

Town of Wallburg, North Carolina
Town Council Meeting - Wallburg Town Hall
8020 N. NC-HIGHWAY 109
TUESDAY 7:00 P.M. DECEMBER 13, 2011
2ND TUESDAY OF THE MONTH

MINUTES

PROCEDURAL ITEMS

CALL TO ORDER

Mayor Allen Todd called the meeting to order at 7:00 p.m. Present were the mayor, Council Members Zane Hedgecock, Steve Yokeley, Lynn Reece, Mark Swaim, and Gary Craver. Town Clerk Lynn McKinnie was present as was Attorney Rick Cornwell, sitting in for the regular attorney, Jay Wagner, who was absent. Also present was new Council Member Cindy Johnson, waiting to be sworn in.

After an invocation by Mayor Todd, Councilman Lynn Reece led the pledge to the flag.

MOTION FOR APPROVAL OF AGENDA

MR. HEDGECOCK MOVED APPROVAL OF THE AGENDA AS PRESENTED, WITH MR. SWAIM SECONDING – UNANIMOUS APPROVAL.

MOTION FOR APPROVAL OF DRAFT MINUTES

- NOVEMBER 15, 2011 – REGULAR MINUTES

MINUTES FOR NOVEMBER 15, 2011 WERE UNANIMOUSLY APPROVED AS PRESENTED BY MOTION OF MR. REECE, SECONDED BY MR. YOKELEY.

PUBLIC SESSION

- PLEASE SIGN UP WITH TOWN CLERK – 3-MINUTE TIME LIMIT FOR SPEAKING

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

1. J. W. Motsinger

Saying he was the original landscape contractor for the Town of Wallburg, he said from the beginning that the big picture did not match the little picture. The architect and the council told him to follow the plan – which he did. He mentioned various problems he went through and said that no matter what he did, the town was not going to be happy with it. He was told by Lynn Reece that he did not work for the town – he worked for the contractor. The contract was changed many times, not by the contractor – but by the council - which, in essence, meant when the council over-rides it, the contract was voided and it ended up with him working for the town council. The contract price also changed. He paid the following: \$1729 for green resources, \$450 for straw, \$5,514 for plants, \$1,830 for mulch, and labor was \$2,220 for a total of \$11,743 out of his pocket. He has only been paid \$8,000 on a contract that went from \$14,200 to \$15,300, to \$15,800 to \$16,000. He summed up by saying he wasn't here about what was legal – he was here

about what was right and what was wrong. Also, he said, he was never fired – never terminated – just one day another contractor showed up and did the work.

Mr. Craver asked Mr. Motsinger how much he was paid, and Mr. Motsinger said \$8,000 of the \$16,000 contract and he already had \$11,000 in the job – he was short by \$8,000. Mr. Craver said that when Mr. Motsinger was told to move trees that voided the contract and the Town of Wallburg instead of the contractor is responsible for paying Mr. Motsinger – he had researched this and whenever a contract is changed, legally the customer, not the contractor is responsible for the payment.

MR. CRAVER FORMALLY MOVED THAT THE TOWN OF WALLBURG PAY J.W. MOTSINGER \$8,000 BECAUSE THE REPERCUSSIONS, IF YOU DON'T PAY IT, IS GOING TO COST A WHOLE LOT MORE THAN \$8,000.

Mr. Craver said, "...And I expect a second so that man can get his \$8,000 before he leaves here tonight."

Mayor Todd asked if there was a second – and there was none – **MOTION DIES FROM LACK OF SECOND.**

Mr. Craver left the meeting with Mr. Motsinger.

Mayor Todd read the following votes:

INSTALLATION OF ELECTED OFFICIALS

The attached copy of the official abstract of votes received by the Clerk's Office from the Davidson County Board of Elections certifies the votes received by each successful candidate in the November 8, 2011 Municipal Election. This information is entered into the minutes as a matter of record:

- Mark Swaim Votes: 265
- Lynn Reece Votes: 252
- Cindy Johnson Votes: 246

A total of 869 votes were cast for the councilmember race. Included in the abstracts is a breakdown of the voting for each of the precincts. The official information is on file for review in the Town Clerk's Office.

Recommended Action of Council:

ACCEPT THE OFFICIAL ABSTRACT OF VOTES TO BE ENTERED INTO THE MEETING MINUTES.

Town Council did not act on this recommended action but the information will be included in the minutes.

Mr. Craver left the meeting before making additional comments or accepting his plaque.

- COMMENTS FROM OUTGOING COUNCILMEMBER GARY CRAVER.

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| <ul style="list-style-type: none">• <u>RESOLUTION AND SPECIAL PRESENTATION OF PLAQUE TO RETIRING COUNCIL MEMBER GARY CRAVER.</u> |
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Mayor Todd called the newly elected council members up to the front of the room to administer the oath of office to each. He first congratulated each member and thanked them for service to their community, saying Wallburg should be very proud of them.

• **INDUCTION OF NEWLY ELECTED COUNCIL MEMBERS:**

1. Oath of Office: Council Member **MARK SWAIM**
2. Oath of Office: Council Member **LYNN REECE**
3. Oath of Office: Council Member **CINDY JOHNSON**

**OATH OF OFFICE
DECEMBER 13, 2011
TOWN COUNCIL MEMBER**

I do solemnly swear that I will support and maintain the Constitution and the laws of the United States of America and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as **Wallburg Town Council member**, so help me God.

I do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are, or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of North Carolina, not inconsistent with the Constitution of the United States; to the best of my knowledge and ability, so help me God.

I do solemnly swear that I will well and truly execute the duties of the Office of **Wallburg Town Council member** of the Town of Wallburg, North Carolina, according to the best of my skill and ability, according to law, so help me God.

Mayor Todd reminded that everyone is invited to attend a small reception at the conclusion of tonight's meeting to welcome the new Wallburg Town Council.

• **ORGANIZATIONAL PROCESS OF NEW COUNCIL:**

1. RESOLUTION TO REAPPOINT LYNN REECE AS TOWN OF WALLBURG REPRESENTATIVE TO SERVE ON THE HIGH POINT MPO

**BY: STEVE YOKELEY
2ND: MARK SWAIM
VOTE: UNANIMOUSLY APPROVED**

2. RESOLUTION TO REAPPOINT MARK SWAIM AS FINANCE OFFICER

**BY: ZANE HEDGECK
2ND: STEVE YOKELEY
VOTE: UNANIMOUSLY APPROVED**

3. RESOLUTION TO REAPPOINT MARK SWAIM AS TOWN OF WALLBURG ECONOMIC DEVELOPMENT COMMITTEE (EDC) REPRESENTATIVE

**BY: ZANE HEDGECK
2ND: LYNN REECE
VOTE: UNANIMOUSLY APPROVED**

4. **RESOLUTION TO ESTABLISH WALLBURG TOWN COUNCIL 2012
REGULAR COUNCIL MEETING DATES**
BY: LYNN REECE
2ND: STEVE YOKELEY
VOTE: UNANIMOUSLY APPROVED

• **APPOINTMENT OF PLANNING BOARD MEMBERS:**

**TO REAPPOINT PLANNING BOARD / BOARD OF ADJUSTMENT
MEMBERS FOR NEW 3-YEAR TERM**

- (1) **RESOLUTION TO APPOINT WAYNE WALL TO THE
COMBINED WALLBURG PLANNING BOARD AND BOARD OF
ADJUSTMENT**

BY: STEVE YOKELEY
2ND: MARK SWAIM
VOTE: UNANIMOUSLY APPROVED

- (2) **RESOLUTION TO APPOINT BRENT MARTIN TO THE
COMBINED WALLBURG PLANNING BOARD AND BOARD OF
ADJUSTMENT**

BY: STEVE YOKELEY
2ND: MARK SWAIM
VOTE: UNANIMOUSLY APPROVED

- (3) **RESOLUTION TO APPOINT VAN REECE TO THE COMBINED
WALLBURG PLANNING BOARD AND BOARD OF
ADJUSTMENT**

BY: STEVE YOKELEY
2ND: MARK SWAIM
VOTE: UNANIMOUSLY APPROVED

These Planning Board members will be sworn in at the Planning Board meeting in January, 2012.

• **RESOLUTION TO AWARD 2011 BUSINESS OF THE YEAR PLAQUE
WENDY'S RESTAURANT**

Mayor Todd said Wendy's Restaurant is an asset to our community, they provide revenue to the town via sales tax, and they provide a much needed service to Wallburg. They have supported softball teams and other teams. He said he'd like to present the Business of the Year Award to Wendy's and that we all just appreciate everything they do.

• AWARD TRASH AND RECYCLING CONTRACT

Mayor Todd said that for a number of months now, Wallburg has been in negotiations to provide trash and recycling service to the town. Our attorney has worked on the contract with the last change being made yesterday. Mr. Yokeley said he assumed that Mr. Wagner was comfortable with the contract and with any changes made, to which Mr. Cornwell responded that, yes, he was. He said, *“It was originally supposed to be from January of this year (2012?) through December, 2015 – now, it begins February 1, of this year (2012?) for a 5-year term ending January 31st, 2016. There was some provision for bulk items which could be picked up at the request of individual citizens that will be an additional cost involved and there is a definition in there of what those bulk items are. Some are no longer allowed in the landfill and I think that’s the reason for that change. There is also a provision relating to special needs individuals which was added and the approval of a flyer to be sent by the town as it deems appropriate when the contract takes place outlining the provisions and the last change relates to the fact that this is designated as a franchise type agreement, which means that if there is changes to the provider, then it would have to come back to the council for approval.”*

Mayor Todd said that since there were red-line changes to the contract, if the council wanted to move on it tonight, that was okay, but if they felt like they wanted to delay it to a later date, that could be done. Mr. Yokeley reminded the group that the garbage service man said it takes four to six weeks to get containers and tabling this to the next meeting would delay the start another month. He said if we are going to start this during the time frame stated, we need to vote on it tonight. Mr. Hedgecock said he liked the disabled person’s addition.

MOTION: TO AWARD RESIDENTIAL SOLID WASTE AND RECYCLABLES COLLECTION CONTRACT TO NORTH DAVIDSON GARBAGE SERVICE, INC.

BY: STEVE YOKELEY

2ND: MARK SWAIM

VOTE: UNANIMOUSLY APPROVED

REGULAR MONTHLY AND COMMITTEE UPDATES
AS AVAILABLE

(COMMITTEE UPDATES WILL NOT BE AVAILABLE IF MEETING WAS NOT HELD OR UNATTENDED)

1. Finance Update	Mark Swaim
Mr. Swaim gave a brief update on the finances of the Town:		
CASH	\$	356,208.09
BUILDING FUND	\$	641,234.26
CAPITAL FUND	\$	351,525.10
EMERGENCY DISASTER FUND	\$	100,027.81
RESERVE FUND	\$	125,740.64
MONEY MARKET	\$	246,884.60
TOTAL:		\$1,821,620.50

Mayor Todd thanked Mr. Swaim for all his efforts in the financial side. Mr. Swaim said the auditor will present his audit at the January meeting. Mr. Hedgecock asked if the amount for trash pick-up is in the budget and Mr. Swaim acknowledged that it was.

2. **MPO – High Point** Lynn Reece
Mr. Reece said he attended the MPO meeting on November 22nd. There was no discussion concerning the Town of Wallburg. They did appoint officers.
3. **MPO - Winston-Salem** Allen Todd
Mayor Todd said he attended the MPO meeting a couple of weeks ago and they did not discuss anything concerning Town of Wallburg. PART was talked about as well as some discussion on NC-109.

OTHER INFORMATION:

Mayor Todd asked Mark Reid, of the Wallburg Fire Department, to stand and thanked him and the other fire department workers for all the hard work they do.

Everyone was invited to the reception after the meeting.

ADJOURNMENT:

**AT 7:30 P.M. ZANE HEDGECKOCK MOVED TO ADJOURN THE MEETING,
WITH LYNN REECE SECONDDING.**

SUBMITTED BY:

**LYNN MCKINNIE
TOWN CLERK**

**RECEPTION WELCOMING NEW
TOWN OF WALLBURG COUNCIL**

ANNOUNCEMENTS:

- **TOWN COUNCIL MEETINGS:** (2ND TUESDAY OF MONTH)
7:00 P.M. (AT TOWN HALL)

CALENDAR 2012:

JANUARY	10	FEBRUARY	14
MARCH	13	APRIL	10
MAY	8	JUNE	12
JULY	10	AUGUST	14
SEPTEMBER	11	OCTOBER	9
NOVEMBER	13	DECEMBER	11

- **PLANNING BOARD MEETINGS** (1ST TUESDAY OF MONTH)
7:00 P.M. (AT TOWN HALL)

VISIT TOWN WEBSITE: www.townofwallburg.com