

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

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Sharon Richmond, Senior Planner; 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 and Brad Brooks, Computer Technician.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND DON WINTERS, KERNERSVILLE MORAVIAN CHURCH**
- **PLEDGE OF ALLEGIANCE, BOY SCOUT TROOP 779**

Mayor Dawn H. Morgan called the meeting to order and Reverend Don Winters, Pastor of Kernersville Moravian Church delivered the invocation. Boy Scout Troop 779 from Sedge Garden Methodist Church led the Pledge of Allegiance. In attendance: Billy Haps, David Lilley, John Mahoney, Tyler Phillips, Joshua Wilkins, Jeremiah Gallant, Stuart Althouse, Matt Davis, Harrison Parker, Scoutmaster Bill Haps and Committee Member David Althouse.

- **PRESENTATION OF PROCLAMATION TO GLENN HIGH SCHOOL**

Mayor Morgan presented Mr. Brad Craddock, Principal of Glenn High School with a Proclamation commending the students of Glenn for their outstanding participation in the Kernersville Cares for Kids program, It's My Call. Doug Kiger, President of KCK presented him with a trophy to be displayed at the school until next year.

- **PRESENTATION OF PROCLAMATION TO EAST FORSYTH MIDDLE SCHOOL**

Mayor Morgan then presented Mr. Dossie Poteat, Principal of East Forsyth Middle School with a Proclamation commending the students of that school for their outstanding participation in the

Kernersville Cares for Kids program, It's My Call. Doug Kiger, President of KCK presented him with a trophy to be displayed at the school until next year.

- **PRESENTATION TO KERNERSVILLE CARES FOR KIDS KEY VOLUNTEERS**

Mayor Morgan gave the history of the Kernersville Cares for Kids Program in our schools and spoke of its success. She then recognized David Fitzpatrick, of KCK to recognize two key volunteers from this year.

Mr. Fitzpatrick recognized Ms. Kelly Hall and Ms. Wendy Ward for their outstanding leadership and participation in this year's program. He presented each with a plaque and certificate of appreciation.

- **PRESENTATION TO KERNERSVILLE CARES FOR KIDS SCHOLARSHIP RECIPIENT**

Mr. Fitzpatrick then presented Brandon Hall with a \$500 Scholarship, a new program started by KCK. Brandon has participated in KCK for several years and will be attending NC State in the fall.

Mr. Fitzpatrick then presented Doug Kiger with a clock for his leadership as President of KCK for the past two years and for his dedication and commitment to this program for the past 10 years. He announced that the KCK Scholarship would be known from here forward as the Doug Kiger Student Leadership Scholarship Award.

- **PRESENTATION OF PROCLAMATION TO DR. SANDY SIKES, PRINCIPAL OF PINEY GROVE ELEMENTARY SCHOOL**

Mayor Morgan presented a Proclamation to Dr. Sandy Sikes for her leadership at Piney Grove Elementary School.

- **PRESENTATION BY MAYOR ALLEN JOINES, CHAIRMAN OF THE FORSYTH COUNTY ARTS COUNCIL**

Mayor Morgan recognized Mayor Allen Joines, Mayor of the City of Winston-Salem and the Chairman of the Forsyth County Arts Council.

Mayor Allen Joines, Chairman of the Forsyth County Arts Council, thanked the Board for their past contributions and support of the arts. He explained that he agreed to be Chairman this year for many reasons. He noted that the arts contribute to our quality of life and is a tool for economic development purposes and to attract people to this area. He pointed out specific examples of how this benefits our businesses, citizens and municipalities. He asked the Board to consider a contribution this year in the amount of \$2500. Mayor Joines thanked the Board for their time and continued support of the arts.

Mayor Morgan stated that this concludes the ceremonial portion of our agenda and asked that no flash photography be used during the remainder of the meeting.

Mayor Morgan reminded the audience of the Board's procedures for public hearings.

PUBLIC HEARINGS

1 a. PUBLIC HEARING: on proposed Fiscal Year Operating Budget 2011-2012.

Town Manager Curtis Swisher presented highlights of the 2011-12 Operating Budget. He stated that as expected we have more requests than money. A tax increase was not an option and will remain the same at 49.75 cents. He presented the Town's estimated revenues for this coming up fiscal year.

Mr. Swisher reported on the Service Fee recommendation for a yard waste cart fee, an increase in collection fees, an increase in commercial rental fees, an annual fee for additional roll out carts, and a new fee for use of the Public Services boom truck.

Mr. Swisher presented a list of capital purchases recommended after \$1,262,054 was cut out. He then highlighted recommended personnel changes, the elimination of positions and the addition of two new positions. He added that no COLA is being given this year, no 401k contribution to employees, no overtime will be allowed except for special events and for the Fire Department. He stated that we are proposing a cost sharing program for Employee's health insurance, in the amount of \$30 in 2011-12, and \$60 2012-13. He was able to eliminate the furloughs this year, recommend a merit increase of 2%, and to continue the Town's developmental pay.

Mr. Swisher recommended the purchase of 10 police cars, gas detection equipment, breathing air cylinders for the Fire Dept; funds for resurfacing driveways at the Fire Station and Public Services buildings; a front end loader, a set truck, roof/gutters at Town Hall, roof repair at Public Services, A/C system at Public Services; a gator, self contained spray unit, and tennis court resurfacing, a vehicle for IT, Angel Drive construction, and Munis software for Finance.

Mr. Swisher stated that the overall financial condition of the Town is good and healthy at the present time. He presented future concerns of a slower increase in the Town's tax base due to economy; the increase in health insurance costs, an increase in the Town's contribution to the State Retirement System; the elimination of the Sales & Use Taxes Hold Harmless funds which end in the year 2012-13.

Mr. Swisher then made himself available for questions.

Mayor Morgan declared the public hearing open on the 2011-12 Fiscal Year Operating Budget.

Harvey Pulliam, 415 Holt Street, Kernersville, NC – commended the Town Manger on next year's budget. He stated that it is easy to understand and that you kept the Town's debts in mind. He reminded the Board that just because somebody wants something doesn't mean they get it.

Mr. Pulliam asked about the tree limb situation in regard to storm damage and how that would be picked up. Mr. Swisher explained that we would make an exception and pick that debris up.

Mr. Pulliam asked if we have looked at subcontracting this service out. Mr. Swisher stated that we have looked at it in the past and we can't contract this out because the tipping fees cost so much to dump we wouldn't come out any cheaper and it will cost the citizens more.

Mr. Pulliam asked if the Town charges a fee to use the tennis courts at Fourth of July Park. Mr. Swisher explained that groups such as leagues and school are charged a fee but not individuals. Mr. Swisher stated that the fees received cover the daily maintenance costs but would not be enough to replace the courts.

Mr. Pulliam stated that he is in favor of fees instead of a tax increase that everybody would have to pay even if they don't use the service. Our taxes should be targeted for fire, police, and garbage and we should keep that in mind when we set these fees. We can't continue to spend it.

Mr. Pulliam referred to the presentation earlier regarding the Arts Council's request for \$2,500 and asked that the Board not fund this request.

Mr. Pulliam then asked about health insurance that used to be provided to the Board of Alderman and asked if that is being done this year. Mr. Swisher stated that no, health insurance is not included for the Board.

Mr. Pulliam noted that the County has reduced their funding to the Chamber of Commerce by \$8,000. Do we have more money than the County? We need to look at these funds too. They do some good work but we need to decrease our expenses to avoid any tax increases in the future. Home values are falling and people are having a difficult time, we need to consider that and stop the nonsense.

David Moore, 700 Piney Grove Road, Kernersville, NC – thanked the Board for their service and commended them on their hard work on this budget and the decisions that affect homeowners. He addressed the difficult times we are having on State and local levels with our revenues. He expressed his concern over the increase in Kernersville's budget specifically the increase in fees over taxes. This is still a monetary amount coming out of the homeowner's pocket. He asked the Board to reconsider these increases. Some of them have good merit and he has no trouble paying for that service. He mentioned the elimination of the 401k contribution and suggested that be readdressed and not overlooked. He expressed a concern with the vehicle purchases and to consider a 12 month moratorium on those purchases.

Keith Hooker, 469 Uppergate Lane, Kernersville, NC – thanked the Town Manager for a budget with no tax increase. He questioned the increase in fees and the amount in the fund balance. He explained that he does not like the idea of fees for services. He stated that several years ago, people asked why Kernersville taxes are so high. He was always able to list the services and they would say that's a pretty good deal. Now we have the same tax rate, but will no longer get those same services for free. He stated people used to say that Kernersville residents get Cadillac services but we pay Cadillac taxes.

Mr. Hooker stated that most of us don't have an extra \$60 to pay for debris pickup and citizens won't know what size load they have when they put debris out at the street. They won't know how much the bill is going to be and suggested a limit be set on these fees.

Mr. Hooker wanted to address the fund balance. He stated that 8% is what's recommended. He stated that he heard comments regarding a discussion in Raleigh where they discussed raiding excessive fund balances to help balance their budget. He stated that he did not know how much weight that has but it is something we need to think about. It would be a shame if these funds were taken from Kernersville and used to balance someone else's budget. He stated that if we waived these fees then it would only affect the budget by about 1% percent. Mr. Swisher concluded it would be about 3%.

Mr. Swisher stated that he wanted to address Mr. Hooker's comments regarding raiding fund balances. He explained that the fund balances of revenue sources from the State such as Powell Bill funds are the fund balances being discussed and not Town/City fund balances.

Mr. Hooker stated that Yadkin County has a higher tax rate than Forsyth County but they don't have a Wal-mart and some of the other big stores. They are proposing a budget with no tax increase but they are dipping into the fund balance more than we would here to avoid tax increase. He stated that he would like to see some balance in the increases and the fund balance that we currently maintain since that is money that has already been taken from the tax payers. We have seniors looking at no increases in their Social Security checks and employees with no increases. He asked the Board to consider heavily whether or not to implement a fee increase.

Mayor Morgan asked Doran Maltba, Director of Public Services to give an explanation of the new fee schedule. Mr. Maltba stated that fliers will be distributed to our citizens after the budget is adopted explaining the service changes. Letters will be mailed to every owner with a card that will explain all the changes to the Town's program in detail.

Being no further speakers, Mayor Morgan declared the public hearing closed.

Mayor Morgan also commended the Town Manager for his work on the budget and researching town's operations.

2a. PUBLIC HEARING: Aegis Family Health Centers, Owner, for property located at 1306 Masten Drive, being all of PIN #6875-59-3118, containing 5.89 acres more or less. Petitioner requests a General Use District rezoning to rezone from a HB-S (Highway Business – Special Use District) Zoning District to an IP (Institutional Public) Zoning District. Zoning Docket K-707

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this rezoning request. He presented the location of the request on Masten Drive and noted the surrounding land uses. The Planning Staff and Planning Board recommend approval as submitted.

Mayor Morgan declared the public hearing open.

In Favor

Dwight Moore, 2748 Stable Hill Trail, Kernersville, NC – Representative for Triad Baptist Church and Chairman of the Building Committee. He recognized other members of the committee and church present. He asked for approval of the rezoning as requested as this would be in the best interest of the Town and church. He stated that this will allow the church to meet the needs of the community.

Opposed

None presented.

Being no additional speakers either in favor or opposed, 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 amending the Zoning Ordinances of the Town by rezoning the property in case K-707 from HB-S (Highway Business-Special Use District) to an IP (Institutional Public) Zoning District. The said rezoning being consistent with the Town's Comprehensive Plan and further being both reasonable and in the public interest because:

1. The following uses listed in the IP District require a Planning Board Review which includes a site plan review: Family Group Home B; Family Group Home C; Adult Day Care Home; Child Care (Sick Children); Child Care Institution; Child Day Care Center; Child Day Care Large Home; Church or Religious Institution Community; Club or Lodge; School, Private; School, Public; School, Vocational or Professional.
2. The IP zoning district includes uses that will assist in implementing the comprehensive plan.

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

Town Ordinance

**Zoning Petition of Aegis Family Health Centers, Owners
Zoning Docket K-707**

ORDINANCE NO. O-2011-14 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 a HB-S (Highway Business-Special Use District) Zoning District to an IP (Institutional Public) Zoning District for

property located at 1306 Masten Drive, being all of PIN #6875-59-3118, containing 5.89 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as all of PIN#6875-59-3118, containing a total of 5.89 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 7th day of June, 2011.

3a. PUBLIC HEARING: L. E. Pope Building Co., Inc., Owner, for property located at 1094 Highway 66 South, being part of PIN #6885-67-2926, containing .25 acres more or less. Petitioner requests a General Use District rezoning to rezone from a GI-S (General Industrial – Special Use District) Zoning District to a HB (Highway Business) Zoning District. Zoning Docket K-708

Mr. Jeff Hatling presented the Planning Board Report for this rezoning request. He noted the location of this site and that it is a very small parcel of land. He added that the Planning Board and Staff recommend approval as presented.

Mayor Morgan declared the public hearing open.

In Favor

Jeff Hunter, 472 Essen Place, Kernersville, NC – thanked the Board for their consideration of this request. He stated that this will enhance the Highway 66 corridor in town and asked for approval of this request.

Opposed

None presented.

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

3b. Consideration of an ordinance for zoning petition.

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance to amend the Zoning Ordinances of the Town by rezoning the property I case K-708 from GI-S (General Industrial – Special Use District) to HB (Highway Business) Zoning District. Despite the fact that the said rezoning would not be consistent with the Town's Comprehensive Plan, the rezoning is reasonable and in the public interest because:

1. The proposed 9,508 square feet addition is only a 4% increase in the HB zoning lot, which is an incidental increase of the zoning lot.

2. The property is located in the Industrial Corridor Overlay District which assists in enhancing the quality of future developments.

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

Town Ordinance

Zoning Petition of L. E. Pope Building Co., Inc., Owner

Zoning Docket K-708

**ORDINANCE NO. O-2011-15
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 a GI-S (General Industrial – Special Use District) Zoning District to a HB (Highway Business) Zoning District for property located at 1094 Highway 66 South, being part of PIN #6885-67-2926, containing .25 acres more or less and being further described as follows:

Beginning at a existing 2" iron pipe at the southeastern corner of Lot 209-F of Tax Block 5404 on the western R/W of N C Highway 66, being located N.61-38'50"E. 4,676.93' from NCGS monument >Crawford' having 1983 datum N C grid coordinates of N=260,890.697 meters and E=512,775.007 meters, with combined scale factor of 0.999935; thence with the western R/W of N C Highway 66, S.0-06'50"E. 108.60' to a 2"iron pipe placed; thence on a new lines, S.89-53'10"W. 91.31' to a 2"iron pipe placed and N.0-03'00"E. 100.00' to a 3/4" iron pipe placed in the southern line of Lot 209-F of Tax Block 5404; thence with the line of Lot 209-F, N.84-29'20"E. 91.43' to the place of beginning and containing 9,508 square feet more or less.

The above described property lying in Kernersville Township, Forsyth County, North Carolina is a portion of Lot 109-B of Tax Block 5404, having PIN # 6885-67-2926.00. For back reference see Deed Book 1567, Page 472.

BEING KNOWN AND DESIGNATED as part of PIN#6885-67-2926, containing a total of .25 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 7th day of June, 2011.

- 4a. **PUBLIC HEARING:** L. E. Pope Building Co., Inc., Owner, for properties located at 1349-1355 Angel Road, being all of PIN#6885-58-7678; all of PIN#6885-58-7870; and part of PIN# 6885-58-7670 (to include all current RS-12 zoning), containing a total of 1.50 acres more or less. Petitioner requests a General Use District rezoning to rezone

from a RS-12 (Residential Single Family, minimum lot size 12,000 sq. ft.) Zoning District to a GI (General Industrial) Zoning District. Zoning Docket K-709

Mr. Jeff Hatling presented the Planning Board Report for this rezoning request. He also noted the location and surrounding land uses. The Planning Board and Staff recommend the approval of this request as submitted.

Mayor Morgan declared the public hearing open.

In Favor

Jeff hunter, 472 Essen Place, Kernersville, NC - requested approval of this request as submitted and then made himself available for questions.

Opposed

None presented.

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

4b. Consideration of an ordinance for zoning petition.

Alderman Keith Mason made a **Motion** to approve the following Ordinance amending the Unified Development Ordinance of the Town of Kernersville by rezoning the property in case K-709 from RS-12 to GI, 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. This area is identified in the Land Use Plan as "Industrial" and the rezoning to GI will promote the area to be used as industrial.

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

Town Ordinance

**Zoning Petition of L. E. Pope Building Co., Inc., Owner
Zoning Docket K-709**

**ORDINANCE NO. O-2011-16
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 a RS-12 (Residential Single Family, minimum lot size 12,000 sq. ft.) Zoning District to a GI (General Industrial)

Zoning District for property located at 1094 Highway 66 South, being part of PIN #6885-67-2926, containing .25 acres more or less and being further described as follows:

The property lying in Kernersville Township, Forsyth County, North Carolina is all of lots 6885-58-7870, 6885-58-7678, and being the Residential Single Family-Minimum Lot Size 12,000 square feet (RS-12) portion of lot 6885-58-7670, containing 1.5 acres more or less.

BEING KNOWN AND DESIGNATED as part of PIN#6885-67-2926, containing a total of .25 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 7th day of June, 2011.

5a. 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, Article II, 2-5.70 (Transmission Tower) and Chapter B, Article II, Table 2.6 (Permitted Use Table). Zoning Docket KT-204

Mr. Jeff Hatling presented the Planning Board Report for this text amendment regarding transmission towers. The Planning Board and Staff recommend approval as presented.

Mayor Morgan declared the public hearing open.

In Favor

Phil Loffin, 324 Kilburn Way Lane, Kernersville, NC – referred to comments regarding growth management areas and asked if this has anything to do with anything other than transmission towers. Mr. Hatling stated that at this time, only transmission towers.

Opposed

None presented.

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

5b. Consideration of an ordinance for a text amendment.

Alderman Bob Prescott made a **Motion** to approve the following Ordinance for a text amendment to the Unified Development Ordinance (UDO) amending Chapter B, Article II, 2-5.70 (Transmission Tower) and Chapter B, Article II, Table 2.6 (Permitted Use Table). Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

**ORDINANCE NO. O-2011-17
KT-204**

**AN ORDINANCE AMENDING
THE ZONING ORDINANCE
OF THE UNIFIED DEVELOPMENT ORDINANCE**

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina, that the Unified Development Ordinance (UDO) is hereby amended as follows:

Section 1. Chapter B, Article II, Table 2.6 (Permitted Use Table) is hereby amended by removing Transmission Tower as an approved use in RS-20, RM-5, RM-8, RM-12, and MH Zoning Districts:

USE TYPE Note: See Overlay Zoning Districts for prohibited uses within specific districts.	AG	RS-40	RS-30	RS-20	RM-5	RM-8	RM-12	RM-18	RMU	MH	LO	CPO	GO	PB	LB	NSB	HB	GB	CB	MBP	LI	CPI	GI	CI	BI	IP	C	MU-S	CONDS
Transmission Tower	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Z	A	A	A	70

Section 2. Chapter B, Article II, 2-5.70 *Transmission Tower* is hereby amended by removing 2-5.70 (B) and renumbering the remainder as necessary and revising 2-5.70 (D) as follows:

2-5.70 TRANSMISSION TOWER

(A) APPLICABILITY

Transmission towers which are principal or accessory uses shall meet the following requirements.

~~(B) PROHIBITED DISTRICTS~~

~~Transmission towers shall not be permitted as a principal or accessory use in Growth Management Areas 1, 2 and 3.~~

(C) FENCING

Security fencing at least six (6) feet in height shall be installed around the tower and any ground equipment or buildings.

(D) SETBACK

Except for Industrial Zoning Districts, the tower shall be set back from any adjacent zoning lot minimally two hundred (200) feet or one and one quarter (1.25) times the greatest height of the tower (including any attachments and /or any structure upon which the tower may be situated) whichever is greater.

An Industrial Zoning District requires a 200 foot or one and one quarter (1.25) times the greatest height of the tower (including any attachments and/or any structure upon which the tower may be situated) whichever is the greater setback when adjacent to a Residential Zoning District and Mixed Use Special Use District.

The tower and buildings located at the base of the tower shall meet the setback requirements for principal structures of the zoning district.

(E) SIGNAGE

No business signs, billboards, or other advertising shall be installed on the tower.

(F) BUFFERYARD, SITE PLAN, LIGHTING, AND COLOR

(1) Bufferyard

Type IV bufferyard as described in Section 3-5 shall be installed around the perimeter of all improvements/ construction on the site, including the tower, any ground buildings or equipment, and security fencing, so as to provide spatial separation and create a visual block from adjacent properties and streets.

(2) Site Plans.

Any submitted site plan shall be drafted by a licensed structural engineer specializing in the field of self-supporting towers, and shall indicate the fall radius for the tower and any appurtenant structure(s).

(3) Lighting.

Illumination of any tower facility is limited to the minimum specified by governing federal agency. Strobe lights shall only be used if required by the governing federal agency. Any additional lighting shall be directed toward the structure and away from any residential or public area. A licensed structural engineer specializing in the field of self-supporting towers shall submit the FAA lighting requirements with the initial application and site plan.

(4) Color

Unless a federal agency requires a specific color, transmission towers shall be a flat gray color. Petitioner shall submit federal agency color requirements at the time of initial application.

(G) CONTROL OF LAND

All land necessary for improvements, including the transmission tower, building, fencing and landscaping, shall be in ownership of or under lease by the tower operator.

(H) EXEMPTIONS

(1) Attached or Incorporated in a Structure

Transmission towers located on nonresidential structures or incorporated into other structures, which structures are devoted to a use not related to the transmission tower, are exempt from the security fencing, setback,

bufferyard, and control of land requirements of this section. All ground equipment or buildings shall be placed underground or screened from view.

(2) Utilities Rights-of-Way

Transmission towers located within electrical utility company right-of-way are exempt from the setback and bufferyard requirements of this section.

(I) CO-LOCATION

(1) Other Structures

Transmission towers and/or wireless transmission attachments are required to co-locate unless clear and convincing evidence shows all co-location opportunities have been exhausted.

At the time of filing the initial application for tower approval, evidence shall be provided by a licensed structural engineer and radio frequency engineer specializing in self-supporting towers showing that neither existing towers, nor buildings, nor other structures exist, within the applicant's tower site search area that are structurally capable of supporting the intended antenna or configuration.

Applicant shall further provide at Hearing on the matter, clear and convincing evidence as to the current need for the proposed tower or transmission attachment in terms of coverage area to be served, capacity needed, and capability of the proposed tower to serve, and must demonstrate why any existing and available towers, roofs, or utility structures cannot provide a suitable location for a tower to provide adequate coverage, the capacity needed, and capability to serve.

A special use permit is required to construct any new tower or modification of any existing tower. A special use permit is also required to increase height or base dimensions of a new or existing tower. The Community Development Director may approve co-locations.

The Community Development Director may approve modifications to the layout of any structure at the base of the tower, provided neither the overall height, base dimensions, nor square footage is altered. All new tower approvals shall be approved by special use permit to the Board of Adjustment.

(2) Other Users

All transmission towers installed after the effective date of this Ordinance shall be structurally and mechanically capable of accommodating the antenna or array of antennae of more than one user/transmitter, unless the tower is incapable of supporting more than one user/transmitter due to the design of the tower which is incorporated into another structure in compliance with Section 2-5.72(H). Monopoles shall accommodate a

minimum of two total users, lattice or other types of towers shall accommodate a minimum of three total users. These users shall be in addition to the local jurisdiction which may place devices per subsection (K) below. Certification as to the tower's structural and mechanical capability to accommodate collocation shall be provided by a professional engineer or other qualified professional.

(3) Access

Access to available technically feasible space on any towers shall not be denied to any competitive users or service provider.

(4) Non-conforming Uses

Requirements for co-location on transmission towers which are nonconforming are contained in Section 5-2.3(E) of this ordinance.

(J) TERMINATION OF USE

A tower that is no longer used for communication purposes must be removed within 120 days of the date it is taken out of service.

(K) EASEMENT FOR PUBLIC FACILITIES

At the request of the local jurisdiction, an easement shall be granted to the jurisdiction to place cameras, monitors, two-way radio equipment, or other desired telecommunications devices; however such devices may be restricted so as not to affect the functioning of the antenna or array of antennae of the tower operator or service provider.

(L) PLACEMENT ON LARGE PUBLIC STRUCTURES

Notwithstanding the provisions of Table 2.6, Permitted Uses, transmission towers located on large, non-habitable public or utilities structures, including but not limited to water towers and trestles of major electrical distribution lines, are permitted in RS zones under the following conditions:

(1) Zoning Permit. A zoning permit from the Zoning Administrator is required.

(2) Compliance with Use Conditions. Use conditions regarding signage must be complied with.

(M) STATE PLANE COORDINATES

All site plans submitted in conjunction with requests for transmission towers shall include the location of the proposed tower by State Plan Coordinates and above ground level and sea level elevations, based on 1983 North America datum. All towers operated by the applicant in Forsyth County and within one quarter (1/4) mile of its borders shall also be similarly located and submitted with the site plan.

(N) COLOR, FINISH, LIGHTING

Unless otherwise required by the Federal Aviation Administration (FAA), the finish of the transmission tower shall be non-shiny or glossy; any painted color shall be muted or neutral; and no lights or strobe lights shall be placed on the tower. If lights are required by the FAA, the least obtrusive lighting option available under FAA guidelines shall be installed; white strobe lights are discouraged from use.

Section 3. This ordinance shall become effective upon adoption.

Adopted this the 7th day of June, 2011.

PUBLIC SESSION

6. SPEAKERS FROM THE FLOOR.

Mr. Pulliam asked how 911 would be funded. Mr. Swisher explained in past years we have received money from the County. This year the County will contribute \$64,000 and the rest appropriated out of the E911 fund's fund balance. The County funding will stop in 2013-14 and we will have to use the fund balance from the fund and money from the General Fund to cover the expenses.

Mayor Morgan called a recess at 8:55 PM and reconvened the meeting at 9:07 PM.

7. Consideration of Playground Renovations for Harmon Park.

Ernie Pages, Parks & Recreation Director introduced Nicole Donoghue the contributor of the playground equipment for Harmon Park.

Nicole Donoghue, 142 Coltsgate Drive, Kernersville, NC – is here to represent the Declan Donoghue Foundation and to talk about the upgrades to the Harmon Park playground. She added that we are so grateful to the community to be able to build this playground to remember Declan. She presented a rendering of the playground and noted changes which included the addition of 2 swings, 2 bucket swings and 2 bench swings. We are still considering another movable piece of equipment but will consider something safer than a merry-go-round. They are considering a tilt-a-whirl. They have also added some stepping stones. Also included will be the climbing vines.

Mrs. Donoghue stated that a butterfly was presented last time but has been deleted. It was very expensive and the manufacturer is not able to reduce the size. However, butterflies have been included in the roof so that when the sun shines through they will be projected onto the ground. Leaves have also been included in a way so that we can write something about Declan on them and we will incorporate butterflies into that in some way.

Mrs. Donoghue asked the Board for approval of these updates to the playground and if approved, she will turn this project over to Ernie to move forward with construction. The goal is to have a grand opening in September. She then made herself available for questions.

Mr. Swisher stated that a motion is needed to accept the changes to the project and then Staff can move forward with the project. The Town Attorney stated that the Board can approve the project in concept with the moveable equipment included and staff can approve the specific equipment once it has been selected.

Alderman Dana Caudill Jones made a **Motion** to approve the conceptual plan presented. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

8. Consideration of a Resolution Establishing Areas of Consideration for Annexation.

John Wolfe, Town Attorney stated that this resolution is adopted every two years and includes a description of the areas that Town might consider sometime for annexation. This is adopted in accordance with the NC General Statutes.

Doris Chappell, 285 Macy Grove Road, Kernersville, NC – stated that she is opposed to this resolution and that it is an attempt to get ahead of proposed legislation in Raleigh regarding annexation. She stated that the proposed legislation for the first time has taken into consideration the concerns of County residents and this goes against a municipality's right to take land as they so choose.

Mrs. Chappell stated that this area is quiet a reach and with the current budget problems the Town has it makes no sense to take on additional expenses for people that don't want the services in the first place. She stated that in the past people have made comments regarding County residents being able to enjoy Town services without paying Town taxes and she points out that if County residents decided to quit shopping in Kernersville that would be a real problem. A lot of County residents shop and use services in Town and if they decided not to do that anymore it would hurt the Town. County residents do support this town.

Mrs. Chappell stated that she does not need Town services, she doesn't need the water or sewer and that she pays for her garbage pickup. She stated that the present law being considered is a good one that she will support. She feels that the Town is reaching out too far with this resolution.

The Town Manager explained that this resolution has been adopted every two years since at least 1997 when he got on the Board. The Town is not going out to annex any of these areas. He stated that we cannot provide services to some areas presently and not looking to annex anything in the next several years. This resolution is something that must be in place if the town wants to ever consider an area for annexation. He stated that this is not an attempt to get ahead of any Legislation but is a requirement of State statutes.

Jimmy Morgan, 8625 Bull Road, Colfax, NC – stated that he agrees with what Mrs. Chappell said. He questioned the 12 month period following the adoption of this resolution and asked if the Town desired could then proceed with involuntary annexation. He added that he did discuss this with Mr. Swisher and was told that they have no plans to do this and he takes him at his word.

Mr. Morgan asked if there are no plans for annexation then why adopt this resolution. Is it required by every municipality? He stated that this tells me that at some time, any unincorporated resident

has a target on their back. He stated that when he was younger he was like Mr. Pulliam and didn't pay attention to taxes. As he has gotten older and accumulated property, it is his job to fight for what is his. It is more and more expensive and we pay our own way. As far as he knows, no one has been able to stop an involuntary annexation and spoke of previous legislation attempts in Raleigh to change the law. Mr. Morgan stated that he appreciates the Board listening to him, but you don't represent me and County residents don't have representation.

Mr. Morgan asked if the same areas were included on the map when this was adopted two years ago. Mayor Morgan noted that the Oak Ridge area has changed. Mr. Swisher agreed. Town Attorney John Wolfe asked if Mr. Morgan was in the Greensboro area. Mr. Morgan stated that he was not, but is in the Kernersville area for annexation. Mr. Morgan referred to the section that deals with agricultural land and asked if annexation is sought, do the owners of agriculture land notify the Town as such or is the information picked up from county maps or the tax office? Mr. Hatling explained that this information will be taken from tax records.

Mr. Morgan pointed out that in his area there are no businesses or industry here. He referred to previous studies of annexed areas with residential developments which said that municipalities go in the hole because the cost to provide services is more than what they receive in taxes. He suggested the Board think about this. He wants to know if there is something going on and doesn't want to read in the paper that something is going on. He read a quote of Mr. Swisher in last week's newspaper regarding the annexation legislation proposed in Raleigh, "they don't know in Raleigh what's best for Kernersville." Mr. Morgan added that people in municipalities don't always know what's best for those in the county. He thanked the Board for their attention.

Mayor Morgan asked Mr. Swisher to explain why we adopt this resolution.

Mr. Swisher stated that it is required by the NC General Statutes before any annexation can be considered. It is also needed to protect our boundaries in the boundary agreements with surrounding municipalities. We don't anticipate annexing anything in the near future. There are costs involved and it is not cheap. Areas must qualify before being considered and this resolution must be in place before anything can be done.

Mr. Hatling also explained that Staff provides this information to developers and residents that are considering locating here. This is exactly why we do this every two years to let those people know where the areas are and in accordance with our agreements with surrounding municipalities.

Mr. Swisher explained that the tax office provides forms to document a farm and that information will be picked up from the tax office records. He again stated that the Town is not going to annex property unless the Board changes their mind. He added that very few areas in that area would even qualify.

Mr. Morgan further explained the process a farmer must go through to get land certified as a farm through the Farm Service Agency (FSA) office.

Alderman Dana Caudill made a **Motion** to approve the following Resolution as recommended by Staff. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

RESOLUTION NO R-2011-15

A RESOLUTION IDENTIFYING AN AREA AS UNDER CONSIDERATION

FOR ANNEXATION AND NOTIFICATION TO QUALIFIED

PROPERTY OWNERS OF THEIR RIGHT TO DELAYED ANNEXATION

WHEREAS, S160A-49(i) of the North Carolina General Statutes requires municipalities to adopt a Resolution of Consideration of an area for annexation at least one year prior to the adoption of a Resolution of Intent to annex the property; and

WHEREAS, the Board of Aldermen of the Town of Kernersville has reviewed areas contiguous to the Town and determined that annexation may be initiated in certain of the areas within the statutory time limits and deems it appropriate to identify those areas as being under consideration for annexation,

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

Section 1. Pursuant to North Carolina Gen. Stat. S160A-49(i), the area shown on the attached map, denoted as Exhibit A and incorporated herein by reference, is identified as being under consideration for future annexation by the Town of Kernersville in accordance with Chapter 160A, Article 4A, Section 3 of the General Statutes.

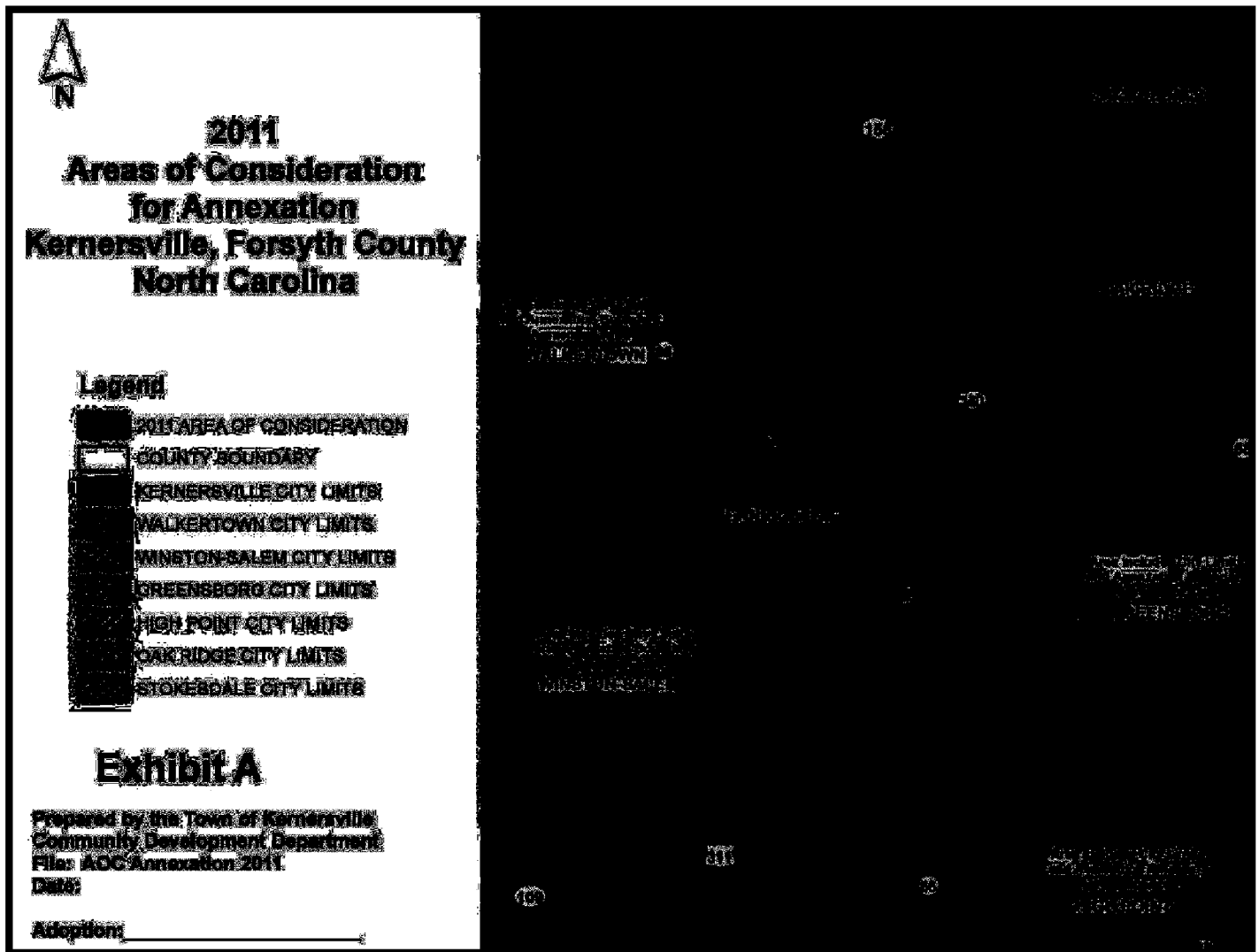
Section 2. Owners of agricultural land, horticultural land or forest land within the area identified as under consideration for annexation in Section 1 are hereby notified that they may have the right to delay the effective annexation date. North Carolina Gen. Stat.s160A-49(fl) provides that this delay may apply when either (a) land is taxed at present-use value pursuant to G. S. S105-277.4 or (b) the tax assessor certifies that the land is being used for actual production and would be eligible for present-use value under S 1 05-277.4 but has not been used for actual production for the time required by S105-277.3.'For such tracts, annexation would become effective on the last day of the month the tract or portion thereof either becomes ineligible for present-use value classification under S105-277.4 or no longer meets the requirements of S160A-49(fl)(2).

Until annexation, the tract is not subject to Town taxation or entitled to receive Town services. During the delayed annexation period, such tract is considered part of the Town for establishing Town boundaries for additional annexations and for the exercise of Town authority for planning and regulation of development.

Section 3. A copy of this Resolution shall be filed with the Town Clerk of Kernersville.

Section 4. This Resolution shall remain effective as provided by G. S. S 160A-49(i).

Adopted the 7th, day of June, 2011.



9. Pedestrian & Bicycle Committee Sidewalk Implementation, 3rd Annual Budget Report.

Bruce Frankel thanked the Board and Staff for their vision and hard work to support and implement a Pedestrian & Bicycle program in town. He asked Mr. Hatling to update the Board on the information received in the Board's agenda packet.

Mr. Hatling stated that included in the packet is the history of the budget process relating to the sidewalk capital improvement program which included an inventory of our sidewalks and rating system based on priorities for walkable areas to determine where the money could best be spent.

Mr. Hatling noted the priority areas such as N. Cherry St. from the railroad to Piney Grove Road and the intersection of S. Main and Salisbury Street.

Mr. Frankel stated that the Committee recently reached out to residents and held a workshop to gain awareness of the safety factors related to pedestrian and driving behavior. He noted that this information along with other information relating to the Committee is now located on the Town's website. Mr. Frankel thanked Mr. Hatling and Police Chief Gamble for participating in this workshop. The workshop participants were able to express their concerns which were reported back to Town Staff.

Mr. Frankel stated that in talking with local cyclists this year, the Committee is exploring the best way to organize a bicycle club in Town. He spoke of distractions while driving such as the use of cell phones and texting. This is creating a dangerous situation for both pedestrians and cyclists. He stated that we need to be diligent in our education efforts in this regard. He stated that we also need to use our collective voice to convince NCDOT to reduce the speed limit on S. Main St. to 25 mph. He thanked the Board for their support of this plan which will benefit all the residents of Kernersville.

Mayor Pro Tem Kevin Bugg made a **Motion** to accept the Pedestrian & Bicycle Sidewalk Implementation Report as submitted. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

10. Consideration of Town's Participation in the Enhancement of the Union Cross Road Widening Project.

Brian Ulrich, Engineer/Transportation Manager reported on a request by NCDOT for guidance regarding landscaping opportunities at the new interchange design at I-40 and Union Cross Road. The Board had requested landscaping enhancements per Resolution R-2007-06.

Mr. Ulrich stated that the enhancements can be landscaping or stamped asphalt/concrete. He stated that DOT will come back with a cost estimates and specify exactly what the Town will be responsible for. Contracts are scheduled to be let in December.

Mr. Swisher stated that Staff recommends stamped concrete due to the lower maintenance costs; however the Board could choose landscaping.

Staff presented a picture of what the stamped concrete would look like and the design of the proposed interchange.

Alderman Tracey Shifflette made a **Motion** to approve a request to NCDOT for stamped asphalt/concrete. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

11. Consideration of an Ordinance Amending the Kernersville Code of Ordinance Book: Chapter 8, Public Services

The Town Attorney explained that most of the changes to Chapter 8, the Public Services section are to clean up the names and terms that we now use.

Alderman Bob Prescott made a **Motion** to approve the following ordinance amending Chapter 8, Public Services of the Kernersville Code of Ordinance Book. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. 2011-18

AN ORDINANCE AMENDING CHAPTER 8 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 8 of the Code of Ordinances entitled "Garbage and Refuse" 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. This Ordinance shall be effective upon adoption.
3. 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 7th day of June, 2011.

12. **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 27, 2011 Briefing Session
Approval of Minutes for April 27, 2011 Closed Session
Approval of Minutes for May 3, 2011 Closed Session
Approval of Minutes for May 11, 2011 Closed Session

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

C-3 Consideration of a Recommendation to designate a Chairman for the Sister Cities Commission.

C-4 Consideration of Appointments to Various Boards and Commissions.

Town Manager Curtis Swisher asked that Item C-2 be removed from the Consent Agenda.

Alderman Keith Mason made a **Motion** to approve Consent Agenda Items C-1, C3 and C4 as submitted. Alderman Dana Caudill seconded the motion and the vote was all for and motion carried.

13. ITEMS REMOVED FROM CONSENT AGENDA.

Mr. Swisher explained that the Kernersville Woman's Club has requested changes to this agreement. It will be considered at the June 28th meeting.

14. SPEAKERS FROM THE FLOOR.

John Mike Blackburn, 6935 Old Valley School Road, Kernersville, NC – stated that out of respect for the Board the matter he would like to address is a legal matter. He stated that he has received two letters from the Town Attorney and would like to discuss this here or in private.

Mr. Wolfe stated that you have called my office numerous times with allegations that you are going to report me to the bar and threatening litigation with the town. He stated that if any member of this Board, Town Manager, Police Chief or other Town Staff wishes to have any contact with you they will do so. He stated that he wrote him a letter explaining all of this.

Mr. Blackburn questioned Mr. Wolfe's authority to write such a letter. Mr. Wolfe stated that he is Legal Counsel for the Town of Kernersville.

Mr. Wolfe quoted his letter again for the record of this meeting and for Mr. Blackburn. He addresses Mr. Blackburn's desire to do business with the Town and stated that the Town of Kernersville is not interested in his services as they do not do business with someone that has a judgment in the amount of \$300,000 against them. He stated that we do not do business behind closed doors.

Mr. Wolfe repeated that the Board does not want to have any contact with him and his contacting the Board needs to cease immediately.

Mr. Curtis Swisher stated that Mr. Wolfe does have the authority to send a letter on behalf of the Board of Aldermen.

Mr. Blackburn asked if he could speak. Mr. Wolfe stated that he can address the Board if he has something to discuss other than his threatening litigation with the Town.

Mr. Blackburn read an email he sent to Curtis Swisher on May 26th prior to Mr. Wolfe's letter dated June 2nd. He then addressed Mr. Wolfe's comments regarding the judgment and added that their lawyers voluntarily dismissed the case. He accepted the judgment because he was told that he had no chance of winning and reported that he has things in motion to exonerate his name and to pay off his debt. He added that he did nothing wrong.

Mr. Blackburn stated that he knows where to look for Town savings and this shows me that you don't have the Town's best interest at heart by not wanting his services.

Mayor Morgan stated that his comments are a personal attack and asked him to address the Board appropriately.

Mr. Blackburn stated that he has received phone calls from the Kernersville Police Department and he felt that this letter prohibited him from coming downtown to file a formal complaint. Filing a complaint is not a request for emergency service so he refrained from doing so. He offered to discuss this privately but you don't want me to do it in private so we will publicly.

Mr. Blackburn attempted to discuss a personnel matter at this meeting and was called out of order by Mayor Morgan and the Town Attorney as the Board does not discuss personnel matters in public session. This is the public comment period and his comments are in violation.

Mayor Morgan thanked Mr. Blackburn for his comments and did not allow Mr. Blackburn to speak further.

15. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher stated that he has no report at this time.

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

Mayor Morgan reported on Cash Elementary 3rd grade student tours given on Monday and thanked both Police Officer Mabe and the Fire Department for their assistance. She stated that she met with Boy Scout Troop 779 a couple of weeks ago to talk about Town government and other programs and they are here this evening. She thanked all the staff for their assistance in putting information together for her.

Mr. Wolfe thanked the Town Manager, Fire Chief, Ken Whitaker and Emergency Management staff for their quick response to the storm damage at Körner's Folly.

Mr. Wolfe then presented a Resolution to City-County Utility Commission requesting funds for the expansion of services within the town.

Mayor Pro Tem Kevin Bugg made a **Motion** to approve the following Resolution Requesting funds from the City-County Utility Commission for Expansion of Water and Sewer Facilities in the Town of Kernersville. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-16
RESOLUTION REQUESTING FUNDS FROM
CITY-COUNTY UTILITY COMMISSION FOR EXPANSION
OF WATER AND SEWER FACILITIES
IN THE TOWN OF KERNERSVILLE

WHEREAS, the Town of Kernersville entered into an agreement with the City/County Utility Commission (CCUC), a joint agency of the City of Winston-Salem and Forsyth County, on August 26, 1996, which, in part, turned over water and sewer systems owned and operated by the Town of Kernersville to the aforementioned CCUC (the Agreement); and

WHEREAS, a reserve account was established within said Agreement for expansion of water and sewer services within the Town and its area of influence, as such term is defined in the Agreement, and the CCUC is holding the funds that have been set aside pursuant to said Agreement; and

WHEREAS, the Town of Kernersville is currently studying future expansion of the utility systems within its corporate limits and area of influence and, in the process thereof, anticipates needing to use funds from the reserve account to pay for all or part of said expansion; and

WHEREAS, additionally, the Town of Kernersville, as part of any future expansion, will need to: 1) remediate portions of its system which have been closed or abandoned, 2) undertake maintenance and repair of properties, and the maintenance, repair, and replacement of appurtenant stormwater infrastructure, retained by the Town of Kernersville for use by the CCUC, and 3) research and develop a Comprehensive Sanitary Sewer Needs Assessment for water and sewer services within the Town; and

WHEREAS, it is expected that the remediation costs will total approximately \$250,000, the maintenance, repair, and replacement costs approximately \$100,000, and the Comprehensive Sanitary Sewer Needs Assessment approximately \$150,000;

NOW, THEREFORE, the Board of Aldermen of the Town of Kernersville hereby requests the CCUC to provide funding for the purposes stated hereinabove from the reserve account established in the August 26, 1996 Agreement between the Town of Kernersville and the CCUC, upon presentation of the appropriate invoices and documentation.

Adopted this 7th day of June, 2011.

Mr. Wolfe then presented the historical background surrounding the development agreement made with the developers of the Triad Business Park (TDO) on the installation of infrastructure to serve the business park. This agreement was amended when FedEx was being developed. Now the Town has been approached by TDO to sell off 115 acres to Guilford County Schools for the potential use as a high school. It is our understanding the school system has an option on this land through the end of August. The Board has met in closed session regarding this matter; the Board has been approached by TDO partners also. He stated that it is his understanding that TDO needs

to sell some property. The Town has been offered through legal correspondence a reduction in the amount the Town is to reimburse TDO, in the amount of \$1,175,000. The Town would have to agree to allow them to sell this property to the Guilford County School Board and to de-annex the property for the reduction to occur.

Mr. Wolfe stated that de-annexation could only be granted by the Legislature in Raleigh. The Manager and Town Attorney have met with the Board individually and understand that the Board is unwilling to accept this offer. He asked the Board to respond individually for their reasons for not accepting this offer.

Mr. Wolfe reported on his conversation with TDO's attorney to express the Board's opinion and was told that if the Board would not accept their offer, TDO would go to Raleigh and file the necessary paperwork to ask the Legislature to de-annex the property.

Mr. Wolfe asked that the Board discuss this collectively. The Board's choices are to accept the offer, authorize the Town Manager and Town Attorney to negotiate a reduction in the reimbursements, or three to say you are not interested in the offer. He then made himself available for questions.

Mayor Morgan reported that she did have a call from TDO today requesting to talk with the Board members about further options for this land.

Alderman Caudill Jones stated that she received a call as well. She stated that she was on the Board when this began. She noted that this is a very large investment in the future of Kernersville. This is a large chunk of the park which only leaves 30 acre tracts here and there. She speculated that they have actually been paid back more than originally anticipated because of FedEx. Few areas like this can be pulled together for development. We have listened to their reasoning and she continues to reject this proposal. She feels this will tear up the continuity of what's out there.

Alderman Tracey Shifflette concurred with Alderman Jones' comments.

Mayor Pro Tem Bugg stated that we have discussed this a great deal. One thing that we were told was there is a need for a school in this area. He noted that we have not heard from anybody with the school system, only TDO representatives. He felt this was not initiated by the School system.

Mayor Pro Tem Bugg stated that this is farther reaching than just Kernersville as there are not that many tracts in this area ready for development. He stated that the Board does not want to fight a school and if there is a need at this site, then they need to get behind it. That has not been the approach and therefore he is also in favor of rejecting the offer unless something else changes.

Alderman Mason agreed with Alderman Jones and Mayor Pro Tem Bugg. He added that a tremendous amount of effort and excitement went into this project and it has been economically good for Kernersville. When this park was originally presented to the Board we were told that the land was perfect for this development and it is very valuable. Now they say it's perfect for a school. It is too much to just give up however; we certainly don't want to battle a school. In his opinion, the School System is not involved with this proposal and our concern is what is best for

Kernersville. He believes that is a business park and now we need to move forward. Everyone has worked very hard on this and it is just too much to give this up.

Alderman Prescott also agreed with what has been said.

Mr. Swisher stated if the Board goes this route, we will start making calls immediately as the time frame is short in the Legislature.

Alderman Tracey Shifflette made a **Motion** to go on record opposing the de-annexation efforts by TDO and the Legislature and to authorize the Town Manager and Town Attorney to lobby against those efforts. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

Mayor Morgan asked about the request by TDO to meet with the Board. Mr. Wolfe advised that if the Board members are contacted, it's up to them individually to decide whether or not they want to meet with them to discuss this or any other issue.

Mr. Wolfe added that if you get questions about why this site was approved for a vocational school but not a high school, the intent was to train people to work in an industrial park. This was a package deal.

Mayor Morgan stated that she requested a map of land uses for this area for Guilford County from Community Development. This map shows industrial uses for this area.

Mayor Pro Tem Bugg reminded everyone that Guilford County also contributed money towards the park for FedEx.

Mayor Morgan asked for an update on the plans to repair the Folly, Bruce Frankel stated that inspections have been conducted, the insurance adjustors and contractors have been out there as well and are moving forward. This has helped kick start our restoration efforts and everyone is excited about that.

Alderman Prescott stated that he missed the Briefing last week because he was getting married.

Alderman Shifflette reminded everyone of the events going on around Town and encouraged everyone to come out and enjoy the fun. She thanked all those involved in putting this together.

Mayor Pro Tem Bugg reported that the Farmer's Market is open and doing well.

17. ADJOURNMENT.

Alderman Dana Caudill Jones made a **Motion** to adjourn the meeting at 10:55 PM. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

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

Dawn H. Morgan
Dawn H. Morgan, Mayor

Attest:

Dale F. Martin
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 7, 2011.

This the 30 day of June, 2011.

Dale F. Martin
Dale F. Martin, MMC, Town Clerk