

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. AUGUST 5, 2014**

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 Joe Pinnix, Jr., Aldermen Keith Hooker, Tracey Shifflette, Irving Neal, and Kenny Crews.

Absent: None

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Police Chief Scott Cunningham; Battalion Chief Scott Clinard; Doran Maltba, Public Services Director; Gray Cassell, Information Systems Director; Ernie Pages, Parks & Recreation Director; Franz Ader, Finance Director; and Ray Smith, Human Resources Director.

- **CALL TO ORDER**

- **INVOCATION BY FATHER PAUL DECHANT HOLY CROSS CATHOLIC CHURCH**

- **PLEDGE OF ALLEGIANCE**

Mayor Dawn H. Morgan called the meeting to order at 7:10 PM. Father Paul Dechant of Holy Cross Catholic Church delivered the invocation which was followed by the Pledge of Allegiance.

- **PRESENTATION OF PROCLAMATION FOR THE 39TH ANNUAL HONEYBEE FESTIVAL**

Mayor Dawn Morgan recognized Kelly O'Malley and Allie Burress from the Parks & Recreation Department. Mayor Morgan presented them with a Proclamation announcing the 39th Annual Honeybee Festival held on August 23, 2014.

Ms. O'Malley and Ms. Burress highlighted the events planned throughout the day and invited everyone to come out and enjoy the fun.

- **SPECIAL RECOGNITION**

Mayor Morgan then recognized Mr. Keith Pugh, Awards Chair for the APWA and Russell Byrd, President of the NC Chapter of the APWA to present Doran Maltba with the Robert S. Hobson

Award. Mr. Pugh and Mr. Byrd highlighted the reasons Mr. Maltba received this award at the APWA annual conference in June 2014.

Mr. Byrd thanked the Mayor for allowing them to come make this presentation tonight and added that Kernersville is very fortunate to have professionals such as Mr. Maltba, Mike Horney and Police Chief Cunningham serving Kernersville.

Mayor Morgan noted the procedures to be followed during the meeting.

PUBLIC HEARINGS

1 a. PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville for consideration of an amendment to the *Kernersville Development Plan* to amend the *Land Use Plan* from Low Density Residential to Commercial for property located at the eastern terminus of Arbor Hill Road, being all of PIN # 6876-90-6166 containing 1.859 acres more or less. Plan Docket KDP-42

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this amendment to the Kernersville Development Plan and the rezoning case K-727. Mr. Hatling described the property and its location. He added that the Developer is planning for an addition to the current Access Storage facility on this site. He noted the previous action by the Board to close a portion of Arbor Hill Road which is a part of this project. He noted that the Planning Board and Staff recommend approval as presented.

Mayor Morgan declared the Public Hearing open for both Items 1a and 2a.

In Favor

Tony Alford, 7040 Interlaken Drive, Kernersville, NC – owner of the property asked for the Board’s support. He stated that he believes this will be a continuation of the nice project already on the site. He then made himself available for questions.

Opposed

None presented.

Being no additional speakers, Mayor Morgan closed the Public Hearing.

1 b. Consideration of a resolution to amend the Kernersville Development Plan.

Alderman Irving Neal made a **Motion** to approve the following Resolution to amend the Kernersville Development Plan based on the following facts:

1. Special Use District rezoning is being used in the associated rezoning case to minimize the impacts of commercial adjacent to residential.

2. The proposed use Storage Service, Retail (mini storage) allows for a transitional land use between South Main Street commercial activities and the adjacent single family residential.

Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Resolution No. R-2014-19

WHEREAS, the Town of Kernersville desires to have orderly growth to protect the health, safety, and welfare of its residents and businesses; and

WHEREAS, the *Kernersville Development Plan* is the comprehensive plan for the community and contains the community planning elements of land use; transportation; community appearance; historic preservation; parks & recreation; environmental; financing of public improvements; and

WHEREAS, the *Kernersville Development Plan* has been duly adopted and amended; and

WHEREAS, community planning is a process that requires constant evaluation of the community situation and review of its plans; and

WHEREAS, Arbor Hill Road closing has changed the development options on the site; and

WHEREAS, a Special Use District rezoning is proposed to limit the site to mini storage with bufferyards and fencing; and

WHEREAS, the propose use of the site Storage Service, Retail (mini storage) allows for a transitional land use between South Main Street commercial activities and the adjacent single family residential

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Land Use Plan*, contingent upon approval of the rezoning case K-727 by changing the tax parcel, PIN #6895-44-4614, land use designation from *Low Density Residential* to *Commercial*.

Adopted the 5th day of August, 2014.

- 2 a. **PUBLIC HEARING: PBA Consultants, Inc., for property located at the eastern terminus of Arbor Hill Road, being all of PIN # 6876-90-6166 containing 1.859 acres more or less. Petitioner requests a single phase rezoning from RS-12 (Residential Single-Family) to HB-S (Highway Business – Special Use District). Requested Use(s): Storage Service, Retail; Signs, off premises. Zoning Docket K-727**

Staff presentation and Public Hearing was presented above.

- 2 b. **Consideration of an ordinance to rezone above mentioned property.**

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance to amend the Unified Development Ordinance of the Town by rezoning the property in case K-727 from RS-12 to HB-S the said rezoning being consistent with the Town's Comprehensive Plan, Kernersville Development Plan, and further being consistent with the public interest due to the following facts:

1. Special Use District rezoning is being used to minimize the impacts of commercial adjacent to residential.
2. The use Storage Service, Retail (mini storage) allows for a transitional land use between South Main Street commercial activities and the adjacent single family residential.

Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Town Ordinance

Zoning Petition of PBA Consultants, Inc.

Zoning Docket K-727

**ORDINANCE NO. O-2014-20
AN ORDINANCE AMENDING THE
KERNERSVILLE ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
TOWN OF KERNERSVILLE, NC**

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville as follows:

SECTION 1. The Kernersville Zoning Map be amended by changing from RS-12 (Single-Family Residential) to HB-S (Highway Business – Special Use District). Approved for properties located at the eastern terminus of Arbor Hill Road, south of Business-40, west of Westside Road and being all of PIN # 6876-90-6166 containing 1.859 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina and being further described as follows:

BEING KNOWN AND DESIGNATED as the eastern terminus of Arbor Hill Road, south of Business-40, west of Westside Road and being all of PIN # 6876-90-6166 containing 1.859 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This ordinance is adopted after approval of and upon condition of compliance with the site plan entitled *Access Self Storage*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 5th day of August, 2014 to PBA Consultants, Inc.

SECTION 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to Chapter 19 of the Town code for Access Self Storage. Said Special Use District Permit and site plan with associated documents attached hereto and incorporated herein.

SECTION 4. This Ordinance shall be effective from and after its adoption.

Adopted this the 5th day of August, 2014.

3 a. PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville - Petition to add Kernersville Medical Parkway to the existing Kernersville Zoning Overlay Districts as a Highway Corridor Overlay District as denoted in Chapter B, Article II, 2-1.6, Overlay and Special Purposes Zoning Districts–Purpose Statements and Regulations. K-560.A1

Mr. Hatling presented the Planning Board Report to add Kernersville Medical Parkway to the existing Kernersville Zoning Overlay Districts as a Highway Corridor Overlay District. He also presented the Planning Board report for the corresponding text amendment KT-213.

Mayor Morgan declared the public hearing open for both items 3a and 4a.

In Favor

None Presented.

Opposed

None presented.

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

3 b. Consideration of an ordinance to amend the Kernersville Zoning Overlay District.

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance to add Kernersville Medical Parkway to the existing Kernersville Zoning Overlay Districts as a Highway Corridor Overlay District, the approval recommendation is based on the facts that the Overlay Districts:

1. Were developed through an extensive citizen participation process.
2. Assist in implementing the Kernersville Development Plan Goals.
3. Do not limit creativity nor create a community where everything looks the same.
4. Serves as a tool for design in developing Kernersville as a unique high quality community within the Triad while maintaining its sense of place.
5. Balances the interests of property owners with the betterment of the community's welfare, wellbeing and aesthetic character.

Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Town Ordinance

Zoning Docket K-560.A1

**ORDINANCE NO. O-2014-21
AN ORDINANCE AMENDING
THE ZONING ORDINANCE
OF THE UNIFIED DEVELOPMENT ORDINANCE**

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinance* (UDO) is hereby amended as follows:

Section 1. Add Kernersville Medical Parkway to the existing Kernersville Zoning Overlay Districts as a Highway Corridor Overlay District as denoted in Chapter B, Article II, 2-1.6, Overlay and Special Purposes Zoning Districts–Purpose Statements and Regulations

Section 2. That this Ordinance shall become effective upon adoption.

Adopted this the 5th day of August, 2014.

4 a. PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville for consideration of an amendment to Chapter B, Article II, Section 2-1.6 of the Unified Development Ordinance by adding Kernersville Medical Parkway to the existing Kernersville Zoning Overlay Districts as a Highway Corridor Overlay District. KT-213

4 b. Consideration of an ordinance for a text amendment.

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance for a text amendment to Chapter B, Article II, Section 2-1.6 of the Unified Development Ordinance by adding Kernersville Medical Parkway to the existing Kernersville Zoning Overlay Districts as a Highway Corridor Overlay District.

Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

**Town Ordinance
Zoning Docket KT-213**

**ORDINANCE NO. O-2014-22
AN ORDINANCE AMENDING
THE ZONING ORDINANCE
OF THE UNIFIED DEVELOPMENT ORDINANCE**

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinance* (UDO) is hereby amended as follows:

Section 1. CHAPTER B - ZONING ORDINANCE

ARTICLE II - ZONING DISTRICTS, OFFICIAL ZONING MAPS, AND USES

2-1 ZONING DISTRICTS

2-1.6 OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(F) Town of Kernersville Zoning Overlay Districts

(7) Highway Corridor Overlay District (HCOD).

(a) Location:

The HCOD shall include any zoning lot, which is adjacent to the right-of-way of any of the following streets:

- **Kernersville Medical Parkway**
- South Main Street from the right-of-way of Business 40 south;
- North Main Street from the right-of-way of Bodenhamer Street north;
- East Mountain Street between the right-of-way of NC 66 to right-of-way of Old Greensboro Road;
- West Mountain Street from the right-of-way of Bodenhamer Street west, excluding the north side between the right of way of Bodenhamer to the right-of-way of Old Hollow Road;
- Salisbury Street (Union Cross) from the right-of-way of Business-40 south;
- NC 66 between the right-of-way of East Mountain Street to the right-of-way of Industrial Park Drive;
- NC 66 from right-of-way of I-40 south;
- Bodenhamer Street;
- Dobson Street (Kerner Road) north of Bodenhamer;
- Old Valley School Road;
- Piney Grove Road;
- Hopkins Road;
- Old Salem Road;
- Pineview Drive between the right-of-way of NC 66 and Salisbury Street;
- Old Winston Road between the right-of-way of Cherry Street to right-of-way of Business-40;
- Business-40;
- I-40; and

- “Loop Road” as shown on the adopted *Thoroughfare and Street Plan* except for the following sections: Shields Road/Loop Road between Abbotts Creek and the right-of-way of Macy Grove Road; Loop Road from the Extraterritorial Jurisdiction east of the right-of-way of Old Hollow Road east to the proposed Perry Road Connection; and the Loop Road from the right-of-way of East Mountain Street north to Reedy Fork

Section 2. That this Ordinance shall become effective upon adoption.

Adopted this the 5th day of August, 2014.

PUBLIC SESSION

5. SPEAKERS FROM THE FLOOR.

None presented.

6. Discussion by Harvey Pulliam Regarding Tree Trimming.

Harvey Pulliam, 415 Holt Street, Kernersville, NC – thanked the Board for allowing him to speak. He explained that Duke Energy is a monopoly and understands that that is the best however, he requested that the Town’s Administration have a discussion with Duke Energy regarding their policies for trimming of trees in the right of way. He explained what has happened to trees in his yard along with trees in other parts of his neighborhood and other parts of Town. He presented pictures of the trees both before the trimming and afterwards. He added that these trees have been butchered and they should not have been. He requested the Town consider adopting a tree ordinance and holding discussions with Duke Energy officials in hopes that it won’t happen again. He thanked the Board for their time.

Alderman Kenny Crews concurred that we have a mess of trees all over Town.

Mayor Pro Tem Joe Pinnix asked how often the trees are trimmed around Town. Mr. Pulliam stated that it was 10-12 years ago. He stated that Duke Energy is a good company and it’s unfortunate that they are taking some of our property rights.

Mayor Pro Tem Pinnix agreed that the trees look horrible and wanted the Town to see what could be done.

Mayor Morgan called a recess at 7:59 PM. The meeting was reconvened at 8:07 PM.

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

Mrs. Sunni Lauten, 1011 S. Main Street, Kernersville, NC – 2014 President of the Kernersville Chamber of Commerce presented the In-kind Services report for this year. She highlighted the job fair, Healthy Active Adults Day and the annual Spring Folly. She added that the Chamber is very appreciative of the Town’s effort to help deliver a safe, clean, family event each year. She noted the successful Kernersville Connections Program and Economic Development Luncheon in which over 200 people attended.

Mrs. Lauten then introduced Janel Jernigan the Downtown Marketing Coordinator.

Mrs. Jernigan stated that she has been in her current position for 5 months. She added that the Downtown has a lot of activities going on, social media activity is up and we have a downtown newsletter. She noted that we also now have a presence on Instagram. She stated that they are joining efforts with the Cruise-Ins to hold sidewalk sales those evenings. She noted the good feedback being received and that they are excited about the future.

8. First Reading of the Taxi Franchise Ordinance Renewal for Oak Ridge Cab Operated by John H. Pegram.

Curtis Swisher presented the first reading of the Taxi Franchise ordinance for Oak Ridge Cab Company. All fees and service hours will remain the same as before. He noted that Kernersville Taxi has turned in their permit and will not be offering taxi services in the future. Oak Ridge Cab Company will be the only service in Town.

Alderman Tracey Shifflette made a **Motion** to approve the first reading of the Franchise Ordinance granting a Taxi Franchise to John H. Pegram Doing Business as Oak Ridge Cab Company. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

9. Resolution of Support to NCDOT Reclassifying State Roads in Town Limits for Snow and Ice Removal.

Mr. Swisher introduced the item and reminded the Board of previous discussions regarding snow and ice removal. He explained that this is a request to NCDOT asking them to review their road program, and coordinate efforts with the Town to better serve the citizens.

Mr. Doran Maltba explained “bare pavement” routes are those streets that people use the most and are the Town’s primary collector streets. Those streets are cleared first. He then explained that we don’t have the manpower to add to our bare pavement routes, however; with the additional equipment we hope to cover more streets with brine and salt so that snow and ice will melt faster.

Mayor Pro Tem Joe Pinnix made a **Motion** to approve the following resolution. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

RESOLUTION No. R-2014-20

**RESOLUTION TO REQUEST THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION REVIEW ROAD SYSTEM FOR WEATHER RELATED
IMPROVEMENTS**

WHEREAS, the Town of Kernersville has always been a proactive partner with the North Carolina Department of Transportation in regard to roadway access, connectivity, and overall roadway system improvements in an effort to reduce traffic congestion, increase mobility, and enhance safety along North Carolina highway corridors; and

WHEREAS, the Town of Kernersville has seen a lot of growth in the last several years and very much appreciates the NCDOT's effort to implement major road improvement projects to better serve the motoring public; and

WHEREAS, last year's winter brought more snow, ice and rain than in previous years, creating very hazardous conditions for all citizens traveling across the State; and

WHEREAS, it is good planning and customer service to review interstates, major thoroughfares and collector streets from time to time to ensure safe travels by the motoring public under all circumstances; and

WHEREAS, the Town of Kernersville has purchased equipment to enhance the overall mobility of streets within the Town of Kernersville and will be reevaluating the Town's Snow and Ice Control Program to establish a revised list of priority streets.

NOW THEREFORE, BE IT HEREBY RESOLVED THAT the Town of Kernersville respectfully requests that NCDOT review its program for snow and ice removal for all streets within the Kernersville area and implement the appropriate changes as indicated by this review. Coordinated efforts between the Town of Kernersville and the North Carolina Department of Transportation will ensure the safest possible travels for all motoring public.

Adopted the 5th day of August, 2014.

10. Consideration of a Resolution to begin condemnation proceedings on certain property along the Greenway.

Mr. John Wolfe presented a resolution to begin condemnation proceedings on property owned by William Jackie Casper, Jr. on property located along the greenway. He added that as in the past, Staff has attempted to work with the property owner to acquire the property, however Staff was not successful. A topographical map was provided to illustrate the location of the property in question. He then made himself available for questions.

Alderman Kenny Crews asked if the property owner will receive a fair amount for his property. Mr. Swisher and Mr. Wolfe explained that he will receive the difference between an appraisal on the property before the property is conveyed and an appraisal done after the conveyance.

Alderman Tracey Shifflette made a **Motion** to approve the following resolution to begin condemnation proceedings against William Jackie Casper, Jr. Mayor Pro Tem Joe Pinnix seconded the motion. The vote in favor: Mayor Pro Tem Pinnix, Aldermen Shifflette, Neal and Hooker. The vote in opposition: Alderman Crews. Motion carries.

RESOLUTION NO. R-2014-21

RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST

WILLIAM JACKIE CASPER, JR.

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by William Jackie Casper, Jr. for use in meeting the following public purposes: greenway easement, storm drain easements, and temporary grading easements;

WHEREAS, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of the greenway and storm drainage improvements accessory thereto near Kilburn Way Lane within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct a greenway and storm drainage improvements near Kilburn Way Lane.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 6019 square feet for a permanent greenway easement, three storm drain easements totaling 1377 square feet and five temporary grading easements totaling 4371 square feet to expire December 31, 2015 as shown on the attached **Exhibits A and B** and furthermore known as a portion of PIN 6876-63-6973.00 and also known as a portion of Tax Lot 601 of Tax Block 5352 as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities,

to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibits A and B** and furthermore known as a portion of PIN 6876-63-6973.00 and also known as a portion of Tax Lot 601 of Tax Block 5352 as shown in the Forsyth County Tax Supervisor's office and belonging to William Jackie Casper, Jr.

This the 5th day of August, 2014.

Alderman Crews stated that the greenway is a lot of expense to the Town and did not support this effort.

11. Update on potential guardrail on Hopkins Road.

Mr. Swisher explained that last month the Board adopted a resolution which was sent to NCDOT requesting that they review an earlier request for a guardrail along Hopkins Road at the intersection with Timberwood Trails. NCDOT's response is that they find the area does not warrant a guardrail but would grant an encroachment easement if the Town wants to install one. He stated that DOT further stated that due to the number of rear-end and angle accidents, the area may warrant installation of a turn lane. Mr. Swisher stated that a turn lane at this location was on the list of projects several years ago. He asked for direction from the Board.

It was the consensus of the Board to support a turn lane at this location. A discussion was held regarding the cost of the turn lane and the potential for a request that the Town provide matching funds for this project. It was the consensus of the Board to pursue discussions with DOT regarding the installation and cost of a turn lane.

12. Consideration of a Resolution setting the Public Hearing date for a voluntary annexation petition by Terry Lynn Ballard and Betty Idol Holcomb, John T. Ballard and Terry L. Ballard, Betty Idol Holcomb, and the Estate of Charlotte R. Brookshire by Mark H. Brookshire, Executor, for property located on Old Greensboro Road near the Forsyth/Guilford County Line, containing 25.033 acres more or less.

Mr. John Wolfe presented a Resolution calling for a public hearing on the voluntary satellite annexation of property located on Old Greensboro Road near the Forsyth/Guilford County line. He explained that his initial opinion was that the property was contiguous to the current Town limits however, after further review it was determined that the property is not and therefore will be handled as a non-contiguous petition. He stated that the Clerk has certified the petition and that this resolution will call for a public hearing in September.

Alderman Tracey Shifflette made a **Motion** to approve the following resolution calling for a public hearing on the voluntary satellite annexation of property located on Old Greensboro Road near the Forsyth/Guilford County line. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2014-22

**RESOLUTION SETTING TIME AND PLACE FOR PUBLIC HEARING
ON ANNEXATION OF 25.033 ACRES OF PROPERTY NON-CONTIGUOUS
TO THE CORPORATE LIMITS OF THE TOWN OF KERNERSVILLE GENERALLY
KNOWN AS SUNCAP PROPERTY GROUP, LLC PROPERTY
LOCATED AT OLD GREENSBORO ROAD IN FORSYTH AND GUILFORD COUNTIES
NEAR FORSYTH/GUILFORD COUNTY LINE UPON PETITION OF TERRY LYNN
BALLARD AND BETTY IDOL HOLCOMB, JOHN T. BALLARD AND TERRY L.
BALLARD, BETTY IDOL HOLCOMB, AND THE ESTATE OF CHARLOTTE R.
BROOKSHIRE BY MARK H. BROOKSHIRE, EXECUTOR**

WHEREAS, the Board of Aldermen of the Town of Kernersville was petitioned on the 28th day of July, 2014, to consider the annexation of certain property consisting approximately 25.033 acres, more or less, presently known as Suncap Property Group, LLC property located at Old Greensboro Road in Forsyth and Guilford Counties near the Forsyth/Guilford County Line, Kernersville, Forsyth and Guilford Counties, North Carolina, as more fully described on the attached **Exhibits A and B**, which Exhibits are incorporated herein as if fully set out within this Resolution, and which property is non-contiguous to the present municipal boundary of the Town of Kernersville; and

WHEREAS, the Town Clerk has certified to the Board of Aldermen as to the sufficiency of said Petition in that:

1. The properties are solely owned, according to the tax records of the Forsyth (F) and Guilford (G) County Tax Supervisor's Office, by the following:
 - a. Terry Lynn Ballard and Betty Idol Holcomb
1328 Old Greensboro Road PIN#6895-29-3407(F)
 - b. Betty Idol Holcomb
1400 Old Greensboro Road PIN #6895-29-8806(F)
 - c. John T. Ballard and Terry Lynn Ballard
1326 Old Greensboro Road PIN#6895-29-3910(F)
 - d. Estate of Charlotte R. Brookshire
1404 Old Greensboro Road PIN#6896-20-9078(G)
2. The Petition includes the name and address of the property owner of all of the real property located within the proposed satellite corporate limits;
3. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the Town of Kernersville;

4. The property proposed for satellite annexation by the Town of Kernersville is within the area described for future annexation by the Town of Kernersville in the current Annexation Agreements between the Cities of High Point and Greensboro, and the Town of Kernersville;
5. Neither the area proposed for annexation, nor any part thereof, is a subdivision as defined in N.C.G.S. 160A-376; and
6. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the Town of Kernersville, will not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Kernersville; and

WHEREAS, it is now necessary to set a time and place for a Public Hearing on the matter of Annexation of said property and to publish Notice thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE that the Public Hearing on the question of Annexation of the herein set forth property by The Town of Kernersville, being more particularly described in the attached Exhibits A and B, is hereby set at 7:00 p.m. in the Kernersville Council Chambers/District Courtroom, Town Hall, Kernersville, Forsyth County, North Carolina, on the 2nd day of September, 2014, and that Notice therefore be given according to law.

This the 5th day of August, 2014.

13. **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 3, 2014 Regular Session
 Approval of Minutes for June 3, 2014 Closed Session
 Approval of Minutes for June 18, 2014 Briefing Session
 Approval of Minutes for June 24, 2014 Regular Session

C-2 Consideration of Authorizing The Town Manager to Sign an Intergovernmental Agreement with Guilford County, Forsyth County, City of Winston, and City of Greensboro for the Feasibility Study for the Piedmont Greenway-Triad Park Reedy Fork Creek Section.

C-3 Consideration of a NCDOT Landscape Agreement for Dobson Street Roundabout.

C-4 Consideration of Declaring Property in the Police Departments Surplus.

Mr. Swisher asked that item C-4 be pulled from the Consent Agenda.

Alderman Tracey Shifflette made a **Motion** to approve the Consent Agenda Items C-1 – C-3 as presented. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

14. ITEMS REMOVED FROM CONSENT AGENDA.

Mr. Swisher stated that we originally planned to declare them surplus so we could trade them in to Motorola. Motorola has informed us that they will give us the same price for the new radios without trading in the old ones. Therefore, we are asking that they be declared surplus but we may keep some and use them or sell them to other agencies.

Alderman Kenny Crews made a **Motion** to declare the radios surplus. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

15. SPEAKERS FROM THE FLOOR.

None presented.

16. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented a request by the Police Department to consider an Interlocal Agreement with Forsyth County for the fifth year of the DWI Task Force Grant. The Board authorized the grant in February 2014.

Alderman Tracey Shifflette made a **Motion** to approve the Interlocal Agreement with Forsyth County as presented. Aldermen Keith Hooker seconded the motion and the vote was all for and motion carried.

17. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

Town Attorney John Wolfe presented a matter in regard to improvements along Piney Grove Road. He and the Town Manager explained a potential land exchange with Obie Ballard along Piney Grove Road. The exchange is needed due to slope issues along a stretch of Piney Grove Road at Hamlin Park Drive to Nelson Street. Without the exchange a brick wall may be erected to keep soil

from eroding. Mr. Wolfe explained the process necessary to implement the exchange and presented a notice that will be published in the newspaper.

Mr. Wolfe further explained that following the notice, if no one else is interested in the property a resolution will be presented at the September meeting authorizing the land exchange. If anyone is interested, it will be readvertised.

Alderman Irving Neal made a **Motion** to proceed with the exchange of land on Piney Grove Road as presented. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

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

Mayor Morgan questioned the end of the sidewalk along Piney Grove Road and whether or not it was finished. Mr. Maltba stated that he would check with NCDOT.

Mayor Morgan then asked for the timeframe for the work to be done on the sidewalk on Cherry Street. Mr. Maltba asked the Town Attorney if the property issue had been settled. Mr. Wolfe believed that it has been settled and conveyance documents recently received. Mr. Maltba stated that he will check with NCDOT on this project as well.

Alderman Irving Neal referred to the drive-by shooting that occurred in Winston-Salem today and commended the Police Department for all their efforts to keep the citizen safe in Kernersville. He encouraged the Chief to let the Board know if there is anything they can do to prevent that from happening in Kernersville.

Mayor Morgan commended Mayor Pro Tem Joe Pinnix on his 47 year wedding anniversary and Alderman Shifflette on her 30 year anniversary.

Mayor Morgan referred to a police report that was posted in regard to graffiti. She extended her appreciation for the efforts of our Police Officers and the Town's commitment to eradicating graffiti. At times it has gotten out of hand and the Town has been proactive in our efforts.

Alderman Tracey Shifflette made a **Motion** for the Board to enter into Closed Session to discuss matters about which our Town Attorney needs to advise the Board and which fall under the Attorney-Client privilege in Closed Session. The Board also needs to meet in Closed Session regarding land acquisition as permitted by NCGS 143-318.11. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

19. ADJOURNMENT.

Being no further business to come before the Board the meeting was adjourned immediately following the Closed Session at 10:03 PM.



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 5, 2014.

This the 13 day of October, 2014.



Dale F. Martin, MMC, NCCMC
Town Clerk