that. So, I ran a bill. It's very controversial – Blue Cross/Blue Shield tried to kill this bill. It's really simple. It said that when you send checks for the purpose of people riding ambulances in this state, that that check's going to be at least "co-payable" --- to the patient and the Forsyth County EMS! So, I can't go and take that check down to Second Chance Cycles and buy a new tire with it. So, I'm really proud of that. We have a person in Forsyth County that did this twenty-two times last year – collected \$12,448.10. She wasn't even an MVP – we have a Hall of Famer in Watauga County – Brie's probably better up on the statistics than I am – who did it 51 times last year. Called the ambulance 51 times !!! People have to answer 9-1-1 and they have to dispatch – and she was collecting a check every time they did this! So, very proud of this.

And, finally, I just want to say I'm working really hard on the license tag legislation.

- The moto-tax bill, which has the potential of saving the City of Walkertown, maybe a half a cent on your tax rate, is going to combine the renewal of your license plate with the payment of that property tax on that vehicle only. Not on your utility trailer or your home or your land – all in one envelope. This is going to save \$83-million a year!!! All that money belongs to cities and counties and volunteer fire departments. And the last, last thing – so instead of all these little pieces of paper, you'll get one combined statement that says your tag is \$28.00, your property tax from the City of Walkertown and the County of Such 'n' Such is called "Moto-Tax" – no tax, no tags! You don't pay your tax, you don't get your tags. And the reason I called it that is I am sick and tired of 5% of the people in this state who are messing around – the other 95% of us are trying to do the right thing – but 5% of us make it hard for everybody else.

In conjunction with that, I re-designed the paper tag. Even 4-feet away, you can't tell when the current tag expires (thirty days) – but from when? It's kind of hard – if you're 65 mph at night and you're a law enforcement officer, can anybody tell when this expires??? You're Department of Revenue is losing \$4-million a year on this! (I bought this license at a flea market for a buck!!) And if it weren't so tragic, it'd be funny – but – a dollar! Now, what's happening is these people are running these tags longer than thirty days. Now, I've re-designed this tag so, now, you're going to be able to see the expiration at 65 mph. What did it cost to do this? Nothing!!! Not a penny – to get the new tags – the expiration is going to be written in big numbers. So, we're very proud of this – and you know why? If somebody runs this 30-day tag for two years, guess what Pete Rodda has not done at the Forsyth County Tax Assessor's office? Hasn't sent a property tax bill. That means that the County Commissioners and the local city councils are losing millions of dollars a year and fire departments on property taxes on vehicles they didn't even know existed. Now, if I really get my way – before I get too old and grey and they run me out of there for being too boisterous in Raleigh – I'm going to try to get a _____ that after 60-days the word **VOID** starts appearing through the numbers! How you like that idea?

So, anyway, you've been very generous with your time. I know you have two Public Hearings. I've got to get back to Civil Air Patrol and then to another event out at Pfafftown, by 8:30, but I just wanted to thank you and tell you that, on behalf of myself, and Representative Larry Brown, how much we enjoy representing this community. It would be a great night for a fall fest tonight! But, I always love coming back and my door's always open and the last thing I'll say is that people ask me if I get frustrated. And I said no. I said I've got 65,000 employers – I'm the employee – in front of our name is "Representative" – which means our job is to represent you. And I think too many people in Raleigh and too many people in Washington have forgotten that. I'm glad to go to all these towns, and, they're not going to invite me to Winston-Salem to speak. But I really appreciate coming out to all the other towns. Thank you very much.

MAYOR DAVIS: Dale, we appreciate you representing us and we appreciate the good job you are doing for us! We recognize that and we want to thank you publicly for that.

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 and closed at 7:14 p.m. with no speakers.

BUSINESS FOR DISCUSSION AND/OR ACTION:

1. **PUBLIC HEARING - - - - Continued**
WA-038 – OCULUS PARTNERS, II, LLC
#1 – REZONING REQUEST
TWO-PHASE

FROM: RS-20 --- TO: NO-S
#2 - SITE PLAN APPROVAL REQUEST
#3 - SIDA APPROVAL REQUEST
****Property Owners Agreement attached -**
Request and Consent for Deletion of Use and Addition of
Condition

DISCUSSION – Continued.....

MAYOR DAVIS: Gary, did you have anything else at all to add on this topic?

MR. ROBERTS: No, sir. We have the revised condition.

MAYOR: We had the Public Hearing on the last meeting – September 24th – and at that time, the council had requested a limited use of this property, and I think it's in your packet. Dr. Freeman is in the process of asking it to be rezoned and we've got a three-step process here in Item #1 – a rezoning request that we'll deal with tonight. A site plan approval request and a SIDA approval request. From the last meeting, let me refresh – on September 24th, the council asked if all the landowners would sign limiting the usage. Is that right? Isn't that what we said, Gary?

MR. ROBERTS: Correct.

MAYOR: And that's what we've done. And all the landowners have signed this - - You have copies in your packet, Jennifer said the title opinion is sufficient. And you should have copies of the signed consent. Any questions at all? Is there any motion that any council member would like to make, concerning this rezoning request?

MR. MENDENHALL: I'd like to make a motion to approve this with the changes in place for rezoning.

MAYOR: With the limited use, is that what you're saying?

MENDENHALL: Yes.

HESTER: And our council is agreeing that it is for one use only for an office space only, one office on the property?

KERRIGAN: That's on Tract 2.

HESTER: Yes. Tract 2.

KERRIGAN: It is not being rezoned right now. You still have those other four uses on last month's agenda – but they were all office _____, and the child care was removed.

MAYOR: That was specifically excluded?

KERRIGAN: Yes.

HESTER: And private residence was also – thought that was in the request also – that private residence - - -

MAYOR: We have a motion on the floor - - is there a second?

WELCH: I second it.....

MOTION: TO APPROVE THIS WITH THE CHANGES IN PLACE FOR REZONING

BY: RANDY MENDENHALL

SECOND: SARAH WELCH

VOTE: DISCUSSION BEFORE VOTING.....

MAYOR: What was your question now, Wayne?

HESTER: Okay. At the last meeting, I thought the request was that the single family dwelling and the child-care thing would be stricken from it, is that not right?

MAYOR: I think the single-family dwelling had to remain because the dwelling would remain, isn't that correct?

MARTIN: Um hmmm.

MAYOR: That's what we said – that – as long as the person's living there – the single-family dwelling would have to be permitted.

KERRIGAN: The Special Use Permit that's been requested – it wasn't a multiple occupancy residence permitted in that Special Use.....

ROBERTS: Single-family residential.....

KERRIGAN:Yes.....

MAYOR:Right.....It was to accommodate the single family dwelling on the property at the current.....right.

HESTER:At the current time.....But anything else that goes there will be limited to office space?

KERRIGAN:No..... Single family residence will still be accepted.

MAYOR: It can be a single-family – but we had to leave a single family on there because that's what is there now.

HESTER: Okay.

MAYOR: Any other questions? Concerns? Discussion?

MARTIN: I – uh – I am not against Ms. Meadows and Ms. Brown selling their property and Dr. Freeman establishing a new place for his office. But I rode around Walkertown and looked at property available – there's around 75 - and that's a low estimate – acres already zoned for commercial property or highway business use. That's a lot! And a lot of it is empty. And seeing approximately twenty (20) units already built and ready for use, and several empty buildings – so that is my concern with going in and rezoning residential property, when we have so much available for use.

MAYOR: Any other comments? Concerns? Or discussion? We have a motion and a second – if there is no other discussion, we'll vote. All in favor of this property being rezoned, as requested – the two-phase zoning from RS-20 to NO-S, raise your hand:

MOTION: **TO APPROVE REQUEST TO REZONE PROPERTY FOR OCCULUS PARTNERS, II, LLC, WITH TWO-PHASE ZONING, FROM RS-20 TO NO-S**

BY: **RANDY MENDENHALL**

SECOND: **SARAH WELCH**

VOTE: **MOTION PASSED 3 TO 1**

FOR REZONING: **MENDENHALL**
WELCH
HESTER

AGAINST: **MARTIN**

SEE NEXT PAGE FOR MORE INFORMATION CONCERNING THIS REZONING REQUEST:

NOTE: AS CONTINUED FROM LAST MEETING A WRITTEN AGREEMENT BETWEEN THE OWNERS WAS IN EFFECT FROM THE SEPTEMBER 24, 2009 MEETING:

A WRITTEN AGREEMENT BETWEEN THE OWNERS LIMITING USES OF THIS PROPERTY

TO: (1) MEDICAL AND SURGICAL OFFICES;
(2) PROFESSIONAL OFFICES;
(3) OFFICES, MISCELLANEOUS;
(4) GOVERNMENT OFFICES

AND TO EXCLUDE:

(1) CHILD DAY CARE CENTER;
(2) MULTIPLE OCCUPANCY BUILDING

MAYOR: Okay, motion passed – Now – site plan approval request. Item #2 of #1. Gary, correct me if I am wrong. This is the site plan that we reviewed at the last meeting, is that correct?

ROBERTS: Correct. Actually, Mayor – at the council level, the site plan really goes with the zoning. Now, there is a separate vote for the SIDA but the Site Plan is automatically tied – at the Planning Board level, they have to take a separate vote on the site plan because there is always the possibility that they recommend denial and you can end up approving it and you need a site plan that meets UDO requirements. So that’s why the Planning Board takes a separate vote on the site plan but at your level, just another vote on the SIDA.

MAYOR: Okay. So we don’t need a site plan approval?

ROBERTS: That’s correct. The site plan goes with that zoning that you just approved.

MAYOR: Okay. And the SIDA amount was, how much again?

ROBERTS: It was for the entire acreage for the Tract – Tract 1.

MAYOR: It was approximately .90 – no one remembers.

LYNN: I think it was about .802.....but not sure.

MAYOR: Now, we need SIDA approval for .802 acres.

MENDENHALL: I can make a motion to approve.

WELCH: I second.

MOTION: **TO APPROVE REQUEST FOR SIDA FOR PROPERTY FOR OCCULUS PARTNERS, II, LLC, IN AMOUNT OF .809 ACRES (****)**

BY: **RANDY MENDENHALL**

SECOND: **SARAH WELCH**

VOTE: **MOTION PASSED 3 TO 1**

FOR REZONING: **MENDENHALL**

WELCH

HESTER

AGAINST:

MARTIN

***CHECKED ON MAP AND MAP READS .809 ACRES SO THIS AMOUNT IS USED.

MAYOR: SIDA is approved and request for rezoning is approved.....

KERRIGAN:Mayor.....Mayor??..... You have to make revision to you Findings of Fact since you have decided to approve the SIDA

whereas the Planning Board's Findings of Fact had opposed it. So you have to amend the Findings of Fact.

MAYOR: I don't have that with me – do you have a copy of it with you? If you will give it to me, we will find the facts! Okay.

The SIDA analysis Finding of Facts:

a. The proposed project is in conformance with the adopted Comprehensive Plan. It is **not**. The Walkertown Area Plan recommends multifamily residential for this site. We, as a council, said that that actually would be less traffic being an office – professional office – than a multi-family housing. That was the council's reasoning on #a.

b. The proposed project land use and site design are compatible with the general character of the area and surrounding land uses. This says no, the majority of the surrounding land uses are single-family residential. Well, I guess that could be depending on which way you looked. If you looked east, it's not. If you looked north, it's not. If you looked south, it is - - - so, what do we deal with that one, Jennifer?

KERRIGAN: You just have to make findings of facts that support the position that you've adopted.

MAYOR: Well, it appears to me that it's about as much as business as it is residential. Anybody got any comment on that?

MENDENHALL: The trend has been going in that entire area towards commercial property. Any houses that are there are older houses and the businesses are all newer and they're blending in with that.

MAYOR: There's two other houses then the vacant land for the – not vacant land, but the land that previously used that would be adjacent to the next lot out would be the drive-in – and then across the road, most of it is business – and across the road is zoned Business – so that is as much fact as we can find concerning the business on that one. That's the only two we need to discuss, is it not?

KERRIGAN: That's right.

MAYOR: Okay. Based on that, it appears that the finding of fact that would allow the SIDA to be approved, this should meet the requirements for finding. Is there any opposition to this from council?

CONSENSUS OF COUNCIL AGREED WITH MAYOR.

MAYOR: All right. All in favor of approving this based on these two findings, would you please raise your hand?

MOTION: **TO SUPPORT CHANGING FINDINGS OF FACT IN SIDA ANALYSIS FOR TRACT 1 TO:**

A. PROPOSED PROJECT IS IN CONFORMANCE WITH ADOPTED COMPREHENSIVE PLAN.

B. GENERAL CHARACTER OF AREA AND SURROUNDING LAND USES ARE COMPATIBLE WITH PROPOSED LAND USE

BY: **RANDY MENDENHALL**

SECOND: **SARAH WELCH**

VOTE: **MOTION PASSED 3 TO 1**

FOR REZONING: MENDENHALL

WELCH
HESTER
MARTIN

AGAINST:

MAYOR: Thank you, Jennifer, for keeping us straight.

2. **PUBLIC HEARING**
CLOSE DEMPSEY DRIVE
RESOLUTION – TO ORDER CLOSING DEMPSEY DRIVE

DISCUSSION:

MAYOR: Dempsey Drive runs east crossing Avalee Street and into Martin Street and we'll open the floor for a hearing – we've advertised the hearing – we've had the hearing – we've advertised in the paper – tonight is the night for it. We've posted the signs in accordance with the required law that says the signs need to be posted. They've been posted! And, now, tonight, we'll have the Public Hearing concerning closing of Dempsey Drive. Anyone wishing to speak in favor of closing of this street – that's not a street – it's Dempsey Drive. It's more like your driveway, isn't it, Tink? Okay.

PUBLIC HEARING WAS OPENED AT 7:20 P.M.

There were no speakers at the Public Hearing.

PUBLIC HEARING WAS CLOSED AT 7:30 P.M.

MAYOR: By the way, all the residents that have property adjoining Dempsey Drive have signed an approval and have agreed to this – just for the record. No one wishes to speak for or against this issue. We'll proceed with the resolution.

MOTION: **TO APPROVE RESOLUTION TO ORDER CLOSING**
DEMPSEY DRIVE
BY: **SARAH WELCH**
SECOND: **WAYNE HESTER**
VOTE: **MOTION PASSED UNANIMOUSLY**

MAYOR: Thank you Dennis, for your hard work on this. I know you did a lot of legwork in getting this done and we really appreciate the work!!

3. **FOR REVIEW AND DISCUSSION:**
PLANNING BOARD FOR NOVEMBER MEETING:
MEMBERS AND ALTERNATES WITH TERM ENDING --- 12/31/09

- (1) **REGULAR MEMBERS:**
HARVEY NEAL (DOES NOT WISH TO SERVE AGAIN)
AL SLATER
- (2) **ALTERNATE MEMBERS:**
KEVIN BRIGGS

LARRY MARSHALL

DISCUSSION:

MAYOR: It's time to look at the Planning Board – the terms expiring. The terms of Harvey Neal and Al Slater expire December 31, 2009. Al is currently the appointed Chairman and each one of these two terms you see in your packet – that their terms expire on December 31, 2009. Any discussion on these?

MARTIN: Did Al say he was willing to stay?

LYNN: Yes. But you all don't have to make any decision tonight – I'm just wanting to get a head-start on having the appointments made before end of the year.

MARTIN: Well, I was just going to say that Larry Marshall has been on the Planning Board before. He's an alternate now. He has a lot of experience with it and I would like to recommend that he come back on the Planning Board.

MAYOR: If I can read this correctly, it appears that you have said that Mr. Neal does not wish to serve again?

LYNN: He has said he does not wish to serve another term.

MAYOR: According to our information, Al Slater is willing to serve again when his term expires, to be reappointed by this council – and are you making that a motion that we select Larry Marshall?

MARTIN: I make a motion we select Larry Marshall and leave Kevin Briggs as an alternate and put out a call for people that want to volunteer for it.

MENDENHALL: Second.

MOTION:

- FOR THE WALKERTOWN PLANNING BOARD:**
- (1) TO REAPPOINT AL SLATER TO A THREE YEAR TERM WITH THE PLANNING BOARD TO EXPIRE DECEMBER 31, 2012**
- (2) TO APPOINT LARRY MARSHALL AS A REGULAR MEMBER WITH A THREE-YEAR TERM TO EXPIRE DECEMBER 31, 2012**
- (3) TO APPOINT KEVIN BRIGGS AS AN ALTERNATE WITH A ONE YEAR TERM TO EXPIRE DECEMBER 31, 2010**
- (4) TO REQUEST PLANNING BOARD VOLUNTEERS TO SIGN UP TO SERVE ONE-YEAR TERMS**

BY: **MARILYN MARTIN**

SECOND: **RANDY MENDENHALL**

VOTE: **MOTION PASSED UNANIMOUSLY**

MAYOR: We want to thank Harvey Neal for his three-year term of service and we'll be sure to send him a letter of recognition for that.\

LYNN: This is done every time.

4. (1) FOR ACTION: CONSTRUCTION AND ADMINISTRATION AGREEMENT WITH AWCK FOR SIDEWALK PROJECTS

- (2) **FOR ACTION: NEED 3 SEPARATE RESOLUTIONS (A,B,C): CONTRACTOR BIDS AWARDED: SIDEWALK CONSTRUCTION**
- (A) **Main Street** awarded to Triangle Grading and Paving for amount of **\$57,935.60**
 - (B) **Friendly and Main Street** awarded to Econ Int'l Corp. for amount of **\$28,718.00**
 - (C) **Morris Street** awarded to Carolina Asphalt Paving for amount of **\$27,265.66**

DISCUSSION:

MAYOR: This is concerning our Construction and Administration Agreement with AWCK for sidewalk projects.

SNOW: Actually we've got two sections to this – it's going to require several actions on the part of the council. The first point for action is concerning the Construction/Administration of all three sidewalk projects – Main Street, Main Street Friendly Road, and Morris Street. In your packet there your first item for action is Resolution to Exempt this project from General Statutes for procurement of engineering and architectural services. The state statute allows municipalities and NC-DOT to exempt themselves from the normal procurement process if a project -- if a project meets certain criteria, one of those being under \$30,000. The contract administration agreement with AWCK that we have presented to you next will be under that \$30,000 limit so that does qualify this for this exemption _____. So this exemption would cover all three projects, TIP # U-47LA. LB, and LC so once this exemption, if it passes, that allow us to move forward with the next _____ which is approving the construction administration agreement with AWCK.

MAYOR: All right. Let's deal with that and then we'll come back to you, Scott. Our first is to approve the resolution for this attached exemption. As you see here, _____ left as a state requirement. It's less than \$30,000 for our engineering firm for their services. Is there a motion to approve this resolution?

MOTION: **TO APPROVE RESOLUTION TO EXEMPT A PROJECT FROM THE MODEL CODE FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES**

BY: **WAYNE HESTER**

SECOND: **RANDY MENDENHALL**

VOTE: **MOTION PASSED UNANIMOUSLY**

MAYOR: This has nothing to do with the work itself – this is for the engineering services – just to make sure everybody understands. They drew up the specs; they've worked with the bidding process; they've been very good to work with. And that's what they will continue to work with and as you'll see, they've got our bid for the projects that hopefully, will start very soon.

MARTIN: To some of the people who haven't been here before, we're getting stimulus money up to \$80,000. So while we're spending a lot of money, we're going to get it back. And then, we also have a 20/80 deal with the state where we pay 20% and the state pays 80%. So this was good for Walkertown.

SNOW: Okay. The next step would be the actual agreement with AWCK to provide the construction and administration services, now that we are exempt from the normal procurement it's okay for us to go and contract with them without having to go through advertising and qualifications and _____. I do believe they are the most qualified firm to provide services, however, being that it's under \$30,000, it's not as high level of procurement.

MAYOR: Does this fit as part of the construction costs – or is this outside the costs?

SNOW: This is outside the construction costs. This is, this is inspections, making sure the contractors file the right paperwork; making sure they follow within the line with the agreements for the stimulus package projects as well as the other _____ funded projects; testing, so there's a lot of work that would be borne by professional services that are outside the actual building of the project and so this would be outside of that.

MAYOR: All right. It's outside of the project, so where will we pay for them from? Will that come from..... Which we've actually used less than we've got grant for, or got stimulus money for. Will it come from that or will it come from Powell Bill?

SNOW: This will come from Powell Bill. This isn't.....these services are not a reimbursable expense. This is would be out of town funds.

MAYOR: I got you. So this will be Powell Bill funds – for construction and administration.

SNOW: It is eligible for Powell Bill but it's not eligible out of the stimulus funds stimulus and federal funds that we've been approved for. Those two would have to be separate.

MAYOR: Is everybody clear on that?

MOTION: **TO APPROVE CONSTRUCTION AND ADMINISTRATION CONTRACT BETWEEN THE TOWN OF WALKERTOWN AND ALLEY, WILLIAMS, CARMEN AND KING, INC.**

BY: **RANDY MENDENHALL**

SECOND: **MARILYN MARTIN**

VOTE: **MOTION PASSED UNANIMOUSLY**

NOTE: THIS CONTRACT INCLUDES ALL THREE PROJECTS:

MAYOR: This contract approves all three projects which are: the sidewalk being constructed – grading constructed to completion – from New Street, running north to Depot Street, on the east side of the highway on Main Street. It'll go from Main Street, down Friendly Road (partially) to include the crosswalk from there to beyond Winthrop Street / Willoughby.

SNOW: Well, this section of Friendly Road will terminate there at the before it reaches the cemetery then it will go.....

MAYOR:Second phase will pick up.....

SNOW:Yeah.....second phase, which we are currently working on getting designed.....right of way for that would but this project that we're discussing tonight will terminate at the cemetery and then it will turn down Main Street and continue south towards 66 and terminate where we hope to pick up with the sidewalk that's required for Walgreen's.

MAYOR: And the third phase is Morris Street – Morris from Highway 311, it will go south on Morris Street to Old Hollow Road. So, our third resolution is.....a motion is needed on each one "A", "B", and "C".

The first project is entitled Main Street Sidewalk Improvement – LA – in your blue packet provided by Lynn – that is Main Street.

1ST PROJECT – U-4741 - LA

MOTION: **TO APPROVE TIP PROJECT #U-4741-LA**
MAIN STREET SIDEWALK IMPROVEMENTS
\$57,935.60 – TRIANGLE GRADING AND PAVING, INC.
BY: **WAYNE HESTER**
SECOND: **RANDY MENDENHALL**
VOTE: **MOTION PASSED UNANIMOUSLY**

MAYOR: Okay. The second project is LB – which is Friendly Road – which is Main Street and Friendly Road Sidewalk Improvements. This will include an improved crosswalk at the school. It'll actually come behind – it looks kind of strange at first, but really, it'll work out – it'll be a lot safer. It brings you out of the intersection a little bit but it did come out – it'll look real nice before it's over with. So, this is LB.

2nd PROJECT – U-4741 - LB

MOTION: **TO APPROVE TIP PROJECT #U-4741-LB**
MAIN STREET AND FRIENDLY ROAD SIDEWALK
IMPROVEMENTS
\$28,718.00 – ECON INTERNATIONAL CORP.
BY: **RANDY MENDENHALL**
SECOND: **MARILYN MARTIN**
VOTE: **MOTION PASSED UNANIMOUSLY**

MAYOR: The third project is Morris Street from Highway 311 to Old Hollow Road – and that's project LC.

3rd PROJECT – U-4741 - LC

MOTION: **TO APPROVE TIP PROJECT #U-4741-LB**
MORRIS STREET SIDEWALK IMPROVEMENTS
\$27,265.66 – CAROLINA ASPHALT PAVING, INC.
BY: **WAYNE HESTER**
SECOND: **MARILYN MARTIN / RANDY MENDENHALL**
VOTE: **MOTION PASSED UNANIMOUSLY**

MAYOR: Anything else on this project?
SNOW: Just that these approvals are contingent on concurrence with DOT that this will passed down to DOT for their concurrence that these are responsive bids and that they are eligible to proceed. They don't see any issues with LA and LC – there may be a minor issue with LB.....
MAYOR:I saw LB –Did they not show that they were going to do 100% sub-contracted?
SNOW:Based on DOT's findings, they, there's a possibility they may find it unresponsive.

MAYOR: So, there was some disagreement between DOT and Alley, Carmen KW?

SNOW: Well, DOT can't give a an official finding on it until it's approved by the council and sent to them for concurrence. _____we checked with our counsel??cil?? and they found it as a responsive bid – the engineers I believe it was our engineer from ACKW believed it a responsive bid; however, what DOT findings we really won't know til it goes to them. It all depends on how strict they want to interpret those bid documents. There is a clause in the bid documents that allows the town to waive informalities and we believe that that particular issue was an informality and that would be the argument for approving the bid. However, how DOT interprets that is entirely _____

MAYOR: Well, here's the real "cut-to-the-chase" version of it. We need to walk on this by Thanksgiving.

SNOW: Well, we'll do what we can the best we can and so we'll

MAYOR:That's kinda what we're hoping for.....

SNOW:Yeah.....That's what we're hoping for and you know as far as our interpretation of the bid process and the way the paperwork was written which went by DOT's requirements and the bid documents were approved by DOT but given that there was that one abnormality in the way that paperwork was filled out which we found with our counsel was minor that did not give that bidder any advantage or disadvantage, it simply was one sheet that was filled out a little bit differently than the others that that was a responsive bid so how DOT sees that.....you know.....I guess it all depends on their interpretation.....

MAYOR:Well, even if they have to go to the next bid, you're not talking but a few dollars. I mean, they were all so close. It was a great time to be bidding projects – we had 13 attend the meetings and actually nine submitted bids for each project.....

SNOW:If this bid is ruled unresponsive by DOT, it would not be a major impact for that for this project as far as cost-wise, we would simply just go to the next bidder but it was just our concern, and counsel's concern and engineer's concern that if we did interpret that bid as unresponsive that that bidder may have a chance may have a grievance that they could file against the town because it was because that did not give them an advantage the way it was submitted so in this case it's up to DOT to make those interpretations. If they make that finding we'll move on to the next bid which was only roughly about \$100 less than this one so. But we'll have to wait and see what DOT's determination is but we're submitting it as a responsive bid. The other two had not issues – they were, there was no findings of any problems _____ bid documents.

MAYOR: So, you'll just go ahead and handle that – I think council would like you to just handle that with our newly approved service contractor – the administrator.

SNOW: That's right, yeah, now that now that we're at the point at the point where construction and administration Alley Williams will still be will still be working with us that they they understand interpretations of the bid packet. They designed it, they worked with DOT while designing it – if there is any issues I believe they will they will be able to resolve them quickly but we'll

submit these bids to DOT to get their approval and hopefully they'll have that back to us soon to begin construction.

MAYOR: Thank you. Good work. I'll be glad to get that one done and you've got two or three more in the works, is that correct?

SNOW: That's right. We're moving forward with the design and planning for the to finish the Friendly Road connection from Friendly to Morris Street hope to have a connection there to fit for that turn there around Morris Street that'll connect on to Main Street as well as develop and design for Darrow Road from 66.....

MAYOR:Old Hollow Road to 158.....

SNOW:That's right.....Yeah.....That would be a good project to connect the park with the existing school and the future school as well. So we're working working on that.....

MAYOR: You are working on the Darrow Road?

SNOW: That's right. The surveys and design for that should should start now that we have these kind of in a good place, we can we can go forward with that. There should be more funds coming available from the MPO – just the same process that we did for these so now's a good time to have those ready and hopefully have them ready to submit sometime first of spring next year.

MAYOR: Thank you. Good work! Any more comments?

SNOW: And just a note – if there is if there happens to be a project with LB that would not hold up the other two projects.....

MAYOR:Good. Because they're all independently bid, right.

5. ANNEXATION PROCESS:

ALBERT T. DAY – VACANT PROPERTY ON DAVIS ROAD

(1) RESOLUTION - CERTIFICATE OF SUFFICIENCY FOR ANNEXATION

(2) RESOLUTION – TO SET DATE OF PUBLIC HEARING FOR ANNEXATION OF SAME PROPERTY

DISCUSSION:

MAYOR: You have an annexation project – you have a resolution for the clerk has signed as sufficient for annexation. It is contiguous with other properties. If you will look in your packet, you'll see the map and if you're ready to go forward, we can set a date for the public hearing for this.

MOTION: **TO APPROVE RESOLUTION TO SET DATE OF PUBLIC HEARING FOR DECEMBER 17, 2009 COUNCIL MEETING FOR ANNEXING DAVIS ROAD PROPERTY**

BY: **WAYNE HESTER**

SECOND: **RANDY MENDENHALL**

VOTE: **MOTION PASSED UNANIMOUSLY**

MAYOR: That's a pretty big piece of property – and there's no buildings on it!

6. **ANNEXATION PROCESS:**
JONATHAN BOUSMAN – 761 SAGEBRUSH TRAIL
RESOLUTION - CERTIFICATE ON NON-SUFFICIENCY FOR
ANNEXATION

DISCUSSION:

MAYOR: We have a person wanting to join us in the town; however, we have a little glitch here. It appears that they are not contiguous and in our unwritten rule of no more do-nut holes, apparently this is non-sufficient for annexation. Any comments? This is not contiguous to property already located in the town. They can be across from, aside, adjacent, behind, in front of but this does not meet any of the requirements for being contiguous. All we got to do is get a few of his neighbors to join with him and we can go. We can come down the road – there’s a couple of lots between him and the closest but nothing we can do unless someone wants to violate what we’ve agreed not to do. That is, have a satellite.

MOTION: **TO DENY REQUEST FOR ANNEXATION FOR 761**
SAGEBRUSH ROAD DUE TO NOT BEING CONTIGUOUS
TO TOWN PROPERTY

BY: **MARILYN MARTIN**

SECOND: **WAYNE HESTER**

VOTE: **MOTION PASSED UNANIMOUSLY**

MARTIN: I make the motion to deny this mainly because of the do-nut holes. You know, Walkertown’s got the weirdest shape there is.

MAYOR: Not that we would not want them into town – it’s just the fact that we’re creating more do-nut holes when we do it. We agreed that we would not do.

7. **FINANCIAL STATEMENTS**
✓ SEPTEMBER 2009

DISCUSSION:

MAYOR: Our Newbridge Recreation Fund accounts shows that we have \$108,000 – this account was closed on October 1st – this is the account balance showing as of September – that account was closed and the money moved and used on the recreation building – on the Wickenham Park building. So, that will be reflected in next month’s financial statement, cause it shows \$108,196.72 on this statement; however, that actually will be spent when we get the next statements. Any other comments?

HESTER: On the funds that we were going to transfer, I checked with a couple of the financial institutions that we were talking about transferring monies to and they were not able to accept municipal deposits, as such. So, right now, we’ve got it on hold until the next work session.

MAYOR: I think that’s a wise move.

MOTION: **TO ACCEPT SEPTEMBER, 2009 FINANCIAL**
STATEMENTS AS PRINTED

BY: **WAYNE HESTER**
SECOND: **MARILYN MARTIN**
VOTE: **MOTION PASSED UNANIMOUSLY**

8. RECYCLING CENTER UPDATE

DISCUSSION:

SNOW: We discussed in our past work session about the recycling possibly recycling facilities or increased service that we would provide I know there's been a lot of concerns about the recent changes to banned items from the from the state especially the plastic bottles and also the oil filters _____ landfill banned..... _____ It appears that some of the local parts auto parts providers such as Advance Auto Parts will be providing recycling for oil filters and oil and as well as antifreeze here soon. They're waiting for the containers to arrive so there will be a local drop-off point for oil filters and also the county fire station located on Martin Luther King Drive across from Bowman Grey Stadium is also a drop-off point for oil filters as well but looks like there will be an available spot in town that'll provide a drop-off for oil and oil filter recycling. We also got notice from NC Dept of Natural Resources that there is a grant they're accepting grant applications for municipalities to upgrade their recycling bins to pushup carts 90 gallon pushup carts for bi-weekly recycling service providers and _____ yesterday _____ information _____

with Waste Management as far as putting application together for that if the council is in favor of doing it. So that would provide larger recycling bins for the residents as well as having a more, I guess, more useful/useable as far as being pushed out rather than a carry-out bin. So, we're we're looking at looking at that and what we need to do to put an application together they will – the grant will provided up to \$100,000 per municipality and pay up to \$25 per per cart and they're also requesting that the towns look into providing bins that have radio frequency identifiers that will actually allow us to track to track recycling, you know, basically a radio reader that tells you that whose recycling and you know how often it's being used. It'll give you more information as far as the quality of service and how, how efficient and effective it is. That's an optional thing for the town but it is something that they're encouraging the towns to look into to provide that and the grant will pay for that _____ we're getting information on that and getting that together if the council would like us to proceed with that.

MAYOR: So that think could track them and if Dennis didn't have his out, you could call him and tell him to get it out, is that right?

SNOW: I don't think it's gonna get that personal – I would hope not.....

MAYOR: Sounds like Big Brother's going to be watching!!

SNOW: Basically, it would just give, it would give information as far as what – you know – it would be able to track what areas are recycling, if if and also be able to track through you know if someone is a resident you know the issue we have is with do-nut holes, we have areas that people are outside of town so they'd be able to track through whether that's our cart or a cart that's from somewhere else. It'll be able to be able to identify what which actually is a municipal cart from some other area so it would be able to keep track of what is exactly being recycled in town and separate it from what's outside in the county. So it would just provide better better information and better statistics as far as

how efficient recycling program is and it's optional – that's not something that they are requiring but certainly if the town was willing to do that, it would probably be a better grant application for that.

MARTIN: Well, we were concerned about residents outside the actual limits of Walkertown that have plastic bottles that they can no longer put in their garbage and they were the ones that were asking could we provide a place they could bring them to here so that information is here, too. What's the cost?

HESTER: It's a good opportunity to tell them if they'll volunteer to come into the town, we'll furnish the recycling.

MAYOR: Is that.....? Did you check on that?

MARTIN: Well, I noticed in here it was talking about if we had it where we've got the fenced in, we might have to – it might require a full-time employee to check what people bring in, so that was – not good.

SNOW: You typically do see that at a recycling center – a full time employee is there to monitor what is being put in to make sure there's no hazardous material is being brought in and put in to the dumpsters as well as a regular solid waste you know once that kind of gets mixed in there and contaminates everything, it makes it difficult to operate it so that would be a cost for the town to consider the area – there might be some that we could identify to _____ the fence would require to be moved. You know, the town already provides the recycling bins to in-town residents. As far as services to the county, that's usually - county residents, that's a county issue and the county hasn't shown any indication of expanding, that they plan to expand their recycling facilities that they currently provide one at Hanes Mill Road and one in Kernersville as well. I haven't seen that they have any plans to put one out closer in this area so as far as our services to the residents, being that we already provide curbside pick-up that perhaps _____ improving the bins and the carts that we have that this grant if we're approved for would do that would be the better service for the residents but if the town wants to go forward with finding a drop-off point you know that's up to council but as far as improving recycling service to the residents of the town the push cart would probably be a that push grant would be a good avenue to take.

MARTIN: Why don't we put this off to the next work shop session where we can discuss it and see what our options are – what the costs would be – and about this grant, too?

SNOW: Yeah – we'll be able to provide information about that grant in the meantime I'll contact the county utilities and see what their intention is – maybe they would be willing to work with us - _____ you know, the intended provide better services to people that are outside of the town; people that are outside in the county, maybe they'd be able to have a joint project so I'll contact and see and see what their interests are there.

MAYOR: On the first half of that – is council in agreement that Scott should go ahead with the grant...try to get the grant if possible? Is everybody agreeable with that?

BY CONSENSUS COUNCIL AGREED WITH THIS.

MAYOR: So, let's go ahead and work on that grant so we can get those push carts and if you would, check with the county because if the state makes it mandatory that plastic bottles can no longer be put in the garbage,

somebody needs to make it so residents – wherever they are, whether they are inside the city line or outside. They have to have a place to put them.

HESTER: I was going to recommend the council to make a resolution or whatever we have to do to send a recommendation to the county that they put another place closer to the Walkertown area instead of over in Kernersville and the other one you were suggesting. The county could put one there since the people have to do this now.

MAYOR: I think we'd be more than happy to work with them over some space, wouldn't you, council?

BY CONSENSUS COUNCIL AGREED WITH THIS.

HESTER: But they may want to have it outside the town limits somewhere – I don't know – but since it would be a county thing.....wherever but I think we need to recommend to them that we put one up.

MAYOR: Without a place, the spirit of the law would not be carried out.

MARTIN: We've got a place.

9. SET WORKSHOP MEETING DATE FOR NOVEMBER 10, 2009

The Council set the workshop meeting for 6:00 p.m. Tuesday, November 10, 2009.

10. BOOE HOUSE UPDATE

COULD NOT UNDERSTAND THE MANAGER'S COMMENTS

11. FALL FESTIVAL

MAYOR: We've wrestled with a date. Randy Mendenhall is the chairman of our fall festival for 2010. We're going back to the format similar to what the WAMA had a number of years ago where we closed a portion of Harley Drive and a portion of Sullivantown and have a fall festival with booths. Randy, what was the date you finally came up with?

MENDENHALL: It will be on the third Saturday of October and the Friday before that.

MAYOR: You want to give a date on that?

MENDENHALL: Should be October 15th and 16th, 2010.

MARTIN: And you realize a lot of people are already booked for that, looking a year ahead.

MENDENHALL: We felt like it would work better in October than September for a couple of reasons – the weather is usually cooler and also we are a month ahead of what we were and maybe some of the vendors aren't booked already because the third Saturday in October was just this past Saturday.

12. WALKERTOWN LITTLE LEAGUE

The Walkertown Little League will be having a Family Fun Day at Wickenham Park this Saturday. It'll be from 9 til 3 but the biggest deal will be the big chicken

stew. They've got the giant Tom Lane chicken stew pot that'll be filled and that'll be from 5 until 8 p.m., isn't that right, Tom?

Tom Lane said, "We're having "trunk 'or' treat" at Love's, too."

Mayor: "At the same time?"

Tom: "Yep. We got free hot dogs!!"

Mayor: "Could you bring some down to Wickenham so we could enjoy them with the chicken stew???"

MAYOR: Okay. Encourage everyone to support the Little League in this effort to raise funds. They're trying to raise funds to buy the equipment for the concession stand that they'll hopefully should be scheduled to be finished by the end of November.

MISCELLANEOUS MINUTES AND OTHER INFORMATION:

MARTIN: Before we get into anything else, can I say something real quick??? We've got J.T. Mabe here tonight and he is one of our veterans that's going to fly to Washington this Wednesday. And Marvin Mabe was also selected (will he be able to go, do you think?)..... So we've got two here in Walkertown that are going up to see the memorial.

(APPLAUSE)

We're glad you're going and thanks!

MAYOR: That's wonderful you're getting to go. That's wonderful!! Better than you going, we're glad you served, J.T. We appreciate you! Thank you!

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 8:18 p.m. with no speakers.

MISCELLANEOUS MINUTES AND OTHER INFORMATION:

1. PLANNING BOARD REGULAR MINUTES – 2:00 P.M. OCTOBER 6, 2009
2. PLANNING BOARD WORKSHOP MINUTES – 3:00 P.M. OCTOBER 6, 2009

MAYOR: Let me remind you that we have two special events coming up in the next two weeks.

On November 3rd is Election Day. Let me encourage everyone to go out and vote.

But on November 2nd, our council man Wayne Hester is going in for surgery one more time - - - so I would appreciate your remembering him in prayer. He's going for Round 5!!! Wayne, we wish you the best.

MOTION:

BY:

SECOND:

VOTE:

TO ADJOURN MEETING AT 8:19 P.M.

RANDY MENDENHALL

WAYNE HESTER

MOTION PASSED UNANIMOUSLY

Submitted by:

Lynn McKinnie
Town Clerk

ANNOUNCEMENTS

RECYCLING – every other week – Monday

NOVEMBER

ROUTE A – 2ND, 16TH, AND 30TH

ROUTE B – 9TH AND 23RD

TOWN HALL IS ROUTE B

TOWN COUNCIL MEETINGS:

Fourth Thursday @ 7:00 p.m.

NOTE!!!!!!!!!!!!!!!!!!!!!!

NOVEMBER

19 – CHANGED DUE TO THANKSGIVING HOLIDAY

DECEMBER

17 – CHANGED DUE TO CHRISTMAS HOLIDAY

PLANNING BOARD MEETINGS:

NOTE!!!!!!!!!!!!!!!!!!!!!!

Walkertown Library @ 3:00 on 1st Tuesday - - - -

NOVEMBER 10, 2009 – CHANGE OF DATE!!!!