

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. JUNE 1, 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, Keith Mason, and Tracey Shifflette. Alderman Bob Prescott arrived at 7:34 PM.

Absent: None

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Kenny Gamble, Chief of Police; Doran Maltba, Acting Public Works Director; Franz Ader, Finance Director; Tonya Funderburke, Grants Manager; Ernie Pages, Parks and Recreation Director; Russell Radford, Town Engineer; Walt Summerville, Fire Chief; Gray Cassell, Information Systems Director; and Ray Smith, Human Resources Director.

- CALL TO ORDER
- INVOCATION BY REVEREND CLARK VINCENT, FIRST PRESBYTERIAN CHURCH
- PLEDGE OF ALLEGIANCE
- PRESENTATION OF PROCLAMATION TO GLENN HIGH SCHOOL

Mayor Morgan presented a Proclamation to Mr. Brad Craddock, Principal of Glenn High School commending the school on a successful Kernersville Cares for Kids campaign.

- PRESENTATION OF PROCLAMATION TO EAST FORSYTH MIDDLE SCHOOL

Mayor Morgan presented a Proclamation to Dossie Poteat, Principal of East Forsyth Middle School commending the school on a successful Kernersville Cares for Kids campaign.

- PRESENTATION OF PROCLAMATION FOR DOG DAY IN THE PARK

Mayor Morgan presented a Proclamation to each of the Dog Park Committee members: Natalie Breitenstein, Allison Peters, Peggy McLeod, Jan Wilson (Marcia Pearce – not in attendance).

Alderman Tracey Shifflette stated that she served on the Recreation Advisory Board when the park was implemented. She thanked each of the committee members for their contributions.

PUBLIC HEARINGS

1 a. PUBLIC HEARING: on proposed Fiscal Year Operating Budget 2010-2011.

Town Manager Curtis Swisher gave a power point presentation on FY 2010-2011 proposed budget.

The Town Manager thanked the Department Heads for their efforts in putting this year's budget together. It was a difficult process. He added that once the draft budget was completed, meetings were held with all Town employees informing them of proposed cuts in benefits and furloughs.

Mayor Morgan declared the Public Hearing Open.

Harvey Pulliam, 415 Holt Street, Kernersville, NC – stated that he has studied the proposed budget and did attend the Board's briefing. He added that due to the economy cuts are necessary. He commended Mr. Swisher on preparing a responsible budget and his refreshing presentation. He stated in his opinion five areas escaped cuts in this budget which should apply equally to all with no sacred cows. He noted that a 1 cent tax increase was mentioned which will bring in approximately \$250,000 in revenue or \$10 more from a homeowner, but \$10 less in our pocketbook. This is the same old song and he encouraged the Board to cut taxes and not increase them.

Mr. Pulliam again suggested a Citizen Review Board be established in Kernersville.

Mr. Swisher stated that he would like to know what areas Mr. Pulliam suggested cutting.

Mr. Pulliam recommended cutting Recreation operations and stated that our tipping fees at the landfill and commercial garbage collection fees should be revenue neutral. He added that we should look at our fees to the Town Attorney. We should also cut the KDPDC because people all over town shouldn't be forced to contribute to a fund that satisfies a few people. We should also cut Special Appropriations which includes the NCLM and NLC and we give the Chamber of Commerce too much money. He agrees with funding to Körner's Folly.

Mr. Pulliam stated that Mr. Swisher's changing from Mayor to Manager is setting a good example. The Manager has a lot at stake in this town and it's up to him to see that we stay solid. He further recommended a 1 cent tax decrease.

Being no additional speakers, Mayor Morgan closed the public hearing.

Mayor Morgan stated that the Board will consider the budget on June 15 at 8:30 AM at Town Hall. Mr. Swisher stated that we hope to have the third budget amendment ready for consideration as well.

Mr. Swisher reminded the Board that if they have changes to let him know ahead of time so that the budget ordinance can be prepared. It must be in writing when the Board adopts it at the meeting on June 15. If you have changes we can prepare several versions for you to consider, however we need to know what those changes will be so that we can be prepared.

2a. PUBLIC HEARING: Ivey M. Redmond, Sr., Owner, for properties located at 300 West Bodenhamer Street, being all of PIN#6886-36-0383 and PIN#6886-36-0460; 307 Church Street, being all of PIN #6886-36-1483; and 306 Nelson Street, being all of PIN#6886-26-9542 and PIN#6886-36-0621 containing a total of 2.22 acres more or less. Petitioner requests a General Use District rezoning from GI (General Industrial) to GB (General Business). Zoning Docket K-699

Mr. Jeff Hatling presented the Planning Board report on this rezoning request. He reminded the Board that this is a general use request and that all uses are to be considered in this zoning district. He presented the findings of this site which currently houses two buildings. He reported that the Planning Board and Staff recommend approval.

Mayor Morgan declared the public hearing open.

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

2b. Consideration of an ordinance for rezoning petition.

Alderman Dana Caudill Jones made a **Motion** to approve the following Ordinance to amend the Unified Development Ordinance of the Town of Kernersville by rezoning the property in case K-699 from GI to GB, the said rezoning being consistent with the Town's comprehensive plan and the *Kernersville Development Plan*, and further being consistent with the public interest due to the following fact:

1. The General Business zoning district promotes a more "diverse economic base" for such a small lot than the General Industrial zoning.
2. This area is identified in the *Land Use Plan* as "Mixed Use" and is established to promote redevelopment along Bodenhamer Street and to accommodate a variety of uses, which may range from residential, commercial, office and industrial uses.

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

**Town Ordinance
Zoning Petition of Ivey M. Redmond, Sr.
Zoning Docket K-699**

ORDINANCE NO. O-2010-15

**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 GI (General Industrial) to GB (General Business) for properties located at 300 West Bodenhamer Street, being all of PIN#6886-36-0383 and PIN#6886-36-0460; 307 Church Street, being all of PIN #6886-36-1483; and 306 Nelson Street, being all of PIN#6886-26-9542 and PIN#6886-36-0621 containing a total of 2.22 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as all of PIN#6886-36-0383 and PIN#6886-36-0460; all of PIN #6886-36-1483; and all of PIN#6886-26-9542 and PIN#6886-36-0621 containing a total of 2.22 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 1st day of June, 2010.

3a. PUBLIC HEARING: Carl Wright, Agent for Wal-Mart Real Estate Business Trust, for property located at 1130 South Main Street, being part of PIN #6876-40-4606, containing .60 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: Restaurant, with drive-thru service. Zoning Docket K-700*

Mr. Jeff Hatling presented the Planning Board report for this rezoning request. He presented the specifics of the site for an ice cream shop located between the Wal-Mart shopping center and Target shopping center. The Planning Board and Staff recommend approval of the rezoning and site plan as submitted.

Mayor Morgan declared the public hearing open.

Mr. Carl Wright, 906 W. Ray Avenue, High Point, NC – stated that he is pleased to be here in Kernersville. He stated that Bruster's has a dynamic business plan which will be good for the Town of Kernersville. He thanked the Board and Staff for the opportunity to work with the Town on this project.

Michael Howard, 1218 Kensington Dr., High Point, NC – also thanked the Town for this opportunity and then made himself available for questions.

Being no additional speakers, Mayor Morgan closed the public hearing.

3b. Consideration of an ordinance for zoning petition.

Alderman Dana Caudill Jones made a **Motion** to approve the following Ordinance to amend the Zoning Ordinances of the Town by rezoning the property in case K-700 from HB-S to HB-S. The said rezoning being consistent with the Town's Comprehensive Plan, and further being both reasonable and in the public interest because:

1. The use assists in implementing the Land Use Plan to create the area as a "Commercial Center".
2. The proposed location of the building utilizes sustainability with an existing commercial area rather than sprawl onto new land. Special Use District rezoning is utilized to show the efficiency of tying in to existing infrastructure.

Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

Alderman Dana Caudill Jones made a **Motion** for the approval of the site plan as recommended by the Planning Board and Staff. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Town Ordinance

**Zoning Petition of Carl Wright, Agent for Wal-Mart Real Estate Business Trust
Zoning Docket K-700**

ORDINANCE NO. O-2010-16

**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 Zoning District HB-S (Highway Business – Special Use District) to HB-S (Highway Business – Special Use District). *Requested Use: Restaurant, with drive-thru service* for property located at 1130 South Main Street, being part of PIN #6876-40-4606, containing .60 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as part of PIN #6876-40-4606, containing .60 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina and further described below:

Beginning at a new $\frac{3}{4}$ " iron pipe, located in the western line of lot 2 of Southside Square, as recorded in plat book 50 Page 83, and in the eastern line of parcel 5 of the Harmon Mill centre for WD of Kernersville, LLC., as recorded in Plat Book 42, Pages 86 thru 89. Said iron being N. 02°18'17" E. 69.08' from said lot two's southwestern corner, and also the two following courses

and distances from a nail at the northwest corner of out parcel 3 of the Harmon Mill centre for WD of Kernersville, LLC., as recorded in Plat Book 42, Pages 86 thru 89, and S. 87°45'36" E. 81.85', to a ¾" iron pipe, located at the southwestern corner of lot 2 of Southside Square, as recorded in Plat book 50 Page 83, and N.02°18'17" E. 69.08' to a new ¾" iron pipe, the point and place of beginning. Running thence the following 10 new line within said lot, 3 of the Harmon Mill centre for WD of Kernersville, LLC., as recorded in Plat Book 42, Pages 86 thru 89, N. 89°30'19" W. 11.82' to a new iron pipe; Thence on a curve to the left, said curve having a radius of 104.74', and a cord bearing and distance of S. 82°18'23" W. 29.86' to a new iron pipe; Thence S. 74°06'06" W. 8.98' to a new iron pipe; Thence on a curve to the right, said curve having a radius of 34.95', and a cord bearing and distance of S. 83°50'34" W. 11.83' to a new iron pipe; Thence N. 86°24'58" W.15.92' to a new iron pipe; Thence N. 47°49'11" W. 25.42' to a point in the eastern line of the Wal-Mart's private entrance; Thence continuing with said Wal-Mart's private entrance the 3 following courses and distances, N. 02°03'41" W. 30.00' to a point; Thence N. 00°36'04" E. 121.42' to a point, and N. 03°13'39" E. 96.95' to a point; Thence S. 87°41'43" E. 101.21' to a ¾" new iron pipe in the western line of lot 2 of Southside Square, as recorded in Plat Book 50, Page 83, and in the eastern line of parcel 5 of the Harmon Mill centre for WD of Kernersville, LLC., as recorded in Plat Book 42 Pages 86 thru 89. Thence with said lot 2 western line, and parcel five's eastern line S. 02°18'17" W. 254.77' to the point and place of beginning, containing 0.569 acres or 26,136 Sq. Ft. ± as surveyed by Triad Land Surveying, P.C., on March 31st, 2010. Job no. 13807-3.

SECTION 2. This ordinance is adopted after approval of and upon condition of compliance with the site plan entitled, *Bruster's*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 1st day of June, 2010 to Carl Wright, Agent for Wal-Mart Real Estate Business Trust.

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 *Bruster's*. 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 1st day of June, 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 Carl Wright, Agent for Wal-Mart Real Estate Business Trust. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for *Bruster's* approved by the Board of Aldermen the 1st day of June, 2010 and signed, provided the property is developed in accordance with requirements of the zoning district HB-S (Highway Business – Special Use District), Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the uses of: *Restaurant, with drive-thru service*

Site Plan: Approval with the following conditions.

***Standard Conditions**

1. Plat Requirements

- a. *Developer shall submit and record a final plat in accordance with Kernersville Unified Development Ordinance and State Law requirements, showing all required dedication and easements prior to applying for a building permit.
- b. *The developer shall record a final plat identifying all applicable easements related to developing this property for the requested use. All easements shall be shown as required by the Towns' *Design and Construction Specifications Manual*.
- c. *A note on the Final Plat shall state: "*All storm drainage devices including but not limited to: pipes, drainage boxes, inlets, outlets, and open channel conveyances located outside of the public right-of-way shall be maintained by the property owner*".
- d. *A note on the Final Plat shall state how the proposed stormwater ties into the existing detention infrastructure.

2. Public Infrastructure

- a. *The developer shall design and construct all public infrastructures in accordance with the Town's *Design and Construction Specification Manual*.
- b. *All water and sanitary sewer drawings with appropriate easements shall be approved by the City-County Utilities Commission.
- c. *All detailed construction plans for infrastructure must be submitted to and approved by the Public Works Department prior to construction, including Watershed requirements by the Watershed Administrator.

3. Environmental

- a. *Developer shall adhere to all State, Federal, and Local Government environmental regulations.
- b. *A detailed grading plan shall be submitted with construction plans. Detailed grading plans shall be in compliance with current requirements of the North Carolina Building Code.

4. Emergency Services

- a. *All Fire Department requirements shall be met during and after the construction process. The Fire Marshall shall approve any changes to the submitted site plan concerning all interior turning radiuses and all public access points.

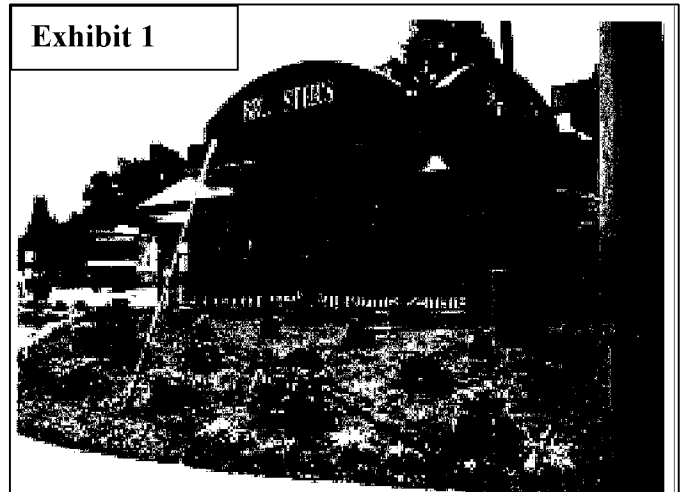
5. Landscape and Signage Requirements

- a. *At the time of building permit submittal, developer shall show a detailed landscape plan for the streetyard and interior parking lot landscape that shall identify plant quantities, placement, selections, and sizes, required by the Town of Kernersville's Unified Development Ordinance.
- b. The lighting for the project shall be required with no light above "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 roof lines of buildings or the top of the light pole. Pole heights shall be a maximum of 20 feet. Security lighting for the building (if needed) shall be a cut-off lighting fixture mounted to a pole or wall.

- c. *Wall signage for this zoning district can be a maximum of 10% per wall. An additional freestanding sign is allowed on the proposed property “only” and cannot be added off-premise to the freestanding signage for Harmon Mill Center. Entrance and exit signs meeting the Town of Kernersville’s Unified Development Ordinance are allowed.

6. Other Conditions

- a. The developer shall construct the building with masonry and masonry colors as shown in Exhibit 1. The building’s red awning shall be a low reflective red and not a high gloss red as shown in Exhibit 1.
- b. *Air conditioning units and dumpsters shall be screened from public view with required fence/ masonry material compatible or complimentary with the building material meeting.



Mayor Morgan introduced items 4a, 4b, 4c, and 4d.

- 4a. **PUBLIC HEARING:** Curtis Swisher, Town Manager, for consideration of an amendment to the *Kernersville Development Plan* to amend the *Land Use Plan* for properties located at Lakeview Drive, being all of PIN #6896-11-7039; 100 Lakeview Drive, being all of PIN# 6896-11-9085; and 109 Lakeview Drive, being all of PIN#6896-11-7258, containing a total of 2.15 acres more or less. Zoning Docket KDP-31
- 4c. **PUBLIC HEARING:** Debbie Raker, Agent for Richard Clark and Mark Angel, Owners, for properties located at Lakeview Drive, being all of PIN #6896-11-7039; 100 Lakeview Drive, being all of PIN# 6896-11-9085; and 109 Lakeview Drive, being all of PIN#6896-11-7258, containing a total of 2.15 acres more or less. Petitioner requests a General Use District rezoning from RS-12 (Residential Single Family, minimum lot size 12,000 sq. ft.) to RS-9 (Residential Single Family, minimum lot size 9,000 sq. ft.) Zoning Docket K-701

Mr. Hatling presented the Planning Board report for the Kernersville Development Plan amendment and the rezoning request. He presented the site preparations required for this site. Staff recommended denial of the resolution and rezoning since it is not consistent with the Town’s Comprehensive Plan or Kernersville Development Plan and would be unreasonable and/or not in the public interest because the lots size would not maintain the character of the neighborhood. However, the Planning Board recommends approval of the resolution and rezoning.

Mayor Morgan declared the public hearing open.

Debbie Raker, 500 Pineview Drive, Kernersville, NC – stated that a lot of consideration was given to this project before it was filed. She explained that they have talked with residents in the neighborhood. She noted that this property is bound by industrial uses with a creek at the back of property. She stated that the petitioner has tried to address all issues on this site before hand. She stated that she appreciates the Board’s consideration of their request.

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

4b. Consideration of a resolution amending the Kernersville Development Plan.

Alderman Dana Caudill Jones stated that she understands the Staff’s recommendation for denial based on boards history, however this situation is different and each case should be reviewed on it’s own merits. She added that there is no opposition from the neighbors and should be considered in this case.

Alderman Dana Caudill Jones made a **Motion** to approve the following Resolution amending the Land Use Plan from “Single Family Residential Low Density (0-3 units per acre)” to “Single Family Residential Moderate Density (0–6 units per acre)” based on the facts:

- That 9,000 square foot lot sizes are similar to those of surrounding newer developments and
- Because the properties border industrial property.

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

Resolution No. R-2010-15

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

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

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

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

WHEREAS, a rezoning has been proposed that requires a review of the *Land Use Plan* to determine if modification should be made; and

WHEREAS, as the site that is proposed for an RS-9 (minimum lot size 9,000 square feet), General Use District rezoning.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Land Use Plan* by changing PIN #6896-11-7039; PIN# 6896-11-9085; and PIN#6896-11-7258, containing a total of 2.15 acres more or less; land use designation from “Single Family Low Density” to “Single Family Moderate Density.”

4d. Consideration of an ordinance for zoning petition.

Mayor Pro Tem Kevin Bugg made a **Motion** to approve the following Ordinance to rezone the property in case K-701 from RS-12 to RS-9, in that to do so would be consistent with the Town’s Comprehensive Plan and the Kernersville Development Plan and would be reasonable and/or in the public interest because:

1. Nine thousand (9,000) square foot lot sizes would be maintaining the character of the Lakeview neighborhood because of the similar lot sizes in Kentland Ridge.
2. The properties listed in the proposed rezoning border industrial properties and to do so would be consistent with the transitional area from industrial to residential.

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

Town Ordinance

Zoning Petition of Debbie Raker, Agent for Richard Clark and Mark Angel

Zoning Docket K-701

ORDINANCE NO. 0-2010-17

**AN ORDINANCE AMENDING THE
KERNERSVILLE ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
TOWN OF KERNERSVILLE, NC**

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

SECTION 1. The Kernersville Zoning Map be amended by changing from RS-12 (Residential Single Family, minimum lot size 12,000 sq. ft.) to RS-9 (Residential Single Family, minimum lot size 9,000 sq. ft.) for properties located at Lakeview Drive, being all of PIN #6896-11-7039; 100 Lakeview Drive, being all of PIN# 6896-11-9085; and 109 Lakeview Drive, being all of PIN#6896-11-7258, containing a total of 2.15 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as all of PIN#6896-11-7039; all of PIN#6896-11-9085; and all of PIN#6896-11-7258 containing a total of 2.15 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 1st day of June, 2010.

PUBLIC SESSION

Mayor Morgan added, Item 8a, Consideration of a Resolution Extending the terms of the Pedestrian & Bicycling Advisory Committee.

Mayor called a recess at 8:28 PM. Mayor Morgan reconvened the meeting at 8:41 PM.

5. SPEAKERS FROM THE FLOOR.

Pat Shouse, 629 S. Main Street, Kernersville, NC – stated that she has a problem with the Town's current rules and regulations regarding yard waste and shrubbery items. Mrs. Shouse stated that she feels this is discriminatory against older residents. She stated that she recently contracted with someone to come help her cut their shrubbery. She stated that the shrubbery came from her property and met all other Town requirements. This is discriminating against old folks. She added that it should not matter who cuts the grass, shrubs or rakes the leaves. She asked the Board to consider changing the Town's policy.

Mr. Swisher stated that Mrs. Shouse does have a legitimate concern and the staff has looked at this several times. He explained that if the work is contracted out we do not pick up the debris. He stated that there is a difference between whether the resident does the work or a contractor. He agrees that getting older does make it more difficult. He has asked Mr. Maltba to compile some statistics on this. Preliminary numbers show that it could cost the Town approximately \$140,000 a year to pick up this debris. If the Board so desires, they can do more research and come back with some firm cost estimates to enhance the services.

Alderman Dana Caudill Jones stated that a lot of contractors include hauling grass and tree limbs in their price.

Mr. Swisher further explained that we would need to determine how much more debris would be generated and cost to the town that is currently being picked up by contractors. We would also need to look at dumping this into yard carts as opposed to putting it at the curb.

Alderman Caudill Jones stated that this would increase the number of yard carts.

Mr. Swisher stated that it will take some time to get these figures together and recommended leaving the policy as it current exists until such time as we bring back a full report to the Board.

Mr. Swisher stated Staff will look at several options on how we could make this work and the costs involved and try to bring something to the Board in three months.

It was a consensus of the Board for the Staff to look into viable options.

Harry Davis, 1676 Pine Tree Lane, Kernersville, NC – stated that he is a Forsyth County resident however his property is surrounded by the city. He thanked the Town for always responding to his calls and complaints. He reported on problems which exist at the old Pine Tree

Golf course. He is concerned for the safety and well being of his family. He reported on trespassers and illegal dumping occurring at this site.

He asked if there was something the Town could do to force the property owners to do something to combat these problems. When can the Town become involved in this to force the issue? He stated that in January a tree had fallen in the driveway entrance and he took it upon himself to remove it. He read the Town's Code regarding Nuisances. He specifically mentioned # 3 which is in regard to the preservation and protection of the values of land throughout the town and the rights of property owners. He asked again, when can the Town take action to prevent these events or bill the costs back to the property owners.

Mr. Davis stated that while he doesn't want someone coming in to tell him what he can do with his property but on the other hand he expects his property rights to be protected from others as well. He stated that he can see additional problems down the road and appreciates anything the Town can do to help this situation.

Mr. Davis reported that Mr. Ed Hedgecock has sent out an email to the Board regarding flooding issues on this property and hoped the Board received that email as this will cause more problems down the road.

Mr. Swisher stated that Mr. Davis does have a legitimate concern; he lives in this area and sees the problems that exist out there. He stated that Town Staff has been out to the site to conduct inspections and will document their findings. Fines have been levied on the property owner and explained the violations that are occurring on the site.

He stated that the entrance road is a private easement and the Town could not have removed the tree. At such time this property is developed, this road can be dedicated as a public road and subject to Town maintenance. He has spoken with Russell Radford regarding the stormwater issues. He stated that there are several existing ponds there but the flooding is not caused by these structures. This is a maintenance issue as well for the property owner.

Mr. John Wolfe addressed the legal issues regarding these violations. He explained that this is private property including the road into the site. He stated that the Town has been involved since March when Notice of Violations was sent. Fines are being assessed at \$100/day for the illegal dumping. If there is no response very soon, we will take this matter into court, as we do in all other cases. He stated that he did not know what the Town could do in regard to the prevention of issues. The Police Department patrols the area and will continue to do so.

Mr. Wolfe explained that there are 1,000 acres out here and suspected that this site has been illegally dumped upon by others as has happened to other property owners around Town. The property owner has a responsibility here to clean it up but the Town doesn't generally go after someone that has been dumped upon.

Mr. Jeff Hatling explained that the Town's ordinances were changed four or five years ago to allow for areas to "grow" back to its natural state. In this case there is probably no enforcement here as this is being left to nature. We do have ordinances to address illegal dumping.

Alderman Keith Mason stated that he has received numerous emails regarding this property. It is frustrating knowing what this property has been and what it is now. He asked if the property owners ever talked about closing one of the entrances.

Mr. Davis stated that he did not mean to imply that the Town has not been involved but his question is at what point can the Town step in and do the work and bill the property owner.

Mr. Wolfe stated that the Town will proceed through the courts and then the court will order the property owner to comply.

Mr. Davis stated that he has not been able to contact the property owner and it would be nice to get that information.

The Board continued to discuss issues with the site, the entrance road and the dumping with Mr. Davis.

Mr. Wolfe noted that the Town could file something with the courts within the next 30 days. However, if the Board so directed he could take the matter to court tomorrow. He stated that it is an expensive process and we try to settle the matter without going to court.

Mr. Wolfe further explained that the property owners have complied in the past without going to court.

Mr. Davis stated that he wants to be reasonable, this is not a matter of life or death but is however a growing problem and wants the Town to be aware of it.

The Board and Town Attorney discussed the private vs public issues regarding this site.

6. Discussion on Performance Contracts for Improvements to Town Facilities.

Mr. Swisher stated that a representative from the NC State Energy Office will give a presentation regarding performance contracts for needed improvements to Town facilities.

Len Hoey, NC State Energy Office – thanked the Board for the opportunity to address the Board tonight. He gave a presentation on the performance contracts process and the potential for and differences between savings and avoided costs to the Town. He explained that if the Contractor misses his projections, the Contractor will reimburse the Town for the additional savings projected in the agreement. He noted that you do not have to find new revenues to pay for these improvements; the money is already there in energy bills that will be diverted or saved. He stated that his office will help the Town identify projects for this process.

Mr. Hoey stated that the next step would be to sit down with the Town Manager and the Project Manager and go through this process. He stated that until the Town signs a contract there is no financial responsibility for the Town. If the Town decides to back out after signing the contract,

the Town must pay for the Investment Grade Audit. The cost for such is covered if you decide to move forward with the project.

Mr. Hoey stated that this is about a one-year time frame process.

Mr. Swisher stated that before we sign the contract we will have an idea of what our savings will be.

It was the consensus of the Board to move forward with the performance contract process.

7. Annual presentation by the Kernersville Soccer Association.

Mayor Pro Tem Kevin Bugg made a **Motion** to continue this presentation to the July meeting. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

8a. Consideration of an Ordinance Amending the Membership Criteria for the Parks and Recreation Advisory Board.

Mr. Wolfe stated that he was asked to review the existing ordinance establishing the Parks and Recreation Advisory Board and particularly the membership criteria for members that live outside the town limits. He explained that the existing ordinance does not mention from where the membership needs to come. He stated that the Board could appointment whomever they wish to appoint, either inside or outside the Town.

8b. Consideration of a Resolution to Extend the Pedestrian and Bicycle Advisory Committee.

Mr. Wolfe explained that the existing resolution establishing the Pedestrian and Bicycle Advisory Committee was set to expire in three 3 years, 2010. If the Board wants to extend this committee, the proposed resolution would allow such an extension.

Mayor Morgan recommended extending this committee for an additional three years with terms expiring June 30th as does all other terms on our boards/commissions.

Alderman Dana Caudill Jones made a **Motion** to approve the following resolution to extend the terms of the Pedestrian and Bicycle Advisory Committee. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2010-16
RESOLUTION EXTENDING THE EXISTENCE OF
THE PEDESTRIAN AND BICYCLE ADVISORY COMMITTEE**

WHEREAS, the Board of Aldermen established a Pedestrian and Bicycle Advisory Committee and in 2007 increased the membership and proposed that the Committee, among other things, promote the implementation of the Town's Pedestrian and Bicycle Plan, provide feedback on potential projects being considered by the Board and staff, and raise funds for the construction of portions of the infrastructure as set forth in the Plan; and

WHEREAS, the Board provided for the termination of said Committee to be November 12, 2010, unless the Board, prior to such termination, extended its existence; and

WHEREAS, it appears to the Board of Aldermen that there is further work and study needed regarding the Pedestrian and Bicycle Plan, and the Board desires to extend the Committee's existence;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE that the term of the said Pedestrian and Bicycle Advisory Committee be and is hereby extended until **June 30, 2013** unless the term is either further extended or the Advisory Committee be abolished by this Board; and, that the Purpose, Membership, and Meetings be and continue in full force and effect as set forth in that Resolution of the Board of November 13th, 2007.

Adopted this 1st day of June, 2010.

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9. Consideration of Appointments to Various Boards and Commissions.

Alderman Bob Prescott made a **Motion** for the approval of the following appointments as recommended by the Nominations Committee.

Planning Board: (3 vacancies)

Margaret H. Burks – reappointment, term to expire 6/30/13
Phyllis Mendel (ETJ) – reappointment, term to expire 6/30/13
James J. Fradenburg – new appointment, term to expire 6/30/13

Board of Adjustment: (5 Vacancies)

Charles Reid – reappointment, Regular member, term to expire 6/30/13
Patrick Collie, move from Alternate to Regular member, term to expire 6/30/11
Tracy Shives (ETJ) – new appointment, Alternate member, term to expire 6/30/13
Robert McFadden – new appointment Regular member, term to expire 6/30/13
Calvin OBriant – reappointment, Regular member, term to expire 6/30/13
Louis Thibodeaux – new appointment, Alternate member, term to expire 6/30/13
Matt O'Brien – move from Alternate to Regular member, term to expire 6/30/12

Sister City Commission: (4 vacancies)

Duane Long – reappointment, term to expire 6/30/13
Liza Baron – reappointment, term to expire 6/30/13
Suzanne Swanson Hill – new appointment, term to expire 6/30/13

G. Raeford Smith, to fill unexpired term of A. Duncan, term to expire 6/30/12

Recreation Advisory Board: (4 vacancies)

Heather Ulrich – reappointment, term to expire 6/30/13

John B. Davis – reappointment, term to expire 6/30/13

Jason B. Poston – new appointment, term to expire 6/30/13

Pharmesh Patel – new appointment to fill unexpired term of T. Shifflette,
term to expire 6/30/12

Pedestrian & Bicycle Advisory Committee: (9 vacancies)

Barbara H. Fulp – reappointment

Wade Hampton – reappointment

Bruce Frankel – reappointment

Jonathan Cooke – reappointment

John Shelor – reappointment

Melissa Schmidt – new appointment

Robert McFadden, new appointment

Community Appearance Commission: (5 vacancies)

Amelia Anne Templeton – reappointment, term to expire 6/30/13

Cynthia Stultz – reappointment, term to expire 6/30/13

Rexine Bennett – reappointment, term to expire 6/30/13

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

Mayor Morgan thanked all those citizens serving on the Town's boards and commissions.

10. Consideration of Rules and Regulations for the use of the Paddison Room at the Paddison Memorial Library.

Mr. Swisher requested that this item be withdrawn from the agenda at this time and brought back to the Board at such time Staff has something for the Board to consider.

Alderman Dana Caudill Jones made a **Motion** to withdraw this item from the agenda as requested. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

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 April 6, 2010 Closed Session
- Approval of Minutes for April 28, 2010 Briefing Session
- Approval of Minutes for May 4, 2010 Regular Session
- Approval of Minutes for May 4, 2010 Closed Session

C-2 Consideration of the new Lease with the Kernersville Woman's Club for the Kernersville Community House.

C-3 Consideration of the new Lease with the Shepherds Center for the Basement of the Library.

C-4 Forsyth County Tax Refunds

Ashley Teresa Hedgecock \$11.77 MV registered as personal property

Alderman Dana Caudill Jones made a **Motion** to approve the Consent Agenda as submitted. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

12. ITEMS REMOVED FROM CONSENT AGENDA.

None

13. SPEAKERS FROM THE FLOOR.

None

14. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented two ordinances at the request of Forsyth County Tax office authorizing the collection of prior years and current year's taxes.

Mayor Pro Tem Kevin Bugg made a **Motion** to approve the following two ordinances authorizing Forsyth County to collect prior years and current year's taxes for the Town of Kernersville. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

NORTH CAROLINA

FORSYTH COUNTY

ORDINANCE NO. O-2010-18

ORDER OF THE COUNCIL OF THE TOWN OF KERNERSVILLE
IN ACCORDANCE WITH G.S. 105-373, G.S. 105-321, G.S.105-330.3 and G.S. 153A-156
FOR THE COLLECTION OF 2009 AND PRIOR YEARS' TAXES

TO: WILLIAM A. RODDA, CAE, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM,

VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF LEWISVILLE, TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF KING, TOWN OF KERNERSVILLE, TOWN OF BETHANIA.

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2001 through 2009 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2001 through 2009 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobaccoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, Beeson's Cross Roads Fire Protection District, Beleys Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and authorize them to perform those functions authorized by the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions in the discretion of the Tax Collector.

Taxes on classified Motor Vehicles for 2006 and prior years are deemed uncollectible; therefore, the Forsyth County Commissioners, pursuant to G.S. 105-373(h) do hereby relieve the tax collector of the charge of collecting taxes on classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) for 2006 and prior years.

WITNESS my hand and official seal, this the _____ day of _____, 2010.

* * * * *

NORTH CAROLINA

FORSYTH COUNTY

ORDINANCE NO. O-2010-19

ORDER OF THE COUNCIL OF THE TOWN OF KERNERSVILLE
IN ACCORDANCE WITH G.S. 105-321, G.S. 153A-156 AND G.S. 160A-215.2
FOR THE COLLECTION OF
2010 TAXES

TO: WILLIAM A. RODDA, CAE, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM,
VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF
LEWISVILLE, TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF
KING, TOWN OF KERNERSVILLE, TOWN OF BETHANIA.

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2010 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2010 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobacoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, Beeson's Cross Roads Fire Protection District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are also hereby authorized, empowered and commanded to administer and to collect taxes on gross receipts derived from retail short-term leases or rentals of motor vehicles as set forth under G.S. 153A-156 and gross receipts derived from short-term lease or rental of heavy equipment as set forth under G.S. 160A-215.2. You are hereby authorized to promulgate such rules and procedures necessary to administer these taxes which are not inconsistent or contrary to applicable law.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and authorize them to perform those functions authorized by the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws for current and previous years' taxes. County personnel presently in the Tax Collector's office continue to serve in their respective positions at the discretion of the Tax Collector.

WITNESS my hand and official seal, this the _____ day of _____, 2010.

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

Mayor Morgan stated that plans are underway for a Veterans Memorial in Triad Park. She stated that a committee has been established to work on this project. She then introduced Ivey Redmond to give a presentation.

Ivey Redmond stated that the Committee met today and briefly described the proposed site at Triad Park. He added that the land has been donated by Forsyth and Guilford County. He noted that this project will be bigger than both groups. They want to do this right and will be soliciting donations from outside the area. There is not another memorial like this in the state. We need to talk about it and generate a lot of interest. He will meet with Howard Coble next week and encouraged everyone to get our leaders in the community involved in this project.

Mayor Morgan read a thank you note from Mary Mullinax thanking the Town for the luncheon and the Brady Mullinax Community Service award.

Alderman Prescott expressed his concern for the condition of the parking lot behind Hardees. Mr. Wolfe stated that he was told that the property owner has 2 estimates in hand for the work to be done. He explained that there is nothing in our ordinances to control the parking lot on private property. Staff will be looking into this to see if we can strengthen our ordinances.

Alderman Shifflette thanked all the volunteers for serving on our boards and commissions. She encouraged everybody to come out to paint fire hydrants on Saturday.

Mayor Pro Tem Bugg also thanked those serving on our boards and committees. He reported that the Farmers Market is going well and again thanked all those involved.

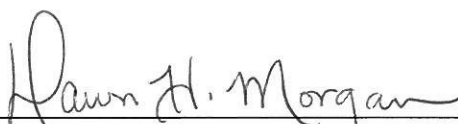
16. CLOSED SESSION FOR THE PURPOSE OF DISCUSSING ECONOMIC DEVELOPMENT MATTERS.

No Closed Session was needed at this time.

17. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 10:20 PM. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

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


Dawn H. Morgan, Mayor

Attest:


Dale F. Martin, Town Clerk

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on June 1, 2010.

This the 23 day of July, 2010.


Dale F. Martin, MMC, Town Clerk