

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION NOVEMBER 30, 2011**

The Board of Aldermen of the Town of Kernersville met in a briefing session at 6:30 P.M. on the above date in the Town Hall Executive Conference Room at the Municipal Building at 134 East Mountain Street.

Present: Mayor Dawn Morgan, Alderman Tracey Shifflette, Alderman Keith Mason and Aldermen Dana Caudill Jones. Alderman Elect Neal Stockton, Alderman Elect Keith Hooker and Alderman Elect Irving Neal.

Absent: Mayor Pro Tem Kevin Bugg and Alderman Bob Prescott.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe III, Town Attorney; Jayne Danner, Deputy Clerk; Jeff Hatling, Community Development Director; Capt. Steve Bowman, Police Dept; Walt Summerville, Fire Chief; Doran Maltba, Public Services Director; Russell Radford, Engineering Director; Brian Ulrich, Transportation Manager; Franz Ader, Finance Director, Ernie Pages, Parks & Recreation Director; Gray Cassell, Chief Information Officer and Ray Smith, Human Resources Director.

Call to order and invocation.

Mayor Dawn Morgan called the meeting to order and Alderman Keith Mason delivered the invocation.

1. Correction to Board of Adjustment Appointment Regular Seat made November 1, 2011.

Mr. Curtis Swisher, Town Manager explained that at the November 1 Board of Aldermen meeting the Board appointed Carol Whicker, an alternate Kernersville Board of Adjustment member to fill a vacancy as a regular member; however Carol resides in the ETJ and the vacancy is within the Town limits. He added that Virgil Smith, Jr. an alternate Kernersville Board of Adjustment member who does reside inside the Town limits is recommended to be appointed as a regular member to fill the vacancy.

Alderman Dana Caudill Jones made a **Motion** to appoint Virgil Smith Jr. as a regular member to the Kernersville Board of Adjustment. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

2. Briefing on the December 6 and 13, 2011, Regular Meeting Agendas.

Briefing on the December 6 Regular Meeting Agenda

Item # 1 Curtis Swisher, Town Manager, for consideration of an amendment to the Kernersville Development Plan to amend the Thoroughfare and Street Plan. Zoning Docket KDP-34. (Public Hearing held November 1, 2011)

Mr. Swisher stated that this matter is continued from the November Board of Aldermen meeting. He added that a Public Hearing was held and closed on this matter at that meeting. Mr. Swisher further added that a Resolution has been prepared for the Board's consideration for an amendment to the Kernersville Development Plan to amend the Thoroughfare and Street Plan.

Item #2 Consideration of an Agreement Regarding Use of East Forsyth Middle School's athletic fields for use by the Kernersville Recreation Lacrosse Program.

Mr. Swisher briefed the Board on this Agreement. He added that lacrosse practices will still continue to be held at Beeson Park, however with all the activities that take place at Beeson Park there is not enough space for parking on the days of the lacrosse games.

Item # 3 Discussion Regarding Safety Issues of Trees on Salisbury and Main Streets with Potential Action to be taken by the Board.

Mr. John Wolfe, Town Attorney briefed the Board on this matter. He added that a Resolution has been prepared for the Board's consideration on Tuesday evening.

Item # 4 Consideration of the Purchase of Real Property.

Mr. Swisher updated the Board on this matter. He added that if any information is received from the current owner of the property it will be presented to the Board at the meeting on Tuesday for discussion and possible action.

Item # 5 Acceptance of the Forsyth County Board of Elections Official Results for the Municipal Election November 8, 2011.

Mayor Dawn Morgan stated that official acceptance of the election results allows for the information to be included in the official minutes of the Town for future reference.

Mayor Dawn Morgan highlighted Agenda Items 6; 7; 8 and 9.

Item # 6 Approval of Minutes for:

**October 26, 2011 Briefing Session
October 26, 2011 Closed Session
November 1, 2011 Closed Session**

Item # 7 Any further Business of the Mayor and Board of Aldermen.

Item # 8 The Oaths of Office will be administered to newly elected officials by the Honorable Forsyth County Superior Court Judge Ronald E. Spivey

Mayor-Elect: Dawn H. Morgan

Aldermen-Elect: Grady C. "Neal" Stockton
Dana Caudill Jones
Keith R. Hooker
Tracey H. Shifflette
J. Irving Neal

Item # 9 Consideration of a Resolution of Appreciation and Presentation of Gift to:

Kevin Bugg
Keith Mason
Bob Prescott

Alderman Keith Mason expressed his appreciation for the opportunity to serve on the Board. He added that he has enjoyed it very much.

Item # 11 Consideration of the 2012 Board of Aldermen Meeting Schedule.

Mayor Morgan stated that several meeting dates are recommended to be changed such as July 4th, Halloween and Election Day. She requested that the Board review the dates and to make other recommendations if they see a meeting date may conflict with downtown events or holidays that would prevent citizen participation.

Item # 12 Election of the Mayor Pro Tem as required by the Town Charter.

Mayor Morgan advised that the Town Charter requires that a Mayor Pro Tem is elected each December.

Item # 13 Consideration of Appointments to Standing Committees as recommended by Mayor:

Mayor Morgan stated that she has spoken with each of the Aldermen about making appointments to these various committees.

- a. Transportation Advisory Committee
Primary:
Alternate:
- b. Forsyth County Emergency Management Council
Primary:
Alternate:
- c. Piedmont Triad Council of Governments
Primary:
Alternate:
- d. Fireman's Relief Fund Board
Board Member:
Two Citizens:
- e. East Forsyth Citizens for Human Services Board

- f. Kernersville Downtown Preservation and Development Council
- g. Board of Aldermen Nominations Committee
- h. Heart of the Triad Strategic Planning Committee
Primary:
Alternate:
- i. YMCA Board of Managers
YMCA Program/Facilities Committee
- j. Piedmont Triad Aerotropolis
- k. Economic Development Advisory Committee (EDAC)

Item # 14 Consideration of Resolutions setting policies for the organization and operation of the Board of Aldermen.

Mr. John Wolfe, Town Attorney stated that it is customary for the Board to adopt these standard Resolutions establishing policies and procedures at the first Board meeting after each election. He added that the Resolutions can all be adopted with one motion.

- a. Resolution Concerning Board Of Aldermen Meeting Procedures
- b. Resolution establishing the official travel policy for the Mayor and Board of Aldermen.
- c. Resolution regarding appointments to Town Boards and Commissions.
- d. Resolution authorizing the Town Manager to enter into options for the purchase of real property.
- e. Resolution providing for procedures regarding videos and photographs during meetings of public bodies.
- f. Resolution establishing a policy regarding Public Input at Meetings.
- g. Resolution establishing a Code of Ethics for the Board of Aldermen.
- h. Consideration of an Electronic Communications Policy.

Mayor Morgan asked if the Town Manager and Town Attorney would have any other matters for consideration on this Agenda.

Each responded not at this time.

Briefing on the December 13 Regular Meeting Agenda

Mayor Morgan advised that Cub Scout Pack 943 would lead the Pledge of Allegiance followed by a presentation to the Town by the Kernersville Cares for Kids Committee.

Item # 1 PUBLIC HEARING: Seamon WhiteSide + Associates, Agent for BOMA North Carolina, LLC, Owner, for property located on Teague Lane at Ogden School Road, being all of PIN#6874-86-7026, containing 34.39 acres more or less. Petitioner requests a Special Use District rezoning from MU-S (Mixed Use – Special Use District) to MU-S (Mixed Use – Special Use District) requesting land use designation changes and approval of a retirement center. Zoning Docket K-570.A1

Mr. Jeff Hatling Community Development Director briefed the Board on this rezoning petition. He added that some minor changes have been recommended for clarification. He further added that the Planning Board and Staff recommend approval as presented with these changes incorporated and that no opposition was filed.

Mayor Morgan requested that Mr. John Wolfe explain the procedures required by the North Carolina General Statutes for motions for rezoning, including the reasoning for the rezoning approval or denial.

Mayor Morgan requested that Mr. Jeff Hatling explain the Planning Board reports and the motions made by the Staff and Planning Board for recommendations or denials for rezoning cases.

Item # 3 Discussion Regarding School Zone Lighting and Signage at Kernersville Middle School and Other Kernersville Schools.

Mayor Morgan gave an overview of this matter and the steps the Board has taken to date.

Mr. Brain Ulrich, Transportation Manager added that there have been issues with speeding in the school zones. He added that NCDOT granted approval for the Town to install flashing lights at both Kernersville Middle and Caleb's Creek Elementary Schools to help with awareness.

Mr. Swisher stated that the school zones at four different schools have been evaluated and recommendations have been made based on results of speed enforcements. He added that NCDOT has agreed to restripe the school zone at Kernersville Middle School. Mr. Swisher advised that the flashing lights cannot be installed at the schools that are not inside the Kernersville Town limits, and that these lights would be at the Towns expense, cost of the lights is \$8,000 - \$10,000 per set.

Alderman Dana Caudill Jones asked if Staff would research options for additional safety clothing or equipment for the Police Officers who are directing traffic. She added that the flashing lights should alert drivers that children may be walking along the side of the road.

Item # 4 Discussion and Consideration of a Resolution to NCDOT Requesting Recognition of the Town's Thoroughfare and Street Plan.

Mr. Wolfe briefed the Board on this matter. He added that he will prepare a Resolution based on the outcome of this matter at the December 6th meeting.

Alderman Elect Keith Hooker stated that he wanted to ensure that the North Carolina Department of Transportation records would accurately reflect the Board's recommendation of a two lane road for when construction takes place in the future.

Alderman Keith Mason recommended that there continue to be a committee to dialogue and to ensure that a two lane road is recommended and not a four lane.

Item # 5 Consideration of a Resolution Supporting a Grant Application for the Town of Kernersville Rainwater Harvesting Feasibility Study.

Mr. Radford briefed the Board on this feasibility study for Rainwater Harvesting. He added that this process would be complimentary to the Town’s stormwater management plan to improve water quality by reusing rainwater and reducing runoff into streams.

Item # 6 Consideration of Sanitary Sewer Rate for Triad Business Park.

Mr. Swisher briefed the Board on this matter. He added that a sewer rate has not yet been established for Triad Business Park. He further added that City County Utilities Commission will bill for this service at the established rate and then reimburse the Town.

Item # 7 Consideration of Professional Services Contract with Anderson and Associates for Revision to the Town Design and Construction Standards.

Mr. Swisher briefed the Board on this Contract. He added that funding for this project was approved in the budget and the manual has not been updated in 10 years.

Mr. Russell Radford, Engineering Director explained that this manual is used as a guidebook by developers so that they are aware of the construction standards required by the Town.

Item # 8 CONSENT AGENDA:

C-1 Forsyth County Tax Refunds

Mayor Morgan highlighted the Tax Refunds.

Mayor Morgan asked the Manager and Attorney if they would have any other matters for consideration on this Agenda.

Each responded not at this time.

Alderman Elect Hooker advised that there was an error in December 6 Agenda, Item 14G Canon 3 - it should be “convey or” and not “conveyor”.

3. Discussion regarding Guilford County Schools.

Mr. John Wolfe, Town Attorney stated that Mr. “Mo” Green, Superintendent of Guilford County Schools has informed the Town that the Guilford County Schools are going to request the Guilford County Commissioners to consider funding for a school inside the Triad Business Park at their December 1, 2011 meeting. He added that at the request of the Mayor he has prepared a draft Resolution for the Board’s consideration. He further added that he would finalize the Resolution after the Board’s discussion and recommendations. Mr. Wolfe advised that if the Board decided to attend the Guilford County Commissioners Meeting they could address this matter during Speakers from The Floor immediately prior to the Consent Agenda. Mr. Wolfe

further advised that both the current Board and Alderman Elect could discuss this matter and make recommendations, however only the current Board could vote.

Alderman Dana Caudill Jones stated that she agrees with all the points in the Resolution. She also suggested adding a paragraph in the Resolution stating that the school is not consistent with the regional plans for this area such as the Heart of the Triad and Aerotropolis plans.

Alderman Keith Mason suggested forwarding to the Guilford County Commissioners a copy of the letter the Town received from FedEx Ground expressing their concerns with constructing a school in the Triad Business Park. He added that the Board of Aldermen volunteer in the local schools and are strong supporters of the public schools, but construction of a school in the Triad Business Park would not be in the best interest of the Town and its citizens.

Mr. Swisher advised that if the Guilford County Schools is requesting funding it is highly likely that they would approach the Town for rezoning fairly soon.

Alderman Elect Neal Stockton stated that he does not want to appear against the school; however this would be a tremendous loss of revenue to the Town. He added if they couldn't find another site he might think differently but this does not appear to be an issue.

Mr. Swisher advised that Town Staff has prepared and presented information on other potential sites to the Guilford County Schools for their consideration.

Mayor Morgan invited the Alderman and Aldermen-Elect to accompany her and Mr. Swisher to the Guilford County Commissioners meeting.

Mr. Wolfe read a paragraph for inclusion in the Resolution based on Alderman Jones recommendations.

Alderman Dana Caudill Jones made a **Motion** to approve the following Resolution with the additional recommendations and that it is sent to the Guilford County Commissioners. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-27

A RESOLUTION TO BE PRESENTED TO THE GUILFORD COUNTY BOARD OF COMMISSIONERS IN REGARD TO THE POTENTIAL PURCHASE OF PROPERTY BEING CONSIDERED FOR "AN AIRPORT AREA HIGH SCHOOL" LOCATED WITHIN "TRIAD BUSINESS PARK" AND THE CORPORATE LIMITS OF THE TOWN OF KERNERSVILLE

WHEREAS,

Individual members of the Kernersville Board of Aldermen have met with Guilford County School Staff in regard to locating a School(s) within that industrially-zoned area known as "Triad Business Park"; and,

The Kernersville Board of Aldermen has met as a body with the Guilford County School Staff and School Board Chairman to discuss the same; and

The Town has advised that it does not feel the subject property is appropriate for the use advocated by the Guilford County School Staff (and apparently now the Guilford County School Board); and

The Town recognizes the need for Schools, has offered, and continues to offer, the Guilford County School Staff resources of the Town Staff in identifying and evaluating potential parcels of property suitable for Schools; and

The proposed property in question is located within the corporate limits of the Town of Kernersville; and

The land in question is currently under Special Use Zoning as an Industrial Park; and

The Town of Kernersville negotiated in good faith with TDO to arrive at the current contractual relationship between the Town and TDO providing for reimbursement of certain infrastructural costs based upon future ad valorem tax revenues received by the Town as the property in question is industrially developed; and

Understanding that, based upon a potential Tax Base of \$85,000,000 for the subject property in a built-out, developed, Industrial Park, the Town of Kernersville would lose approximately \$422,000 per year in Tax Revenues, the Board of Aldermen is not willing to give up said potential Tax Base; and

TDO attempted a Legislative De-Annexation of the property in question without the approval of the Town of Kernersville; and, the Board of Aldermen has previously voted not to acquiesce to a De-Annexation of the subject property; and

The Board of Aldermen is of the opinion that the subject property remains properly zoned at this time and is properly addressed in the Town's Land Use Plan; and

The Board of Aldermen is of the opinion that placement of a School(s) in an Industrial Business Park follows neither the planning efforts for the Triad, including Aerotropolis and Heart of the Triad, nor ongoing economic development efforts by, and on behalf of, the Town of Kernersville; and

The Board of Aldermen remains concerned regarding placement of a School(s) in a location that has been established for heavy truck traffic (including the recently opened FedEx Ground Facility) and does not feel that locating a School(s) within or near an Industrial Park is proper, an opinion likewise adopted by the State Board of Education.

NOW THEREFORE, The Board of Aldermen goes on record as being opposed to the establishment of a School(s) within that area known as “Triad Business Park” within the corporate limits of the Town of Kernersville.

This the 30th day of November, 2011.

Mr. Swisher requested that those who wanted to attend the Guilford County Commissioners meeting come to Town Hall at 4:15pm.

Mr. Wolfe read a paragraph from the NC State Board of Education School Site Plan material. He emphasized that based on this literature the potential school site is not in compliance.

Mayor Morgan requested that the Deputy Clerk forward a copy of the approved Resolution, a copy of the excerpt read from State Board of Education School Site Plan and two Triad Business Park vicinity maps to the Guilford County Commissioners first thing December 1, 2011.

Mayor Morgan recognized Mr. Garland Stack, adjoining property owner to the Triad Business Park.

Mr. Garland Stack stated that he is aware that the Aldermen do not want to appear anti school; however there is a history of problems within the Guilford County Schools. He added that there needs to be another school, but to place this school in the middle of an industrial zone seems that the Guilford County Commissioners is not forging a good relationship with Kernersville. He thanked the Board for their availability to listen to his concerns.

Mayor Morgan requested that the Staff notify the Board if they are contacted by the Guilford County Schools.

Mr. Jimmy Morgan asked if he could make a comment regarding Alderman Jones comments about the Heart of the Triad (HOT) plan. He added that he was a member of the HOT committee but was not aware that there was an approved plan and that if there was he would like a copy. He also added that he was asked to serve on the Aerotropolis Committee but he is no longer receiving communication now that public funding has run out.

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

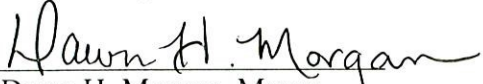
John Wolfe, Town Attorney distributed a Memo to the Board explaining some of the contents of the Communications Policy.

Alderman Keith Mason made a **Motion** to go into Closed Session for the purpose of a discussion that falls within Attorney Client Privilege and matters of Economic Development at 8:15 p.m. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

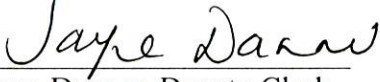
5. ADJOURNMENT.

Alderman Keith Mason made a **Motion** to adjourn the meeting at 9:32 p.m. immediately following the Closed Session. 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, Mayor

Attest:


Jayne Danner, Deputy Clerk

I, Jayne Danner, Deputy Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on November 30, 2011.

This the 6th day of January, 2012


Jayne Danner CMC, Deputy Clerk