

Town of Wallburg, North Carolina
Town Council Meeting - Wallburg Fire Station
TUESDAY 7:00 P.M. JANUARY 10, 2006

MINUTES

PROCEDURAL ITEMS

The Town Council meeting of January 10, 2006 was called to order by Mayor Allen Todd at 7:00 p.m. A determination of a full quorum was made and Mayor Todd proceeded with the Invocation and the Pledge of Allegiance.

MOTION FOR APPROVAL OF AGENDA

A motion by Steve Yokeley, seconded by Chris Yokeley, to approve the agenda was unanimous.

MOTION FOR APPROVAL OF MINUTES

- December 8, 2005

The minutes of December 8, 2005 were approved by consensus of the council.

PUBLIC SESSION

PLEASE SIGN UP WITH TOWN CLERK IF YOU WISH TO SPEAK

Public Session was opened at 7:01 p.m. Speakers included:

1. Kevin Parsley of 334 New Providence Lane who read a statement from a hand out concerning the Ad Hoc Residential Planning Committee. The Statement is attached as Exhibit 1 and made a part of these minutes. He read:

The Ad Hoc Residential Planning Committee hereby makes the following declaration.

The original intent of this committee which was convened by the Wallburg Town Council comprising of persons appointed by council and volunteers was to review issues and topics related to residential development and make recommendations to council providing proper direction for town development. This committee was goal oriented and time limited due to the moratorium dead line of January 31, 2006. Due to the extreme importance of these decisions this committee requests the moratorium be extended to allow for due process and continued evaluation in order to provide the best information to the Town Council. With the words of Samuel Johnson, "the future is purchased by the present" we ask the council to allow the committee to continue the work necessary to protect the integrity of our community and provide a future community that all will enjoy and expect.

Sincerely,

Ad Hoc Committee Members meeting January 5th, 2006

2. Ann Sorensen of 8826 N. NC Hwy 109 stated that her background was in Environmental Design. She would like to see the area evolve without uncontrolled growth.
3. Ronnie Bailey of 180 Willowcrest Drive said the ordinance is in place to control growth. He would like to get our own Planning and Zoning committee in place – saves cost and uses our own citizens. He personally requested that the Town Council keep the Committee.
4. Terry Sprinkle of 395 Spring Drive said that on his piece of property, map included as Exhibit 2 and made a part of the minutes, the buffer takes up 30% of the property. Look at the existing ordinances and commercial areas. His is a Davidson County corporation and they would like to stay here. He suggested instead of a 50-foot buffer, maybe use a row of trees. The buffer is too much – needs to be reduced – takes up too much area....it limits where driveway could be.
5. Wayne Wall of 221 Harvey Teague Road posed a question, since we will be talking about zoning in depth tonight, who enforces our zoning?
Mr. Clinard responded that any ordinance enacted by the council would be enforced by Davidson County.
In response to Mr. Wall's question, could a variance be granted? Mr. Clinard responded that yes, but it must go through a process.
6. Leigh Gill of 580 Oaklawn Road stated that he was active in the Planning And Zoning committee and a vocal advocate to create it. He asked that the Town Council allow the Committee to continue their work.
7. Brent Martin of 720 Stoney Ridge Road said that after seeing them work, the Ad Hoc Residential committee is a worthwhile committee. He is in favor of extending the moratorium.
8. Terri Davis of 1158 Charleston Drive said she is a part of the Planning and Zoning Committee. It was formed to look at the entire residential planning ordinances. A moratorium is a "suspension of activity". She asked the Town Council to please consider keeping the committee and the moratorium in place. Keep the moratorium in place long enough to give us time to consider everything.

Public Session was closed at 7:22 p.m.

BUSINESS TO BE DISCUSSED AND/OR ACTED UPON:

1. PLANNING & ZONING QUESTIONS & ANSWERS FROM TOWN COUNCIL

A. John Mendenhall and Dave Fencl

Mayor Todd asked that Dave Fencl come forward and speak briefly on his work with the Wallburg Ad Hoc Residential Planning and Zoning committee.

Mr. Fencl stated that they work with many communities of varying small sizes. They do not try to impose any type of their rules, rather, they listen to what the concerns are and give their views of sound planning principles that are legal. They try to empower the community to address concerns and issues. With Wallburg being close to an urban area, it has a whole different set of issues. Steve Yokeley asked if he was a *neutral* party and Mr. Fencl responded that they are – He works with people who are interested; people willing to learn and come to the meetings - people willing to participate. Lynn Reece asked him if he looked at the size of Wallburg and Mr. Fencl say yes, he did, and also the different characteristics of Wallburg. Mayor Todd asked him if, in his opinion, the county Ordinances, as they stand, would substantially support this town? Mr. Fencl stated, “They are not legal. I would be very uncomfortable if I was on this council.....” Steve Yokeley said that we need Planning and Zoning and Board of Adjustment. Mr. Fencl also stated that planning and zoning is new to everyone. He tries to take the opportunity to educate a group of people. There is a lot of information; a lot of legal responses and constraints. Not only does he continually train new people, he refreshes ones that have been around for many years. He said the planning Board should meet 1 ½ hours per month to familiarize themselves. Planning and Zoning generally provides guidance – they make no real official decisions – they work on a plan for the town. The Board of Adjustment is limited to three things:

- *Hear appeals – questions on interpretation of what’s included in the zoning ordinances;

- *Variance requests – very limited and very strict guidelines to follow. This is not an easy Board.

- *Special Use Permits – The BOA approves or not. Some Planning and Zoning also act as the Board of Adjustment.

Chris Yokeley said that if this ad hoc committee is disbanded, at least leave a few people on and don’t start from scratch.

John Mendenhall then spoke very briefly, affirming Steve Yokeley’s comment that the County is still performing the same duties other than the ordinances Wallburg put in place before Wallburg was a town. Asked if there were any new developments being planned for the Wallburg area, Mr. Mendenhall responded that as of now, no one had put in for any. He thought the landscaping ordinance needed some addressing but that “What changes ya’ll make, we’re going to enforce!”

More discussion ensued on sizes of lots and other miscellaneous information.

2. BOUNDARY SIGN REPORT

.....Steve Yokeley

Steve Yokeley spoke on this issue saying that he has worked with Dean Coe to try to determine where signs need to go - about 11 locations. They are North part of 109; Shady Grove Road, Wallburg High Point, Georgetown, Wallburg Road, Motsinger, Forsyth, Gumtree Road, Friendship-Ledford, and Mt. Vernon Church Road. He did get 3

proposed costs for the signs – which are aluminum, 18” x 24” reflective green with white lettering, on a U-channel post, which will collapse if a car hits it. _____ quoted \$1542.80 for signs and installation; Stay Alert quoted \$1700.00 for same; and J&L Signs quoted \$1,069.07 for same. Dean Coe has volunteered to survey locations for signs at no cost.

THIS ISSUE WAS CONTINUED TO FEBRUARY MEETING BECAUSE MORE RESEARCH WAS NEEDED.....

3. AD HOC REPORT

.....Jerry Weavil

Jerry Weavil gave a short account of the Ad Hoc Committee. He thought the purpose was to focus on and review new rules and not just a broad coverage rewrite of all Davidson county ordinances. The committee meeting of January 5th was lengthy and with heated discussions. If the Town Council chooses to continue this committee, it needs a focus and purpose. Steve Yokeley said a committee is needed but he wants people who were appointed by a Town Council that was voted on by the people. Lynn Reece said that maybe think about each councilmember and appointing one member. Steve Yokeley asked if the committee was automatically over when the moratorium runs out to which Aaron Clinard responded, “Yes.” It was then debated on whether or not to continue the moratorium through the end of January as originally planned or to discontinue it immediately - with the consensus being to discontinue it immediately.

A motion was made by Steve Yokeley that the Town Council

(1) Discontinue the residential moratorium on subdivisions with lots of five (5) or more, multi-family dwellings, townhouses, condominiums and tract homes that was due to expire January 31, 2006. and

(2) Disband the current Ad Hoc Residential Zoning committee and

(3) Form a new permanent Planning And Zoning Board for the Town of Wallburg with specifics to be addressed and determined at the February meeting.

Seconded by Lynn Reece.

Vote: For – Steve Yokeley, Lynn Reece, Zane Hedgecock, Jerry Weavil

Against – Chris Yokeley

Three top concerns would be: (1) Protect Wallburg integrity (2) Community appearance and (3) Open Space and Farm Land

4. RESIDENTIAL MORATORIUM - EXTENSION

.....Chris Yokeley

Chris Yokeley asked that the moratorium be extended in a motion:

A motion was made by Chris Yokeley to extend the Residential Moratorium for 60 to 90 days. Mr. Yokeley stated that there should not be a problem with this because

winter is here and development is slow. He reminded the council of the July 22, 2005 meeting whereby the residents defined what their three top concerns for Wallburg were:

1. Protect the integrity of the town;
2. Community Appearance

3. Open Space / Farmland Preservation

Action:

1. No control over protecting open space.
2. Protect our town by implementing minimal ordinances.
3. A NO COST benefit to the citizens.
4. Ordinances increase property values within new subdivision and residents' property alike.
5. Work closely with Davidson County Planning and Zoning to ensure Managed Growth.
6. Study the impact of new subdivision on schools, fire and rescue, EMS, and the environment prior to approval.

He then asked how does this council propose to protect the integrity of our town by doing absolutely nothing? He said that the committee has only been working toward this goal for six months and this is the first extension requested.

The motion DIES for lack of a SECOND.

(PLEASE SEE ATTACHED TRANSCRIPT OF REQUEST AND MOTION.)

5. APPOINT TOWN REPRESENTATIVE TO ATTEND COUNTY COMMISSIONER MEETING(S) ON ISSUES INVOLVING WALLBURG

Mayor Todd said it was not necessary to have someone at all the commissioner meetings – only at the ones where Wallburg is concerned. He suggested that someone be appointed to attend any meeting which would have any effect on Wallburg.

A motion was made by Lynn Reece to appoint Robert Motsinger as the Wallburg representative to attend any County Commissioner meeting which has a direct effect on the Town of Wallburg

Seconded by Jerry Weavil

Vote: Unanimous

6. APPOINT COMMITTEE TO SEEK BIDS FOR TOWN INSURANCE ISSUES

- A. MUNICIPALITY LIABILITY
- B. BONDING OF TOWN CLERK

There has been some mix-up in the insurance issues for the Town of Wallburg. Aaron Clinard stated that North Carolina has a statute that addresses municipal liability and it recognizes government immunity. (Wallburg could be exempt from liability.) He said if you buy liability insurance, you can be held liable; however, if you do not buy it, you can't be held liable. He doesn't see it as necessary. However, Mr. Clinard stated he wanted to check into both liability and bonding and would handle this issue himself. He would report back at the next month's meeting.

7. RESOLUTION OF ACCEPTANCE TO JOIN THE WINSTON-SALEM URBAN AREA METROPOLITAN PLANNING ORGANIZATION (MPO)

Mr. Hedgecock said he thought that this had already been handled, but there is no record of it being done in the minutes. This just approves Wallburg's acceptance to the invitation by the Winston-Salem Urban Area MPO to join its group. We are already members of the High Point MPO and this is another area to voice our opinion.

A motion was made by Zane Hedgecock to join the Winston-Salem Urban Area MPO.

Seconded by Steve Yokeley

Vote: Unanimous

ANNOUNCEMENTS:

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

CALENDAR 2006:

JAN	10
FEB	14
MAR	14
APR	11
MAY	9
JUN	13
JUL	11
AUG	8
SEP	12
OCT	10
NOV	14
DEC	12

ADJOURNMENT:

A motion to adjourn the meeting at 8:45 p.m. was made by Zane Hedgecock.

Seconded by Lynn Reece.

Vote: Unanimous

VISIT THE TOWN'S WEBSITE:

www.townofwallburg.com

ATTEST:

TOWN OF WALLBURG:

Lynn McKinnie, Town Clerk

Allen Todd, Mayor