

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. JANUARY 5, 2010**

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 Kevin Bugg, Aldermen Dana Caudill Jones, Bob Prescott, Keith Mason and Tracey Shifflette.

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Jayne Danner, Deputy Clerk; Jeff Hatling, Community Development Director; Sharon Richmond, Senior Planner; Kenny Gamble, Chief of Police; Police Officer Will Mabe, Public Information/Crime Prevention Officer; Ryan Spong, Communications Supervisor; Carol Hauser, Police Administrative Services Supervisor; Franz Ader, Finance Director; Ernie Pages, Parks and Recreation Director; Walt Summerville, Fire Chief; Gray Cassell, Information Systems Director; Doran Maltba, Assistant Public Works Director; Ray Smith, Human Resources Director; Police Capt. Steve Bowman and Crystal Tanner, Human Resources Analyst.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND DON WINTERS, KERNERSVILLE MORAVIAN CHURCH**

Mayor Morgan called the meeting to order and Reverend Don Winters, Kernersville Moravian Church delivered the invocation.

- **PLEDGE OF ALLEGIANCE
LED BY CUB SCOUTS PACK 943 WEBELOS 1 AND 2**
- **RECOGNITION OF KERNERSVILLE RAIDERS PEE WEE FOOTBALL TEAM**

Mayor Morgan recognized the Kernersville Raiders Pee Wee football team and asked Officer Will Mabe to assist in presenting each of the players with a certificate.

Officer Mabe stated that this group of boys has been playing football together since Mighty Mites under the leadership of some great coaches.

Mayor Morgan read and presented a Proclamation to each of the coaches.

- **RECOGNITION OF THE 2009 EMPLOYEE OF THE YEAR**

Mr. Curtis Swisher, Town Manager recognized all employees nominated for this award:- Ryan Spong, Communications Supervisor, Police Department; Russell Bowman, Street Division, Public Works Department; Ricky Everhart, Central Maintenance Division, Public Works Department; Thad Buck, Solid Waste Division, Public Works Department and Doran Maltba, Administration Division, Public Works Department. He then presented the 2009 Employee of the Year Award to Ryan Spong. Ryan received a plaque expressing the Town's appreciation for his efforts, a \$250 check and five days of vacation. The Employee of the Year is nominated by Town Employees. The five Employees receiving the most nominations were reviewed by a Selection Committee comprised of business leaders and individuals in the community of which they select the individual for the award.

Ryan Spong thanked everyone for the award and stated that it is a joy working for the Town and that he looks forward to coming to work every day.

- **PRESENTATION OF RESOLUTION OF APPRECIATION FOR EMPLOYEES RETIRING IN 2009**

Mayor Morgan presented retiree David Davenport with a Resolution of Appreciation for his years of service to the Town from the North Carolina League of Municipalities.

- **PRESENTATION OF MEMORAL RESOLUTIONS OF APPRECIATION FOR 2009**

Mayor Morgan presented the families of Brady Mullinax; Betty Cain; Roger Nelson and Wayne Porter with a Resolution of Appreciation for their years of service to the Town from the North Carolina League of Municipalities.

1 a. PUBLIC HEARING: on a voluntary Annexation Petition by PM Development, LLC for property located at Old Salem Road and off of Highway 66, 113.209 acres.

Mr. Jeff Hatling, Community Development Director stated that PM Development submitted a voluntary annexation petition for three parcels of land in the Carrollton project at Old Salem Road and Highway 66 South. He added that Staff recommends approval of the petition as presented.

Mayor Dawn Morgan declared the public hearing open.

Being no speakers in either favor or opposition Mayor Morgan closed the public hearing.

1 b. Consideration of an ordinance annexing said property.

Alderman Dana Caudill Jones made a **Motion** for the approval of the following voluntary annexation Ordinance at 7:45 pm Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

ANNEXATION ORDINANCE NO. A1-2010-01
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO INCLUDE
APPROXIMATELY A 113.209 ACRE TRACT DESCRIBED HEREIN
AND GENERALLY KNOWN AS THE PM DEVELOPMENT, LLC
PROPERTY LOCATED AT OLD SALEM ROAD OFF
NC HIGHWAY 66 SOUTH PETITIONED FOR ANNEXATION
BY PM DEVELOPMENT, LLC

WHEREAS, the Board of Aldermen of the Town of Kernersville has been petitioned, in accordance with North Carolina General Statutes 160A-31, as amended, to annex the area described herein; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition; and

WHEREAS, on December 8, 2009, the Board of Aldermen of the Town of Kernersville set the time and date of a Public Hearing to be held on the question of Annexation as being January 5, 2010, at 7:00 p.m. in the Kernersville Council Chambers/District Courtroom; and

WHEREAS, a public hearing on the question of this Annexation was held at a regular meeting of the Board of Aldermen of the Town of Kernersville in the Kernersville Council Chambers/District Courtroom at 7:00 p.m. on the 5th day of January, 2010, after due notice by publication on the 17th day of December, 2009; and

WHEREAS, the Board of Aldermen does hereby find as a fact that said petition meets the requirements of N.C.G.S. 160A-31, as amended, including that this property is contiguous to the present corporate limits of the Town of Kernersville and that all property owners within the area petitioned to be annexed, have signed the petition for annexation;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville, North Carolina:

Section 1. By virtue of the authority granted in North Carolina General Statutes 160A-31, as amended, the territory of approximately 113.209 acres, as further described in the attached **Exhibits A and B**, which are included herein as if fully set out, is hereby Annexed and made part of the Town of Kernersville as of January 5, 2010, at 7:45 o'clock p.m.

Section 2. Upon and after January 5, 2010, at 7:45 o'clock p.m., the above described territory, and its citizens and property, shall be subject to all debts, laws, ordinances and regulations in force in the Town of Kernersville and shall be entitled to the same privileges and benefits as other parts of the Town of Kernersville.

Section 3. The newly Annexed territory described herein shall be subject to Town of Kernersville taxes according to G.S. 160A-58.10.

Section 4. A certified copy of this Ordinance shall, together with a map outlining the newly annexed areas, be recorded in accordance with N.C.G.S. §160A-39 in the Office of the Secretary of State of North Carolina and in the Office of the Register of Deeds of Forsyth County, North Carolina; and, a copy of this Ordinance, and map outlining the newly annexed area shall be sent to the Forsyth County Board of Elections as provided for in N.C.G.S. §163-288.1(a), as well as to the Forsyth County Tax Supervisor's Office.

Adopted this 5th day of January, 2010, at 7:45 o'clock p.m.

- 2 a. PUBLIC HEARING: PM Development LLC, Owner for property located adjacent to the existing NC Highway 66 South/Old Salem Road Metro Activity Center and NC Highway 66 South and Indian School Road, being all of Forsyth County PIN #6884-66-0575, PIN #6884-66-6626, PIN #6884-66-4493, PIN#6884-25-8653, PIN #6884-25-8144, PIN #6884-24-8655, and PIN #6884-34-9844, containing 81.03 acres more or less. Petitioner requests to rezone from Forsyth County Zoning District AG (Agricultural) and Kernersville Zoning District AG (Agricultural) to Kernersville Zoning District MU-S (Mixed Use – Special Use District). Requested Uses: *Uses as listed in original approved rezoning case K-641. Zoning Docket K-641.A3 (Two Phase)***

Mr. Jeff Hatling, Community Development Director presented the Planning Board report for this two-phase rezoning request for 81.03 acres in the Carrollton mixed use project development. He added that a site plan will be presented at a later time. Mr. Hatling expressed that some adjacent property owners had concerns regarding buffering, however a creek will assist in this matter. He added that the Planning Board and Staff recommended approval of the rezoning request. He further stated that Planning Board recommends approval of the site plan 8-1 and Staff recommends approval of the site plan with two additional conditions # 75 & 76:

Condition # 75. The parcel along Indian School Road shall be designated as "Village" and the parcel along Rock Barn Road east of the creek shall be designated as "Business Park" and the parcel west of the creek shall be designated as "Residential."

Condition # 76. The two Rock Barn Road residents here this evening, or their successors, are to be notified of the Final Development Plan hearing.

Mayor Dawn Morgan declared the public hearing open.

Being no speakers in either favor or opposition Mayor Morgan closed the public hearing.

2 b. Consideration of an ordinance for zoning petition.

Alderman Dana Caudill Jones made a **Motion** of approval to amend the Unified Development Ordinance of the Town of Kernersville by rezoning the property in case K-641.A3 from Forsyth County AG and Kernersville AG to Kernersville MU-S, the said rezoning being consistent with the Town's comprehensive plan, *Kernersville Development Plan*, and further being both reasonable and in the public interest because of the following facts.

The petitioner requested Special Use District rezoning to allow for building architectural and site plan standards to be applied that assures the development addresses the *Development Plan Goal* of establishing Kernersville as a “unique high quality community within the Triad”.

The petitioner requested Mixed Use - Special Use District rezoning to allow for the continued implementation of the *NC66 / Old Salem Road Metro Activity Center Guidelines* plan.

And approval of the Site plan as recommended by Staff with additional conditions #75 & 76.

Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2010-02
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 Forsyth County Zoning District AG (Agricultural) and Kernersville Zoning District AG (Agricultural) to Kernersville Zoning District MU-S (Mixed Use – Special Use District). (Requested Uses: Uses as listed in original approved rezoning case K-641) for property located adjacent to the existing NC Highway 66 South/Old Salem Road Metro Activity Center and NC Highway 66 South and Indian School Road, being all of Forsyth County PIN #6884-66-0575, PIN #6884-66-6626, PIN #6884-66-4493, PIN#6884-25-8653, PIN #6884-25-8144, PIN #6884-24-8655, and PIN #6884-34-9844, containing 81.03 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as being all of Forsyth County PIN #6884-66-0575, PIN #6884-66-6626, PIN #6884-66-4493, PIN#6884-25-8653, PIN #6884-25-8144, PIN #6884-24-8655, and PIN #6884-34-9844, containing 81.03 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 “*Carrollton*”, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 5th day of January, 2010 to PM Development, LLC.

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 *Carrollton*. 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 January, 2010

SPECIAL USE DISTRICT PERMIT

Issued by

Board of Aldermen of the Town of Kernersville

The Board of Aldermen of the Town of Kernersville has issued a Special Use District Permit for

the site shown on the site plan map included in this zoning petition of PM Development, LLC. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for *Carrollton* approved by the Board of Aldermen the 5th day of January, 2010 and signed, provided the property is developed in accordance with requirements of the zoning district MU-S (Mixed Use –Special Use District) Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the original approved uses as listed in case K-641.

CONDITIONS:

Village Center

1. Developments shall comply with the *Central Kernersville Zoning Overlay District* “store front”, “office” or “residential” style standards and *General Site Plan Requirements*, unless at the time of submittal the approving board accepts an alternative historic architectural design. The alternative design shall take into consideration the historic building designs of the central Piedmont.
2. Double face buildings shall be used along all thoroughfares and collector roads. Along other roads parking shall be to the side, rear, or if to the front, parking rooms shall be created. The parking rooms shall be established by enhanced landscaped islands that break up the bulk of the parking lot
3. All facades visible from adjoining properties and/or streets shall contribute to the pleasing scale of features of the building and encourage community integration by featuring characteristics similar to the front façade.
4. All sides of a principal building directly facing abutting streets shall include a least one customer entrance. The entrance(s) shall be clearly defined and highly visible with distinguishing features such as canopies or porticos.
5. Loading docks, trash collection and other outdoor storage and activity areas shall be incorporated into the overall pedestrian scale of the building and landscaping.
6. Outdoor display areas shall be planned in the overall design of the site plan. The area shall contribute to the pedestrian scale and use of the development.
7. Retail space stores that are a part of a larger principal building shall have display windows and separate entrances.
8. Fuel pumps and drive-throughs shall be placed either to the side and/or rear of a main building.
9. Variation in roofline required.
10. Building bulk shall be softened with pedestrian scale elements.
11. Scale of structures and site plan to have proportions in rhythm, heights and setbacks in order to create a walkable atmosphere.
12. Sidewalks shall be provided along any side of any building where parking or a driveway is provided. Any such required sidewalk shall be parallel to the building, but located at least five feet (5') from the building in order to provide an area for planting beds for foundation and entranceway landscaping, unless it is a covered walkway or a sidewalk with a minimum width of 8' along the façade with a entrance or window display area.
13. Public pedestrian walkways throughout the developments linking all areas.
14. One or more useable and functional plazas or courtyards with benches, and/or seating areas.
15. Outdoor spaces and site amenities shall be included in the design. The outdoor spaces

and site amenities are intended to enhance the vehicular and pedestrian entryways to the site and the buildings on the site and shall have direct access to the public pedestrian walkways.

16. An “outdoor space” or “site amenity” shall include, but is not limited to, the following:
 - a. A landscaped median for the driveway(s) leading into the site and landscaped pedestrian areas;
 - b. A public square, park, or outdoor playground area on the site, or on adjacent land;
 - c. Window shopping walkways;
 - d. Kiosk area, water feature, or clock tower; or other such deliberately shaped area and/ or focal feature or amenity that adequately enhances such community and public spaces.

Landscaping, Screening and Open Space

17. The *Highway Corridor Overlay Districts* and *General Site Plan Requirements* standards shall apply.
18. During each final development plan submittal a landscape plan shall be submitted that is designed to compliment other phases. As part of the landscape plan elevations and view sheds shall be shown. Adequate landscaping and open space along NC 66 and Old Salem Road shall be provided to soften urban design characteristics. The preservation of large healthy trees and woodlands shall be considered.

Residential

19. Residential developments shall comply with the *Central Kernersville Zoning Overlay District* residential standards, unless at the time of submittal the approving board accepts an alternative historic architectural design. The alternative design shall take into consideration the historic building designs of the Central Piedmont.
20. Garage doors shall be paneled and framed with decorative trim.
21. The front of the garage, for front-loading garages, shall not extend more than 5’ from the front entrance wall or if adjacent to the porch shall not extend 3’ from the porch front without prior staff approval.
22. Usable porches and stoops shall form a predominate motif of the building design and be located on the front and/or side of the home. The porch must be at least 36 square feet in area and have minimum depth of 5’.
23. The porch must have a solid roof.
24. The roof may not be more than 12 feet above the floor of the porch.
25. The historic design features shall apply to all sides of the structure.
26. No two elevations with identical windows and door design are to be used on the same single-family residential block. (A block is defined as the area between intersecting streets).
27. The front and rear yards shall include a distinctly designed landscaped and/or fenced feature. The minimum planting shall meet of the UDO multifamily planting requirements.

Residential Outdoor Design Features

28. Within all residential areas streetyard trees shall be placed either within 20’ of the right-of-way or easement, or within the right-of-way of a Public Works approved utility corridor plan. The minimum planting intervals shall be one tree per lot or 50’ on center whichever is less.
29. All neighborhoods shall have an identifiable center and edge.
30. Where possible street networks are interconnected and blocks are small.
31. Civic buildings and public spaces are given prominent sites throughout the neighborhood.

32. Housing structures shall not be set back excessively from the street, but rather pulled up to the street; so as to create a human scaled streetspace.
33. Functional front porches and rear porches, decks or patios shall be an integral part of the housing unit to allow for outside activities in both a public setting (front yard/street space) or private setting (rear yard).
34. Homes with the front door located in the middle of the unit shall have a walk leading from the front porch to the public sidewalk.

Business Park Design Standards

35. The facades of any new building visible from any existing or planned public right-of-way shall comply with either; the building standards set forth in *Industrial Corridor Overlay District*, unless at the time of submittal the approving board accepts an alternative design. The alternative design shall take into consideration findings of facts that the proposed building designs will create an attractive development that would not distract from the overall quality design elements of the area or adversely impact surrounding properties.

Parks

36. Complete connection of the sidewalks and greenways shall be developed.
37. A pedestrian and bikeway shall be provided through the site that connects the proposed gas line greenway.
38. A recreational land fee of \$250 per housing unit will be assessed at the time of building permits to cover the cost of future public parks and facilities to serve the area. Public park space(s) shall be a minimum of 5% in the Village Center.
39. Private facilities shall be reviewed during the site plan review and approval process. Each neighborhood shall contain, as its central focus, at least one square or park. The area shall be designed to be visible from the street and numerous units to provide for adequate access and safety.

Freestanding Signage

40. Shall comply with the *Highway Corridor Overlay District*.

Lighting

41. The lighting for the project shall be “cut-off lighting fixtures”. Cut off lighting fixtures are lights that cast light downward. Pedestrian scale lighting should illuminate so that lighting dissolves at the rooflines of buildings or the top of the light pole. During the review for building permits the petitioner shall submit the outdoor lighting plan. Individual fixtures and lighting systems shall be designed, constructed and installed to control glare and light trespass, minimize obtrusive light while maintaining safety, security and productivity, and curtail the degradation of the night time visual environment by reducing light pollution.

Design Review

42. A Community Development staff person shall be a ex-officio member of any architectural review committee established by developer(s) to provide interpretation of special use district conditions and Unified Development Ordinance standards.
43. At time a submittal the applicant may request from departure from the standards provided that the applicant presents at the time proposed findings of facts that the proposed development would implement the *NC 66/Old Salem Road Metro Activity Center Guidelines* more adequately than development which would meet the strict requirements of the adopted design elements.

Streets and Sidewalks

44. Streets shall be laid out in a grid or modified grid to allow for connectivity.
45. Traffic calming techniques shall be incorporated.

46. Unless prevented by topographical features, internal connections between existing or potential parking lots on adjacent properties shall be provided.
47. All pedestrian walkways and crosswalks in the commercial areas shall be distinguished from driving surfaces through the use of some alternative material differing from that used within the parking lot such as pavers, bricks or scored pavement.
48. Bus stop(s) shall be established that meet PART standards.
49. Developer shall identify the "Pedestrian Access" to the open space with a sign.
50. Sidewalks along all streets. Sidewalks shall be constructed a minimum five feet (5') in width behind a five foot (5') grassy strip parallel to any thoroughfare and behind a three foot (3') grassy strip parallel to any other streets, unless said sidewalk is located within the Village retail area in which case it may be eight foot (8') behind the curb.
51. Sidewalks shall be installed along the full length of the sides of any building constructed, which features a customer or multi-family unit entrance, and along any side of any building where parking or a driveway is provided. Any such required sidewalk shall be parallel to the building and located at least five feet (5') from the building in order to provide an area for planting beds for foundation and entranceway landscaping, except within the village retail area or where arcades and entranceways are part of the façade of a building.
52. **Land Uses**
 1. Village Center minimum percent of land use.
 - a. Commercial 40%
 - b. Office 25%
 - c. Residential 20%
 - d. Public Space 5%
 2. Residential minimum percent of units.
 - a. Single Family 20%
 - b. Owner Occupied Multifamily 60%
 - c. Rental Multifamily 20%
 3. Permitted Use Table
 - 1 Residential
 - 2 Village Center
 - 3 Business Park

	1	2	3
RESIDENTIAL USES			
Residential Building, Single Family	X		
Duplex	X	X	
Twin Home	X	X	
Multifamily	X	X	
Urban	X	X	
Congregate Care Facility	X	X	
Life Care Community	X	X	
RETAIL AND WHOLESALE TRADE			
ABC Store (liquor)		X	
Arts and Crafts Studio		X	
Building Material Supplies		X	

Convenience Store		X	
Food or Drug Store		X	
Furniture and Home Furnishings Store		X	
General Merchandise Store		X	
Hardware Store		X	
Nursery, Lawn and Garden Supply Store, Retail		X	
Restaurant (w/o drive-thru service)		X	
Restaurant (with drive-thru service)		X	
Retail Store, Specialty or Misc.		X	
Shopping Center		X	
Wholesale Trade A		X	X
Wholesale Trade B		X	X
BUSINESS & PERSONAL SERVICES			
Banking and Financial Services		X	X
Bed and Breakfast		X	
Building Contractors, General		X	X
Car Wash		X	
Funeral Home		X	
Health Services, Miscellaneous		X	X
Hotel or Motel		X	X
Medical or Dental Laboratory		X	X
Medical and Surgical Offices		X	X
Motor Vehicle, Repair & Maintenance		X	X
Non-Store Retailer		X	X
Offices, Miscellaneous		X	X
Professional Office		X	X
Services, Business A		X	X
Services, Business B			X
Services, Personal		X	
Testing & Research Lab		X	X
Veterinary Services		X	X
Warehousing			X
RECREATIONAL USES			
Golf Driving Range		X	X
Recreation Services, Indoor		X	X
Recreation Services, Outdoor		X	X
Recreation Facility, Public		X	X
Swimming Pool, Private	X	X	
Theater, Indoor		X	
INSTITUTIONAL & PUBLIC USES			
Adult Day Care Home		X	
Adult Day Care Center		X	
Child Care Institution		X	
Child Day Care Center		X	

Church or Religious Institution, Community	X	X	
Church or Religious Institution, Neighborhood	X	X	
Club or Lodge		X	
College or University		X	
Government Offices		X	X
Hospital or Health Center		X	X
Library, Public		X	
Museum or Art Gallery		X	
Neighborhood Organization		X	
Nursing Care Institution		X	
Police or Fire Station		X	X
Post Office		X	
School, Private		X	
School, Public		X	
School, Vocational or Professional		X	
MANUFACTURING & MINING			
Manufacturing A			X
Manufacturing B			X
TRANSPORTATION & UTILITIES			
Access Easement, Private Off-Site		X	X
Broadcast Studio		X	X
Helistop		X	X
Park & Shuttle Lot		X	X
Terminal, Bus or Taxi		X	X
Utilities	X	X	X

- Mixed residential and commercial structures are permitted provided:
 - any residential use is located above the first floor;
 - any residential unit shall be at a minimum five hundred (500) square feet; and
 - each residential dwelling unit is provided with its own bathroom and kitchen facilities;

Standard Conditions

53. NCDOT Driveway permit is required to access all NCDOT roads.
54. If any streets are developed as private streets, Developer shall first prepare and record, in the office of the Register of Deeds of Forsyth County (after approval by the Director of Planning and Town Attorney), recitations either within Restrictive Covenants, or as a separate document, minimally reciting that all streets are private and shall be privately maintained, including snow removal, street lighting is private and shall be privately maintained, sanitary waste collection shall be privately provided, stormwater drainage shall be privately maintained, and that no other non-emergency municipal services shall be provided by the Town of Kernersville.
55. All streets and utilities within the subdivision shall be designed and constructed to the *Town of Kernersville Design and Construction Specifications Manual*.
56. Any landscaping within the entrance islands shall be maintained by the property owners association.

57. All water and sanitary sewer drawings with appropriate easements shall be approved by the City-County Utilities Commission.
58. All storm drainage easements meeting the Town's easement requirements as outlined in the *Design and Construction Specifications Manual* shall be shown on the final plat.
59. All detailed construction plans must be submitted and approved by the Public Works Department prior to construction.
60. If any gates are used, the developer shall install technology-advanced equipment that would exclude the need for remotes, code pads, card swipes, or keys. Emergency Services, Utilities, and emergency repair will need access by the same universal system.
61. Properly marked and posted Fire lanes and/ or Tow Away zones to be installed per Fire Department standards.
62. All Fire Department requirements shall be met during and after the construction process. Fire Hydrant locations shall be submitted to the Kernersville Fire Marshal for review and approval prior to submittal to City County Utility Commission.
63. Fire hydrants with adequate water main size meeting the standards of the Kernersville Fire Department shall be installed as designated by the Fire Marshal.
64. Fire hydrants with adequate water main size meeting the standards WS/FC Utilities shall be submitted to the Fire Department. Minimum water flow from fire hydrants are to be 1,000 gpm @ 20 psi residual.
65. The Town's; (a) Secondary and Cumulative Impact Mitigation Plan, (b) the Environmental Assessment and Environmental Assessment Addendum for the Town's 201 Facilities Plan, and (c) the Town's UDO Ordinance, Chapter C-Environmental Ordinance-Article V, Watershed Protection (K), Section 5-3.2 Buffer Area Required (D), Lower Abbott's Creek Sewer Service Area Watershed Protection Rules shall be adhered.
66. Wetland delineation is required prior to final plan approval; submit with a US Army Corps of Engineers approved delineation.
67. All water bodies, as defined by the Division of Water Quality delineation form (19-points = intermittent stream), shall be shown on the final plans. The appropriate stream buffers shall extend along all delineated waters and "wrap" around upper origin points.
68. Zone (1) and Zone (2) stream buffers must start at the top of the channel bank.
69. Identify where stream buffer signs will be installed along the outer edge of Zone (1). The signs can be purchased through the Town of Kernersville and shall be installed at an interval not to exceed 500-feet.
70. A stormwater management plan prepared by a professional engineer, submitted for review and approval by the Public Works Department, is required for each phase of development. When final development plan(s) are submitted, the design engineer will include provisions for treatment of stormwater runoff where feasible. Treatment options may include, but are not limited to: curb cuts, grass-lined swales and waterways, and natural stormwater conveyance buffers. If the developer has elected to develop under the high-density option, impervious surfaces within each phase of development shall be collected and properly treated in an approved stormwater best management practice (BMP). Further, any off-site stormwater drainage, which cannot be bypassed, must also be treated in the BMP. Should a watershed protection pond be a BMP of choice, a good faith effort by the designing engineer shall be made to minimize its potential classification as a high hazard dam. All other provisions of the Town's Watershed Protection Ordinance shall be met. All permanent stormwater management devices will

be installed prior to issuance of any “Certificate of Occupancy” permits. All stormwater management requirements and regulations that are applicable and adopted by the Town and/or NCDENR and/or other regulatory agencies with jurisdiction over the site at the time of submittal of final development plans shall be adhered to.

71. All street names shall be approved by CCPB prior to final plat. A letter of approval shall be attached to preliminary plat at time of submittal.
72. Property owner’s covenants and restrictions shall include language that all private streets, gates, bufferyards, landscaped areas with the public right-of-way and detention ponds are the property of the property owner’s association and the maintenance, up-grades and associated costs, shall be the responsibility of the property owner’s association. The homeowner’s covenants shall be submitted to the Kernersville Planning Staff and Watershed Administrator for review and approval.
73. Lots adjacent to required buffers shall be platted and recorded with clear buffer type identification.
74. Prior to building permit application submittal a final plat shall be recorded with all required right-of-way and easements.
75. The parcel along Indian School Road shall be designated as “Village” and the parcel along Rock Barn Road east of the creek shall be designated as “Business Park” and the parcel west of the creek shall be designated as “Residential.”
76. The two Rock Barn Road residents here this evening, or their successors, are to be notified of the Final Development Plan hearing.

3 a. PUBLIC HEARING: PM Development LLC, Owner for property located on Ogden School Road, being all of Forsyth County PIN #6884-13-1872 and PIN #6884-13-5179, containing 32.36 acres more or less. Petitioner requests to rezone from Forsyth County Zoning District AG (Agricultural) to Kernersville Zoning District AG (Agricultural). Zoning Docket K-641.A4

Mr. Jeff Hatling, Community Development Director presented the Planning Board report for this rezoning request of 32.36 acres also in the Carrollton project. He added that Planning Board and Staff recommends approval of this general use rezoning request as presented with no additional conditions.

Mayor Dawn Morgan declared the public hearing open.

Being no speakers in either favor or opposition Mayor Morgan closed the public hearing.

3 b. Consideration of an ordinance for zoning petition.

Alderman Dana Caudill Jones made a **Motion** of approval to amend the Unified Development Ordinance of the Town of Kernersville by rezoning the property in case K-641.A4 from Forsyth County AG to Town of Kernersville AG, the said rezoning being consistent with the Town’s comprehensive plan and the *Kernersville Development Plan*, and further being both reasonable and in the public interest due to the following fact:

The rezoning of the annexed property allows for the Town to continue pursuing the creation of the NC66 / Old Salem Road Metro Activity Center.

Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2010-03
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 Forsyth County Zoning District AG (Agricultural) to Kernersville Zoning District AG (Agricultural) for property located on Ogden School Road, being all of Forsyth County PIN #6884-13-1872 and PIN #6884-13-5179, containing 32.36 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as all of Forsyth County PIN #6884-13-1872 and PIN #6884-13-5179, containing 32.36 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This Ordinance shall be effective from and after its adoption.

Adopted this the 5th day of January, 2010.

4 a. PUBLIC HEARING: Curtis Swisher, Town Manager, Agent for the Town of Kernersville for a proposed zoning text amendment to the Unified Development Ordinance by amending specific sections of Chapter B, Article III, 3-2 Sign Regulations. Zoning Docket KT-193

Mr. Hatling presented the Planning Board report for this text amendment request addressing wall signage standards for medical and business park districts. Mr. Hatling stated that Planning Board and Staff recommend approval of this text amendment that will regulate wall signage not exceed 10 percent of the entire wall area up to a maximum of 150 square feet.

Mayor Dawn Morgan declared the public hearing open.

Being no speakers in either favor or opposition Mayor Morgan closed the public hearing.

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

Mayor Pro Tem Kevin Bugg made a **Motion** for the approval of the following text amendment Ordinance adopting changes as recommended by staff and Planning Board. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

**ORDINANCE No. O-2010-04
AMENDING**

CHAPTER B, ARTICLE III, 3-2 Sign Regulations, Table 3.6 and CHAPTER B, ARTICLE III, 3-2.1 (C) (F) (G) OF THE *UNIFIED DEVELOPMENT ORDINANCES*

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows (Underline = Additions / Strikeout = ~~Deletions~~):

Section 1.

CHAPTER B – ZONING ORDINANCE

ARTICLE III – OTHER DEVELOPMENT STANDARDS

3-2 SIGN REGULATIONS

NOTE: SEE OVERLAY ZONING DISTRICTS FOR OTHER SIGN STANDARDS THAT MAY APPLY.

**Table 3.6
Permitted Districts for Signs**

	R M	N O	L O	C P O	G O	N B	P B	L B	N S B	H B	G B	C B	<u>M</u> <u>B</u> <u>P</u>	L I	C P I	G I	C I	<u>B</u> <u>I</u>	I P	C	M U S
Off-Premises Signs																					
Ground Sign														Z		Z					
On-Premises Signs																					
Ground Sign	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	<u>Z</u>	Z	Z	Z	Z	<u>Z</u>	Z	Z	Z
Awning			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	<u>Z</u>	Z	Z	Z	Z	<u>Z</u>	Z	Z	Z
Projecting Sign	Z						Z			Z	Z	Z	<u>Z</u>	Z			Z	<u>Z</u>	Z	Z	
Roof Sign																					
Wall Sign	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	<u>Z</u>	Z	Z	Z	Z	<u>Z</u>	Z	Z	Z

Z = Districts in which signs permitted; zoning permit required.

3-2.1 SIGN REGULATIONS – CURRENT

(C) SIGN MEASUREMENT.

- (1) Maximum Sign Area.** The maximum sign area of a ground (on-premises) sign shall be limited to the areas established for each district below. Projecting signs shall be limited to twenty-four (24) square feet:
 - (a) In the HB, LI, GI Districts,** the maximum sign area of a ground (on-premises) sign shall be limited to one hundred (100) square feet. Projecting signs shall be limited to twenty-four (24) square feet.

- (b) **In the GB District**, the maximum sign area of a ground (on-premises) sign shall be limited to fifty (50) square feet. Projecting signs shall be limited to twenty-four (24) square feet.
- (c) **In the CB District**, the maximum sign area of a ground (on-premises) sign shall be limited twenty-four (24) square feet. Projecting signs shall be limited to twenty-four (24) square feet.
- (d) **In the NB, NSB, PB, LB, CI, CPI, MU-S, CPO, GO, and LO Districts**, the maximum sign area of a ground (on-premises) sign shall be limited to twenty-four (24) square feet. Projecting signs are not permitted.
- (e) **In the NO District**, sign size shall be limited to eight (8) square feet. Wall signs only are permitted and the maximum combined area of all signs is limited to twenty-four (24) square feet.
- (f) **In any residential district**, sign size shall be limited to eighteen (18) square feet. This shall include entrance signs for subdivisions, residential developments, multifamily developments, PRD's and mobile home parks.
- (g) **In the IP District**, sign size shall be limited to eighteen (18) square feet. Maximum height shall be limited to eight (8) feet.
- (h) **In the BI and MBP Districts, sign standards shall be applied as set forth within the specific zoning district.**

(2) **Height.** The maximum height of a ground (on-premises) or projecting sign shall as set forth below, and shall be measured from the road to which the sign is oriented or grade of the site, whichever is higher. If a sign is located upon a mound or berm, sign height shall be measured from the lowest grade of said mound or berm. Where a sign interferes with pedestrian clearance or sight distance, the lowest part of the sign shall be a minimum of nine (9) feet from the grade of the site on which the sign is located. Sign height shall be measured from the highest portion of the sign, including any molding, trim, border, or frame designed to attract attention, including any extensions.

- (a) **In HB, LI, GI, and GB Districts**, maximum height shall be twenty (20) feet.
- (b) **In the CB, NB, NSB, PB, LB, CI, CPI, MU-S, CPO, GO, and LO Districts**, the maximum height shall be twelve (12) feet.
- (c) **In the NO, R, and IP Districts**, the maximum height shall be eight (8) feet.
- (d) **In the BI and MBP Districts, sign standards shall be applied as set forth within the specific zoning district.**

Section 2.

3-2.1 SIGN REGULATIONS – CURRENT

(F) ON-PREMISES SIGNS – GROUND SIGNS, PROJECTING SIGNS

(3) Sign Measurement.

(b) **Maximum Sign Area.** The maximum sign area of a ground (on-premises) sign shall be limited to the areas established for each district below. Projecting signs shall be limited to twenty-four (24) square feet.

(i) **In the HB, LI, GI Districts,** the maximum sign area of a ground (on-premises) sign shall be limited to one hundred (100) square feet. Projecting signs shall be limited to twenty-four (24) square feet;

(ii) **In the GB District,** the maximum sign area of a ground (on-premises) sign shall be limited to fifty (50) square feet. Projecting signs shall be limited to twenty-four (24) square feet;

(iii) **In the CB District,** the maximum sign area of a ground (on-premises) sign shall be limited to twenty-four (24) square feet. Projecting signs shall be limited to twenty-four (24) square feet;

(iv) **In the NB, NSB, PB, LB, CI, CPI, MU-S, CPO, GO, and LO Districts,** the maximum sign area of a ground (on-premises) sign shall be limited to twenty-four (24) square feet. Projecting signs are not permitted;

(v) **In the NO District,** sign size shall be limited to eight (8) square feet. Wall signs only are permitted; and the maximum combined area of all signs is limited to twenty-four (24) square feet;

(vi) **In any R District,** sign size shall be limited to eighteen (18) square feet;

(vii) **In the IP District,** sign size shall be limited to eighteen (18) square feet. Maximum height shall be limited to eight (8) feet;

(viii) In the BI and MBP Districts, sign standards shall be applied as set forth within the specific zoning district.

(c) **Height.** The maximum height of a ground (on-premises) or projecting sign shall be as set forth below, and shall be measured from the road to which the sign is oriented or grade of the site, whichever is higher. If a sign is located upon a mound or berm, sign height shall be measured from the lowest grade of said mound or berm. Where a sign

interferes with pedestrian clearance or sight distance, the lowest part of the sign shall be a minimum of nine (9) feet from the grade of the site on which the sign is located. Sign height shall be measured from the highest portion of the sign, including any molding, trim, border, or frame designed to attract attention, including any extensions.

- (i) **In HB, LI, GI, and GB Districts**, maximum height shall be twenty (20) feet.
- (ii) **In the CBD, NB, NSB, PB, LB, CI, CPI, MU-S, CPO, GO, and LO Districts**, the maximum height shall be twelve (12) feet.
- (iii) **In the NO, R, and IP Districts**, the maximum height shall be eight (8) feet.
- (iv) **In the BI and MBP Districts, sign standards shall be applied as set forth within the specific zoning district.**

(G) ON-PREMISES SIGNS – ROOF SIGNS, WALL SIGNS

(2) Size.

- (a) **Maximum Size** On-premises wall, canopy and awning signs, including window signs not exceeding twenty-five (25%) of the window, shall be limited to:

ZONING DISTRICT	AREA COMPUTATION
NO, NB, IP, C, RM	5% of wall area
LO, CPO, GO, PB, LB, NSB, MU-S	7.5% of wall area
HB, GB, CB, <u>MBP</u> , LI, CPI, GI, CI, <u>BI</u>	10% of wall area
Awning, Canopy Signs	25% of wall area
All Non-Residential Districts	

Section 3. This ordinance shall be effective upon adoption.

Adopted this the 5th day of January, 2010

PUBLIC SESSION

5. SPEAKERS FROM THE FLOOR

NONE

6. Presentation by Dixon Hughes on the FY 2008-2009 Annual Audit.

Mr. John Frank, Dixon Hughes, PO Box 2646, High Point, NC stated that Dixon Hughes has completed the annual audit for the Town for FY 08-09 and has issued an unqualified or clean audit opinion, the highest form of assurance they can issue on a set of financial statements. He added that the Town had also received the Certificate of Achievement for Excellence in Financial Reporting. He added that due to a decline in sales & use tax in 2009 there was a shortfall in the budget. He further added that the Town's largest source of revenue is property tax, which increased \$375,000 due to growth in the Town's tax base. He stated that although \$531,000 was appropriated from the Fund Balance, the Town continues to have a healthy fund balance of 35%. He further stated that three recommendations were made to improve internal controls over payroll and a recommendation to review old accounts receivable balances for collectability and a reserve.

Mayor Morgan thanked Mr. Frank for his report. She also thanked the Department Heads for working with such tight budget restraints this year.

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

Danny Jefferson, 2010 Chamber Board Chairman gave an overview of the semi-annual report submitted previously to the Board. Mr. Jefferson stated that although this has been a tough year for businesses and the community, the Chamber actually added and expanded programs for its members; the Education Grant Program and the Home Sweet Home Program. Mr. Jefferson further stated that the Chamber helped with a reception for retiring Police Chief Stockton and incoming Police Chief Gamble. Mr. Jefferson offered to answer questions.

The Board members thanked the Chamber for all they do for the community.

8. Discussion and Consideration of an Ordinance to Permit the Consumption of Alcoholic Beverages on Public Property.

Mr. John Wolfe, Town Attorney stated that he has prepared an Ordinance permitting consumption of alcohol on public property for events like Arts D'Vine as requested by the Board. He added that this Ordinance can be adapted any way the Board chooses once there is a decision as to what event and place the Board decides to permit alcohol.

Alderman Tracy Shifflette asked if it would be permissible to repeal this ordinance at a later date if it was determined this was no longer the Board's desire.

Mr. Wolfe advised that this was an option.

Mayor Morgan stated that this is a topic for discussion this evening however the Board may not be at a point to make a decision. She further stated that several citizens had requested to speak on this matter this evening.

Louis Thidebeaux, 280 Post Oak Road, Kernersville stated that he is opposed to this ordinance. He added that if one chooses to serve alcohol on private property that is fine. He further stated that the Town has laws to protect the Town against legal action and feels this could become an issue. He again added that he is opposed to alcohol consumption on public property for many reasons. He asked that the Board listen to the citizens of Kernersville as they voice their opinion. Why do we need to change? He understands we want to bring venues to downtown because it is so nice but he does not feel it has to have alcohol to promote business downtown.

Rev. Don Winters, 503 S. Main Street, Kernersville, stated that he has been a Pastor and a resident for 14 years; however he speaks on his own behalf not the church or Moravian community. He added that he has served on every nonprofit in Kernersville during this time and that this is a wonderful spirit of community that cares for family life and people in the community. He stated that he has accompanied the police to homes to announce death or drug overdose. He added that this community values and appreciates human life and family. He further added that he can't recall of the public ever being invited to a nonfamily function, and he said he is concerned about the perception and image if we invite people to functions where they can choose which beer or wine they want. He said he can do that in his own yard or his neighbors. He doesn't want to give the perception that it is cool baby to go to these places to consume these beverages.

Bobby McFadden, 102 Hedrick Drive, Kernersville, stated that he is in favor of the alcohol ordinance and he has voted for each of the Aldermen present and will trust them with this serious issue tonight. He stated that he sides with the Town Attorney and would not want for this to be a test format for repeal. His hope is that if it gets passed the Board will use their power to decide which events will be good for the town. He added the Board was asked prior to the election what they intended to do to grow the community, and he does not want to see a drunken beer fest and things become out of control for our Police Department, but he does see this as a good economic opportunity to draw others from outside town now and again. He asked what the consequence would be if people violated Section 12:77a and 12:77e of the Ordinance.

Mr. Wolfe stated that as with violation of any Town ordinance fines and other measures would be taken as outlined in the Town Code or N. C. General Statues.

Drew Griffin, 1012 Branchwood Drive, Kernersville stated that he is opposed to this ordinance and asked what if someone was leaving the event and was driving drunk and a kid got hit, it's the Board's and police job to prevent this from happening.

Alderman Dana Caudill Jones thanked the Speakers. She stated that she has received a lot of calls from citizens on this matter and most are not in favor of this change right now. She further stated that there are many locations downtown on private property where alcohol can be served such as the Folly, Factory, Harmon House and soon the Botanical Gardens.

Alderman Dana Caudill Jones made a **Motion** to leave the Alcohol Ordinance as it is at this time. Alderman Tracey Shifflette seconded the motion.

Alderman Bob Prescott stated that events like Arts D' Vine were very successful and feels that events like these can take place and the citizens still be safe. He asked Mr. Wolfe if events such as these could continue if the alcohol served remains in the building.

Mr. Wolfe confirmed that if the host businesses obtain the necessary ABC permits they can serve alcohol on their property with the current Town ordinance. However alcohol cannot be brought outside on to the street; and if an area was blocked off to allow this, it could create some issues for minors to be in the vicinity blocked off.

Mayor Pro Tem Bugg stated that he too has received a lot of public input in opposition of this ordinance, more than he has had over any controversial zoning case. He added that his concern is how the Board would determine who can and cannot get a permit to close the streets and serve alcohol and feared those who are denied could feel discriminated against. He too feels there are lots of opportunities for alcohol to be served at events downtown without this ordinance.

Alderman Keith Mason stated that he too has received a lot of citizen input in opposition of this ordinance. He stated that he is concerned about the impact it would have on the Police Department to keep an area permitted to have alcohol controlled, he also agreed that there are many opportunities for alcohol downtown and he is proud of the quality of events currently offered by many different groups downtown.

Alderman Tracey Shifflette stated that she too believes there are many quality events downtown and that we do not have to have this ordinance in order to enhance downtown.

The vote was all for and the motion carried.

9. Consideration of a Funding Agreement with the Kernersville Downtown Preservation & Development Council.

John Wolfe, Town Attorney stated that as requested he has prepared a contract for the Board's consideration. He added that these matters have been discussed by the Board and the KDPDC and that it appears both parties are in agreement with the terms and conditions of the contract.

Alderman Dana Caudill Jones made a **Motion** for the approval of the Funding Agreement with the Kernersville Downtown Preservation & Development Council as presented. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried

10. Police Department Update on Implementation of G.R.E.A.T Program at Kernersville Elementary and Kernersville Middle Schools.

Police Chief Ken Gamble presented a PowerPoint presentation of the G.R.E.A.T. program which will begin in February at two schools using funds awarded by the Governors Crime Commission. He added that this is a police taught program teaching life skills and problem solving skills. He added this program also teaches children how to avoid gang membership, prevent violence and criminal activity and develop positive relationships with law enforcement. He further stated that Officers Crews and Smith have completed training for this program. He stated that Dr. Martin is

very supportive of this program and has allowed time during the school day for this program. He added that if this proves to be successful the program may be introduced throughout the Winston Salem Forsyth County School System.

11. Police Department Update on new program at East Forsyth High School – “Jump Start.”

Chief Gamble presented a PowerPoint presentation on the Jump Start Program, an activity club at East Forsyth High School a program created by Officer Derek Marion. He added that this program is for students interested in a law enforcement career and who have a desire to become a career officer. He stated that students who participate will receive letters of recommendation for colleges and earn community service credit and possibly even have the opportunity to do a ride along with an officer. He further stated that this benefits the community by creating relationships and identifying good police candidates who are minority and bilingual and who are vested in Kernersville; especially since many Kernersville career officers are due to retire in the next five years.

Mayor Dawn Morgan thanked Chief Gamble for his presentations and asked him to express the Boards appreciation to Officer Marion for developing this program.

12. Consideration of an Ordinance Amending the Kernersville Code of Ordinance Book:

Mr. John Wolfe stated these are the recommended changes to certain Chapters of the Code of Ordinance Book.

- a. Chapter 3, Animal Control
- b. Chapter 6, Civil Emergencies
- c. Chapter 6.5, Emergency Public Safety Telephone Service (E911)
- d. Chapter 15, Sewer
- e. Chapter 18, Water

Alderman Bob Prescott made a **Motion** for the approval of the following Ordinance amending Chapters 3, 6, 6.5, 15 and 18 of the Kernersville Code of Ordinances. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2010-05

**AN ORDINANCE AMENDING CHAPTERS 3, 6, 6.5, 15 AND 18 OF
THE CODE OF ORDINANCES OF THE TOWN OF KERNERSVILLE**

WHEREAS, the Board of Aldermen has determined that the Code of Ordinances of the Town should be reviewed regularly to ensure that the provisions contained therein are up-to-date and in conformity with state and federal laws and to make minor adjustments as needed to make the enforcement of the Ordinances more effective; and

WHEREAS, the Town Manager, Department Heads and Town Attorney have reviewed, discussed and researched the proposed Ordinance changes and recommended changes have been provided to the Board of Aldermen and after review been found to be in the best interest of the Town.

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

1. Chapter 3 of the Code of Ordinances entitled “Animals” is amended to read as shown in the attached Exhibit A, which reflects adoption of all of the changes shown in the attached Exhibit B.

2. Chapter 6 of the Code of Ordinances entitled “Civil Emergencies” is amended to read as shown in the attached Exhibit C, which reflects adoption of all of the changes shown in the attached Exhibit D.

3. Chapter 6.5 of the Code of Ordinances entitled “Emergency Public Safety Telephone Service (911 Service)” is amended to read as shown in the attached Exhibit E, which reflects adoption of all of the changes shown in the attached Exhibit F.

4. Chapter 15 of the Code of Ordinances entitled “Sewage Collection and Disposal” is amended to read as shown in the attached Exhibit G, which reflects adoption of all of the changes shown in the attached Exhibit H.

5. Chapter 18 of the Code of Ordinances entitled “Water” is amended to read as shown in the attached Exhibit I, which reflects adoption of all of the changes shown in the attached Exhibit J.

6. This Ordinance shall be effective upon adoption.

7. All laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Adopted this the 5th day of January, 2010.

13. Consideration of a No Parking Ordinance for portions of Donnell and Graves Streets.

Mr. Curtis Swisher, Town Manager stated that Staff received these requests and after review recommends approval of this No Parking Ordinance for portions of Donnell and Graves Streets.

Alderman Keith Mason made a **Motion** for the approval of the following No Parking Ordinance. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2010-06
AN ORDINANCE AMENDING THE KERNERSVILLE
CODE OF ORDINANCES SECTION 9-236
“NO PARKING ANYTIME”

WHEREAS, the Board of Aldermen of the Town of Kernersville find as a fact that it is in the best interest of traffic control, the health and safety of the citizens of the Town of Kernersville, and community tranquility,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville that:

(1) The Code of Ordinances of the Town of Kernersville Section 9-236, entitled “NO PARKING ANYTIME” be and is hereby amended by adding:

“Donnell Street on the west side from Bost Street to Rierson Road.

“Graves Street along both sides 300 feet eastward from its intersection with East Mountain Street.

(2) That this Ordinance shall be effective as of its adoption.

This the 5th day of January, 2010.

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 November 23, 2009, Briefing Session
Approval of Minutes for December 1, 2009 Regular Session

C-2 Forsyth County Tax Refunds

Thomas R. McDaniel Jr. \$123.38 Property Value Change

Alderman Dana Caudill Jones made a **Motion** for the approval of the Consent Agenda as submitted. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

15. ITEMS REMOVED FROM CONSENT AGENDA.

NONE

16. SPEAKERS FROM THE FLOOR.

Louis Thibodeaux, 280 Post Oak Road, Kernersville, NC. Thanked the Board for listening to the citizens of Kernersville and hearing their concerns regarding the consumption of alcohol.

17. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented a Resolution in Support of Evaluating and Revising the North Carolina Transportation Equity Formula as requested by the Mayor and that has been approved by other municipalities.

Alderman Dana Caudill Jones made a **Motion** for approval of the following Resolution in Support of Evaluating and Revising the North Carolina Transportation Equity Formula. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**Resolution R-2010-01
Town of Kernersville Resolution in Support of Evaluating and Revising
the North Carolina Transportation Equity Formula**

WHEREAS, the North Carolina legislature implemented its Transportation Equity Formula as a result of the 1989 Highway Trust Fund Law;

WHEREAS, significant portions of the highway system envisioned in 1989 have not been completed;

WHEREAS, the North Carolina Department of Transportation anticipates \$64 billion in unmet transportation needs through 2030;

WHEREAS, the Transportation Equity Formula makes it more difficult to fund significant, and costly, transportation needs such as replacing the I-85 Bridges over the Yadkin River;

WHEREAS, the North Carolina Department of Transportation is developing a new objective multi-modal project prioritization process intended to maximize mobility, safety, and infrastructure health; and

WHEREAS, the Transportation Equity Formula does not consider any of these factors in distributing transportation funds;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE supports reevaluating, revising, and modifying the North Carolina Transportation Equity formula to better meet the current needs of North Carolina Citizens, Businesses, and Travelers.

This the 5 day of January, 2010.

Mr. Swisher presented a Memo to the Board detailing final budget numbers for FY 08-09. He added that there are some differences in his figures compared to those presented by Mr. John

Frank as Mr. Frank's figures did not include loan proceeds from the installment purchases or the interfund transfers. He added that expenses for the year were approximately \$23.8 million, \$1.13 million less than approved, which includes the \$686,000 that was frozen. The revenues for the same period were \$23.27 million, which is about \$1.6 million less than what was approved.

Due to this shortfall \$437,000 was used from fund balance that was originally appropriated in the FY 08-09 budget, and an additional \$45,000; decreasing the fund balance by almost \$500,000.

He concluded that he doesn't have the numbers at this time to make an accurate prediction for FY 09-10, but it does not look all that great. Some revenue sources are up but the main one, sales and use tax, is down from what was budgeted, even though 12% less was budgeted. He stated that he will know more in January or February, at this point it looks like we may use the full \$600,000 that was appropriated for FY 09-10 and possibly need more from the Fund Balance to cover the shortfall, leaving the fund balance at 30-35% which is still considered healthy. He further stated that he anticipated the collection rate will be 97-98%.

Mr. Swisher also presented a Memo to the Board concerning Recovery Bonds. He added that Mayor Morgan had received an email from a citizen on this matter. Mr. Swisher highlighted the different recovery bonds.

Build America Bonds that provide a tax credit to investors in the bonds. Using this method, the Federal Government issues a tax credit to the investors in the bonds equal to 35% of the total coupon interest payable by the issuer on taxable governmental bonds. This type of bond is referred to as the Build America Bond Tax Credit.

Build America Bond Direct Payment. Under this method there is a Federal subsidy through a refundable tax credit paid to state or local governmental issuers in an amount equal to 35% percent of the total coupon interest payable to investors in these taxable bonds. Therefore, if a municipality borrowed money at 6% for a project and used these bonds, their interest rate would work out to be 3.9% over the life of the bond.

Build America Bonds which are known as the Recovery Zone Bonds. There are two types of Recovery Zone Bonds. These are the Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds. The Economic Development Bonds are used by the local governments and the Facility Bonds are used by private developers for their projects, upon their request. For any of these bonds to be used an area must be declared a Recovery Zone. These bonds work like the other Build America Bonds in that they provide a subsidy back to the issuer of the bonds. The Recovery Zone bonds provide a 45% subsidy. Unlike other Build America Bonds, there is a limit on the amount of money available to an area using the Recovery Zone Bonds. If an area chooses not to use its allocation, the money is sent back to the state for reallocation.

Mr. Swisher stated that the Town has not applied for any of these bonds at this time, and even though the interest rate is reduced, we have not been able to figure out a way to make the payment on some of the projects we would like to get underway. A good example of this is the new Public Works building. The payment using the traditional financing method is about

\$481,000/year. If we used the Build America Bonds we could reduce the payment to about \$412,000/year. While this is a good savings it is still difficult to come up with the \$412,000. If in the future the budget allows for the building to be built then we may pursue some of these bonds

Mayor Pro Tem Bugg asked if there was a way to inform local developers if projects they are planning would qualify for these Bonds.

Mr. Jeff Hatling, Community Development Director stated that Winston Salem had put a call out for private projects and that this would give the Town insight as to what projects might qualify and if there are still funds available, at that time the Town could also put a call out to developers that might consider participating if they have qualifying projects.

Mr. Swisher stated that he believes the State has a pool of funds that if not used monies could be reallocated to the counties.

Mayor Pro Tem Bugg asked Mr. Swisher if he was aware if the State was going to hold back revenues from the Sales and Use Tax.

Mr. Swisher stated that the General Assembly would have to vote on this. He added that he had heard some discussion sometime back about this possibility but nothing recently. He added that the North Carolina League of Municipalities would probably notify the municipalities if this was likely.

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

John Wolfe, Town Attorney presented a Resolution to Institute Condemnation Proceedings against Metal Processors, Inc. for traffic signal improvements at the intersection of Gralin and North Main Streets. He added that he will continue to work with property owners and their legal counsel, however it takes 30 days before any action can be taken once the Resolution is approved, and he feels it best to take this step as a precaution so North Carolina Department of Transportation can move forward with this much needed project.

Alderman Dana Caudill Jones made a **Motion** for approval of the following Resolution to Institute Condemnation Proceedings. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2010-02 RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST METAL PROCESSORS, INC. AND TRIANGLE MACHINE AND ELECTRONIC CO.

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 Metal Processors, Inc. and Triangle Machine And Electronic Co. for use in meeting the

following public purposes: traffic signal improvements at the intersection of Gralin and North Main Streets; and

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 traffic signal improvements at the intersection of Gralin and North Main Streets 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 traffic signal improvements at the intersection of Gralin and North Main Streets.

2. That the Town of Kernersville shall acquire, for the public purpose described above, one approximately .014 acre tract from each owner as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-67-4553.00 and PIN 6886-67-5895.00 and also known as a portion of Tax Lots 041 and 042 of Tax Block 5412 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 **Exhibit A** and furthermore known as a portion of PIN 6886-67-4553.00 and PIN 6886-67-5895.00 and also known as a portion of Tax Lots 041 and 042 of Tax Block 5412 as shown in the Forsyth County Tax Supervisor's office and belonging to Metal Processors, Inc. and Triangle Machine and Electronic Co.

This the 5th day of January, 2010.

Mayor Pro Tem Kevin Bugg stated that some issues have arisen with the Farmers Market construction and topography. He added that it is hoped these issues will be resolved and that the Farmers Market will still be able to open in the spring. He wished everyone a Happy New Year.

Alderman Tracey Shifflette congratulated Employee of the Year Ryan Spong and thanked all Town employees for their hard work.

Alderman Dana Caudill Jones stated that she has a conflict with the Tuesday Briefing dates due to her appointment to the YMCA Board, which meets on the same night.

Following Board discussion it was the consensus of the Board to change the Briefing meetings back to 6:30 p.m. on the Wednesday prior to the 1st Tuesday of each month and to update the Meeting Procedures Resolution.

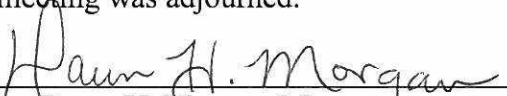
Mayor Morgan inquired about the status of the wiring for lights on certain trees downtown and the light outages in the library parking lot. She thanked Mr. Swisher, Doran Maltba and Brian Ulrich for talking to citizens about their concerns on the Union Cross Road widening project. She wished everyone a Happy New Year.

Mr. Swisher advised that power would be available for the trees without lights for next Christmas and that Duke Energy was aware of the light outages in the parking lot.

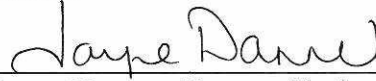
19. ADJOURNMENT.

Alderman Dana Caudill Jones made a **Motion** to adjourn the meeting at 9:50 PM. Mason 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:


Jayne Danner, 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 5, 2010.

This the 4th day of February, 2010.


Jayne Danner, Deputy Clerk