

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION JANUARY 7, 2015**

The Board of Aldermen of the Town of Kernersville met in a briefing session at 6:40 P.M. on the above date in the Town Hall Executive Conference Room at the Municipal Building at 134 East Mountain Street.

Present: Mayor Dawn Morgan, Aldermen Kenny Crews, Keith Hooker, and Tracey Shifflette.

Absent: Mayor Pro Tem Joe Pinnix and Alderman Irving Neal.

Staff Present: Curtis L. Swisher, Town Manager; Jayne Danner, Deputy Town Clerk; John Bain, Town Attorney; Jeff Hatling, Community Development Director; Scott Cunningham, Police Chief; Terry Crouse, Fire Rescue Chief; Doran Maltba, Public Services Director; Heather Wood, Marketing and Communications Specialist; Gray Cassell, Chief Information Officer; Franz Ader, Finance Director and Ray Smith, Human Resources Director.

Call to order and invocation.

Mayor Dawn Morgan called the meeting to order and Alderman Tracey Shifflette delivered the invocation.

1. Briefing on the January 13, Regular Meeting Agenda.

Item # 1 PUBLIC HEARING: Doug Stimmel, Agent for Others for multiple properties located at 716 South Main St., 715 South Cherry St., 803 South Cherry St., and additional properties bordering South Cherry Street, South Main Street, and Old Winston Road, being all of PIN#(S) (Greenfield Property) 6876-91-0614, 6876-81-7817, 6876-71-8866, 6876-81-7693 and part of 6876-82-5300; and (Slade Property) 6876-91-2626, and 6876-91-1666 containing a total of 34.68 acres more or less. Petitioner requests a Single & Two Phase Special Use District Rezoning from Single Family Residential and Highway Business (RS7, RS12, HB, and HB-S) to General Business–Special Use District (GB-S). Requested Use(s): Multiple Uses Requested Zoning Docket K-729 (Valid Protest Petition Filed) (Continued from December 2, 2014)

Mr. Curtis Swisher, Town Manager advised the Board that the Town has today received a letter from Mr. Ray Thomas, Attorney for Emily Adams an adjoining property owner, requesting that this matter be continued until the February Board of Alderman meeting. Mr. Swisher noted that it has been the general practice of the Board that if the proponent has requested and been granted a continuance then the opponent has also been allowed to request a continuance.

Mayor Morgan asked if the Board could take action on this request tonight.

Mr. John Bain, Town Attorney advised that the Board could not take action on the request until the meeting for which it was scheduled for continuance, which is January 13th.

Item # 2 PUBLIC HEARING: Mark Smith, Agent for Others for property located at 422 Mountain View Drive being all of PIN #(s) 6876-84-8470 containing 6.78 acres more or less. Petitioner requests to rezone from RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) to RM18-S (Residential Multifamily, maximum 18 units/acre – Special Use District). Requested Use(s): Residential Building, Multifamily. Zoning Docket K-724.A2

Mr. Jeff Hatling, Community Development Director briefed the Board on this rezoning request for a modification to the building and parking adding five additional units to this project that was approved by the Board in February 2014. He reported that the Planning Board and Staff recommend approval of the rezoning and site plan as presented and that no opposition was received.

Item # 3 PUBLIC HEARING: Jeff Hatling, Community Development Director, for consideration of an amendment to the Kernersville Development Plan to amend the Land Use Plan from “Medium Density Residential” to “Mixed Use”, for property along Trent Street with Pin numbers 6886-53-4466 and a portion of 6886-53-4412 a total of .26 acres more or less. Plan Docket KDP-43

Item # 4 PUBLIC HEARING: Curtis L. Swisher Owner/Agent for Others for property located in the 200 Block of Trent Street, being all of PIN# 6886-53-4412 containing .22 acres more or less and all of PIN # 6886-53-4466 containing .13 acres more or less. Petitioner requests a Special Use District Rezoning – Two-Phase from GI (General Industrial) and RS-7 (Residential, Single Family) to GB-S (General Business – Special Use District). Requested Use(s): Multiple Uses Requested. Zoning Docket K-733

Mr. Hatling briefed the Board on these requests to amend the Land Use Plan and to rezone vacant property in the 200 Block of Trent Street. He reported that the Planning Board and Staff recommend approval of the amendment to the Land Use Plan and rezoning request as presented. He noted that that no opposition was received.

Item # 5 PUBLIC HEARING: Jeff Speaks, Agent for Others for property located at 1488 NC Highway 66 South, being all of PIN # 6885-52-8908 and part of PIN # 6885-53-8272 containing a total of 1.51 acres more or less. Petitioner requests a Special Use District Rezoning from HB-S (Highway Business – Special Use) to HB-S (Highway Business – Special Use). Requested Use(s): Multiple Uses Requested. Zoning Docket K-547.A3

Mr. Hatling briefed the Board on this rezoning request for a fast food restaurant with drive through. He reported that the Planning Board and Staff recommend denial of the rezoning request as presented as it is not consistent with the Town’s comprehensive plan and therefore would not be in the public best interest.

Alderman Keith Hooker asked what the current approved uses are and what additional uses are being requested. He also asked if the Board could made modifications to the requested uses. Alderman Hooker further inquired about available property in Town zoned for restaurants with drive through service.

Mr. Hatling advised that he would prepare a list for the Board of the current authorized uses and the requested uses. He further advised the Board that if they decide to modify the requested uses at the meeting they would have to ask the petitioner if they would accept the proposed modifications. Mr. Hatling stated that properties at Business 40 and Industrial Park; 66 South of I40 at the Metro Activity Center near Bishop McGuinness are zoned for restaurants with drive through service.

Mr. Swisher reminded the Board that there are still some stormwater retention pond violation issues with this property that would impact issuance of building permits at this time.

Mr. Swisher provided some history of the reasoning for the current zoning and previous rezoning requests that had previously been denied by the Board for several other proposed uses.

Item # 7 Resident to address the Board regarding noise from Omni Source Recycling Center.

Mr. Swisher advised that Staff has gathered some information on this matter which he will present to the Board on Tuesday after the citizen has an opportunity to address the Board.

Item # 8 Consideration of granting a Special Intensive Development Allocation (SIDA) allocation of 34.58 acres for the rezoning project K-729. (Continued from December 2, 2014)

Mr. Hatling noted that this matter pertains to the rezoning request K729 and action will only need to be taken if the rezoning request is approved, or continued if the rezoning request is continued.

Item # 9 Presentation of Annual Audit by Dixon Hughes Goodman.

Mr. Swisher advised that John Frank, representative with Dixon Hughes Goodman will present his findings in the annual audit to the Board on Tuesday.

Alderman Hooker asked what the final adjusted Fund Balance amount was.

Mr. Swisher responded that it is pretty close to the appropriated amount @ \$565,000 and that Mr. Frank would go over this information in his report on Tuesday. He also noted that the \$600K to replace the HVAC maybe paid out of the Fund Balance instead of taking out a loan.

Item # 10 Semi-annual Report by the Chamber of Commerce for In-kind Services.

Mr. Swisher stated that a representative from the Chamber of Commerce will present this report to the Board on Tuesday.

Item # 11 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 November 4, 2014 Regular Session**
- Approval of Minutes for November 24, 2014 Briefing Session**
- Approval of Minutes for November 24, 2014 Closed Session**
- Approval of Minutes for December 2, 2014 Regular Session**
- Approval of Minutes for December 2, 2014 Closed Session**

Mayor Morgan noted the Minute approval process.

- C-2 Consideration of Declaring Property in the Police Departments Surplus and authorizing a trade-in for replacement equipment.**

Mr. Swisher stated that the Town will receive approximately \$21K for trade in of these old service weapons, reducing their replacement cost to approximately \$17K.

- C-3 Consideration of Forsyth County Tax Refunds**

Mayor Morgan noted the refund process.

- C-4 Consideration of a Piggy Back purchase of a Street Sweeper**

Mr. Swisher stated that the street sweeper purchase for the stormwater department was approved in FY 14-15 Budget. He added that Staff recommend approval of this piggy back purchase from Atlantic Machinery at a cost of approximately \$224K.

- 2. Consideration of a request to extend time limits for Public Hearing items as established by Resolution R-2013-34.**

Mayor Morgan reported that a request has been received to extend the time limits for Public Hearing items established by Resolution R-2013-34 which states *“When an agenda item is denoted as a Public Hearing, persons attending shall be permitted to address the Board of Aldermen regarding the item under consideration, those speaking in favor speaking first and those against speaking second. Proponents and opponents shall each be given fifteen (15) minutes of time to speak and may choose to allow one speaker to utilize that time or choose to allocate the time among different speakers. In the event that either proponents or opponents have not designated a speaker or speakers to represent that view, the Mayor shall divide the fifteen (15) minutes by the number of speakers wishing to address the Board of Aldermen and each such speaker shall be allowed that given time within which to express his or her comments, ideas, concerns, expressions, and desires. After the opponents speak, the Mayor will allow the proponents five (5) minutes for rebuttal. If the proponents choose to exercise this option, the opponents will also have five (5) minutes for rebuttal. In the event that the proponents do not present a rebuttal then the opponents shall be given no further time to speak”*.

Alderman Hooker asked Mr. Bain if the Board could adopt a policy setting different time limits for different types of public hearings such as one for rezoning requests and one for other public hearing matters like the Budget.

Mr. Bain advised that it could, however it is simpler to use the same time limits for all public hearing matters. He noted that if the Board did establish different time limits it is imperative the time limits are consistent for each type of public hearing.

Alderman Shifflette stated that she has received requests from citizens requesting additional time to speak at public hearings although for most public hearing it hasn't been an issue and the 15 minutes allotted hasn't been used. She added that an additional five or ten minutes does allow for more discussion.

Alderman Kenny Crews stated that he would be in favor of extending the time and that all citizens' requests are important and no one should be granted favoritism. He added it might even help with less complaints.

Alderman Hooker stated that he would be in favor of extending the time limits from 15 minutes to 20 minutes.

Mayor Morgan asked the Board if they were in favor of extending the time limits to 25 minutes.

Alderman Shifflette stated that she would be in favor of extending the time limits to 20 minutes with a 5 minute rebuttal, and to revisit the matter if the Board deemed it necessary.

Alderman Keith Hooker made a **Motion** to amend the policy for time limits of Public Hearing items as established by Resolution R-2013-34 from 15 minutes to 20 minutes and 5 minutes for rebuttal effective immediately. Alderman Tracy Shifflette seconded the motion and the vote was all for and motion carried.

Alderman Shifflette asked that Staff ensure that the time clock is updated for the meeting on Tuesday.

3. Consideration of Appointments to Committee to Name Business I-40.

Mayor Morgan advised the Board that she has been requested to recommend three people for appointment to this committee. She added that she is recommending herself to serve as the Elected Official representative with Mr. Swisher to serve as her alternate; Debi Grant, GIS Analyst, as the Town Staff representative and Phyllis Mendel, Planning Board and Thoroughfare and Street Plan Study Committee Member as the citizen representative.

Alderman Kenny Crews made a **Motion** to approve the Mayors recommendations for appointments to the committee. Alderman Tracy Shifflette seconded the motion and the vote was all for and motion carried.

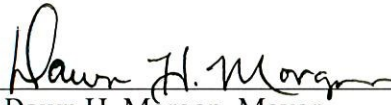
4. Matters to be presented by the Town Manager and Town Attorney.

None presented.

5. Adjournment

Alderman Keith Hooker made a **Motion** to adjourn the meeting at 7:35 p.m. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

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


Dawn H. Morgan, Mayor

Attest:


Jayne Danner, MMC, NCCMC Deputy Clerk

I, Jayne Danner, Deputy 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 January 7, 2015.

This the 6th day of February, 2015.


Jayne Danner, MMC, NCCMC Deputy Clerk