

# WALKERTOWN TOWN COUNCIL

REGULAR MEETING @ WALKERTOWN BRANCH LIBRARY

TUESDAY JULY 22, 2003 7:00 P.M.

## MINUTES

NOTE: THESE MINUTES ARE TYPED AS VERBATIM AS POSSIBLE DUE TO THE MULTIPLE PUBLIC HEARINGS ON ZONINGS AND THE

POSSIBLE IMPORTANCE OF EACH.

LYNN

### PROCEDURAL ITEMS:

**ITEM #1:**        **CALL TO ORDER @ 7:05 P.M.** ..... By Mayor Tom Southern

(1) DETERMINATION OF QUORUM ..... All Present

      INVOCATION ..... By Rev. Tom Southern

      PLEDGE OF ALLEGIANCE ..... By Councilman Wallace Larrimore

**ITEM #2:**        **AGENDA ADDITIONS / CHANGES / APPROVAL**

**MOTION:**        **TO APPROVE AGENDA AS PRESENTED**

**BY:**             **Horace Warner**

**SECOND:**        **John Tingen**

**VOTE:**            **Unanimous**

**PUBLIC SESSION:** There is a 3-minute time limit on Speakers.

Public Session was opened at 7:06 p.m. with one speaker:

Arlyn Wilson

4701 New Walkertown Road

Walkertown NC 27051

"I'm a member of the new planning committee here at Walkertown. I would like to make everyone aware that in our planning for Walkertown, we also need to remember the aging of North Carolina. When I brought this bulletin in, Mary said, "You're carrying **what** around?" And this has been published by the North Carolina Department of Health and Human Services and the aging of North Carolina need to be planned for. We in Walkertown must plan for the aging. We must make our community senior-friendly. A senior-friendly community offers a wide range of social and economic opportunities and support for all of us, everyone included. We need to develop a blueprint for our community. That's one of our planning responsibilities – not just planning for the shopping centers, and not just planning for the beauty salons and whatever – we need to plan for our aging community. We need to strengthen our senior centers that we have. We only have, really, one center here in Walkertown that we use for our Meals-On-Wheels program. This needs to be improved; we need a senior center. We need to promote volunteerism. We have a good number of volunteers --- but we're getting old, too! So we need some of you young people for our volunteers. We need to educate families in this community that there are services out there, your tax dollars are paying for these services and we need to have a center where we can go to and find out where they are and what they are, and use them! We have a lot of good things going on around us. And we need to strengthen the transportation and the housing for our seniors. This has to be in our plan for Walkertown."

Mayor: "Thank you, Arlyn. I appreciate your work. Arlyn represents us with the Forsyth County Aging Committee and is doing a great job. Since she brought that up...this is something that's dear to me. I have served in a lot of \_\_\_\_\_ for the seniors and currently am your representative to the Senior Tarheel Legislature in the state. I'm the Forsyth County delegate to the Senior Tarheel Legislature. Along with Arlyn, we appreciate input from you – things that come to your attention that you can share with us."

**NEW BUSINESS:**

**\*\*\*\*\* PUBLIC HEARING #1**

**\*\*\*\*\***

**THIS PUBLIC HEARING IS FOR CHARLES M. SHEETS, LINDA SHEETS, AND VICKI SHEETS MCCOLLUM. FOR SERVICES, PERSONAL**

**IN AN NB-S ZONING DISTRICT FROM RS-9.**

Each speaker will be allotted three (3) minutes to state their opinion.

**ITEM #1: FOR DISCUSSION AND/OR ACTION:**

**PUBLIC HEARING BEAUTY SHOP RE-ZONING**

Charles M. Sheets and Linda Sheets and Vicki Sheets McCollum

RS-9 to NB-S (Services, Personal)

DISCUSSION:

Mayor: "We have with us, David Reed, from the City-County Planning Department. He works with Walkertown. He will do a presentation concerning this zoning matter."

**BELOW IS WHAT CAN BE HEARD FROM MR. REED'S PRESENTATION:**

David Reed: "The zoning case before you is zoning docket WA-004. It's a request to go from RS-9, which is Residential, Single Family Zoning, to NB-S, which is Neighborhood Business-Special Use Zoning. And Neighborhood Business is a zoning district that's designed to have a low-intensity development suitable to work in neighborhoods if council sees fit and the S on the zoning means it's Special Use zoning, which requires that a site plan be approved along with the zoning and that there can be no changes from that site plan without coming back to this council. The case went to its first Public Hearing before the City-County Planning Board last month, in June, and the City-County Planning Board voted 4-to-4 on the case. One of the members was absent so there was a tie-vote so this is sent up to you without a recommendation for approval or denial and I'll just go over some of the points that were made during the case; why some of them may have voted for and some against. The site is located in the watershed, however, very little land is being disturbed; therefore, it does not need any watershed permit – it's exempt from the watershed \_\_\_\_\_. The petitioners worked with the staff on the site plan and, I believe, arranged all the parking in the rear of the structure to try and maintain the appearance of a single-family residence from the street. That they did in cooperation at the request of staff. The comprehensive plan, the Legacy plan, which Walkertown adopted, encourages the services be allowed in neighborhoods and near residences as long as it fits with the neighborhood and the NB district is designed to fit in neighborhoods. The NB district also has a half-mile spacing requirement that, if it were approved for NB, the house next door could not come in and get another business and not down the street. That was an important factor in staff's consideration because we've talked in other cases, that because of the planning process coming to Walkertown this fall, some zonings might be premature before we go through the planning process. Staff is of the opinion that a neighborhood business is appropriate in a neighborhood if the council sees fit and if this area plans to stay residential, you can still have one neighborhood business in it. If it's planned to be converted, this will go along with the conversion as well. So it's really a zoning that could fit here regardless of how you plan this strip of road in your future planning. There were some people in opposition at the Planning Board public hearing and they made some comments to the board. They had turned in a petition that was forwarded on to ya'll. They just mentioned that the people who are asking for it don't live in the area and there are some businesses nearby and it's a busy road – they're concerned about increasing traffic. So that was some of what the Planning Board considered. That discussion along with the staff report when they ended with their vote, 4 to 4. So with that, I'll turn it back to Mayor for the public hearing."

Mr. Linville: "Mayor, I need to note that I did not include those petitions in your packet because there were about 10 pages and 10 copies of that is 1,000 sheets of paper – or 100 sheets but anyway. There were 67 names on those petitions."

Mr. Warner: "You'll have those available to us?"

Mayor: "In the public hearing, we'll allow 15 minutes for those who are in favor of this zoning change. We'll allow 15 minutes for those in opposition. A number of people have signed up and our sign-up sheet doesn't tell me whether you favor or oppose the proposed zoning so I'm just going to call the speakers, and we'll keep time and let you know how much time each side

has. But keep in mind that we have 9 people signed up and keep in mind that we do have a time limit because we have two more public hearings following this one. And we also have a presentation concerning some street work so we have a lot on the agenda and I encourage you to keep in mind that others want to speak."

Mr. Garland: "One other thing, I suggest the possibility of going ahead and allowing the proponents' side since they go first, to reserve maybe three minutes for rebuttal, if they wanted to, so that it would be the proponent, the opponent and then a rebuttal if they wanted to."

Mayor: "Okay. I'll call the name.....it might be better if we take it proponents and opponents....."

Mr. Garland: ".....Proponents first, then opponents....."

Mayor: "Okay. Those who favor this, if you have signed up to speak, raise your hand. Okay. We've got three. First speaker come forward....."

Public Hearing was opened at 7:11 p.m.

Ray Thomas

116 South Cherry Street

Kernersville NC

"I appear here in behalf of the petitioners in regard to this zoning. Walkertown has formed its own planning board and they have a lot of hard work before them but you're the people that ought to do the planning, and not someone else. In regard to this particular petition, I'm not really going to spend a lot of time, but I'd like to point out a few things. First of all, this is Special Use Zoning and for those that are not familiar with zoning, sometimes the word *zoning* – as soon as you say it, people get heated up and think that there's a disease or something or there's going to major change that's going to cause all kinds of problems. One of the things about Special Use Zoning is exactly what it says – you can only use it for those uses that are approved – no other!! No other unless this board approves it. Also, as Mr. Reed pointed out, there is a site plan and you have to stick to that site plan and the board, at times, may want to impose additional conditions, if they see that it becomes necessary. And if this is sort of a first time through, you need to always remember, you're getting a Special Use Zoning. And one of the issues that this town may face one day is whether or not you have Special Use Zoning as opposed to General Use Zoning – in your adjoining community of Kernersville, they don't even know how to spell General Use Zoning! It's all Special Use – so it's something that you will sure get used to. Now one of the things I'd like to point out; this property is RS-9; the house that sits on it was a residence. It is not going to change. The residence look will still remain. All the parking on the site plan is to the rear so it would be no different than perhaps a residence, someone living in a residence, parking in the rear of their home. There will have to be certain improvements made insofar as the area – constructing a parking lot type of area in a place for people to park. So as far as that's concerned, there's very little change. Some people might be concerned about a sign. Well, the sign limitations is a sign 4-foot square – actually, it's two by

two. Take a ruler and hold it up twice – that's the size of your sign. So that is all that they can have in that particular area. In regard to whether or not you ought to change the zoning, you may consider the fact that if it's neighborhood zoning, it's a use, primarily, a beauty parlor, personal use kind of thing, that people are going, or at least in this case, mostly women, that would go in and out – it's a personal kind of thing. It's not a convenience store; it's not any kind of retail, it's none of those. It's personal use! That's part of the Special Use feature. Now, I'm sure in most zoning cases, people talk about traffic. And there's always going to be a whole lot more of traffic. I want you to imagine....first of all....I'm advised that there will probably be about twenty appointments over about an eight to nine hour period. Most places, beauty salons, barber shops, those type of things, they work off of appointments. People make an appointment to go in at a particular time, they get through and they leave. This is not going to be the kind of thing where everybody rushes in there first thing in the morning and leaves last thing in the afternoon. It's going to be staggered over a period of time. We've calculated that it'd probably be about 2.5 trips per hour and I'm sure that if you sat down and started looking at it, it might not end up quite that way but that's going to be close – 2.5 trips an hour. If you have a residence there, depending on who was in the residence, if you had an older couple, you might not have but two trips a day. If you had younger folks with a teenager in there, you might have more than 2.5 trips per hour. So, as far as traffic, it'll be nebulous to what can be contributed to the traffic along that road. One of the other points that I think you need to be aware of, is that in looking at the petition, I have a copy, that those that are opposed – and they certainly have the right to be opposed – but I think they need to give you a reason; and I'm sure they're going to give you a reason tonight. But on the petition itself, there's nothing stated as to why '*I'm opposed*' to it. That's sort of like saying, '*I'm going to pass a petition around and I'm against taxation*' – or increased taxes, I think I could pass one around here tonight and everybody would sign. I'm opposed to various kinds of things. I don't – you don't want – there might have an issue of adult entertainment. You pass one around, '*Oh, we don't that in this community*'. And you pass a petition around and everybody will sign it. You need to give some reasons and there's no reason on there – reason I point that out to you is that in many times when somebody walks up to somebody and says '*will you sign my petition? We're opposed to this zoning on Old Hollow Road.*' Well, you're opposed to what? Give me a reason. So I think that's something that you need to consider. I would also point out that I have provided ya'll with copies of those adjoining neighbors on either side who have no opposition. And they're the closest people to it. They have no opposition. I don't believe if you decide, as a community, your planning board and this board, decides that this area needs to go commercial in some form or fashion, that you've made a start. If you decide, '*No, that is not what we want to do. We don't want to make entirely commercial.*' or '*We want to leave it as residential.*' You may decide that. Well, this is what is called a Neighborhood Business, Service, Personal, Special and the way the UDO, and in Walkertown you're bound by the UDO, the Uniform Development Ordinance, just as much as they are in Kernersville, Winston-Salem or wherever because all of the communities have adopted it. And it provides that you can't, if you're going to do this, and if you're going to put another neighborhood business, then you have to have some distance between this and some other place that might be along that road, or in a residential neighborhood. If any of you have any

questions, I'll be more than happy to try to answer those. It is my view and that of my client, that this, with the recommendation of the staff, and I can tell you it's not always easy to get a recommendation of the City-County Planning Staff, but with their recommendation and the fact that it is a limited type situation, that we would submit that you approve the zoning. Thank you."

Mr. Warner: "I do have one question, I believe you said on the NB-S Business there. According to the information that I have you could have the beauty salon or the barber shop or a dry-cleaners. Is that right?"

Mr. Thomas: "Yes sir. That is allowed. Obviously, though, if you had a barber shop in a beauty salon, there's probably not that much difference as a practical matter that it would be most difficult to have a cleaners because first of all, the layout, the site plan, the parking and that type of thing is not conducive to that type of business. Normally, with that type of business, you have a drive-through, you might have to have a circular drive, or something of that nature. In looking at the site plan, I would say, that as a practical matter, that particular use would probably be eliminated, And you also have the right to say, '*You can't have that.*' You could impose upon the petitioner...you could say, '*Well, a barber shop's okay. Beauty salon's okay. But no dry cleaners!*'"

Mr. Warner: "But without a restriction, zoned just NB-S, at some future date, ten years, twenty years from now, they would still be permitted to have drycleaners there, even if they did away with the beauty shop. Is that right?"

Mr. Thomas: "That would be correct."

Kent Needham

3394 Old Hollow Rd.

Walkertown NC

"I live right next to Mr. Sheets on Old Hollow Road. Old Hollow is a very, very busy road. People who live on that road, in that area, it's no longer a residential area. The new shopping center that's coming in, the traffic is just going to increase on that road over time. I think it's a good thing that people on that road have the option to either live on the road or to get their property zoned business and move to a real residential area. In a real residential area, it doesn't take you five minutes to get out of your driveway like I have to do. You can't let your kids play in your front yard because the traffic is continually non-stop. That's not a residential area. I daresay there's probably 20,000 cars go down that road every day. How many residential areas does that happen? So my opinion, I think this is a good thing and everybody in the area should have that option. Thank you."

Rick Weatherman

3320 Old Hollow Road

Walkertown NC

"I live right beside where Charlie is wanting to open up his business. In my opinion, I don't see anything wrong with it and as far as traffic, Kent, I have to say you're wrong on that five minutes – it's about like 15 or 20 for me. The traffic by there is just ungodly in the afternoons so if the lady had 10 or 15 cars back there, it wouldn't be any difference in whatever the traffic was or anything like that. Plus you got the new shopping center opening on the corner. From what I understand they got an option to the Bellaire Drive-In, so, traffic shouldn't be any problem, in my opinion. Thank you."

Mayor: "Anybody else in favor? If not, we'll move to those who are in opposition."

Franklin (Buddy) Guerry

2932 Avalee

Walkertown NC

"I'm one of many Walkertown citizens who are opposed to the rezoning of this property that's right across from the exit of Avalee Street on to Old Hollow Road. A petition, as was mentioned, was presented at the Planning Board that had 67 names on it. I have an additional 14 that have signed up since that time. We have many residents here tonight who are in opposition to it, this petition of rezoning, and I ask them to stand right now, if you would please. Thank you. The property in question is right in the middle of a residential area - as has been mentioned, it's on a very busy, heavily traveled street. The rezoning of this property is likely to increase traffic; I know it's been mentioned here tonight that it wouldn't, but it certainly won't do anything to help the traffic flow. Property values for residents in the area will only go down because of this if they want to keep their homes as a residential home. The only way it would go up is if they plan to sell it for commercial property. I understand that the initial use of the property is for a beauty shop but as someone mentioned here earlier, the report from the Planning Board indicates that it could be used for a barber shop or a dry cleaners – and just think what it would be for a dry cleaners to be in this area. I think we need to make sure that this is not passed. The shop that they want to move to this area is presently located down the street in front of the Centre Stage Shopping Center. And I ask you what is the benefit to the citizens of Walkertown for this shop to be moved down there out of an area that's already zoned for business in to a residential area that would have to be zoned for this business, even though it's a Special Use. I'd like for you to remember that the Planning Board did not give a recommendation to pass this; it was a tie vote, as has been mentioned. And I ask you, if half of the Planning Board members didn't think that this was a good idea, shouldn't you have some doubts about this also? And I ask the council to listen to the citizens of Walkertown, who are residents in this area, and turn down this spot zoning request. Thank you"

Ms. Duggins: "Could I ask for clarification from Mr. Reed? Mr. Reed, could you explain about the façade of the front of the building and can it be changed without coming back for a new zoning?"

Mr. Reed: "If it's approved, the site plan as you have in front of you there, they cannot alter that. They would have to retain the home as shown on there."

Ms. Duggins: "Thank you.....as a residential look."

Mr. Warner: "The site plan, that's just a location of the buildings and the house and so forth there, is that right? It has nothing to do with the use of the property as long as it is NS zoning, is that right?"

Mr. Reed: "Right. The site plan would show how the site is developed physically and then the use is controlled by the use requested; in this case, Services-Personal is the category that allows beauty salons. So what they're requesting, this be allowed Personal Service use and developed according to that site plan, both things."

FROM THE AUDIENCE: MR. HARRY BOLES: "MR. MAYOR. I TIMED MR. GUERRY AT THREE MINUTES OFF THE TIME -----  
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MAYOR: "NO. I'M DEDUCTING THAT. TRYING TO. TRYING TO DO THE BEST I CAN. DON'T HAVE AN OFFICIAL TIMEKEEPER BUT I'M KEEPING UP WITH IT."

Helen Peddycord

2976 Avalee St.

Walkertown NC

"Over the last couple of years especially, we've noticed a great increase of traffic on our dead-end street. The Planning Board rejected and the council rejected, for one reason or the other, putting up a sign....There's been an increase in burglaries in our area. I know one thing that someone mentioned earlier and I wrote it down – 20 appointments per day. My question is, how long is it going to be 2.5 cars coming in and out of that area per hour? Owning a business previously, as I did, my objective was to gain customers. It's not going to stay 20 people; I can't imagine a business surviving with 20 customers per day. So six months from now, there may be 30 cars in there. I know that it's a beauty salon, we all knew that. One of the things I have a question about is how long or are there going to be tanning beds there? Are there going to be nail professionals there, and so on and so forth? The other question I have, a gentleman mentioned earlier is the distance between one zoned business residential area and the distance for another one to come in. What is that distance? And I know that someone is here from Kernersville, the gentleman from Kernersville? I'm not sure how long you've lived in Kernersville..... (35 YEARS, HE SAID) Thirty five years? Okay. My husband worked in the police department in Kernersville when there were nine officers; that included the chief. Today, my son works there – there are over 35 officers, I think, at this time. It was a town somewhat like Walkertown. Kernersville can hardly handle the growth that they have now. My question is, are we going to be able to handle the growth that people are proposing to come to Walkertown? We need a lot of things in Walkertown. We certainly need some more, increase in our health care here. I agree with Mrs. Wilson about the aging of our citizens. This is an area where we are very proud to have people who were born and raised here. They have great-grandchildren here and they want to remain and keep their land in this area. And I hope that you'll consider

that. We want to keep it a home. We don't want a residential business. Look at what happened to Kernersville. Right now they are in the stages for planning for adult entertainment areas. Can we handle that here in Walkertown? I ask you to really consider that because these people know how to move and they'll be moving and they'll be growing. The main purpose of a business, like I said, the main objective is to grow. I wish everybody the best of luck."

Mayor: "You've got about 8 minutes, by my calculation, left."

Ruth Church

2969 Avalee St.

Walkertown NC

"I am going on my 42<sup>nd</sup> year at this address. My husband passed away five years ago. And he was a professional truck driver with 28 years of safe driving. He had the opportunity to participate in the American Trucking Association Board of Safety. And he told me time and time and time again that from the stoplight at Darrow Road to 158 was one of the dangerous street sections in Forsyth County. He said you need to watch all the mirrors on the car and you need eyes in the back of your head so nobody is passing you on the wrong side. And I just happened to think about that today. I wish he was alive here to tell you but he's not but 28 years of safe driving over the road with Pilot Freight Carriers should tell you and he did have the honor to participate with The American Trucking Association Safety Board and I have definitely opposed to it because I can't understand how we have trouble getting out of Avalee Street right now. Certain times of day you go up there and you have to sit maybe five minutes to get out because the traffic coming from 158, when that breaks down, here they come from Darrow Road and it's the traffic problem there at Avalee Street is terrible. And I understand they said at the City-County Board that they're going to build a new outlet for Avalee Street. Well, I hear that the new outlet is going to come out on Sullivantown Road. Well, what good is that going to do us going in to Winston-Salem off of Avalee Street and Martin Street and Annie?"

Mayor: "Thelma Lemons?"

Harry Boles: "Mayor and council, in light of the importance of this hearing, I would ask that you consider giving us another five minutes with the number of people who have been speaking."

Mayor: "Council, do you have any objection.....?"

Ms. Duggins: ".....As busy of a schedule, as we have to....."

Mayor: ".....Proponents, do you have any objection? Without objection, that's allowed."

Mr. Boles: "Thank you, Mr. Mayor. Apparently, members of the council did not look at the petitions. I think this is a copy of the petitions that you didn't get that have the 60-something names. Someone had 12 additional names on a petition, 14, has that been turned in? Could that

be passed down so that the council members can see the quality of those signatures and see where those people live? Mr. Mayor and members of the council, I appreciate your allowing us to make a presentation here tonight. I think I'm going to change what I was going to do in light of the number of speakers we had and I think what I'm going to do is I want to rebut a few things that Mr. Thomas said and I want to talk to you really about part of what I wanted to talk to you about. First of all, it's been stated that the uses are limited in this particular use, which is Neighborhood Business-Personal Services, and that is true. The problem is there are twelve uses so council, if you vote tonight for this petition, this is what you are voting for: garment pressing, laundries and dry cleaners, coin operated laundries and cleaning, dry cleaning plants – except rug, carpet and upholstery cleaning, photographic studios-portrait, beauty shops, barber shops, shoe shops, shoeshine parlors and miscellaneous personal services (that's open-ended, by the way). Electrical repair shops, watch, clock and jewelry repair, reupholstering furniture. All of those will be allowed in this use if you vote for the petition tonight. So the requested petition is much broader than what's been said up to this point in time. Secondly, with respect to traffic, I think at the public hearing, there was a statement made there was going to be three operators in this building. If you take that as being true, and you take what a typical operator in a beauty shop would take during a day, the fact that the operator is probably going to come, go, go to lunch, come back, go to school and pick up their kids, and come back, and then you're going to have somewhere between 6 and 12 or 15 customers per person, you're looking at 80 trips, or 90 trips a day. You're not looking at the numbers that have been discussed here. I would respectfully submit to the council that that would be more appropriate. And that doesn't even take into account all of these other uses of, or all of the other uses that haven't been spoken into at this point in time. I want to get into, really, the heart of what I really have to say here and I think I'm speaking for the vast majority of these people who are here tonight in opposition to this petition. What's really going on here tonight, and I have nothing against the petitioners – I like Mr. Sheets, I know him. But what's really being requested here, is you're asking.....being asked....to rezone an established, restricted residential subdivision lot, which is Lot #16, of the property of Jeff- J.T. Hammack subdivision, which was created over 50 years ago, into a commercial use. If you approve this rezoning tonight, what you'll be doing is you'll be going against the express intention of the Hammack family who developed the first subdivision in 1951, and all the people who bought all the lots in three established subdivisions enable this and these people relied upon those restrictive covenants in their deeds to keep this property residential; so the express intent of this petition is to ask you to place the interest of a few people who want to take a piece of residential property in a restrictive residential subdivision, turn the use into commercial, which will give them a more valuable property – there's obviously a profit motive here – against the interest of three established neighborhoods and all the other neighborhoods that are in the immediate history, or in the immediate vicinity. A little history's in order here. This map here shows Highway 158 and Highway 66. The orange is a new subdivision and a limited offer on this rezoning (CANNOT HEAR NOR UNDERSTAND WORDING SINCE MR. BOLES STEPPED AWAY FROM MICROPHONE)

\_\_\_\_\_ public hearing and that's the only commercial (??) zoning in this general area. Sheets' property, Lot 16, in a restrictive residential subdivision, by restrictive covenants, is highlighted here in brown, in the middle of \_\_\_\_\_ area. The other commercial zoning is over here at the intersection of Darrow Road and Highway 66. Notice everything else, members of the council, on this map, that's in white, is residential or you have got Institutional Use down by the park, Morris Chapel Church and Love's Church. So what you're asking, right here in the middle of all of this non-commercial property, one lot the folks want to be re-zoned. The area highlighted in pink was the old Hammack farm, goes back about 100 years. The Hammack family lived in Walkertown for a long time. In 1951 Avalee Hammack and her son, J.T. Hammack, came up with a plan to develop the farm. Their first plan started in 1951 \_\_\_\_\_ and includes these two gentlemen's properties who stood here and said they favored this and they've got restrictive covenants on their property and not supposed to use them for business either. I checked out every deed in this subdivision, members of the council today, and every deed in this subdivision has restrictive covenants for residential purposes only. In 1951, there were 30-something lots they were selling, and they sold quickly to people like Ralph Landreth. He bought his lot in 1951; he built his house and he still lives there today and he counted on those restricted

covenants to protect him. Mr. Warner, your brother bought a lot in 1951 – bought three – he and his wife built their house. His widow still lives there, she signed the petition. Ralph Landreth signed a petition. So it's pretty clear why these people signed the petition – because all these properties are supposed to be residential; they're not supposed to be commercial. It's pretty clear. In 1958, the area in blue, which is another part of the old Hammack farm – that was called Hammack Section 1; by the way, I live on Lots 27, 28 – my wife is sitting back, we both signed the petition. We both have restrictive covenants in our deed forbidding the property to be used for any other use other than residential. I checked today; every deed in this section has got restricted covenants. In 1962, the area in green, the Hammack Section II, was developed. I checked today; I have the deeds if the Town Council would like for them to be entered into the record. Every deed has restrictive covenants. So what you've got here is that in the middle of all of this residential zoning, except for this \_\_\_\_\_, there is not one commercial \_\_\_\_\_, and this established commercial zoning over here has got one lot that's got restrictive covenants that between 80 and 90 people have relied for 50-plus years on it being residential use and they want to rezone it. This is a simple issue; whose interest should be paramount to the Town Council? All of those people who bought 80 or 90 properties and relied for 50 years on their property to be restricted; every deed has got a chain of title (??) with private restrictive covenants, restricting it to residential property; should their interests be paramount over the interest of one person? A couple of other points: We've got sewer going round out there; we need a land use plan or an area plan that guides us in our development. I respectfully submit to the council that if we let commercial zoning go beyond the intersection of Martin and 66, or we let it go beyond Chapel Street, where the mayor used to live, if we don't protect those few areas, the quality of life for these people are going to be substantially affected. There's only one land-use plan, or planning document you have to go by – it's the one council appointed Dot Duggins to. I voted to appoint her seven years ago. I've got it in my hand and there's no other plan that applies to this community. And if you look at it, it says that it's a guide developed to guide us into the 21<sup>st</sup> century and to protect communities, established communities. And all through it, it talks about protecting quality of life. All the way through it – quality of life – certainly, there are words like economic development and so forth in there. It says that the Legacy Development Guide focuses on the *'physical growth and development of our community but also addresses quality of life issues and community safety'*. And you go all the way through here .....

Mayor: ".....Just a couple more minutes....."

Mr. Boles: ".....You go all the way through the Legacy Plan and you find these little gems all the way through that support expressly with an express goal or policy to protect just such a situation like this. Fifty years of reliance on buying lots, building houses, raising families, having family values, having community values, having a sense of community among these people – you talk to Thelma Lemons, for example, or Ms. Cox, too. You went out and got these signatures on these petitions and Thelma, would you come up here for just a moment? I'd like to ask you a few questions, if you don't mind.

With respect to this Lot 16, that's the subject of this rezoning petition, did your mother used to own this property?"

Ms. Lemons: "She did."

Mr. Boles: "And when did she die?"

Ms. Lemons: "March of '73." (??? CANNOT HEAR HER ANSWERS)

Mr. Boles: "And she bought property in 1953?"

Ms. Lemons: "Correct."

Mr. Boles: "When she bought it, it had a restrictive covenant that said, '*Buildings can only be used for residential purposes*'. You have a copy of the deed? Okay. Under 'Restrictions' in here it says, '*All buildings can only be used for residential purposes, with express provision or exception with respect to schools and churches.*' Did you sell the property at some point, like 1984?"

Ms. Lemons: "Yes."

Mr. Boles: "And in 1984, did that deed have restrictions....."

Ms. Lemons: ".....It did....."

Mr. Boles: ".....That restricted it for residential purposes."

Ms. Lemons: "Yes."

Mr. Boles: "And where did you live in 1984, when you signed that deed?"

Ms. Lemons: "On Avalee Street."

Mr. Boles: "And why did you put that restrictive covenant in there?"

Ms. Lemons: "Because \_\_\_\_\_(???) CANNOT HEAR HER ANSWERS)"

Mr. Boles: "Why?"

Ms. Lemons: "Because that was what we intended when we bought our house  
\_\_\_\_\_(???) CANNOT HEAR HER ANSWERS)"

Mr. Boles: "And do you intend to enforce this restrictive covenant against Lot 16, the subject of this rezoning petition tonight?"

Ms. Lemons: " \_\_\_\_\_(???) CANNOT HEAR HER ANSWERS)"

Mr. Boles: "Okay. All those people who are in favor of what I said I would like to ask them to stand up."

Mayor: "Time's expired. They may stand up and that'll end it....."

Mr. Boles: ".....I'd like to ask some more....."

Mayor: ".....We've been very generous with the time and thank you....."

Mr. Boles: ".....Thank you very much, Mr. Mayor."

From the audience.....

"I have one question for Mr. Boles, would you let your son or daughter live where I live right now?"

Mayor: "Thank you all. You all may be seated now."

Mr. Larrimore: "I'd like to ask Mr. Garland something. I'm from the *country*! I notice there's 13 people on here that don't even live close to this. Should you have a dog in the fight if you're going to have a petition or does it matter?"

Mr. Garland: "No. The petition is.....there's no statutory or UDO regulations for the petitions so they can be whoever."

Mr. Larrimore: ".....I wanted that cleared up."

Ms. Duggins: "There's one thing I'd like to clear up, too. Serving on the Legacy Steering Committee. I thoroughly enjoyed that, met a lot of good people. That's where I met David and Mr. Boles brought up a point about my being on the steering committee. Yes, I did work diligently with a lot of other people on this Legacy document and one of the most important things that Mr. Boles left out, that is in this document, is walkable communities, which is indicative of what Patrick Hennigan's shopping center will be having. All of us on this committee advocated to have offices, living homes, apartments, and shopping -- all in the same area because we recognize that there are a lot of people who, as they got elderly, would need to be able to walk to the doctor; to be able to drive their vehicles if they have, maybe, a wheelchair, whatever, to get to that doctor's office or to the drugstore or to do their grocery shopping. Just wanted to make that comment."

Mr. Warner: "But there's no sidewalk there or anything for the people to walk, going like to the shopping center....."

Ms. Duggins: ".....Not on that one but I would hope that we would not get to the point in this town that we can't support our home-grown entrepreneurs who start; this lady has a beauty shop that's right on the same street just a few yards right down the street so there will be no increased traffic. It'll be the same traffic that's going there right now and has been for years. I hope we don't get to the point....."

Mr. Warner: ".....One other point there; as I read this here. The occupant does not plan to live at that property, just operate the business, is that correct? Did I understand that properly?"

Mayor: "Let me direct your attention, council, we've heard those for, we've heard those against; lot of documentation from both sides that you have seen. So I present it to you for your consideration, having heard those for and those against."

Mr. Warner: "Mr. Mayor? I appreciate very much all of those who have spoke for and against and I have taken under consideration every point that was made by all but with the present availability of, what I call, commercial sites in Walkertown, I have to move that we deny this petition. Thank you."

Public Hearing was closed at 8:01 p.m.

**MOTION: TO DENY REZONING FOR CHARLES M. SHEETS, LINDA SHEETS, AND VICKI SHEETS MCCOLLUM. FOR SERVICES, PERSONAL IN AN NB-S ZONING DISTRICT FROM RS-9.**

**BY: Horace Warner**

**NO SECOND SO MOTION DIES**

Mayor: "Hearing no second, is there another motion?"

**MOTION: TO APPROVE REZONING FOR CHARLES M. SHEETS, LINDA SHEETS, AND VICKI SHEETS MCCOLLUM. FOR SERVICES, PERSONAL IN AN NB-S ZONING DISTRICT FROM RS-9.**

**BY: Dot Duggins**

**SECOND: John Tingen**

**VOTE: MOTION PASSED 3 TO 1**

**Yes – Ms. Duggins**

**Yes – Mr. Tingen**

**Yes – Mr. Larrimore**

**No – Mr. Warner**

DISCUSSION BEFORE THE FINAL VOTE:

Mr. Warner: "Mr. Mayor, one thing that made my decision is we do have already available what I call commercial property. You're penetrating a neighborhood there that I don't think needs to be penetrated yet. Now we may grow to the time when that would be appropriate but I feel like we're penetrating here to open up possibly a strip mall of 1.7-tenths of a mile from the upper underpass down to 158 and I think we ought to be very careful as we consider this to not do that. Thank you.

**SEE BELOW MOTION FOR HEARING #2 FOR ADDITIONAL MOTION APPROVING SITE PLAN FOR THIS ITEM.**

**\*\*\*\*\* PUBLIC HEARING #2**

**\*\*\*\*\***

**THIS PUBLIC HEARING IS FOR SHEETZ, INC.**

**FOR A CONVENIENCE STORE**

**IN AN HB-S (TWO PHASE) ZONING DISTRICT.**

Each speaker will be allotted three (3) minutes to state their opinion.

**ITEM #2: FOR DISCUSSION AND/OR ACTION:**

**FINAL DEVELOPMENT PLAN**

Sheetz Inc. for a convenience store in an HB-S (two-phase) zoning district.

DISCUSSION:

Mayor: "This is for a convenience store in the shopping center."

Mayor: "Seats in the front if anyone wants to move up!"

(NOTE: WHEN MR. REED DOES NOT SPEAK DIRECTLY INTO THE MICROPHONE, IT IS NOT POSSIBLE TO HEAR WHAT HE IS SAYING)

David Reed: "I guess you've said that a lot in your career! (Laughter!) 9; This is a Final Development Plan and it's part of a two-phase rezoning. Walkertown has not addressed a two-phase zoning to-date and actually the first phase of this was approved back when it was in the county's jurisdiction, by the county commissioners. A two-phase zoning is very similar to a Special Use zoning and the main difference is that the zoning itself is approved in the first phase, which establishes allowed in the zoning district and can place some preliminary conditions on the case. The second phase is when a site plan is brought forward and in a larger site like this, there can be multiple second phases. We can call just each one of them a second phase planner or the term is the final development plan. Tonight we actually have two final development plans for the same rezoning docket and we've assigned the Walkertown zoning docket #WA-005 and the first of the two is for Sheetz and the property is on the corner of Old Hollow Road and Reidsville Road, the corner outparcel in this \_\_\_\_\_ Special-Use Two-Phase zoning. And we have, just in the past couple of weeks, gotten some new equipment in our office which allows to reduce site plans and from now on, we'll be able to bring out an overhead \_\_\_\_\_ .

You can see all of access to the stores through the shopping center, which was required by NCDOT and when the site plan first came in, staff requested the developers to show the interconnection of pedestrian connections to the rest of the shopping center and they re-drew their plan showing their sidewalk connections coming into the site in logical places. Petitioners also agreed to a condition to coordinate the landscape plantings and the building facades with the rest of the shopping center so it'll give it more of a cohesive look on the overall shopping center rather than just to have individual businesses. Developers were agreeable to all of those conditions and therefore staff recommends that this is consistent with the original zoning approval and we would recommend, and the Planning Board recommends to you, approval. It was actually on the Consent Agenda at the Planning Board. There was no registered opposition and therefore they approved it on their Consent Agenda unanimously."

Public Hearing was opened at 8:06 p.m.

There were no speakers and the Public Hearing was closed at 8:07 p.m.

**MOTION:      TO APPROVE FINAL DEVELOPMENT SITE PLAN FOR SHEETZ, INC.**

**FOR A CONVENIENCE STORE IN AN HB-S (TWO PHASE)  
ZONING DISTRICT**

**BY:**              **John Tingen**

**SECOND:**       **Horace Warner**

**VOTE:**           **Unanimous**

Mayor: "There's a couple of fellows here tonight with Sheetz and this is going to be their first North Carolina store – it's a very good store. I've been in a couple of their stores north of here and you can't be one anywhere else til you build this one."

Mr. Garland: "When we passed the zoning on the first property, I think that was Sheets as well, wasn't it? I think we passed the zoning from RS-9 to Neighborhood Business-S but I don't think we then went and had a second step or included in that first step the approval of a site plan with its conditions. So before we move on, I think that would be a good thing to go ahead and have a formal motion for the site plans."

THIS REFERS BACK TO PUBLIC HEARING #1

**MOTION: TO APPROVE FINAL DEVELOPMENT SITE PLAN FOR CHARLES M. SHEETS, LINDA SHEETS, AND VICKI SHEETS MCCOLLUM. FOR SERVICES, PERSONAL IN AN NB-S ZONING DISTRICT FROM RS-9.**

**BY: Dot Duggins**

**SECOND: Horace Warner**

**VOTE: Unanimous**

Mr. Warner: "Let me clarify one thing. I think I've heard somewhere that on this particular zoning, there cannot be another zoning within one-half mile. Is that correct or not?"

Mr. Garland: "That's correct. You can't have another business....."

Mr. Larrimore: ".....And this is more or less for the driveway permit....."

Mr. Garland: ".....What you're doing by this \_\_\_\_\_"

CANNOT HEAR BECAUSE TOO MUCH TALKING IS IN BACKGROUND

Mr. Warner: "Let me ask you, as far as that restriction, but this zoning does not prohibit other zonings within that half-mile. Someone else can petition for General Purpose zoning, can they not?"

Mr. Garland: "I don't believe that's right."

Mr. Reed: "Yeah, you can't have another NB zoning....."

Mr. Warner: ".....You can't have another NB but someone could have a General Purpose right next door."

CANNOT HEAR BECAUSE TOO MUCH TALKING IS IN BACKGROUND

"...some other zoning...."

"...right next door....."

"...NB would be out of a house...."

"...that would protect you against this..."

Mr. Garland: "...NB is the only real district – maybe PB as well – that would be appropriate for a residential area. NB is actually supposed to be in residential areas because it's supposed to be a neighborhood business."

Mr. Tingen: "So actually this could serve as insurance policy against a whole group of houses changing into business."

Mr. Garland: "Again, that's ultimately what you're planning to do is decide whether or not that's the way that area goes."

Mr. Warner: "I think what bothers me is that we zoned that 311/66 intersection – that was residential. To me that says it can happen."

Public Hearing was closed at 8:10 p.m.

## \*\*\*\*\* PUBLIC HEARING #3

\*\*\*\*\*

THIS PUBLIC HEARING IS FOR CATIE FOOD SYSTEMS, INC.

FOR A RESTAURANT WITH DRIVE THROUGH SERVICE

IN AN HB-S (TWO PHASE) ZONING DISTRICT

Each speaker will be allotted three (3) minutes to state their opinion.

**ITEM #3:**        **FOR DISCUSSION AND/OR ACTION:**

FINAL DEVELOPMENT PLAN

Katie Food Systems Inc. for a restaurant with drive-through service in a HB-S (two-phase) zoning district.

**DISCUSSION:**

Mr. Reed: "This is your second final development plan. The first one was located on the corner – this one is further down, another outparcel that was defined in the first phase and we also have a site plan. As you can imagine, these are reviewed at the same time, the same request was made to make the \_\_\_\_\_ connections, the rest of the shopping center, which they've done on the site plan and also agreed to the conditions to do landscaping and building design consistent with the overall shopping center. And with those conditions, and all the other conditions applied, the Planning Staff would recommend approval of the final development plans.

**MOTION: TO APPROVE FINAL DEVELOPMENT SITE PLAN FOR A RESTAURANT WITH DRIVE THROUGH SERVICE IN AN HB-S (TWO PHASE) ZONING DISTRICT**

**BY: Dot Duggins**

**SECOND: John Tingen**

**VOTE: Unanimous**

FINAL DISCUSSION BEFORE VOTE:

Mr. Garland: "Excuse me. Did we have a public hearing here?"

Ms. Duggins: "No, we didn't."

Mayor: "No, we didn't but I didn't have anybody signed up. Although no one signed up, I'll declare the public hearing on this matter to be open."

Public Hearing was opened and closed at 8:11 p.m. with no speakers.

The motion was made again.

Mayor: "And this is for a Wendy's Restaurant. People are excited for this."

Mayor: "John Davenport is with us. We've talked a lot about the traffic on Old Hollow Road – Highway 66. John Davenport is a traffic engineer and he's done a study for the town and he's with us tonight to do a presentation concerning some ways of trying to help with the traffic problems.

Another announcement that I want to make is this coming Friday at 10:00, we're going to have a Progress Celebration – we think we're making a little progress in Walkertown, the first phase of the sewer is beginning to hook up users and it's now available in certain areas and will be available as the contractor finishes. At 10:00 near Hardee's in the field up there, we're going to have a little celebration and help me get some people there. We've got some dignitaries who are coming; we've got some elected officials who will be with us who helped us with receiving the \$2million grant that helped us get started. We've got some business people that'll be there but we need citizens to come. Then following that, at our Town Hall, which was formerly the Gant Oil Company office building; we're going to place a memorial at the flag poles in memory of Ms. Gant. It was through her generosity that this building was made available to the town for a town hall. We want you to come there also and see our beautiful garden that we have and just see what we have to be thankful for because of the generosity of the Gant family."

A 5-minute recess was called at 8:14 p.m. before the next presentation.

**ITEM #4: FOR DISCUSSION AND/OR ACTION:**

HIGHWAY 66 CORRIDOR STUDY – PRESENTED BY JOHN DAVENPORT  
ENGINEERING

DISCUSSION:

Most of Mr. Davenport's presentation can be heard in its entirety on the tape labeled 07-23-03, Tape #2 of 2, in Lynn's office at Town Hall.

**MOTION: TO RECOMMEND TO N.C. DEPT. OF TRANSPORTATION TO PURSUE "MOVING AHEAD" FUNDS ACCORDING TO THE PLAN PRESENTED BY JOHN DAVENPORT, FOR THE SECTION BETWEEN MAIN STREET AND DARROW ROAD TO BE PRIORITY #1; AND IF THERE ARE ADDITIONAL FUNDS, FOR NCDOT TO DO AS MUCH AS POSSIBLE WITHIN FUNDS ALLOTTED.**

**BY: John Tingen**

**SECOND: Wallace Larrimore**

**VOTE: Unanimous**

**DISCUSSION:**

Mr. Warner: "As I understand what we're doing here with this, is improve our position, is that right? This will be DOT responsibility as far as funding?"

Mayor: "Right. It gives them the go ahead to pursue the funding from the 'Moving Ahead' program that we're interested in. My understanding is that each division will receive some of that funding and I think from what they've indicated that we would be given high priority in Division 9."

Mr. Davenport: "Our division is going to get about \$40-million."

Mayor: "I think so."

Mr. Warner: "Do you know of any other municipality that's gone through a study as we have?"

Mr. Davenport: "Kernersville has spent quite a bit of money on their study and they've gotten quite a bit of improvements out of DOT over the past few years."

Mayor: "They've spent a lot of money to get a lot."

Ms. Duggins: "John, this is an excellent report and I thank you....very informative."

Mr. Larrimore: "Yep. In-depth."

**ITEM #5: FOR DISCUSSION AND/OR ACTION:**

RESOLUTION #03-029

TO APPROVE COLLECTION OF YEAR 2003 TAXES BY FORSYTH COUNTY TAX COLLECTOR IN ACCORDANCE WITH G.S. 105-321

**DISCUSSION:**

This is an annual resolution charging the Tax Collector to collect Walkertown taxes.

**MOTION: TO APPROVE RESOLUTION #03-029**

**TO APPROVE COLLECTION OF YEAR 2003 TAXES BY  
FORSYTH COUNTY TAX COLLECTOR IN ACCORDANCE  
WITH G.S. 105-321**

**BY: Wallace Larrimore**

**SECOND: Horace Warner**

**VOTE: Unanimous**

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**ITEM #6: FOR DISCUSSION AND/OR ACTION:**

RESOLUTION #03-030

TO APPROVE COLLECTION OF PRIOR YEARS TAXES BY FORSYTH  
COUNTY TAX COLLECTOR IN ACCORDANCE WITH G.S. 105-373, G.S. 105-  
321 AND G.S. 105-330.3

**MOTION: TO APPROVE RESOLUTION #03-030**

**TO APPROVE COLLECTION OF PRIOR YEARS TAXES BY  
FORSYTH COUNTY TAX COLLECTOR IN ACCORDANCE  
WITH G.S. 105-373, G.S. 105-321 AND G.S. 105-330.3**

**BY: Wallace Larrimore**

**SECOND: Horace Warner**

**VOTE: Unanimous**

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**ITEM #7: FOR DISCUSSION AND/OR ACTION:**

Financial Statements for JUNE, 2003

**DISCUSSION:**

Mr. Larrimore: "Looks like we're going along in pretty good shape – for the shape we're in. We're just like everyone else. Some money we had in the bank didn't draw much interest and anybody can relate to that that's got a dollar or two in the bank."

Mr. Tingen: "Finally got the water fund down to zero, didn't we?"

Mr. Warner: "As I look at the balance, I agree with Mr. Larrimore, looks like we got a pretty good fund balance for our size but let's be reminded that \$325,000 of that General Fund amount is earmarked for the sewer, to be the school contribution. Then that leads into another question, on the sewer fund pages, it shows CCUC over \$2million, 11-thousand, the question is this, are we using Rural Center money or what kind of money are we using? We're not paying any 8%

now are we, on any money? What is the procedure there when they bill? Do they first \_\_\_\_ to the Rural Center or does it come through our office, or what?"

Mr. Linville: "Those bills come through our office and we pay them whatever funds are available, is that right, Lynn?"

Lynn: "As Terry Cornett gives me an invoice, I send to the Rural Center and then they send money to us."

Mr. Warner: "So then there's no interest incurred?"

Lynn: "What I do is just "sweep" it out of our account into their account."

Mr. Warner: "I notice here we got it under one - the Rural Center, we got \$417,456 and then over on the next page we got CCUC with the \$2million 11thousand. Point being that we're not having to pay any interest on anything at this time. We will eventually .... I assume we'll use that \$325,000, too, when we get the \$2million grant out of the way. Is that right?"

Mayor: "Yes. We're getting down in the final stages of the money."

Mr. Warner: "....Because they're talking about 90% completion....."

Mayor: "And money's about 90% gone, too, I suspect."

Mr. Warner: "I see that on Article 44, the ½ cent sales tax, we have year-to-date \$9,404.00 and town manager gave me a report on that. I was questioning that the hold harmless funds that we had budgeted somewhere around \$34,000 on intangible tax distribution and inventory tax reimbursement. So the hold harmless report shows that we would receive enough money from this Article 44 tax that we would not get any hold harmless money but is there some, has to be some yet to come in if we're just at \$9,000."

Mr. Linville: "I don't know."

Mr. Warner: "When the report shows like \$31,000 – can you check into that and see where we stand on that, please?"

Mr. Linville: "....Sure..."

Mr. Larrimore: "We got this one sheet in here on people that want to be annexed and we got about three times this many and the tax pay of this is \$2,321, 400. Course that's not all money, it's houses and land and whatnot. Right now, looks like we got an outburst of people wanting to get into Walkertown. So this is just one page, right? So we got another couple of pages of this? So we're looking at quite a bit of people wanting to come in – wanting their own trash can for a change."

**MOTION:** **TO APPROVE FINANCIAL STATEMENTS FOR JUNE, 2003**

**BY:** **John Tingen**

**SECOND:** **Wallace Larrimore**

**VOTE:** **Unanimous**

**ITEM #8:**        **FOR DISCUSSION AND/OR ACTION:**

RESOLUTION #03-031

DIRECTING TOWN CLERK TO INVESTIGATE VOLUNTARY ANNEXATION  
PETITIONS RECEIVED UNDER G.S. 160A-31

**DISCUSSION:**

Mr. Larrimore: "Since I've already talked about that, I make a motion that we do that.

**MOTION:**        **TO APPROVE RESOLUTION #03-031**

**DIRECTING TOWN CLERK TO INVESTIGATE VOLUNTARY  
ANNEXATION PETITIONS RECEIVED UNDER G.S. 160A-31**

**BY:**                **Wallace Larrimore**

**SECOND:**        **John Tingen**

**VOTE:**            **Unanimous**

Mayor:            "We have residents here tonight that all live down in Winchester, and we're trying to get everybody in your neighborhood into town and Kings Court and some of the places. One of the things we discovered.....I've got a letter here from a young fellow working on a Merit badge in a scout troop and he was instructed to write a letter to an elected official and he has written me a letter. Let me share this with you because it ties in with what we're doing.

*"....According to a recent article in the Winston-Salem newspaper stated that Walkertown was paying for trash pick-up for people not in the city limits of Walkertown. This was due to the situation of how the boundaries of Walkertown city limits were drawn. How are you and the Town Council going to approach this subject? And what do you intend to do about further annexation to solve this problem?" That's your homework, council, we've got to answer this young man's letter."*

**OTHER BUSINESS:**

Mr. Warner:      "In our meeting on June 24<sup>th</sup>, I had requested a sewer update and also some annexation report information. Due to the time, I would like to move that forward to the August 26<sup>th</sup> meeting and that would give more time – we've got so much on the table tonight. Is that alright? Is that alright with you, Mr. Linville?"

Mayor:            "We still need to have this Executive Session."

Ms. Duggins:    "I move that we go into Executive Session."

Mr. Linville:     "Two things. We've got to have someone make the motion to go into, don't matter who....."

Ms. Duggins: ".....I just did....."

Mr. Linville: "I've got this council workshop under the Executive Session portion that we need to come back into open session to have. It's not a closed session item."

## **CLOSED SESSION MOTION:**

**MOTION:**        **TO RECESS INTO CLOSED SESSION AT 9:08 P.M.**

**BY:**                **Dot Duggins**

**SECOND:**        **John Tingen**

**VOTE:**            **Unanimous**

**143-318.11**        **EXECUTIVE SESSION**

(8)        To consider the qualifications, competence, performance, character,

fitness, conditions of appointment, or conditions of initial employment of a public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge or grievance by or against a public officer or employee.

-

**MOTION:**        **TO RETURN TO REGULAR SESSION AT 9:16 P.M.**

**BY:**                **John Tingen**

**SECOND:**        **Wallace Larrimore**

**VOTE:**            **Unanimous**

-

## **ADJOURNMENT @ 9:30**

**MOTION:**        **TO ADJOURN**

**BY: Wallace Larrimore**

**SECOND: John Tingen**

**VOTE: Unanimous**

**ANNOUNCEMENTS:**

07-25-03	10:00 a.m.	First Flush / Open House
08-05-03	2:00 p.m.	Planning Board Meeting
08-12-03	2:00 p.m.	Town Council Meeting @ Library
08-26-03	7:00 p.m.	Town Council Meeting @ Library
09-09-03	2:00 p.m.	Town Council Meeting @ Library
09-23-03	7:00 p.m.	Town Council Meeting @ Library

**ATTEST:**

**TOWN OF WALKERTOWN:**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Lynn McKinnie**

**Tom Southern**

**Town Clerk**

**Mayor**