

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. AUGUST 7, 2012**

The Board of Aldermen of the Town of Kernersville met in regular session at 7:00 p.m. on the above date in the Municipal Council Chambers at the Municipal Building at 134 East Mountain Street.

Present: Mayor Dawn H. Morgan, Mayor Pro Tem Dana Caudill Jones, Aldermen Keith Hooker and Neal Stockton.

Absent: Aldermen Tracey Shifflette and Irving Neal.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Police Chief Ken Gamble; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Walt Summerville, Fire Chief; Terry Crouse, Assistant Fire Chief; Ray Smith, Human Resources Director; Gray Cassell, Information Services Director; Russell Radford, Engineering Director; and Brian Ulrich, Transportation Manager.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND RICK CARTER, MAIN STREET UNITED METHODIST CHURCH**
- **PLEDGE OF ALLEGIANCE**

Mayor Dawn Morgan called the meeting to order and Reverend Rick Carter of Main Street United Methodist Church delivered the invocation. Two Boy Scouts from Troop 990 led the Pledge of Allegiance.

- **PRESENTATION OF CERTIFICATE TO WALT SUMMERVILLE, FIRE RESCUE CHIEF FOR COMPLETION OF NATIONAL FIRE ACADEMY'S "EXECUTIVE FIRE OFFICER PROGRAM".**

Mayor Morgan presented Fire Chief Walt Summerville with a framed certificate for successfully completing the National Fire Academy's Executive Fire Officer Program. She expressed her appreciation for his service and for his achievement. Chief Summerville explained the program criteria that must be completed to earn this award and thanked the Fire Fighters and Town Manager for their assistance. He gave a special thanks to his wife Cheryl for proofreading numerous drafts of the papers he had to write.

- **PRESENTATION OF PROCLAMATION FOR THE 37TH ANNUAL HONEYBEE FESTIVAL**

Mayor Morgan presented Ernie Pages, Parks & Recreation Director with the 37th Annual Honeybee Festival Proclamation. Mr. Pages highlighted the events that will be held during the day.

Mayor Morgan presented the procedures for the meeting.

PUBLIC HEARINGS

- 1a. PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville, for properties located at 133 and 141 South Main Street and 134, 136, 210, and 212 East Mountain Street, being all of PIN#'s 6886-33-4876, 6886-33-2626, 6886-23-8820, 6886-33-3922, 6886-23-9505, 6886-33-4699, 6886-23-8887, containing a total of 7.51 acres more or less. Petitioner requests a General Use District rezoning from GB (General Business) to CB (Central Business). Zoning Docket K-713**

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this rezoning request. He presented the uses allowed in the Central Business district. He added that the Planning Board and staff recommend approval as presented.

Mayor Morgan declared the Public Hearing Open.

In Favor

None

Opposed

None

Being no speakers either in favor or opposed, Mayor Morgan closed the Public Hearing.

- 1 b. Consideration of an Ordinance rezoning said property.**

Mayor Pro Tem Dana Caudill Jones made a **Motion** to amend the Zoning Ordinances of the Town by rezoning the property in case K-713 from GB (General Business) to CB (Central Business). The said property being consistent with the Town's Comprehensive Plan, and further being both reasonable and in the public interest. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

PUBLIC SESSION

- 2. SPEAKERS FROM THE FLOOR.**

None presented.

- 3. Request by Kernersville Cruise-In Organization to amend the time of the event.**

Ms. Ruth Ann Ronchetti, 1024 Pine Knolls Road, Kernersville, NC – stated that she is here to speak on behalf of the Cruise-In organization. She stated that the group is requesting permission to close the street at 3:00 PM instead of 4:00 PM. She explained the chaotic and unnerving situation last time with approximately 200 cars trying to get parked diagonally along the street and with people already in attendance. She stated that they expect the event to grow and the situation will only get worse.

Mayor Pro Tem Caudill Jones stated that she has heard lots of great feedback from this event.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve a request by the Kernersville Cruise-In organization to amend the time for closing the street to 3:00 PM for remainder of this year's events. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

4. Presentation of Semi-annual Report by the Chamber of Commerce for In-kind Services.

Mr. Bruce Boyer, 108 Rockford Ct., Kernersville, NC, Executive Director of the Chamber of Commerce - highlighted the semi-annual report of events held this year: numerous workshops and seminars, the Triad Job Fair, the Healthy Active Adults Day, and the Leadership Kernersville program. He stated that the Chamber also sponsors many quality of life events such as the Spring Folly, the Music @ Twilight events, and the Fourth of July event. He noted that the Chamber's membership continues to grow despite the slow economy. The Chamber is looking forward to the future. Mr. Boyer stated that the Chamber will hold the first organizational meeting of the Downtown Council this week. He thanked the Board for their support and made himself available for questions.

Alderman Stockton commended Mr. Boyer and the Chamber Staff for their tremendous efforts and service to this community.

Mr. Arnold King, 4392 Creekridge Ct., Kernersville, NC - presented the Kernersville 2020 update. He reported that the strategic plan was started 15 years ago and identified numerous issues and strategies to be implemented within the community. He highlighted the community's successful ventures such as the opening of Forsyth Tech and our new public schools, the Main Street improvements, the Factory, renovations to the Depot and the new Farmers Market. He stated that the report included nothing about a FedEx or a hospital and now we hope to have a VA clinic.

Mr. King stated that the majority of the items left are public improvements such as a new library, road improvements, and a multi-purpose civic center. He noted the recent announcement of funding by NCDOT for the Macy Grove Road interchange. He mentioned the improvements planned for S. Main Street and when put into place these will alleviate traffic for a little while.

Mr. King commended all those involved in accomplishing many of the items identified in this report. However, he stated that there is still more work to be done. He stated that in the year

2020, we will regroup and develop a new strategic plan for the next 20 years. He asked for continued support and then made himself available for questions.

Mayor Morgan stated that a lot has been accomplished and there is still work to be done. Mr. King stated that through private/public partnerships we will get the work done.

5. Consideration of Amendment to the Design and Constructions Specifications Manual.

Mr. Swisher stated that the Town could find itself in a bind with inspections of various projects. Staff is recommending that the developer submit a certificate signed by a licensed Engineer when a project has been completed according to Town specifications and standards. He added that the Town will continue to monitor all projects and if we feel that construction starts to slip, we will take action to hire another inspector or other measures necessary to ensure quality construction.

Alderman Stockton asked if Town Inspectors are allowed on the site at any time. Mr. Swisher stated that yes our Inspectors can go on site and inspect any project at any time and do so routinely.

Mayor Pro Tem Dana made a **Motion** to approve the amendment to the Design and Construction Specifications Manual as recommended by Staff. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

6. Consideration of a Resolution Authorizing the Acceptance of a Temporary Intergovernmental Agreement for Law Enforcement Services at the 2012 Democratic National Convention with the City of Charlotte, Charlotte-Mecklenburg Police Department.

Police Chief Ken Gamble explained that a year ago, the Kernersville Police Department was contacted by the Charlotte Police Department requesting assistance during the Democratic National Convention that will be held in September. After careful review, the Town Manager and Staff saw numerous advantages of participating and decided to pursue approval of the agreement. He stated that the training and experience for our Police Officers can never be duplicated. The training is free of charge and the equipment is free of charge to the Town. The City of Charlotte will pay the costs for the equipment and for our officers while on duty. The Officers will be able to keep the equipment they receive.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following Resolution authorizing the Acceptance of a Temporary Intergovernmental Agreement for Law Enforcement Services at the 2012 Democratic National Convention with the City of Charlotte, Charlotte-Mecklenburg Police Department. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

7. Consideration of a Feasibility Study for a Mountain Bike Trail.

Mr. Swisher stated that the Town currently owns some land off of Smith Edwards Road which was purchased for the excavation of dirt for construction projects however the idea was abandoned after the Town decided not to pursue the site for a landfill. He added that the Kernersville Cycling Club has looked at the land and is interested in the possibility of developing a mountain bike trail on this site.

JG Wolfe, 1005 Hollow Creek Lane, Kernersville, NC – stated that the Kernersville Cycling Club was formed in May and has 28 members currently. He stated that the trail would be open to all cyclists. He noted that on previous Parks and Recreation surveys, cycling was a top item of interest. He pledged the Clubs support of this feasibility study and to the development of these trails. He made himself available for questions.

Alderman Stockton stated that cycling is a fast growing sport in this area. Mr. Wolfe agreed that it is and that it could be an opportunity to provide additional revenue for the town.

Alderman Neal Stockton made a **Motion** to proceed with a Feasibility Study for a Mountain Bike Trail as recommended. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

8. CONSENT AGENDA: All of the following matters are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion unless a Board member or citizen so requests, in which event the matter will be removed from the Consent Agenda and considered under the following item.

- C-1 Approval of Minutes for June 5, 2012 Regular Meeting
Approval of Minutes for June 5, 2012 Closed Session
Approval of Minutes for June 20, 2012 Briefing Session
Approval of Minutes for June 20, 2012 Closed Session
Approval of Minutes for June 26, 2012 Regular Meeting**

C-2 Forsyth County Tax Refund

Cunha, John Peter	Value change	\$9.10
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- C-3 Consideration of Bids for a Piggyback Purchase of Two (2) Side Loading Refuse Trucks**

RESOLUTION NO. R-2012-33

RESOLUTION AUTHORIZING THE “PIGGYBACKING” ON A PURCHASE AGREEMENT FROM THE CITY OF GREENSBORO FOR SIDE LOADING REFUSE TRUCK

WHEREAS, the Town of Kernersville is in need of **Two (2) SIDE LOADING REFUSE TRUCKS**; and

WHEREAS, the Town of Kernersville has found that the City of Greensboro, North Carolina entered into a contract with Advantage Truck Center on September 6, 2011 for the purchase of a Side Loading Refuse Truck meeting the Town of Kernersville's specifications; and

WHEREAS, the City of Greensboro found Advantage Truck Center to be the lowest responsible bidder on such equipment; and

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. §143-129(g), a governing body of a municipality may enter into a contract for the purchase of equipment without regard to formal bid process provided that the provisions of the statutes are met; and

WHEREAS, a public notice of this purchase without competitive bidding was placed On the Town of Kernersville's internet webpage on July 19, 2012 and in the Kernersville News on July 19, 2012; and

WHEREAS, this Board desires Alderman finds the waiver of usual bid process and the purchase of a Side Loading Refuse Truck from Advantage Truck Center pursuant to the same terms and conditions as that contract by and between the City of Greensboro and Advantage Truck Center to be in the best interest of the Town.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville as follows:

1. The Board authorizes the "piggyback" purchase of Two (2) Side Loading Refuse Trucks from Advantage Truck Center for the amount of \$496,936.00.
2. The Town purchase is in accordance with the terms and conditions of that contract entered into by and between Advantage Truck Center and the City of Greensboro on September 6, 2011.

Adopted by the Board of Alderman of the Town of Kernersville this 7th day of August, 2012.

C-4 Consideration of a Resolution Authorizing the Financing of Various Equipment Purchases and the associated Notice of Intent to Reimburse.

RESOLUTION NO. R-2012-34

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Kernersville, North Carolina (the "Town") has previously determined to undertake a project for the purchase of various capital equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, by the governing body for the Town of Kernersville, North Carolina as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated July 20, 2012. The amount financed shall not exceed \$687,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.51%, and the financing term shall not exceed five (5) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document’s final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town’s general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 7th day of August, 2012.

RESOLUTION NO. R-2012-35

**DECLARATION OF THE BOARD OF ALDERMEN
OF THE TOWN OF KERNERSVILLE OF OFFICIAL INTENT
TO REIMBURSE**

WHEREAS, this declaration (the "Declaration") is made pursuant to the requirements of United States Treasury regulations Section 1.103-18 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

WHEREAS, the undersigned is authorized to declare the official intent of the Town of Kernersville (the "Town") with respect to the matters contained herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE THAT:

1. **Expenditures to be incurred.** The Town anticipates incurring expenditures (the "Expenditures") for the purchase of Equipment for use solely by the Town of Kernersville (the "Project").

2. **Plan of Finance.** The Town intends to finance the cost of the Project described above with the proceeds of debt to be incurred by the Town in accordance with the contract method of financing under the authority of North Carolina General Statutes Section 160A-20 as amended by Chapter 708 of the 1989 Session Laws.

3. **Maximum amount to be financed.** The maximum amount to be financed by the Town to complete the Project is \$687,000.00.

4. **Declaration of Official Intent to Reimburse.** The Town hereby declares its official intent to reimburse itself with the proceeds of the debt for any of the Expenditures incurred by it prior to financing of the Project.

Adopted this the 7th day of August, 2012.

**C-5 Consideration of Declaring Police Department Equipment Surplus
and Authorizing a Trade-In with Motorola.**

Mayor Morgan presented each consent agenda item.

Alderman Keith Hooker made a **Motion** to approve the Consent Agenda as presented. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

9. ITEMS REMOVED FROM CONSENT AGENDA.

None removed.

10. SPEAKERS FROM THE FLOOR.

None presented

11. TOWN MANAGER’S REPORT AND MISCELLANEOUS.

Mr. Swisher stated that the Salisbury Street Bridge is nearing completion. He reminded the Board of a previous conversation regarding the lighting for this bridge. Mr. Ulrich presented the lights previously selected and stated that the bridge is projected to be completed in September. NCDOT will install conduits for the wiring of the lights however; the Town will have to pay for the lights. He stated that it is the same basic style as what was installed downtown with a different fixture.

Mr. Swisher stated that we are bringing this back to the Board to make sure this is what the Board wants before we submit the order.

Mayor Pro Tem Caudill Jones stated that this bridge handles a lot of traffic and the extra lights are needed. It was a consensus of the board to go with the Staff’s recommendation for this lighting.

Mayor Morgan stated that there was a lot of discussion on this bridge before the construction. The new bridge will be higher, longer and safer than what was there before. She stated that we selected a different rail to make it more pleasing and the lights will give it a softer look. She thanked the Staff for their efforts in getting this upgraded project.

12. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

Mr. Wolfe requested a Closed Session to discuss legal matters.

13. MATTERS TO BE PRESENTED BY THE MAYOR AND BOARD OF ALDERMEN.

Alderman Keith Hooker thanked the Police Department Staff for organizing the National Night Out event. He recommended that going forward the time of the meeting or the date be changed due to a conflict with this event. This would allow the Board members time to attend the event and Town Staff time to attend the Board meeting.

Mayor Pro Tem Dana Caudill Jones reported on a concern with the health of the large tree located at the Depot. She recommended it be evaluated to see if it should be trimmed or removed.

Mayor Pro Tem Caudill Jones then asked for an update on the trees on Salisbury Street. The Town Manager stated that we have not heard back from NCDOT and will follow up with Pat Ivey again.

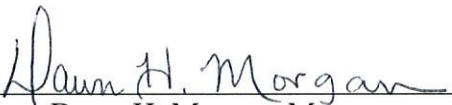
Mayor Morgan welcomed two Boy Scouts in attendance.

Alderman Keith Hooker made a **Motion** to go into Closed Session at 8:08 PM to discuss certain matters about which our Town Attorney needs to advise us, and which fall within the Attorney-Client privilege for discussion in closed session including, but not limited to Joyce Development Corporation vs. Town of Kernersville, 12 CVS 5281. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

14. ADJOURNMENT.

Alderman Neal Stockton made a **Motion** to adjourn the meeting immediately following the Closed Session at 9:00 PM. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

Being no further business to come before the Board, the meeting was adjourned.



Dawn H. Morgan, Mayor

Attest:



Dale F. Martin, Town Clerk

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on August 7, 2012.

This the 10 day of September, 2012.



Dale F. Martin, MMC, Town Clerk