



MINUTES
REGULAR MEETING OF THE TOWN
OF WALKERTOWN TOWN COUNCIL
AUGUST 27, 2020

@ 7:00 P.M.: WALKERTOWN TOWN CENTER PARK

Mayor Doc Davis **called the meeting to order** at 7:00 p.m. Present were the Mayor, Council Members Wesley Hutchins, Peggy Leight and Marilyn Martin, Town Manager Scott Snow, Town Clerk Rusty Sawyer.

Also attending, from Winston-Salem/Forsyth County Planning, Project Planner Gary Roberts and Town Attorney Bo Houff.

In attendance from the Walkertown Planning Board, Chairman Keith Fulp and board member Caroline Jones.

The Invocation was given by Mayor Davis.

The Pledge of Allegiance was led by Wesley Hutchins.

THE AGENDA WAS APPROVED AS WRITTEN BY MOTION MADE BY PEGGY LEIGHT AND SECONDED BY MARILYN MARTIN.

THE VOTE WAS UNANIMOUS.

(HUTCHINS, LEIGHT, MARTIN)

APPROVAL OF MINUTES

- Amendment to June 25, 2020 Minutes
- July 9, 2020
- July 23, 2020
- August 13, 2020

THE MINUTES AND THE AMENDMENT WERE APPROVED UNANIMOUSLY BY MOTION MADE BY WESLEY HUTCHINS AND SECONDED BY PEGGY LEIGHT.

(HUTCHINS, LEIGHT, MARTIN)

PUBLIC SESSION

THIS SESSION IS FOR NON-AGENDA ITEMS ONLY AND IS LIMITED TO 3 MINUTES PER SPEAKER. WHEN SPEAKING TO ANY ITEM, PLEASE RESTRICT YOUR REMARKS TO THE SUBJECT AT HAND.

Mayor Davis opens the **Public Session @ 7:06.**

With no speakers coming forward the Mayor closes the **Public Session @ 7:06.**

BUSINESS FOR DISCUSSION AND/OR ACTION:

1. Zoning Petition of David Heath from RS20 to LB-S and SIDA:

Property is located at the southeast corner of Morris Street and Payton Lane (Zoning Docket WA-062) (Continued from June 25th, 2020 Meeting)

Doc: WA-062 is continued from 6/25. We have already held the Public Hearing however, anyone with new information may speak now.

Scott Wyatt: My name is Scott Wyatt. I am the attorney representing the petitioner and I am from High Point. I have spoken to the Town's attorney Bo Hough and read the minutes from past meetings. I became involved because DOT approached David about property acquisition which has now been delayed. Acquisition will now occur in 2021 & 2022 with construction starting 1 and 1/2 years later. David Heath's dental practice provides a needed service to Walkertown and Northeast Forsyth County. Once DOT acquires title to the petitioners' property, demolition can happen at any time. (Scott shows a site plan map) It would not be premature to change zoning now.

Doc: Do you have any new information?

Scott W.: We have a cost estimate for the driveway to HWY 66. Council may want to seek a bond and we would be fine with that. You have expressed concern about the construction driveway from Morris Street. Construction traffic would be light and temporary and that driveway would get little use. About water runoff, there is a treatment area to contain all the water runoff.

Peggy: If passed, the Site Plan and SIDA are good for 3 years.

Wesley: Scott, you have talked to DOT?

Scott W.: Yes. The ROW agent.

Wesley: Did he tell you funds were available?

Scott W.: The project will get a total redo, schedule and funding.

Wesley: They have amended the TIP to only when funds are available.

There is a big split between having funds and may be available. There has been a proposed Old Hollow Road project for the past 30 years.

Scott W.: DOT has had funding problems for a long time. They are still building roads. We want to be ready to go. Not if but when.

Richard Pegram: Doc, may I speak.

Doc: If you have new information.

Richard: I do. I have talked to DOT too. I spoke with Connie James. She says there is no money now for the Old Hollow Road project. I talked to their ROW acquisition man in Hendersonville. He says there is no money now for ROW acquisition.

Doc: Thank you Richard. Any questions from council?

Peggy: We discussed this petition 2 months ago. I think we should add a condition of no construction until DOT purchases the property. Gary, do you have a bond amount?

Gary: They have estimated the cost of driveway construction, \$30K. The bond is generally 120%, so \$36K.

Peggy: How long to build?

Scott W.: 60 to 90 days after curb & gutter. 120 days to finish.

Bo: I would suggest a trigger date.

Scott W.: Once DOT authorizes connection and driveway permit.

Peggy: 120 days after issuance of driveway permit.

Gary: 120 days after CO's are issued would be easier to track.

Doc: Council is concerned with driveway construction.

Wesley: The biggest issue is your access to build. Construction traffic by your estimate is 6 to 12 trips per day.

David Bolen: There is no other place to build the driveway.

Wesley: No other place for a 20' driveway?

Peggy: No access between buildings?

David Bolen: We are not in control of DOT work plus there is an ongoing business there. Construction traffic would be a hazard.

Marilyn: Again, DOT is the main problem.

David Bolen: I think we can be good neighbors. We are sensitive to concerns on Morris Street.

Doc: Gary, how many acres of SIDA?

Gary: Calculating?

Peggy: 2.42 acres.

Gary: Probably.

Peggy: I make a motion to approve WA-062 with SIDA with 2

Conditions (#2 is actually 2 conditions):

#1- No issuance of Building Permit until existing building acquisition by DOT.

#2- Petitioner must post a bond of \$36K, which must be posted prior to issuance of Building Permit, to ensure driveway is built to Site Plan specs.

#3- Driveway must be built within 120 days from issuance of CO.

Bo: Before this comes to a vote, I need to explain the procedure. The first vote must have a 2/3 majority. Since you are missing one member, Vernon Brown, you must have 3 positive votes or the petition will be carried over to the next meeting.

Scott S.: I question the Batten estimate for building the driveway. There is no mention of the cost of removing the building.

Bo: When DOT acquires the property, title goes to DOT that day. DOT does the demo not the developer.

Marilyn: I second Peggy's motion.

Wesley: Wait. We still have a petition opposed not being considered. They want use of a public street for construction traffic of 6 to 12 construction vehicles.

David Heath: I have looked for another location for the driveway. There is a power pole and water lines in the way.

Wesley: We have a petition opposed signed by 14 neighbors.

Bo: Starting in 2015, protest petitions carry no legal impact. However, you still need a 2/3 majority vote.

You must ask, **"Is the petitioner okay with conditions?"**

David Heath: Yes.

Bo: The issue with driveway construction is the timing of the demolition of the building by DOT. DOT sets the timeline. The petitioner takes the risk DOT demos quickly.

Scott W.: DOT may move more quickly with a bond in place.

Wesley: 2 questions. Can we amend the motion and could they start construction now?

Gary: They could get the grading permit but not the building permit.

Bo: Why risk grading cost.

Peggy: Wesley, is your concern grading?

Wesley: Yes. DOT won't move which would cause the domino effect. They could grade but not build.

Bo: Yes. They won't grade immediately. Grading takes a short amount of time.

Wesley: I request a change to PART #1 of Peggy's motion. No grading permit authorized until DOT acquires the property.

David Bolen: We want to be ready.

Bo: Does Marilyn Martin agree to second the amended motion?

Marilyn: Yes. I second the amended motion.

MOTION: TO APPROVE WA-062 A ZONING PETITION OF DAVID HEATH FROM RS-20 TO LB-S AND SIDA: PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF MORRIS STREET AND PEYTON LANE WITH 3 CONDITIONS:

#1: NO GRADING PERMIT AUTHORIZED UNTIL DOT ACQUIRES THE PROPERTY OF EXISTING BUILDING

#2: PETITIONER MUST POST A BOND OF \$36K, WHICH MUST BE POSTED PRIOR TO ISSUANCE OF BUILDING PERMIT, TO ENSURE DRIVEWAY IS BUILT TO SITE PLAN SPECS

#3 DRIVEWAY MUST BE BUILT WITHIN 120 DAYS OF ISSUANCE OF CO

PETITIONER IS ASKED IF HE AGREES TO THE CONDITIONS IN THE MOTION AND PETITIONER AGREES TO THE CONDITIONS

BY: PEGGY LEIGHT

SECOND: MARILYN MARTIN

**VOTE: UNANIMOUS
(HUTCHINS, LEIGHT, MARTIN)**

2. FINANCIAL STATEMENTS

AUGUST, 2020

Doc: We are ~16% into the new year. Expenditures @ 8%.

Unrestricted Funds @ \$3,967,706.58 and Restricted Funds @\$774,118.82 for a Grand Total Fund Balance of \$4,741,825.40.

MOTION: TO APPROVE FINANCIAL STATEMENTS FOR AUGUST, 2020 AS PRESENTED

BY: PEGGY LEIGHT

SECOND: MARILYN MARTIN

**VOTE: UNANIMOUS
(HUTCHINS, LEIGHT, MARTIN)**

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Mayor Davis opens the **PUBLIC SESSION** at 8:01.

With no speaker coming forward the Mayor closes the **PUBLIC SESSION** @8:01.

ADJOURNMENT:

MOTION: TO ADJOURN REGULAR MEETING AT 8:01 P.M.

BY: MARILYN MARTIN

SECOND: PEGGY LEIGHT

VOTE: UNANIMOUS
(HUTCHINS, LEIGHT, MARTIN)

ANOUNCEMENTS:

Town Hall will be closed Monday September 7th for Labor Day Holiday
Trash and Recycle Delayed 1 Day

RECYCLING SCHEDULE - every other week

SEPTEMBER- 2020

ROUTE A – 14th & 28th
ROUTE B – 8th & 21st

Submitted by:

Rusty Sawyer

Town Clerk

Visit the Town's website at:
www.townofwalkertown.us