

Town of Wallburg, North Carolina
Town Council Meeting - Wallburg Fire Station
TUESDAY 7:00 P.M. MAY 13, 2008
2ND TUESDAY OF THE MONTH

DRAFT MINUTES

PROCEDURAL ITEMS

Mayor Allen Todd called the council meeting to order at 7:00 p.m. Present were Mayor Todd, Council members Reece, Hedgecock, Swaim, and Craver, Attorney Clinard, and Clerk McKinnie.

Absent, due to illness, was Council member Steve Yokeley.

Mr. Hedgecock said a brief invocation and Mr. Swaim led the audience in the Pledge of Allegiance.

MOTION FOR APPROVAL OF AGENDA

MOTION: TO APPROVE THE AGENDA AS PRESENTED
BY: LYNN REECE
SECOND: ZANE HEDGECOCK
VOTE: MOTION PASSED UNANIMOUSLY
(REECE, HEDGECOCK, CRAVER, & SWAIM)

MOTION FOR APPROVAL OF MINUTES

- April 8, 2008

MOTION: TO APPROVE THE MINUTES OF APRIL 8, 2008 AS PRESENTED
BY: LYNN REECE
SECOND: MARK SWAIM
VOTE: MOTION PASSED UNANIMOUSLY
(REECE, HEDGECOCK, CRAVER, & SWAIM)

PUBLIC SESSION

PLEASE SIGN UP WITH TOWN CLERK IF YOU WISH TO SPEAK

Public Session was opened at 7:02 p.m. with one speaker:

- (1) Robert Motsinger
Rolling Green Dr.

Mr. Motsinger invited everyone, the Mayor and Town Council, to the Republican Party's Golf Tournament fundraiser to be held at the HomePlace this Saturday at 12:00. He said he would especially like the Mayor to come and give a welcoming speech.

Public Session was closed at 7:03 p.m.

BUSINESS TO BE DISCUSSED AND/OR ACTED UPON:

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

PETITIONER: LUTHER AND ANNA MATNEY

REQUEST: REZONE PROPERTY

FROM: RS (LOW INTENSITY RESIDENTIAL)

TO: CU-RC (CONDITIONAL USE – RURAL COMMERCIAL)

Mayor Todd gave a brief explanation of the Public Hearing, telling the audience that Luther and Anna Matney have requested a rezoning from RS (Low Intensity Residential) to CU-RC (Conditional Use – Rural Commercial). He asked for a motion to open the Public Hearing:

MOTION: TO OPEN THE PUBLIC HEARING AT 7:05 P.M.

BY: GARY CRAVER

SECOND: MARK SWAIM

VOTE: MOTION PASSED UNANIMOUSLY
(REECE, HEDGECOCK, CRAVER, & SWAIM)

Mayor Todd explained the zoning request process by stating that the process starts with Davidson County Planning Board which works in conjunction with the Wallburg Planning Board, and then to the Wallburg Town Council. The Planning groups review the information before making a recommendation to the Town Council. The council, in turn, holds a Public Hearing for the residents to speak their minds before making the final decision.

Mr. John Mendenhall, Davidson County Planning Board, gave an overview of the request for rezoning. He read the Legal for the record:

LEGAL:

“Request by Luther and Anna Matney to rezone property in Abbotts Creek Township, Tax Map 2, a portion of Lots 32 and 37 containing 1.06 acres more or less. Said property is located on the west side of Gumtree Road approximately .2 mil south of the Mt. Vernon Church Road intersection. Rezoning is requested to change from that of RS, Low Intensity Residential District, to that of CU-RC, Conditional Use – Rural Commercial District.”

Mr. Mendenhall said the acreage was amended to 1.275 acres – increased to include septic system for the commercial kennel they are wanting to put in. This kennel is just for the purpose of breeding and raising small breed of dogs – no aggressive breeds. He said there are already existing trees as a buffer in the front of the property but they will also put trees down the right side of the property (as you go in to the property) as well as some at the back on the left side and some across the front. The trees the Matneys are planning to put in exceed the requirements of the Wallburg’s landscaping ordinance. The trees will be an evergreen tree, planted about 3 to 5 feet apart in order for them to grow together and provide a solid screen and noise barrier. Conditions for this kennel, as shown in the packet, include hours of operation, type dogs they can have, times dogs have to be in or out at night and day. The existing building will be insulated which will keep the noise from going out at night.

Mr. Reece asked for an explanation of a “conditional permit” and Mr. Mendenhall answered that when you rezone something, you’re saying that all uses which are included in the zoning, can be built there. But on a “conditional” use, you’re looking at specific uses – what could be put there would be according to what you approve for that property. In the event of a violation, Mr. Mendenhall said he would be responsible for ensuring that any violation was corrected. Conditional Use should fit into an area that a straight rezoning might not fit in – it’s not really setting a precedent. Each conditional use is separate and is just for that property. To change something, the property owner would have to come back and get an amendment to the conditional use.

In this case, the only breeds of dogs that can be raised on this property are the breeds as listed. To change the breeds, an amendment would need to be brought before the council.

Mr. Wayne Wall, representing the Wallburg Planning Board, stated that the Board had met twice over this issue – once on March 13th and again on April 10th. The first meeting was tabled in order to get more information and the second meeting, the applicant and adjoining property owner were given an opportunity to speak. At this meeting, the Planning Board reached the conclusion that the benefits of the rezoning outweighed any potential inconvenience or harm to the community. Thus, the Wallburg Planning Board recommended APPROVAL of this rezoning to the Wallburg Town Council. Other questions were asked and discussion was ongoing about the benefits or negatives to the community.

Question: Is there any type of limit on the number of dogs? – Answer, maximum 16 breeding adult dogs (which includes male and female dogs). This does not count the puppies – only the adult dogs.

Question: How long can the puppies be kept? - Puppies will be kept until 6 or 8 weeks of age.

Mayor Todd then asked any speakers – either for or against - to come forward, place their hand(s) on the Bible and solemnly swear that the “.....Testimony that you are about to give before this Board.....is the truth, the whole truth, and nothing but the truth, so help you, God.....”

Leigh Gill asked why this was done any differently than any other Public Hearing that has been held here and Attorney Clinard responded that this is a quasi-judicial hearing, due to it being a Board of Adjustment (Town Council meeting) matter and not a Planning and Zoning one.

Speakers included:

FOR:

7:20 p.m. (1) Luther Matney
Anna Matney

In response to questions asked of them, the following was their replies:

They said they wanted to breed small breed dogs, no mean dogs, because a dog makes people happy. They acclimate their puppies to small children and cats and other animals. They like their dogs and would like to make a living by successfully breeding these dogs. There will be doggie doors for them to come inside and outside. They had their first litter in May, 2007. They market their

dogs via online sales – no traffic issues of people coming in and out looking at puppies. The dogs are all AKC registered, have all their shots, vaccinations, and heartworm checks via Midway Animal Clinic, and are vet checked. They have not had to dispose of diseased or dead dogs as yet but in that case, they would have to go through the County and follow their disposal requirements. There are 16 kennels for the dogs – no more room for more. There may never be 16 dogs – she would prefer to have only two, maybe three litters at any one time - not interested in being a puppy-mill. There is nothing wood – prevents dogs from urinating on wood or chewing on wood. They have a double septic system approved by the county for disposing of dog fecal matter. The nearest house is 300 feet.

AGAINST:

7:29 p.m. (1) Judy Townsend
198 Westbridge Rd.
Winston-Salem

Ms. Townsend said her grandparents own the property adjoining this property. She respectfully requested that the zoning be denied. She pointed out that according to the plat plan, the chain link fence is directly on the line and she wondered how they could build a buffer and plant Leyland cypress trees. How will they do the car where there is a driveway back to a proposed garage through the Leyland cypress? She said the kennel is 14-feet from the line. She also felt it would devalue the property. She also would not want to hear dogs bark next door. It's not in harmony with the rest of the neighborhood and she asked "Why did we even have zoning if we're not going to stick to it?"

7:32 p.m. (2) Betty Smith
342 S. Saulsbury
Mocksville NC

Ms. Smith is here representing her sons who hope to inherit land from their grandfather, Mr. Bruce Smith (deceased) and their property would be right next to this land. She asked how many times a year would these dogs be bred? (Answer: different times during the year, not having more than two or three litters per year.) How many males and females do they have right now? (Answer: four females and two males). She said Leyland cypress have a tendency to grow tall and straight and storms break them over. Berms and solid core walls are being used now to stop the noise. Her sons would like to move back to Wallburg one day. She asked that the council not approve this request.

7:34 p.m. (3) Leigh Gill
Oaklawn Dr.

Mr. Gill asked Mr. Mendenhall if the package of information provided to the council included a certified ordinance (as per 160A-387)? (Answer: They do have a certified ordinance.) Mr. Gill then stated that he is very opposed to puppy mills and he expressed his opposition in the strongest of words. He also passed out pictures of a puppy mill (no information on where it is located) stating he does not mean to insinuate that this one will turn out to be like the pictures, but, he said"you never know".

Ms. Townsend then asked what about the Leyland cypress trees and the driveway and the 14 feet. Further detailed discussion ensued on this issue with the final decision being that Mr. Mendenhall said everything was in order with the kennel, the driveway, the trees, and any setbacks.

Mr. Swaim asked about amending the request to include language limiting the number of adult dogs that would be allowed.

MOTION: TO CLOSE PUBLIC HEARING AT 7:44 P.M.
BY: ZANE HEDGECOCK
SECOND: MARK SWAIM
VOTE: MOTION PASSED UNANIMOUSLY
(REECE, HEDGECOCK, CRAVER, & SWAIM)

The council then deliberated on the request.

MOTION: TO AMEND THE EXISTING PETITION TO INCLUDE LANGUAGE STATING:
(1) NOT TO EXCEED SIXTEEN (16) ADULT DOGS
BY: ZANE HEDGECOCK
SECOND: MARK SWAIM
VOTE: MOTION PASSED UNANIMOUSLY
(REECE, HEDGECOCK, CRAVER, & SWAIM)

MOTION: TO AMEND THE EXISTING PETITION TO INCLUDE LANGUAGE STATING:
(1) ANY LANDSCAPING PLANTING OR ANY DEAD OR DISEASED TREES MUST BE REPLACED AS NEEDED
BY: ZANE HEDGECOCK
SECOND: GARY CRAVER
VOTE: MOTION PASSED UNANIMOUSLY
(REECE, HEDGECOCK, CRAVER, & SWAIM)

AS A NOTE: The amended acreage should read as 1.275 acres.

MOTION: TO APPROVE THE ZONING REQUEST:
PETITIONER: LUTHER AND ANNA MATNEY
REQUEST: REZONE PROPERTY
FROM: RS (LOW INTENSITY RESIDENTIAL)
TO: CU-RC (CONDITIONAL USE – RURAL COMMERCIAL)
WITH THE AMENDMENTS AS FOLLOWS:
(1) NOT TO EXCEED SIXTEEN (16) ADULT DOGS
(2) ANY LANDSCAPING PLANTING OR ANY DEAD OR DISEASED TREES MUST BE REPLACED AS NEEDED
(3) ACREAGE SHOWN SHOULD BE CHANGED TO 1.275 ACRES
BY: GARY CRAVER
SECOND: LYNN REECE
VOTE: MOTION PASSED UNANIMOUSLY
(REECE, HEDGECOCK, CRAVER, & SWAIM)

2. **FOR DISCUSSION AND/OR ACTION:**
 Mark Swaim – Budget Prep Update
 SEE BELOW #2

REGULAR MONTHLY AND COMMITTEE UPDATES

(COMMITTEE UPDATES MAY NOT BE AVAILABLE IF MEETING WAS NOT HELD)

1. Planning and Zoning UpdatesDean Coe
 Mr. Wayne Wall said we had already discussed everything from their last meeting. There will be no Planning Board meeting this month.

2. Finance UpdateMark Swaim
 Mr. Swaim encouraged the council to look over the proposed budget sheet he had handed out earlier and to advise the Finance Committee of any recommendations. One of the newer things they are looking at is the construction of a town hall. Preliminary issues will need to be handled before actually starting on construction so any recommendations would be appreciated. Lynn will post the Public Hearing notice (Winston-Salem Journal) for the budget hearing for the June meeting.

3. **MPO - High Point**Lynn Reece
 Mr. Reece said the MPO met on April 22nd and the majority of discussion was about High Point and bridge construction. Discussion included the NC Turnpike Authority original proposal of a bridge over the Yadkin River at an estimated cost of \$175million which has now increased to a new proposed cost of \$400-million, including toll booths/collection.

4. **MPO - Winston-Salem**Mayor Todd
 (NO WINSTON-SALEM MPO MEETING THIS MONTH!!)
 There was not MPO meeting but the next meeting is May 16th and Mayor Todd invited anyone who was interested to attend.

ANNOUNCEMENTS:

- **TOWN COUNCIL MEETINGS:** (2ND TUESDAYS)
 7:00 p.m. at the Fire Station on:

CALENDAR 2008:

JUN	10
JUL	8
AUG	12
SEP	9
OCT	14
NOV	11
DEC	9

- **PLANNING BOARD MEETINGS** (2ND THURSDAYS)
 7:00 P.M. AT WALLBURG VOLUNTEER FIRE DEPARTMENT

**NOTE: THE MAY PLANNING BOARD MEETING HAS BEEN CANCELED.
 THE JUNE 12TH PLANNING BOARD MEETING WILL BE HELD.**

ADJOURNMENT:

VISIT THE TOWN'S WEBSITE:

www.townofwallburg.com

MOTION: TO ADJOURN THE MEETING AT 7:59 P.M.
BY: LYNN REECE
SECOND: MARK SWAIM
VOTE: MOTION PASSED UNANIMOUSLY
(REECE, HEDGECOCK, CRAVER, & SWAIM)

ATTEST:

TOWN OF WALLBURG:

Lynn McKinnie
Town Clerk

Allen L. Todd
Mayor