

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. MAY 3, 2011**

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, Tracey Shifflette, Bob Prescott. Dana arrived at 7:12 pm.

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jayne Danner, Deputy Town Clerk; Jeff Hatling, Community Development Director; Kenny Gamble, Chief of Police; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks and Recreation Director; Walt Summerville, Fire Chief; Ray Smith, Human Resources Director; Russell Radford, Engineering Director; Brian Ulrich, Engineering/Transportation Manager; Gray Cassell, Information Systems Director; Mary Horney, Solid Waste and Recycling Specialist; and Elizabeth Coyler, Stormwater Manager.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND ALLEN BYERLY, FAITH ASSEMBLY OF GOD**
- **PLEDGE OF ALLEGIANCE**

Mayor Morgan called the meeting to order and Reverend Allen Byerly of Faith Assembly of God delivered the invocation which was followed by the Pledge of Allegiance.

- **PRESENTATION TO WINNERS OF EARTH DAY ART CONTEST**

Mayor Morgan presented awards to the following winners of the Earth Day Art Contest. Mr. Chris Oakman of the Kernersville Rotary Club presented the 1st place winners with a check for \$100. Mrs. Horney gave a brief description of the Earth Day activities.

Category	Placement	Student/Project Name
Elementary School	1st Place	Holly Stogner
Elementary School	2nd Place	Hector Garcia
Elementary School	3rd Place	Zayne Litman
Elementary School	3rd Place	Ally Morgan
Elementary School	4th Place	Luke Stilling
Middle School	1st Place	Joyce Zhong
Middle School	2nd Place	Jordan Nievinski

Middle School	3rd Place	Jasmine Lopez Mariche
Middle School	4th Place	Faith Baker
High School	1st Place	Hannah Litaker
High School	2nd Place	Mary Collins
High School	3rd Place	Meredith McCliment
High School	4th Place	Yarizeth Garcia

Mayor Morgan also recognized the following to schools for their participation in the art contest.

Outstanding Participation	1st Place	Mrs. Idol's Class, Piney Grove Elementary School
Outstanding Participation	2nd Place	Primrose School of Kernersville

- **PRESENTATION OF PROCLAMATION DESIGNATING NATIONAL LAW ENFORCEMENT WEEK**

Mayor Morgan presented a Proclamation to Police Chief Ken Gamble in recognition of Law Enforcement week. Chief Gamble stated that the Police Department is fortunate to have a fantastic support system in the Mayor, Board of Alderman, Town Manager and Community.

- **PRESENTATION OF PROCLAMATION DESIGNATING NATIONAL PUBLIC WORKS WEEK**

Mayor Morgan presented a Proclamation to Doran Maltba and Russell Radford in recognition of Public Works Week.

Mr. Maltba thanked the Board for their support and all the employees that help provide these services to the Citizens. Mr. Radford also thanked the Board for their support. He was thankful for the opportunity to do something that he likes to do.

- **PRESENTATION OF PROCLAMATION DESIGNATING MUNICIPAL CLERK'S WEEK**

Mayor Morgan presented a Proclamation to Dale Martin, Town Clerk and Jayne Danner, Deputy Clerk in recognition of Municipal Clerk's Week. Mrs. Martin thanked the Board and Department Heads for their support. She was also thankful for the opportunity to work with the different community groups.

- **PRESENTATION OF A RESOLUTION DECLARING MAY AS HISTORIC PRESERVATION MONTH**

Mayor Morgan presented a Resolution declaring May as Historic Preservation Month to Cam Steele representative of the Kernersville Historic Preservation Society.

Mr. Steele thanked the Board of Aldermen for their support. He added that he came to Kernersville one and a half years ago and has enjoyed his time here. He is proud to be involved with the Depot and other community projects.

PUBLIC HEARINGS

- 1 a. PUBLIC HEARING: Tri-City Real Estate Co., Inc. (Janie Veach), Owner for property located at 201 E. Bodenhamer Street and 200 King Street, being all of PIN#6886-44-1773, containing .20 acres more or less. Petitioner requests a General Use District rezoning to rezone from GI (General Industrial) District to PB (Pedestrian Business) District. Zoning Docket K-706**

Mr. Jeff Hatling, Community Development Director presented the Planning Board report for this rezoning request. He described the surround property, presented the site findings and gave the Planning Board's recommendation for approval.

Mayor Morgan declared the public hearing open.

In Favor

None presented.

Opposed

None presented.

Mayor Morgan closed the public hearing.

1 b. Consideration of an ordinance for a 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-706 from GI (General Industrial) to PB (Pedestrian Business). The said rezoning being consistent with the Town's Comprehensive Plan and further being both reasonable and in the public interest because:

1. The Kernersville Development Plan and Land Use Plan recommend re-development and re-use of properties in the downtown area.
2. The property is located in the Highway Corridor Overlay District. The uses listed are in accordance with "mixed uses" allowed in the downtown area and the Highway Corridor Overlay requirements will require the property to develop to current standards.

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

Town Ordinance

**Zoning Petition of Tri-City Real Estate Co., Inc.
Zoning Docket K-706**

ORDINANCE NO. O-2011-13 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) District to PB (Pedestrian Business) District for property located at 201 E. Bodenhamer Street and 200 King Street, being all of PIN#6886-44-1773, containing .20 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as all of PIN#6886-44-1773, containing a total of .20 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 3rd day of May, 2011.

2 a. PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville, for a proposed Zoning Text Amendment to the Unified Development Ordinance (UDO) by amending Chapter B – Zoning Ordinance, Article VII 7-3, General Submittal Requirements adding a requirement for information related to applicant contact with the neighborhood prior to a rezoning submittal. Zoning Docket KT-203

Mr. Jeff Hatling presented the Planning Board Report for this proposed Text Amendment. He explained the direction from the Board of Alderman to develop language to require neighborhood contact prior to submittal and a review by the Planning Board.

Mr. Hatling explained that the petitioner shall make reasonable attempts to contact the property owner by:

- (1) Correspondence forwarded by first class mail; or
- (2) Correspondence hand delivered; or
- (3) Telephone contact; or
- (4) Personal contact

Mr. Hatling stated that the petitioner shall submit an Affidavit to the Planning Staff, at the time of rezoning application submittal, verifying that reasonable attempts of contact have been made in accordance with the foregoing provision, and by which means.

The Petitioner shall also submit, at the time of rezoning application submittal, a written synopsis of that information which Applicant has put in writing(s), or verbally told, the property owners contacted in reference to rezoning of the subject property including a synopsis of any Neighborhood Meetings that Petitioner has arranged or participated in.

Mr. Hatling stated that the Planning Board is recommending no mandatory contact be required by the Petitioner prior to submittal.

Mayor Morgan declared the Public Hearing open.

In Favor

Phil Loflin, 324 Kilburn Way Lane, Kernersville, NC – stated that he spearheaded this proposed amendment in the beginning. His purpose was to prevent things from going into neighborhoods without surrounding neighbors knowing about it. He recommends the petitioner advertise in the Kernersville News on Tuesday, Thursday and Saturdays. He stated that he knows the Town follows the NCGS requirement to notify adjacent property owners. He used the example of the proposed apartments and because of his involvement, the rest of the neighbors were notified. He suggested that when it gets to the Planning Board you advertise in the newspaper with a map and put up a sign with a big Z on it. If the public doesn't attend the meetings, then you know the neighbors are not concerned with it.

Mr. Loflin reported on a comment made at the Planning Board that we are making it too difficult to conduct business in Kernersville. He added that in regards to a million dollar project what is the big deal with \$200. He knows that we are not going to make everybody happy but could make it simple.

Mr. Loflin referred to the legal ads in the newspaper and added that nobody pays attention to this stuff. He noted that the ad is included in the Thursday paper and not the Tuesday edition. He commended the staff for the addition of the map. He suggested the ad be placed in the Tuesday edition instead of the Thursday paper. He stated that we need to make this simple and this process will work. We don't need to ditch the whole proposal.

Mr. Loflin stated that when he started coming to meetings he was told that he needed to get involved and rally the troops and he is trying to do that. He stated that he understands that we have to grow the community, but there is a place and time for everything. He asked the Board to consider this proposal and make it simple. The NCGS doesn't do due diligence in protecting the citizens.

Opposed

None presented.

Mayor Morgan closed the Public Hearing.

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

Alderman Dana Caudill Jones stated that the first time the Board saw this she had questions about what is reasonable contact with neighbors. She noted that the Town does advertise in the

newspaper, use the pen list, and the website. She added that it is also the responsibility of property owners to educate yourself.

Mr. Swisher stated that the Town will continue to advertise in the newspaper in accordance with state law regardless of what the developer is required to do.

The Board continued to discuss the advertising and notices the Town sends out for public hearings, noting that it does work to inform the neighbors. Those neighbors go out and inform other neighbors as was the case with the transfer station situation. Having the advertisement in the Tuesday newspaper was perceived as a good idea by some of the Board members.

Mr. Hatling and Dale Martin, Town Clerk explained the requirements for legal ads before both the Planning Board and Board of Aldermen. Mrs. Martin explained the difficulty of advertising in the Tuesday papers when the Planning Board meetings fall later in the month or when the Board of Aldermen moves their meeting dates up. Mr. Hatling stated that he would not recommend making it a requirement but directing the Staff to advertise in the Tuesday paper whenever possible.

Mr. Wolfe stated that he works with the Clerk from time to time on the timing of legal ads and we can certainly attempt to advertise on Tuesdays when possible but not make it a part of the ordinance.

Alderman Prescott stated that we are always trying to improve our system but he is not in favor of this action as it is written and would like to look into this further.

Mr. Swisher stated that we can certainly attempt to advertise in the Tuesday paper when possible but there will be times when it can't be done.

Mayor Pro Tem Kevin Bugg stated that in the past we have had developers use due diligence to inform the surround neighbors and some didn't. When meeting with developers, Staff will offer this as a suggestion and some will and some won't act on it. He referred to the McConnell case when they were changing the building structures. Renderings done, neighborhood meetings held and that documentation was given to the staff and to the Board. This is one reason he is behind some type of requirements to make the process more transparent. If all these things are done and you miss it, then you need to get involved and read the paper. We are as transparent as we can get.

Mayor Pro Tem Bugg stated he is still in favor of the developer being required to make contact. He suggested that we send this back for more review.

Alderman Dana Caudill Jones stated that our process worked in the cases mentioned tonight. She stated that what we have here is too complicated with too many variables. She suggested we scrap the whole thing and ask the Planning Board to come up with a concept that is not so detailed. She noted that we already advertise and didn't want the process to be redundant. The good developers will want to do something like this anyway and we are making it to complicated.

Mr. Swisher stated that if it is a controversial issue, like the transfer station and Duke Power, the developer will notify adjacent property owners as suggested. Some of those will get involved and notify everybody else around them on what's being proposed. The process works when it's controversial and when it's not you won't hear about it.

Mr. Wolfe reminded the Board that any amendment would apply to all developments and that we can't differentiate between cases.

Alderman Caudill Jones stated that if the intent is for more transparency then promote the PEN list, the website and continue using the map in our advertisements.

Alderman Dana Caudill Jones made a **Motion** to deny this proposed text amendment.

Mayor Pro Tem Bugg asked if we have a time line of the entire process of development available somewhere. Mr. Hatling stated that Planning Board calendar includes submittal dates; meeting dates; review dates; etc. Mayor Pro Tem Bugg said now while things are slow is the time for us to review our processes to make them better.

Alderman Dana Caudill Jones suggested that a link be placed on the website that talks about the planning process and the calendar. Mayor Pro Tem Bugg added that we can only educate people so much but we need to make it easy for people to find this information.

Alderman Mason stated that if the process is broken then it's the elected officials charge to fix it. He stated that he doesn't feel this is broken. The process is working. He stated that we have a "Phil Loflin" in these neighborhoods that will notify the others. We haven't seen a case where we have been blindsided by a developer. It can be tweaked but he didn't feel that it was broken.

Alderman Dana Caudill Jones stated that she is ok with allowing the Staff to tweak the language here in layman's terms.

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

Mayor Morgan asked the Board to give direction to the staff for a new amendment.

Mr. Wolfe advised that it is fine that the Board express by resolution their desire that Staff use the Tuesday's paper versus the others when possible.

Mayor Pro Tem Kevin Bugg made a **Motion** directing Staff to advertise in the Tuesday edition of the Kernersville News whenever possible. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

Mayor Morgan called a Recess at 8:36 PM. Mayor Morgan reconvened the meeting at 8:46.

- 3 a. **PUBLIC HEARING:** Curtis Swisher, Town Manager, for consideration of an amendment to the *Kernersville Development Plan* to amend the *Land Use Plan* to include the adopted *Heart of the Triad, A Collaborative Plan for Economic Vitality And Quality of Life* land use plan recommendations and incorporate the adopted *West Mountain Street Industrial Area Plan* and *Martin Mill Creek Area Plan* into the *Land Use Plan* document. Zoning Docket KDP-33

Mr. Jeff Hatling presented the Planning Board Report for this Kernersville Development Plan and Land Use Plan amendment. He described the boundaries and the land use categories affected by this amendment. He reported that the Planning Board recommends approval as submitted.

Mayor Morgan declared the public hearing open.

In Favor

Phil Loflin, 324 Kilburn Way Lane, Kernersville, NC - stated that he attended the Planning Board meeting when this was heard. He stated that an issue came up regarding what is allowed in the single-family categories. He pulled land use plans for the surrounding communities and reported that they are different from what is proposed here. He expressed a concern with Apartments being allowed in the Medium Residential category. He wanted to go on record that Apartments are not allowed in Kernersville's Medium Residential category.

Jimmy Morgan, 8625 Bull Road, Colfax, NC – asked that the Board view the plan favorably. This plan is better than the first plan presented. This area may be annexed and it may not be, but what you do here should be what you do for the majority of the residents of the Town of Kernersville.

Mr. Morgan stated that the Mayor's presentation about recognizing the history brought back a lot of memories. He noted that much of the land in this study area has been in families for a long time. They wanted to be a part of this effort because history is important and the first attempt at this plan was not acceptable. The history tells about a community's soul and if the community strays from its history to grow and prosper then it will lose a lot of its soul. He stated that this plan proposes redevelopment in abandoned areas. He stated that we can improve on what we have, reuse what we have for a more sustainable community. We have to do that with our property and we have to respect our citizens that own that property. He suggested the Board follow through with this plan to be used as a guide and that we use it wisely.

Opposed

None presented.

Mayor Morgan closed the public hearing.

3 b. Consideration of a resolution amending the Kernersville Development Plan and Land Use Plan.

Mayor Pro Tem Kevin Bugg made a **Motion** for the approval of the following Resolution amending the Kernersville Development Plan and Land Use Plan. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

Resolution No. R-2011-14

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, it was recognized by leaders in the region, in April of 2004, that a unified land use plan did not exist for an area including portions of High Point, Kernersville, Winston-Salem, Oak Ridge, Greensboro, and equally situated near the Forsyth/Guilford County Line; and

WHEREAS, a Strategic Planning Committee consisting of elected officials who were appointed by the participating units of local government undertook a land use study in the area which became known as the “Heart of the Triad;” and

WHEREAS, a Stakeholders Committee consisting of residents, landowners, businesses, and developers was appointed by the participating units of local government to work with area Planning Directors to develop a land use plan that would enhance the Heart of the Triad while maintaining its natural beauty and unique features; and

WHEREAS, numerous public meetings were held and the draft plan was also made available to the general public for comment and a community input meeting was held on April 22, 2010; and

WHEREAS, all parties have spent many hours reading, reviewing, discussing, debating, compromising, and developing a consensus on the final recommended plan; and

WHEREAS, as a result of the planning efforts of High Point, Kernersville, Winston-Salem, Oak Ridge, Greensboro, Forsyth County, and Guilford County the *Heart of the Triad Collaborative Plan for Economic Vitality and Quality of Life* was adopted by those jurisdictions which include land use plan amendment recommendations; and

WHEREAS, the *West Mountain Street Industrial Area Plan* and *Martin Mill Creek Area Plan* have been adopted by the Town of Kernersville.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Land Use Plan*, attached hereto, to include the adopted *Heart of the Triad, A Collaborative Plan for Economic Vitality And Quality of Life* land use plan recommendations and incorporate the adopted *West Mountain Street Industrial Area Plan* and *Martin Mill Creek Area Plan* into the *Land Use Plan* document.

Adopted May 3, 2011.

PUBLIC SESSION

4. SPEAKERS FROM THE FLOOR.

None presented.

Mayor Morgan asked that Item #7 be moved up on the agenda and heard at this time.

7. Annual Report by the Kernersville Soccer Association.

Mr. Doug Everett, 5205 Autumn Harvest, Kernersville, NC - President of KSA presented the Association's annual report highlighting the membership, tryouts for the different levels of players, the addition of flag poles, the drainage ditches between fields and sprinkler system head replacement. Approximately \$10,000 was raised towards these upgrades. He highlighted the tournaments hosted at Beeson Park and the visitors they bring to the community. He thanked the Board for their continued support of KSA and made himself available for questions.

5. Winston-Salem/Forsyth County School System Request Regarding School Street Sidewalk.

Mr. Swisher stated that we are working with the WS/FC School system on this project. The School system has agreed to pay the portion on school property in the amount of \$20,014.50. The remaining \$17,000 will be the Town's responsibility.

Darrell Walker thanked the Board for the opportunity to be here tonight. The school systems portion is included in their budget. He thanked the Town Staff for bringing this project to us as it will be a good addition to the school. He also thanked Chief Gamble and the Police Department for their support of the school system. He then thanked the Board for their support provided to this community.

6. Consideration of a NCDEAO "Community Waste Reduction and Recycling Program Grant for the Purchase of Recycling Containers.

Mr. Swisher reported that this is for a \$30,000 grant for recycling containers, with a \$5,000 Town match.

Doran Maltba, Public Services Director stated that we are applying for the grant and will let Parks & Recreation choose the style containers they want for the parks. A few containers will be purchased for Town Hall and will look similar to the trash containers already in place.

Alderman Tracey Shifflette asked if the containers would be stationary and similar to what we have now. Mayor Morgan suggested we coordinate these containers according to our wayfinding plan to match the Trellis, the iron benches and signage we have in place.

Mr. Maltba stated that the ones for Downtown will match what is here even though they are plastic.

Alderman Shifflette expressed a concern that the containers look different enough so that people can differentiate between recycling and solid waste.

Alderman Tracey Shifflette made a **Motion** to authorize the execution of a NCDEAO “Community Waste Reduction and Recycling Program Grant for the Purchase of Recycling Containers. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

8. Consideration of a Contract with John G. Wolfe III, Attorney at Law for Legal Services.

Mr. Swisher explained that this is a renewal contact for legal services for a two year period.

Alderman Dana Caudill Jones made a **Motion** to approve the contract as submitted. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mayor Morgan and Alderman Prescott thanked Mr. Wolfe for his many years of service.

Mr. Wolfe thanked the Board for its support.

9. Consideration of Recommendations by KDPDC to Allow Downtown Events:

- a. Kernersville Cares for K-9’s event on October 1, 2011
- b. Kernersville Classic Cars Cruise-In

Mr. Swisher stated that in accordance with the funding agreement with KDPDC, events held downtown must have a recommendation from the KDPDC prior to consideration by the Town. The KDPDC recommended approval of these events.

Mr. Buddy Weiss, 1135 Constantine Place, Kernersville, NC – representing the Kernersville Cares for K-9’s event stated that this event will benefit multiple groups, downtown merchants, animal rescue groups, and animal control to name a few. We plan to hold a rabies clinic, microchip clinic, have dog related items for sale, photographers and artists available, product

suppliers, obedience demos, contests and even an Architect that designs doghouses with samples to be auctioned off. Proceeds from this event will go to animal rescue groups that are not supported by local or state government. They plan to ask downtown merchants to contribute towards the advertising and plan to hold a major fundraising campaign. No food will be available except in our local restaurants downtown. There will be a charge to vendors for spaces and we plan to ask the vendors for a percentage of their sales to be donated to the rescue groups. All money received will go towards advertising and to rescue groups. We will have insurance coverage for the event with the Town as an additional insured.

Mr. Weiss stated that he and his wife donated the 1st police dog to the Town of Kernersville years ago and that they have tried to give something back to community. He respectfully requested approval of this event.

A brief discussion regarding the number of times the streets will be closed for the Classic Car event.

Alderman Dana Caudill Jones made a **Motion** to approve these events as recommended by the KDPDC. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

- 10. 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 February 23, 2011 Closed Session
Approval of Minutes for March 23, 2011 Briefing Session
Approval of Minutes for March 23, 2011 Closed Session
Approval of Minutes for April 5, 2011 Regular Session**

C-2 Forsyth County Tax Refunds

Alderman Tracey Shifflette made a **Motion** for the approval of the Consent Agenda as presented. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

- 11. ITEMS REMOVED FROM CONSENT AGENDA.**

None presented.

- 12. SPEAKERS FROM THE FLOOR.**

Mr. Phil Loflin asked for a clarification on the notification issues previously discussed. He asked if currently the way it stands the developer would not be required to notify neighbors other than what is required by the NC General Statutes? Mr. Wolfe stated that this is correct.

Mr. Loflin stated that to refresh everyone's memory on what prompted this issue was the transfer station case. Folks got wind of what was being proposed and began to talk to their neighbors. He stated that it was previously pointed out in the zoning cases of how this process worked. He stated that if he had not gotten a call about the apartment complex and got this thing started it would have fallen through the cracks.

Alderman Caudill Jones stated that in this situation, all of this happened before the Planning Board process which would trigger the notification process. This situation never got to this point. Mr. Swisher stated that this did not fall through the cracks because the petition was never filed with the Town which would have triggered the notification process.

Alderman Mason reported on the situation with the transfer station. He stated that after discussing with Stuart Parks he went on line to educate himself. He and Mr. Swisher went to see a transfer station. This proposal had no wheels at all but we should give credit to the residents of Oakmont for getting involved. For the apartment complex, he added that his concern was with the traffic. That project was going to have an uphill battle from the beginning. He noted that both of those processes are examples of how the process works.

Phil Loflin asked how far in advance notices are mailed to the property owners. Mr. Swisher stated that the advertisement goes in the paper not more than 25 days but not less than 10 days before the public hearing. The Town Clerk, Dale Martin, reported that the notices are mailed out the week of or the week following the Planning Board meeting depending on when the Planning Board meeting falls during the month. The notices are mailed so that they are received prior to it being advertised in the newspaper whenever possible.

Alderman Caudill Jones stated that the cases mentioned tonight are somewhat unique. She felt that the overall policy is not broken and it works like it was intended.

Mr. Loflin stated that he was told to show up and to pay attention to what is going on around Town. He's here and wants to be clear on all this. He stated that early on, it was a good idea to have the developer go out in the community in advance. Is that still the case?

Mr. Mason stated that the Planning Staff does a good job discussing these things with the developers and encouraging them to talk to the neighbors. He stated that our local developers were mentioned earlier and sometimes we have been tougher on them. It is the Board's job to do due diligence and find out all there is to know when something comes in.

Alderman Caudill Jones noted the case earlier tonight where the property was downgraded in zoning on King Street. She asked Mr. Loflin if he thought Mrs. Veach should have had to do all of this. Mr. Loflin stated no. Alderman Caudill Jones pointed out that each case is unique. She stated again that she felt our overall policy is not broken.

Mr. Swisher stated that in most cases that are thought to be controversial, the Staff will let the developer know this and in most cases they will contact the neighbors. Sometimes they will not, which is the case with North Park on Mountain St. and it was turned down the first time it came before the Board.

Mr. Loflin stated that he just wants to be clear on what is happening here. He appreciates the Board's patience and attention in this matter.

13. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented a NCDOT Supplemental Agreement for the Union Cross Road turn lane project for the Board's consideration.

Alderman Dana Caudill Jones made a **Motion** for the approval of an agreement with NCDOT for the Union Cross Road turn lane. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

Mayor Morgan reported that Staff and Board members will be meeting with DOT on Thursday regarding the school zone speed limits.

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

Mr. Wolfe presented a 5 year Interlocal Agreement with Guilford County for the collection of property tax at an annual rate of \$546, which is less than the previous agreement. Mr. Wolfe stated that a copy of the agreement will be included in the Board's weekly packet.

Alderman Dana Caudill Jones made a **Motion** to approve the interlocal agreement with Guilford County as presented. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

The Town Attorney then presented a Litigation Hold Policy and Procedures. He stated that this policy will supersede the Town's current Records Retention and Disposition Schedule for matters that are in litigation and allow for retention of all modes of communication for matters in litigation until released by the Town Attorney.

Alderman Dana Caudill Jones made a **Motion** to approve the Litigation Hold Policy as recommended. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

Mayor Pro Tem Kevin Bugg reported that the Farmer's Market will be open May 18th through October 29th and that all vendors from last year are coming back.

Mayor Morgan thanked the Board for their support of the Earth Day Art Contest.

Alderman Dana Caudill Jones encouraged everyone to attend the Spring Folly this weekend.

Alderman Keith Mason made a **Motion** to enter into Closed Session for the purpose of discussing matters which fall within the Attorney-Client privilege. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

15. ADJOURNMENT.

Alderman Dana Caudill Jones made a **Motion** to adjourn the meeting at 10:36 PM immediately following the Closed Session. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.


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 May 3, 2011.

This the 30 day of June, 2011.


Dale F. Martin, MMC, Town Clerk