

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION JANUARY 28, 2015**

The Board of Aldermen of the Town of Kernersville met in a briefing session at 6:39 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, Mayor Pro Tem Joe Pinnix, Aldermen Kenny Crews, Keith Hooker, Irving Neal and Tracey Shifflette.

Absent: None

Staff Present: Curtis L. Swisher, Town Manager; Jayne Danner, Deputy Town Clerk; John Wolfe, Town Attorney; Jeff Hatling, Community Development Director; Steve Bowman, Police Captain; Terry Crouse, Fire Rescue Chief; Doran Maltba, Public Services Director; Ernie Pages, Parks and Recreation Director; 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 February 3, Regular Meeting Agenda.

Mayor Morgan noted the ceremonial item on the Agenda, a Certificate of Appreciation for Mr. Doug Jewell, for serving on the City County Utilities Commission. Mayor Morgan recognized Mr. Ray Thomas, who she is recommending to replace Mr. Jewell.

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 and January 13, 2015)

Mr. Jeff Hatling, Community Development Director reported that he has received an email today from the developer requesting a continuance to the March 3, 2015 Board of Aldermen meeting.

Mayor Morgan asked Mr. John Wolfe, Town Attorney if it is within our Rules of Procedure to continue this matter.

Alderman Irving Neal joined the meeting at 6:42 p.m.

Mr. Wolfe advised the Board that they could not take any action on this request this evening, however if it is the Board's desire to grant a continuance, they could at the February 3, 2015 meeting. He further advised that the Board can take this action without opening the public hearing or requesting any public input.

Alderman Irving Neal asked if the developer changed the plan would it have to go back before the planning board.

Mr. Swisher responded that if either of the agreements the developer is working on with the Adams or Sears family goes through and the developer plans to incorporate these additional parcels into the plan it would have to go back before the Planning Board before it is heard by the Board of Aldermen, therefore the developer may wish to withdraw the rezoning request rather than request a continuance on Tuesday. Mr. Swisher also advised that the Town has received two additional protest petitions which based on the land area are valid when combined.

Mayor Morgan asked about the proposed South Main Street roundabout project.

Mr. Hatling advised that the design is 75% complete, that it will take about a year to acquire necessary right of way and that the target completion date is end of 2016.

Item # 2 PUBLIC HEARING: Van Smith, Agent for Tradition Homes for property located at the Northwest corner of Lambeth Farm Lane and Lake Way, being all of PIN #(s) 6876-93-9934, 6876-93-8618, 6876-93-9315 and 6876-93-8333 containing 8.94 acres more or less. Petitioner requests a Special Use District Rezoning from RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) to RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District for a site plan modification. Zoning Docket K-567.A3

Mr. Hatling briefed the Board on this rezoning request to remove two parking lots. He reported that the Planning Board and Staff recommend approval of the rezoning request and site plan as presented. He added no opposition was received.

Item # 3 PUBLIC HEARING: Randy Elliott, Owner of property located at 328 East Bodenhamer Street being all of PIN #(s) 6886-43-5768 containing .485 acres more or less. Petitioner requests a General Use District Rezoning to rezone from GI (General Industrial) to GB (General Business). Zoning Docket K-734

Mr. Hatling briefed the Board on this rezoning request. He reported that the Planning Board and Staff recommend approval of the rezoning request as presented and no opposition was received.

Item # 4 PUBLIC HEARING: T. Martin Fridy, Agent for MPG Kernersville, LLC for property located at 1020 South Main Street, being all of PIN# 6876-50-7125 containing 1.84 acres more or less. Petitioner requests a Special Use District Rezoning from HB-S (Highway Business – Special Use District) to HB-S (Highway Business – Special Use

District). Requested Use(s): Banking & Financial Services; Electronic Business Establishment; Food or Drug Store; Furniture and Home Furnishings; General Merchandise Store; Health Services, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; Office, Miscellaneous; Post Office; Professional Office; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Services, Business A; Services, Business B; and Services, Personal Zoning Docket K-689.A1

Mr. Hatling briefed the Board on this rezoning request for the Market 150 property that has previously been rezoned for a drug store. He reported that the Planning Board and Staff recommend approval of the rezoning request, however the Planning Board voted to deny the site plan as presented by Staff due to the location of the drive through. He noted that no opposition was received.

Alderman Neal asked if the Town could require the developer to connect this development to the Target shopping center, and if so would it be an issue for the number of required parking spaces. He also asked if the Town could require that the Main Street entrance be a right in and right out only. He also expressed concern about accessibility by the fire truck.

Fire Rescue Chief Terry Crouse responded that the fire truck accessibility is not an issue.

Mr. Hatling advised that the Board can make the connectivity a requirement and that this would not result in an issue with the parking spaces. He further advised that the prior rezoning was approved as a right in and right out only. He noted that one of the concerns of the planning board was the stacking up of cars in the drive up that could back up on to South Main Street.

Alderman Neal asked if the Town had any data on drive through numbers.

Mayor Morgan recognized Mr. Neal Shepherd who drew the site plan.

Mr. Shepherd stated that the site plan illustrated the total number of vehicles that the drive up could accommodate rather than the anticipated five vehicles at one time.

Item # 5 PUBLIC HEARING: The Town of Kernersville for consideration of an amendment to the Unified Development Ordinance (UDO) affecting Chapter A, Article II; Chapter B, Articles II and III; and Chapter D creating a Traditional Neighborhood Development (TND) Zoning District. Zoning Docket KT-214

Item # 6 PUBLIC HEARING: Milt Rhodes, Agent for The Arden Group for property bordered within the 1300 block of Old Salem Road/1800 block of NC Hwy. 66 South/100 block of Ogden School Road, being all of PIN #(s) 6884-58-5212, 6884-47-2915, 6884-57-0231, 6884-47-2166, 6884-46-6633, 6884-67-3002, 6884-66-6626, 6884-66-0575, 6884-46-2186, 6884-45-2743, 6884-45-1344, 6884-34-9844, 6884-27-8837, 6884-27-6069, 6884-37-0455, 6884-37-0147, 6884-36-0718, 6884-17-6391, 6884-18-5099, 6884-16-7301, 6884-15-3166, 6884-25-8653, 6884-25-8144, 6884-24-8655, 6884-13-1872, 6884-13-5179, 6884-58-2814, 6884-66-4493, 6884-36-0496, and 6884-59-2218 containing 386.61 acres more or less.

Petitioner requests a Special Use District Rezoning – Two Phase from MU-S (Mixed Use – Special Use District) and AG (Agricultural) to TND-S (Traditional Neighborhood Development – Special Use District) Zoning Docket K-641.A7

Mr. Hatling briefed the Board on these requests to amend the Unified Development Ordinance (UDO) and to rezone property in the former Carrolton development. He reported that the Planning Board and Staff recommend approval of the rezoning request and site plan as presented. However, the Planning Board voted to deny the Staff's recommendation to amend the UDO creating a Traditional Neighborhood Development (TND). Mr. Hatling noted that the Planning Board requested Staff to revise the site plan to incorporate the Planning Board's recommendations to the text amendment, making it more specific to the now Welden Development, prior to it being presented to the Board of Aldermen.

Alderman Neal asked if the TND is a different density than the density previously approved in the initial rezoning request, and will any sewer fees be applied.

Mr. Hatling advised that the TND standards are much more restrictive than the previous rezoning, with detailed design and character for the entire 400 acre community, no 3 story apartments as in the previous plan. He noted that the developer has had a neighborhood meeting and all the attendees were supportive of the plan. He added that a traffic study was completed several years ago, and that an acreage fee will apply but will not be subsidized like Caleb's Creek.

Item # 7 PUBLIC HEARING: Dick Hastings, Owner of Dillon & Hastings Real Estate, Inc., for property located in the 500 block of Harmon Lane being all of PIN #(s) 6886-42-4748 and 6886-42-5702 containing .29 acres more or less. Petitioner requests a General Use District Rezoning from RM-18 (Residential Multifamily, maximum 18 units/acre) to RSQ (Residential Single-Family Quadraplex) Zoning Docket K-735

Mr. Hatling briefed the Board on this rezoning request for two parcels of land. He reported that the Planning Board and Staff recommend approval of the rezoning request as presented and no opposition was received.

Item # 9 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 and January 13, 2015)

Mr. Hatling noted that this matter pertains to the rezoning request K729 and action will only need to be taken if any action is taken on the rezoning request.

Item # 10 Annual Report by the Kernersville Museum

Mr. Wolfe advised that he and Mr. Bruce Frankel will give a brief report on the status of the museum on Tuesday evening.

Item # 11 Consideration of a Request by the Old Salem Chapter of the Antique Automobile Association of America to hold the Downtown Cruise-Ins from June 2015 – October 2015

Mr. Swisher advised the Board that the automobile club has submitted a request to hold Cruise-In's downtown on the 2nd Saturday of these months as they have in previous years.

Alderman Neal stated that he has been made aware that issues have arose from scheduling these events some of which still need to be worked out.

Chris Comer, Kernersville Chamber of Commerce CEO, stated that she has received feedback from some downtown merchants that closing Main Street each month is having a negative impact on their businesses. She added that she has been in discussion with the automobile club to see if an alternate location could be worked out.

Steve Bowman, Police Captain stated that he has also been involved in these discussions and added that he has informed the members of the automobile club that they will need to employ two off duty police officers to assist with this event.

Mr. Swisher advised that he was aware of the issue with the Harmon House weddings but unaware of these issues. He added he will work with Ms. Comer and contact Mr. Ron Day, who submitted the request, to see if the events could be moved to East Mountain Street prior to the meeting on Tuesday.

Item # 12 Staff presentation on Results of Road Condition Survey.

Mr. Swisher advised that Mr. Doran Maltba, Public Services Director, will give a brief presentation on the current status of roads. He noted that it had been two years since the last survey was conducted.

Mayor Morgan asked that the Board be provided with a printed copy of this information for future reference.

Item # 13 Consideration of a Resolution to Forsyth County Commissioners Requesting they Name Certain Streets in the Kernersville Extraterritorial Zoning Jurisdiction:

Whitt Road to be renamed to Whitt Farm Road

Unnamed Road to be named Wilburn Center Court

Mr. Swisher briefed the Board on this matter resulting from the new Business 40/Macy Grove Road interchange. He noted that since both of these streets are in the ETJ a Resolution has been prepared for the Board's consideration which upon approval will be sent to the Forsyth County Commissioners requesting them to consider renaming the public portion of Whitt Road to Whitt Farm Road and a previously unopened unnamed road to Wilburn Center Court. Mr. Swisher noted that Staff has been in contact with the residents impacted and they are in favor of this action.

Item # 14 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 January 7, 2015 Briefing Session

C-2 Consideration of minor updates to the Personnel Policy

Mr. Swisher noted that these are minor changes.

C-3 Consideration of Appointing Mayor Pro Tem Joe Pinnix to the YMCA Board of Managers

Mayor Morgan noted that Aldermen Hooker, who has served on this Board for three years, has a scheduling conflict, she thanked him for his service and Mayor Pro Tem Pinnix for volunteering to replace Alderman Hooker.

C-4 Consideration of Appointing Mr. Ray Thomas to the City County Utilities Commission

Mayor Morgan noted this item earlier.

C-5 Consideration of a Resolution Calling for a Public Hearing on the Renaming of 1100-1199 Block of Old Greensboro Road to be renamed to Graves Street

Mr. Swisher advised that this road is within the Town limits and that this action is also due to the Macy Grove Road interchange.

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

Alderman Tracey Shifflette made a **Motion** to go into Closed Session at 8:00 p.m. to discuss certain matters which fall within the Attorney Client privilege as permitted by NCGS 143-318.11(a)(3). Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

The Board returned to Open Session at 8:39 p.m.

3. Adjournment

Alderman Keith Hooker made a **Motion** to adjourn the meeting at 8:40 p.m. Alderman Tracey Shifflette 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
Dawn H. Morgan, Mayor

Attest:

Jayne Danner
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 28, 2015.

This the 11th day of March, 2015.

Jayne Danner
Jayne Danner, MMC, NCCMC Deputy Clerk