

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. DECEMBER 13, 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 Dana Caudill Jones, Aldermen Tracey Shifflette, Neal Stockton and Keith Hooker.

Absent: Alderman-elect Irving Neal.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Captain Tim Leonard, Police Department; Sgt. Derek Crews, Police Department; SRO Nicole Smith, Police Department; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Walt Summerville, Fire Chief; Ray Smith, Human Resources Director; Russell Radford, Engineering Director; Brian Ulrich, Engineering/Transportation Manager, and Gray Cassell, Chief Information Officer.

- CALL TO ORDER
- INVOCATION BY DOCTOR STEPHEN MARTIN, FIRST BAPTIST CHURCH
- PLEDGE OF ALLEGIANCE LED BY BOY SCOUTS WEBELOS PACK 943
- PRESENTATION TO THE TOWN OF KERNERSVILLE BY THE KERNERSVILLE CARES FOR KIDS COMMITTEE

Mrs. Patty Jo Sawvel presented her new book, Under the Influence, the Town that Listened Its Kids, to Mayor Morgan. Mrs. Sawvel explained that the Kernersville Cares for Kids (KCK) journey inspired her to write this book and gave a description of the book and the KCK program.

Mayor Morgan also recognized Ms. Kelly Hall, Teacher at Cash Elementary School for her efforts with KCK. Ms. Hall stated that she is proud to be a part of this program and it's an honor and privilege to work with these students.

Sharon Porter, Principal of Kernersville Middle School, stated that she and her students are very proud to be a part of this program as well and announced that KMS has a 90% participation rate.

Jena Reisenauer, KCK Student President thanked everyone for their help and support of this program. She then read a letter expressing her support and appreciation for this program.

Mayor Morgan thanked each for their support and extended congratulations on receiving the 2011 Philanthropy Award for Outstanding Civic Organization by the Association of Fundraising

Professionals. Mrs. Sawvel showed the award and added that it will be on display at town hall for a period of time.

PUBLIC HEARINGS

- 1 a. **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 presented the Planning Board Report for this rezoning request. He added that this is a 2-phase and single phase request that will create a new district for a retirement community. He noted the revised site plan submitted and presented the list of proposed uses. The uses listed in 3b will remain as originally approved. He explained that Phase 1 will consist of 120 units of independent apartments, Phase 2 will consist of 80 independent units and 65 assisted living units. Phase 3 will consist of 40 independent units, 60 memory care units and 90 skilled nursing units.

Mr. Hatling explained the sequence of phases and presented the architecture renderings of each building. He reported that the Planning Board and staff recommend approval of this request.

Mayor Dawn Morgan declared the Public Hearing open.

In Favor

Harry Davis, 1676 Pine Tree Lane, Kernersville, NC – stated that he lives close to the old club house and is excited about this project. He stated that he had concerns about the traffic however his questions have been answered. He thanked Mr. Hatling for his response to his questions and asked for approval of this plan.

Ken Singleton, Whiteside and Associates, SC – stated that he is representing the property owner in this matter. He stated that he is here to address any concerns and then made himself available for questions.

Opposed

None presented.

Mayor Morgan closed the Public Hearing.

- 1 b. **Consideration of an Ordinance for zoning petition.**

Alderman Tracey Shifflette asked about the phases and if the Developer is ready to go with the project. Mr. Hatling stated that they are, unless they decide to modify the site plan. He explained that process if it occurs.

Alderman Neal Stockton asked if the Certificate of Need has already been submitted to the State. Mr. Hatling stated that it has not been submitted and may be sometime before it is submitted.

Alderman Keith Hooker asked for a clarification on the resubmittal of the site plan. Mr. Hatling stated that if the independent apartments do very well and built out and they want to build more, they would have to come back with revised site plan and rezoning the property.

Alderman Dana Caudill Jones made a **Motion** for the approval of the following ordinance amending the Unified Development Ordinance of the Town by rezoning property in case 570.A1 from MU-S Two Phase to MU-S Two Phase and Single Phase, the said rezoning being consistent with the Town's Comprehensive Plan, Kernersville Development Plan, and further being both reasonable and in the public interest due to the following fact:

1. The petitioner is requesting Special Use District rezoning to allow consideration of conditions that assures this development addresses the Kernersville Development Plan Goal standard of establishing Kernersville as a "unique high quality community within the Triad.

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

Alderman Dana Caudill Jones made a **Motion** to approve the site plan as submitted. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Town Ordinance

**Zoning Petition of Seamon WhiteSide + Associates, Agent for Owner
Zoning Docket K-570.A1**

**ORDINANCE NO. O-2011-36
AN ORDINANCE AMENDING THE
KERNERSVILLE ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
TOWN OF KERNERSVILLE, NC**

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

SECTION 1. The Kernersville Zoning Map be amended by changing from Zoning District 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 for property located at the corner of Teague Lane and Ogden School Road. The uses of section "2A" would include *Residential Building; Multifamily; Congregate Care Facility; Life Care Community; Nursing Care Institution; Recreation Facility, Public; and Swimming Pool, Private; Utilities.* The section "3B" uses would remain as originally approved. This property being further described as follows:

BEING KNOWN AND DESIGNATED as all of PIN#6874-86-7026, containing a total of 34.39 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. The Board of Aldermen of the Town of Kernersville has issued a Special Use District Permit for the zoning petition of Seamon WhiteSide + Associates, Agent for Owner for property located at the corner of Teague Lane and Ogden School Road, being all of PIN#6874-86-7026, containing 34.39 acres more or less.

SECTION 3. This Ordinance shall be effective from and after its adoption.

Adopted this the 13th day of December, 2011.

SPECIAL USE DISTRICT PERMIT
Issued by
Board of Aldermen of the Town of Kernersville

The Board of Aldermen of the Town of Kernersville has issued a Special Use District Permit for the site shown on the site plan map dated 10/12/2011, titled Caleb's Creek, Mixed Use Community, Kernersville, North Carolina, included in this zoning petition of Seamon WhiteSide + Associates, Agent for Owner. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for Caleb's Creek Mixed Use Community approved by the Board of Aldermen the 13th day of December, 2011 and signed, provided the property is developed in accordance with requirements of the zoning district MU-S (Mixed Use –Special Use District) Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the original approved uses as listed in case K-570.A1.

New Conditions:

1. Site Plan

- a. Compliance with Site Plan dated 1/12/2011, titled Caleb's Creek, Mixed Use Community, Kernersville, North Carolina.
- b. Caleb's Creek Master Plan amended to include the new land use area 2A and the modification of 3B and 1D.
- c. Land Use Permitted Use Table amended as follows:

USE TYPE See Overlay Zoning Districts for prohibited uses within specific districts.	Note:		
	2A	3B	CONDS
RESIDENTIAL USES			
Residential Building, Single Family		Z	
Residential Building, Duplex		Z	60
Residential Building, Twin Home		Z	60
Residential Building, Multifamily	Z	P	60
Congregate Care Facility	Z	Z	23
Life Care Community	Z	Z	40
RETAIL AND WHOLESALE TRADE			
ABC Store (liquor)		Z	
Arts & Crafts Studio		Z	
Convenience Store		Z	
Food or Drug Store		Z	
Furniture and Home Furnishings Store		Z	
General Merchandise Store		Z	
Hardware Store		Z	
Nursery, Lawn and Garden Supply Store, Retail		Z	

Restaurant (without drive-through service)		Z	
Restaurant (with drive-through service)		Z	
Retail Store, Specialty or Miscellaneous		Z	
Shopping Center		Z	65
BUSINESS AND PERSONAL SERVICES			
Banking and Financial Services		Z	
Bed and Breakfast		Z	7
Car Wash		Z	10
Funeral Home		Z	
Medical or Dental Laboratory		Z	
Medical and Surgical Offices		Z	
Motor Vehicle, Repair and Maintenance		Z	49
Motor Vehicle, Body or Paint Shop		Z	49
Offices, Miscellaneous		Z	
Professional Office		Z	
Services, Business A		Z	
Services, Personal		Z	
Testing and Research Lab		Z	
Veterinary Services		P	72
RECREATIONAL USES			
Recreation Services, Indoor		Z	58
Recreation Services, Outdoor		Z	58
Recreation Facility, Public	Z	Z	
Swimming Pool, Private	Z	Z	68
Theater, Indoor		Z	69
INSTITUTIONAL AND PUBLIC USES			
Adult Day Care Home		Z	3
Adult Day Care Center		Z	2
Child Care Institution		P	15
Child Day Care Center		Z	16
Child Day Care, Large Home		Z	17
Child Day Care, Small Home		Z	18
Church or Religious Institution, Community		Z	19
Church or Religious Institution, Neighborhood		Z	20
Club or Lodge		Z	21
College or University		Z	
Government Offices		Z	
Hospital or Health Center		Z	
Library, Public		Z	39
Limited Campus Uses		Z	41
Museum or Art Gallery		Z	
Neighborhood Organization		Z	
Nursing Care Institution	Z	Z	52
Police or Fire Station		Z	57
Post Office		Z	
School, Private		Z	63
School, Public		Z	64
School, Vocational or Professional		Z	
TRANSPORTATION AND UTILITIES			
Access Easement, Private Off-Site		Z	1

Broadcast Studio		Z	
Park and Shuttle Lot		Z	54
Terminal, Bus or Taxi		Z	
Utilities	Z	Z	71

2. **Park**

- a. Prior to considering the alternative public park proposal of a “linear park” verses a 14.896 acre parcel, the Caleb’s Creek developer shall submit a “master plan” of the entire “linear park” to the Town of Kernersville for review and approval.
- b. The 10’ multi-use path shall meet NCDOT standards.
- c. If the Town of Kernersville does not accept the “linear park,” the park shall be maintained by the retirement center.

3. **Buffer**

- a. The Buffers located between the retirement center and adjacent uses (*AG and MU-S*) shall conform to the Town of Kernersville Type II Bufferyard Design at 20-foot depth: 2 deciduous trees, 8 primary evergreens and 10 supplemental evergreen shrubs per 100 linear feet. Existing trees located within these buffer areas my count toward the tree component of the requirement.
- b. Canopy trees shall be planted at no greater than 55-foot intervals along Ogden School Road and along that portion of Teague Lane not including the linear park.
- c. The linear park shall be landscaped with a minimum of 4 canopy trees, 3 understory trees, and 30 shrubs within each 100 linear feet. It may also include berms and additional plantings such as groundcover, annuals, perennials, seed, and/or sod.

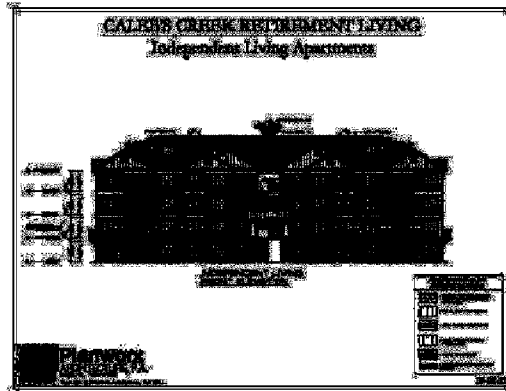
4. **Sidewalks and Crosswalks**

- a. 5’ and/or 6’ wide sidewalks shall serve as connections between buildings and uses within both tracts.
- b. 5’ and/or wider sidewalk with 5’ planting strip; or 8’ wide without planting strip to occur along internal right-of-way connecting to Teague Lane and Ogden School Road.
- c. Minimum 10’ wide paved trail within the linear park. Additional trail system may occur within natural areas around ponds along the eastern portion of the development. Such trails may be constructed of asphalt, mulch, or other natural material.
- d. Crosswalks will be provided in areas where sidewalks cross rights-of-way or other major thoroughfares. Materials for such will be constructed of either decorative pavers or stamped and painted asphalt.

5. **Architectural Standards**

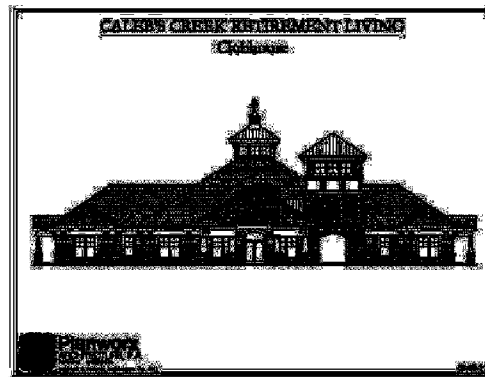
- a. Independent Living Apartments.
 - i. Colonial Revival Architecture
 - ii. Four-story
 - iii. False porches incorporated into structure.
 - iv. Colonial style columns accents.
 - v. Mix of materials using brick and Hardie Board siding and vinyl shakes for the side wall shingle areas.
 - vi. Hip and/or gable(s) roof, with a pitch of 8:12.
 - vii. Windows:
 1. Window trim that incorporates the use of decorative shutters, heads, aprons and/or cornices.
 2. Small window panes.
 - viii. Paneled doors.

- ix. Architectural elements included on all sides.



b. Clubhouse

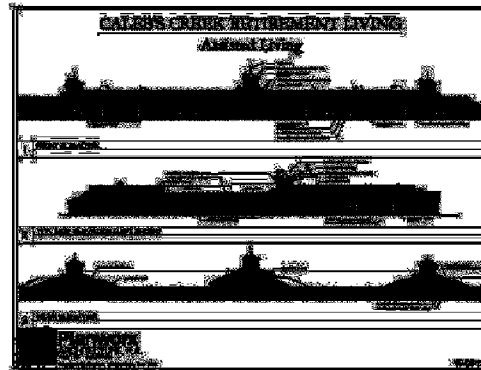
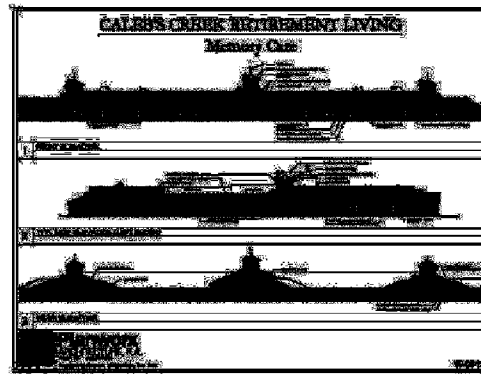
- i. Shingle Architecture
- ii. Mix of exterior materials including rock, Hardie Board siding and vinyl shakes for the side wall shingle areas.
- iii. Hip and/or gable(s) roof.
- iv. Large window panes.
- v. Decorative roof braces.
- vi. Craftsman style columns.
- vii. Paneled doors.
- viii. Tower
- ix. Cupola
- x. Architectural elements included on all sides



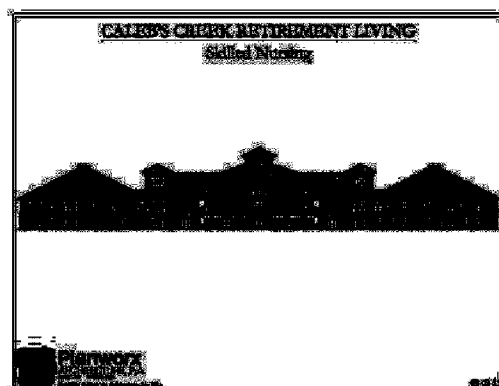
c. Assisted Living and Memory Care

- i. Shingle and Colonial Architecture
- ii. Mix of exterior materials including Hardie Board siding and vinyl shakes for the side wall shingle areas.
- iii. Hip and/or gable(s) roof, with a pitch of 8:12.
- iv. Windows:
 1. Small window panes.
 2. Window trim that incorporates the use of decorative shutters, heads, aprons, and/or cornices.

3. Colonial style columns.
4. Paneled doors.
5. Cupola
6. Architectural elements included on all sides.



- d. Skilled Nursing
 - i. Shingle Architecture
 - ii. Two-story with three-story towers.
 - iii. Cupola
 - iv. Decorative roof braces.
 - v. Porches
 - vi. Mix of materials using brick and Hardie Board siding and vinyl shakes for the side wall shingle areas.
 - vii. Hip and/or gable(s) roof.
 - viii. Windows:
 1. Window trim that incorporates the use of decorative shutters, heads, aprons and/or cornices.
 2. Small window panes.
 - ix. Paneled doors.
 - x. Architectural elements included on all sides.



6. **Transportation**

- a. *NCDOT Driveway Permits are required to access Teague Lane and Ogden School Road. All NCDOT improvements required as part of the Driveway Permit approval process shall be constructed as part of this project. All improvements on NCDOT maintained roads shall be, at a minimum, in accordance with NCDOT design standards.
- b. *Negative access easements shall be platted along Teague Lane and Ogden School Road excluding those accesses which are approved as part of this project.
- c. Dedicate right-of-way along Teague Lane to a point fifty (50) feet from the centerline of the roadway and grant a ten (10) foot public utility, sidewalk, drainage, slope, and permanent construction easement directly behind the new right-of-way. If the future Transportation Impact Analysis shows that a one hundred (100) foot right-of-way and a ten (10) foot public utility, sidewalk, drainage, slope, and permanent construction easement directly behind the new right-of-way is not required, the Town shall be allowed to reduce the right-of-way and easement requirement.
- d. Dedicate right-of-way along Ogden School Road to a point fifty (50) feet from the centerline of the roadway and grant a ten (10) foot public utility, sidewalk, drainage, slope, and permanent construction easement directly behind the new right-of-way. If the future Transportation Impact Analysis shows that a one hundred (100) foot right-of-way and a ten (10) foot public utility, sidewalk, drainage, slope, and permanent construction easement directly behind the new right-of-way is not required, the Town shall be allowed to reduce the right-of-way and easement requirement.
- e. At a minimum, the initial road design of Teague Lane shall be an NCDOT 2-lane divided Avenue. The road design shall consider additional lanes if a future Transportation Impact Analysis shows the need.
- f. *All public streets and utilities shall be designed and constructed in accordance with the *Town of Kernersville Design and Construction Specifications* manual.
- g. Ninety (90) degree parking is not allowed on public streets.

7. **Plat Requirements**

- a. *All storm drainage easements meeting the Town's easement requirements as outlined in the *Town of Kernersville Design and Construction Specifications* manual shall be shown on the final plat.
- b. *A note on the Final Plat shall state: "*All storm drainage devices including but not limited to: pipes, stormwater BMP's, drainage boxes, inlets, outlets and open channel conveyances located outside of the public right-of-way shall be maintained by(state the party responsible for maintaining the storm drainage devices).*"

8. **Public Infrastructure**

- a. *The developer shall design and construct all public infrastructures in accordance with the *Town of Kernersville Design and Construction Specifications* manual.
- b. *All water and sanitary sewer drawings with appropriate easements shall be approved by the City-County Utilities Commission.
- c. *All detailed construction plans for infrastructure must be submitted and approved by the Engineering Department prior to construction.
- d. *If public solid waste service is requested, all dumpster pads and enclosures shall be constructed in accordance with the *Town of Kernersville Design and Construction Specifications* manual, and locations approved by the Public Services Department, Solid Waste Division. Depending on how many service days they choose will determine the

number of dumpsters. At a minimum, the “independent living apartments” would require a minimum of six (6) 9-yard dumpsters and one (1) cardboard dumpster.

9. Environmental and Stormwater Management

- a. *Developer shall adhere to all State, Federal, and Local Government environmental regulations.
- b. *Restrictions on new impervious surface apply to this site as currently shown on the Stormwater Master Plan. Prior to submittal of a request for a building permit or zoning permit on the proposed site, the developer shall obtain approval from the Town for an amended Stormwater Master Plan. The Stormwater Management Plan shall comply with provisions of Chapter C – Article III, of the Unified Development Ordinance.
- c. *Pursuant to Chapter C – Article III, of the Unified Development Ordinance the Developer shall have a certified consultant evaluate the site to determine the extent, if any, of regulated stream buffers that may be applicable to this site.
- d. *Developer shall provide a detailed grading plan showing provisions for adequate drainage of surface water between and around building foundations. Finish grading in the vicinity of the building foundation shall result in a minimum slope away from the building of six (6) inches in ten (10) feet and be in compliance with the most current requirements of the North Carolina Building Code. Shallow, grassed drainage swales provided to transport surface water drainage shall have a minimum slope of two (2) percent.
- e. *An engineered stormwater management plan will be submitted to the Town Engineer for approval prior to a Final Plat. When final development plans are submitted, the

developer is encouraged to include the use of low impact development techniques where feasible. Treatment options may include, but are not limited to, curb cuts, grass-lined swales, waterways, and wetlands. All stormwater management requirements and regulations that are applicable and adopted by the Town and/or NCDENR and/or other regulatory agencies with jurisdiction over the site at the time final development plans are submitted, shall be adhered to. Detailed calculations will be required for all water quality and/or detention ponds. Any required permanent stormwater management devices will be installed prior to issuance of any *Certificate of Occupancy* permits.

- f. Design of the developments shall include adequate means of convey and/or treatment of stormwater runoff from future improvements to Teague Lane.
- g. *A *SIDA* would be required to exceed the fifty (50) percent impervious surface coverage for the area of “3B”.

10. Fire and Rescue

- a. *Fire hydrant locations shall be determined by the Fire Marshal’s Office (FMO) and if utilizing public water systems, the CCUC.
- b. *Any private fire hydrants shall meet the FMO requirements.
- c. *Fire Department Connections (FDC) for sprinkler systems shall be remote from the buildings they serve and placement shall be determined by the FMO.
- d. *FDC’s shall meet the FMO requirements.
- e. *Fire alarm and sprinkler installations require separate plans and permits obtained from the FMO.
- f. *Fire lanes may be designated by the FMO to Kernersville Fire Department standards.
- g. Buildings with any portion exceeding 30 feet from the lowest point of fire apparatus access shall provide access roads for aerial fire apparatus. These roads shall:
 - i. Not have overhead utility lines.

- ii. Have a minimum unobstructed width of 26 feet *only in the immediate vicinity of the building that is over 30 feet*. Standard widths apply to all other areas.
- iii. At least one of the required aerial access routes for each applicable building shall be located a minimum of 15 feet and a maximum of 30 feet from each building and shall be positioned parallel to one entire side of the building. This access can be for fire apparatus access only.
- h. Project shall provide two separate and approved fire apparatus access roads for the apartments.
- i. Entire project shall provide at least two means of fire apparatus access for each structure.
- j. *Turning radius for all streets shall meet KFD apparatus requirements.

11. **City County Utility Commission**

- a. *As of July 1, 2011, all three-inch and larger water meters must be purchased through the Utilities Business Office. Domestic services three-inch and larger and all fire services will be made by permit application at the time of building permit or authorization to construct (B-Permits will no longer be required).
- b. *A sewer capacity analysis fee of \$200 applies to all public or private sewer connections that require a DWQ FTSE form.
- c. *A construction drawing plan review fee applies to all public or private water and/or sewer extensions required to be permitted through NCDENR.
- d. *Water services larger than 2-inch and all fire services (except single family dwellings) are required to be permitted by NCDENR.
- e. *Subject to Utilities plan review for Building Permit Application and/or Authorization to Construct Water or Sanitary Sewer Systems.

12. **Others**

- a. Sign easements shall be recorded for the two signs located in the proposed public park.
- b. All on-site mechanical equipment shall be screened from the public right-of-way.
- c. The housing shall be “elderly housing” which is defined: a multifamily residential development or facility occupied by persons aged fifty-five (55) years or older or handicapped, their spouses and/or surviving spouses, and resident staff personnel.

Previous Conditions:

Land Uses

- 1. The village center that is contained within Parcels 3A, 3B and 4 shall contain a minimum of 80,000 square feet of non-residential uses and a maximum of 130,000 square feet, with no one business occupying more than 40,000 square feet.
- 2. Only one rental apartment complex limited to:
 - a) Less than 400 units;
 - b) Greater than an average of 1,200 square foot per unit; and
 - c) Located in 6E
 These limits shall not apply to housing for a retirement village.
- 3. The minimum acres for single-family residential housing shall be 374 acres.
- 4. The conservation areas, golf course and park shall be a minimum of 311 acres.
- 5. During the Final Development Plan submittal, for residential developments, the petitioner shall submit material(s) showing that the development will incorporate a diversity of housing architectural design.

Design Standards

6. The Unified Development Ordinance, Zoning Overlay Districts, General Site Plan Requirements shall apply to the entire development and the following specific district shall apply:
 - a. Residential structures shall comply with the Central Kernersville Zoning Overlay District or at the time of Final Development Plan review the petitioner may submit an alternative to those standards if they are one of the following architectural styles:
 - I. French Country
 - II. Neoclassical
 - III. Georgian
 - IV. Shingle
 - V. Colonial Revival
 - VI. Low Country
 - VII. Craftsman
 - VIII. Moravian
 - b. Neighborhood Scale Commercial Overlay District shall apply to the commercial structures in Parcels 3A and 3B. Streetyard and sidewalk in a downtown style, however a minimum one streetyard tree per 50' shall be planted.
 - c. Parcel 4 commercial retail buildings shall comply with the Central Kernersville Overlay District, Store Front Style Building design.
 - d. Non-residential buildings, outside of 3A, 3B and 4 shall comply with the Highway Corridor Overlay District.
7. Within all residential areas streetyard trees shall be placed either within 20' of the right-of-way or easement, or within the right-of-way of a Public Works approved utility corridor plan. The minimum planting intervals shall be one tree per lot or 50' on center whichever is less.
8. The Planning Board shall consider establishing appropriate front residential setbacks for homes located on thoroughfares and collector streets. Considerations shall be given to amount and type of traffic, topography and building design such as the use of front porches.

Golf Course, Parks and Greenways

9. The golf course shall be an 18-hole championship length course. The golf course shall make available a minimum of 200 memberships from out-side of Caleb's Creek.
10. The designated park area shall be dedicated to the Town of Kernersville at the time of recording of the first plat for Caleb's Creek.
11. The petitioner shall retain the rights to the pervious area that the Town of Kernersville shall not need for impervious park facilities.
12. The conservation areas shall be dedicated as a public recreation and greenway easement and recorded at the time of the first plat for Caleb's Creek.

13. The 30' pedestrian easement along the gas line shall be recorded at the time of the first plat for Caleb's Creek.
14. A recreational land fee of \$200 per housing/living unit shall be paid at the time of the each building permit issued within the development to serve this development or developments with the immediate area. All funds received by the Town of Kernersville pursuant to this condition shall be used only for the acquisition or development of recreation, park or open space sites. The fees shall increase 10% on July 1, 2004 and 10% every 3-years thereafter.
15. A 30' public access easement and walkway to the northern conservation area.

Transportation:

16. NCDOT Approval: The Town of Kernersville will submit all encroachment and driveway permits to the NCDOT for approval and will be responsible for any NCDOT requirements, except those required for Teague Lane. The Developer shall complete the application forms.
17. Teague Lane: Developer shall improve Teague Lane to a multi-width or divided-lane facility or combination thereof, starting at a point approximately 200 feet north of the Teague Lane access to Parcel No.6C (potential school site), and terminating at a point approximately 1,000 feet south of the intersection of Teague Lane and Hedgecock Road, or 200 feet south to the access to parcel 1M, whichever is greater. Right and left turn lanes shall be installed at all existing and proposed access points which generate over 30 vpd along that segment of Teague Lane conditioned for improvements herein. A continuous 3-lane section will be required where lane shift tapers overlap. All major access points to that segment of Teague Lane conditioned for improvement, including but not limited to Ogden School Road, Hedgecock Road, proposed streets illustrated on development plan shall be widened to facilitate a left and right turn onto Teague Lane with adequate storage to facilitate final build-out traffic. A pedestrian tunnel shall be constructed under Teague Lane to facilitate pedestrians and golf carts. All improvements to Teague Lane, including the tunnel, shall be constructed to NCDOT standard specifications. Construction schedules must be submitted with construction drawings to the Public Works Department and NCDOT for approval.
18. East-West Connecting Street to SR 4312: This street is located just south of parcels 5, 6E, 7 and 6C. Street shall be designated as a major collector, and constructed as such, connecting Teague Lane to Union Cross Road. If property becomes available, (primarily Tax Block 5632 Lot 25F) prior to construction of the connecting road to SR 4312, and SR 4312 can be realigned, Developer shall contribute that portion of construction costs as estimated by the Town's Public Works Department, that would have been spent on the connecting road to SR 4312 toward the realignment and modifications to the existing segment of SR 4312 needed to facilitate the realignment. This also includes a turn-around on the north-south segment of SR 4312, if needed.
19. East-West Connecting Street from Teague Lane toward Glenn High Road: This street is located between parcels 7 and 1F. Street shall be designated as a Minor Thoroughfare and constructed as such. A pedestrian tunnel shall be constructed under this street to facilitate pedestrians and golf carts. Golf carts may be allowed to cross this street until it is extended to Union Cross Road. At that time the Developer and/or golf course owner must direct golf carts through the tunnel.

20. Road Development Fee: In lieu of certain road improvements at various intersections, all land uses within this development, except the conservation areas, park and golf course, shall be subject to the following fees:
- | | |
|------------------------------------|-------------------------|
| Single Family (detached) | \$500/per unit |
| Multifamily (attached) | \$338/per unit |
| Non-Residential 3A, 3B & 4 | \$2,323/per 1,000 sq ft |
| Non-Residential. Parcels 5 & 6A-6F | \$664/ per 1,000 sq ft |
| Convenience Store (w/pumps) | \$4,616per pump |
| Church | \$247/per 1,000 sq ft |
| Recreation Outdoor Field Complex | \$978/per acre |
21. The above fees shall be paid at the time of building permit approval. The funds shall be used for the construction of roads to serve the occupants, residents, or invitees of the subdivisions or developments and these funds may be used for roads which serve more than one subdivision or development within the area.. All funds received by the Town of Kernersville pursuant to this condition shall be used only for development of roads, including design, land acquisition and construction. The fees shall increase 10% on July 1, 2004 and 10% every 3-years thereafter. If a land use not listed above is used within this development, a trip/unit number shall be assigned using the Trip Generation Manual published by the Institute of Transportation Engineers and cost per unit based on the above schedule shall apply.
22. Construction Drawings & Schedules: Construction drawings and schedules for all infrastructure improvements conditioned herein shall be approved by the Public Works Department and in those cases where improvements are on NCDOT maintained roads. The construction drawings must be approved by the Public Works Department and NCDOT.
23. Infrastructure Improvements: All infrastructure improvements on Town maintained right-of-ways shall be to the minimum standards as set by the Town when construction plans are submitted for approval. All improvements on NCDOT maintained roads shall be at a minimum in accordance with NCDOT design standards. All development plans referenced herein are based on submitted plan titled "Caleb's Creek" by Seamon, Whiteside & Associates, INC., drawn by BAE, checked by KRS with server filename: 3629\LDWG\CLEAN-FILES\MASTER-PLN.DWG, Project: 3629.00, Date: June 29, 2001 with subsequent revision dated 7/6/01 and 7/20/01.
24. Final Development Plans: As Final Development Plans are reviewed for this site, additional infrastructure improvements may be required and/or amendments made to the conditions herein, based on transportation findings and issues related to public safety.
25. Right-of-Way and Easements: Any infrastructure improvements, except for off-site improvements which are not adjacent to the development, placed upon this Developer\Development that requires additional right-of-way and/or easements from other property owners, the Developer shall make a good faith effort to acquire the needed right-of-way and/or easements. If the Developer is unable to acquire the needed property, the Developer must submit documentation to the Town that a good faith effort was made to acquire the property. If the Town elects to acquire the property to

facilitate the public infrastructure improvement, the Developer shall reimburse the Town for all expenses, including but not limited to; right-of-way and easement cost, surveying, engineering, legal, appraisal, and administration fees.

26. Negative Access Easements: A negative access easement shall be platted along Teague Lane and Ogden School Road excluding those accesses, which are approved as part of this development.
27. Building Permits: Selective building permits may be issued by the Town prior to the sewer system being placed in service, however, no certificate of occupancy will be issued until the sewer system for that area of service has been inspected by the CCUC and officially placed in service. Building permits shall not be issued until all applicable road development fees have been paid in full.

Stormwater Management

28. A stormwater management plan prepared by a professional engineer, submitted for review and approval by the Public Works Department, is required for each phase of development. When final development plans are submitted, Developer shall include provisions for treatment of stormwater run where feasible. Treatment options may include but are not limited to curb cuts, grass-lined swales, waterways and wetlands. All stormwater management requirements and regulations that are applicable and adopted by the Town and/or NCDEHNR and/or other regulator agencies with jurisdiction over the site at the time of submittal of final development plans shall be adhered to. Detailed calculations will be required for all water quality and/or detention ponds.
29. The Town of Kernersville Public Works Department shall review all stream mitigation projects to ensure that the projects maximize stream mitigation benefits and protect public facilities.

Dams

30. All dams within the developed area shall be approved by NCDEHNR-Dam Safety Section pursuant to the "Dam Safety Law of 1967" and as may be later amended, prior to issuance of any Certificates of Occupancy within the Development. Any Dam that serves as a roadbed for a public street shall be constructed with a top cross section dimension of 1 ½ times the pavement width. [Design acceptance or approval by the Town is limited to the use of the dam embankment as a roadbed and shall in no manner act as approval of the embankment as an impoundment structure. Street maintenance and repair by the Town of Kernersville shall be limited to maintenance of the roadway for vehicular and pedestrian traffic only.] Responsibility for and any liability connected with the embankment material, impoundment, impoundment structure, inlet and outlet structures, dam facing material, drainage system, and any other materials, structures or workmanship items that relate to the impoundment of water shall be and remain with Developer until subsequently transferred to, and accepted by, a Property Owners Association to be established by Developer prior to issuance of any Certificate of Occupancy within the development. All responsibility for the maintenance, and upkeep of the dam or appurtenances as may be required to preserve its integrity as a water impoundment structure, or as directed by NCDEHNR, together with all liability connected with any dam, shall be and remain with Developer until subsequently transferred to, and accepted by, the aforementioned Property Owners Association. The

Property Owners Association's Covenants and Restrictions shall include language that all dams within this development are the common property of the Property Owners Association and that responsibility for all maintenance, upkeep, up-grades, and repairs shall be timely addressed by the Property Owners Association and at its expense.

31. Caleb's Creek property owner's covenants and restrictions shall include language that all dams are the property of the Caleb's Creek property owner's association and the maintenance, up-grades and associated costs, shall be the responsibility of the property owner's association.
32. All necessary approvals from the Town, CCUC, NCDEHNR, EPA, NCDOT, and Corp of Engineers shall be the sole responsibility of the Developer.

Flood Zone

33. If construction of a primary structure is proposed in a FEMA flood zone, a *Letter of Map Revision* (LOMR) shall be submitted for FEMA review and approval.

Buffers

34. The following shall be required for bufferyards:
 - a. A minimum of a 30' Type II bufferyard, with 10 supplemental shrubs per 100' shall be installed if lots within the proposed development are less in acreage then the adjacent lots outside of the Caleb's Creek development with a home within 300' of the development.
 - b. The Planning Board may require a 6' berm in locations that is not retaining sustainable amount of existing trees and/or topography requiring additional elevation to properly buffer the proposed adjacent use.
 - c. No retail commercial uses shall be allowed adjacent to Tax Lots 002F, 002A, 002E Block 5631; and Tax Lots 003D, 003X, 003G & 003J Block 5628
 - d. The access road to the business park, off of Teague Lane, shall have a minimum of a 4:1 slope adjacent to Tax Lot 009H Block 5631
 - e. If a non-single family residential use is proposed on Parcel 6D, which is adjacent to Tax Lot 008A Block 5631, the developer shall preserve the natural area between that lot and the existing drainage ditch.
 - f. During the Final Development Plan review, the petitioner shall submit the outdoor lighting plan. Individual fixtures and lighting systems shall be designed, constructed and installed to control glare and light trespass, minimize obtrusive light while maintaining safety, security and productivity, and curtail the degradation of the night time visual environment by reducing light pollution.

Sidewalks

35. The sidewalks shall comply with the Town of Kernersville Unified Development Ordinance and/or the following (the most restrictive shall apply):

Village Commercial (Parcel 3A, 3B and 4):	8' wide without out planting strip; or 6' wide with 3' planting strip.
Non-Residential (outside of Village Center):	5' wide with 5' planting strip; or
& Thoroughfares	8' wide without planting strip.
Residential:	5' wide with 3' planting strip.

Sewer

36. A sewer utility access fee shall be payable to the Town of Kernersville for each parcel developed and shall be paid at the time of issuance of each building permit as follows:
- a. \$1,000 per housing unit/living unit;
 - b. .30 cents per square foot for non-residential structures; and
 - c. \$675 per acre for Recreation Services, Outdoor outside of Parcel 7.

The fees shall increase 10% on July 1, 2004 and 10% every 3-years thereafter.

Schools

37. Approximately twelve acres shall be dedicated to the Forsyth County Board of Education if:
1. the site is used as an elementary school; and
 2. construction begins no later than 2007; and
 3. developer shall install and maintain the bufferyards and landscaping on the south and west sides with the exception of maintaining the access drive landscaping; and
 4. if Teague Lane road improvements are required and it requires additional right-of-way and/or easements, the Town of Kernersville shall be required to obtain the right-of-way and/or easements; and
 5. The Board of Education shall have access to the developer's stormwater ponds.
 6. The Developer shall provide sewer to the site.

PUBLIC SESSION

2. SPEAKERS FROM THE FLOOR.

Harvey Pulliam, 415 Holt St. Kernersville, NC – spoke on the lack of transparency in Town government prior to 1990 when meetings were held somewhere else. He stated that our citizens had to struggle to find out what was going on. He noted that having informed citizens is better. He then commended the Kernersville News for putting the contact information for the Board in the newspaper and suggested asking the Town Manager to ask the newspaper to include a statement to encourage transparency in government over the top of the information printed. He suggested that it encourages citizens to sign up or contact the Town Clerk to subscribe to the Pen-List or the Sunshine list so they will be informed on what the meetings are all about.

Alderman Caudill Jones agreed that it would be a good idea to add something.

Mr. Swisher agreed that it was a good idea too, but noted that this is not paid for by us but included as a courtesy. He stated that he would ask the Newspaper to include a statement; however it will be at their discretion. He added that we will include it when we do another Town Page.

Alderman Hooker suggested a statement that if they want to be included in the Town's mailing list then list who they contact. Mayor Morgan then recommended this information be added to the Town's facebook page. Mr. Gray Cassell, Chief Information Officer noted that this information is currently on the Town's website's front page in the right hand corner.

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

Mayor Morgan stated the Board has previously discussed ways to improve the safety of our schools. Those topics included flashing lights and better signage. She noted that the Board passed an ordinance to reduce speed however; NCDOT decided not to adopt a concurrent ordinance at that time.

Mr. Swisher added that this was discussed previously and at that time the Board opted to not pursue flashing lights on Piney Grove Road. He explained that if the Board so desired, NCDOT has authorized the Town to install flashing lights in the school zones at the Town's expense. He reminded the Board that funds could only be spent on schools inside the Town limits.

Mayor Morgan asked SRO Nicole Smith and Sgt. Derek Crews to address safety issues at the schools. She noted that dark conditions at our schools were identified and discussed with Duke Energy. Duke Energy did come out and increase the lighting in these areas.

SRO Nicole Smith stated that the lights were addressed and are staying on longer. She also pointed out that traffic within the campus was backing up and causing traffic to back up on Piney Grove Road. Traffic was rerouted within the campus to allow for more vehicles. She stated that this has caused a problem with increases in speed in that area because there is no backup in the traffic. This causes safety concerns for students crossing the road. She stated that she now parks her vehicle in the middle of the road with the flashing lights on as a deterrent. Initially this did slow the traffic but not now since drivers have gotten used to the car being there.

The Board and Officer Smith discussed the effectiveness of the lights at Kernersville Elementary School, the need to have a warning device before they get to the Officer, the potential for accidents, and speed limits through school zones.

Mayor Morgan then recognized School Crossing Guards and bus drivers in attendance.

Wanda Douglas, School Crossing Guard reported that she sees more speeders in the afternoon and when they see the Police car they do slow down. She stated that she has students that both walk and ride their bicycles from the Lakecrest area and noted the dangerous situations she has witnessed.

Alderman Jones asked how many walk to Caleb's Creek Elementary. Sgt. Derek Crews estimated 20 in the morning and maybe a dozen in the afternoon. He stated that the speed limit has been dropped and we are coordinating efforts with the Police Department's Traffic Squad to patrol the school zones.

Alderman Stockton asked if the Officers are subject to calls. Sgt. Crews stated that they are subject to calls and would be required to leave to assist an accident scene.

Glenda Stevens, WS/FC School Bus Driver, stated that she has been driving a school bus for 30 years. These Crossing Guards and Officers put their lives on the line every day. Traffic is very heavy and people can't see them, especially when it's dark. Any help you can give them would be greatly appreciated.

Alderman Jones expressed her appreciation for these Crossing Guards and bus drivers. She stated that the previous Board did look at this and approved some ordinances to improve the situation; however we still have a concern and should revisit this matter. She added that she has talked with numerous parents and they want something done.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to authorize the installation of flashing lights at both ends of the school zone on Piney Grove, solar powered equipment is acceptable, and to begin flashing ½ hour before and after school. Alderman Tracey Shifflette seconded the motion.

Mayor Pro Tem Jones asked that Staff continue to monitor the situation and bring an update back to the Board by the end of the school year. Alderman Shifflette agreed.

The vote was all for and motion carried.

Brian Ulrich, Transportation Manager, stated that NCDOT will give us some flexibility on the location of the lights.

Linda Petitt, WS/FC School Bus Driver, stated that she has been a driver for 40 years and suggested that designated cross walks be considered.

Mayor Morgan asked Mr. Ulrich if he could ask NCDOT about crosswalks. Mr. Ulrich stated that there are no sidewalks in some of these areas and they will not add crosswalks until sidewalks are provided. NCDOT feels that crosswalks would not provide any additional safety.

Mayor Morgan noted that grants have been applied for to provide sidewalks in this area. She asked for DOT guidelines regarding overhead flashing lights. Mr. Ulrich stated that this has not been discussed with DOT.

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

The Town Attorney John Wolfe stated that following last month's approval of the Town's Thoroughfare and Street Plan Study a request has been made for a draft resolution requesting NCDOT recognize the Town's Thoroughfare and Street plan. He then presented a draft for the Board's consideration.

Alderman Dana Caudill Jones made a **Motion** to approve the following Resolution requesting NCDOT take recognition of the Town of Kernersville's Thoroughfare and Street Plan. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-38 A RESOLUTION REQUESTING THAT THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TAKE RECOGNITION OF THE TOWN OF KERNERSVILLE'S THOROUGHFARE AND STREET PLAN

WHEREAS, the Town of Kernersville established the use of a Thoroughfare and Street Plan many years ago in order to guide the Town of Kernersville's Board of Aldermen, and other decision-

makers, in regard to streets, roads, and other transportation issues as the Town increases in population, jobs, and traffic; and

WHEREAS, the Board of Aldermen established a Thoroughfare and Street Plan Study Committee in March of 2010 to study the Kernersville Thoroughfare and Street Plan:

- To assist the community in understanding the strengths and weaknesses of the current Thoroughfare and Street Plan based upon available data of current and future conditions;
- To recommend to the Board of Aldermen potential amendments to the Plan; and
- To recommend road design standards that would compliment residential neighborhoods and commercial districts.

WHEREAS, said Thoroughfare and Street Plan Study Committee studied the forecasted population, jobs, and traffic in the decades to come, current and anticipated traffic patterns on the streets and roads, together with road designs that might accommodate the growth of the Town, increase in traffic, and future traffic patterns; and,

WHEREAS, the Board of Aldermen, on the 1st day of November, 2011, held a Public Hearing regarding the Town's Thoroughfare and Street Plan at which time the Town Planning Staff, the Thoroughfare and Street Plan Study Committee, and the Planning Board recommendations were presented to the Board, a Thoroughfare and Street Plan Study Committee Minority Report was presented, and various speakers from the public were heard; and

WHEREAS, after a full Hearing of the matter by the Board of Aldermen, the Board continued the matter until its December 6, 2011, meeting, at which time the Board of Aldermen, by unanimous affirmative vote, approved an amendment to the Town of Kernersville's Thoroughfare and Street Plan as attached to this Resolution including that:

- The Town of Kernersville desires to have orderly growth to protect the health, safety, and welfare of its residents and businesses; and
- 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 and recreation, environmental, and financing of public improvements; and
- The *Kernersville Development Plan* has been duly adopted and amended; and
- Community planning is a process that requires constant evaluation of the community situation and review of its plans; and
- The Thoroughfare and Street Plan is a part of the transportation planning process in which the community decides on its transportation policies and projects; and
- The Board of Aldermen established the Thoroughfare and Street Plan Study Committee; and

- The purpose of the Study was to assist the community of Kernersville to understand the strengths and weaknesses of the current *Thoroughfare and Street Plan* based upon available data of current and future conditions, recommend to the Board of Aldermen amendments to the Plan, and recommend road design standards that compliment neighborhoods and commercial districts; and
- The Thoroughfare and Street Plan Study Committee, Planning Staff, and the Planning Board have made recommendations to adopt the recommendations of the Thoroughfare and Street Plan Study; and
- The Board of Aldermen, taking into consideration all recommendations, including the Minority Report of the Thoroughfare and Street Plan Committee, resolved to amend the Kernersville Development Plan's Thoroughfare and Street Plan by adopting "Chapter 10-Recommendations" of the Thoroughfare and Street Plan Study;

NOW, THEREFORE, be it hereby RESOLVED by the Board of Aldermen of the Town of Kernersville that this Resolution, together with the aforementioned Amendments to the Town's Thoroughfare and Street Plan adopted December 6, 2011, be forwarded to the North Carolina Department of Transportation with the request that they be placed with the North Carolina Department of Transportation Planning documents regarding streets and roads, and the future improvements thereto, within the Town of Kernersville.

This 13th day of December, 2011.

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

Town Manager Curtis Swisher explained that this study could lead to the reuse of rainfall/runoff generated from areas near Town Hall to potentially serve the Botanical Gardens, Town Hall, and Library for irrigation purposes. He reported that we are aware of a grant through the NC Rural Center which could pay up to 50% of the cost of the study. Staff requests permission to submit the grant and asked for the approval of a resolution.

Mayor Pro Tem Jones asked for the cost of the study. Mr. Russell Radford, Director of Engineering stated that we are negotiating the cost with the consultant but projected the cost would not exceed \$40,000. Mr. Swisher noted that the Town would be responsible for ½ the cost should we be awarded the grant.

Mr. Radford stated that the schedule for submittal is in January 2012. We should know in the spring or summer whether or not we have been awarded the money.

Alderman Stockton stated that he could support using the Stormwater funds and that this could potentially save the taxpayers money in the long run. Mr. Radford stated that there is the potential for several ways to save money. He stated that Town will face more requirements imposed on cities and towns to construct devices or develop methods at the Town's expense to treat water discharge. We are attempting here to develop ways to treat it and to reuse it for other purposes.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution supporting a grant application for the Town of Kernersville Rainwater Harvesting Feasibility Study. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-39

TOWN OF KERNERSVILLE RAINWATER HARVESTING
FEASIBILITY STUDY RESOLUTION

WHEREAS, the Board of Aldermen of the Town of Kernersville desires to sponsor a study to determine the feasibility of providing a system to harvest rainwater, which system could potentially serve the Town Administration Buildings, the Town Public Library, and The Paul J. Ciener Botanical Garden with reuse water for irrigation and other allowed purposes.

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

1. The Board of Aldermen hereby requests the State of North Carolina provide financial assistance to the Town of Kernersville in the amount of \$20,000.00, or fifty percent (50%) of the study costs (non-federal portion), whichever is the lesser amount, in order to obtain a feasibility study of the potential of utilization of rainwater harvesting in order to serve the Town of Kernersville with reuse water for irrigation and other allowed purposes;

2. The Town of Kernersville shall assume obligation for payment of any balance of the study cost (non-federal portion);

3. The Town of Kernersville shall comply with any and all applicable laws governing award of contracts, and the expenditure of public funds, by local governments;
and

4. The Town Manager is hereby authorized, and directed, to furnish such information as the North Carolina Department of Environment and Natural Resources may request in connection with an application and/or with the project proposed, to make assurances as may be contained in the application, and to execute such other documents as may be required in connection with the application.

This the 13th day of December 2011.

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

Mr. Swisher stated that he has received a request by CCUC to approve fees for the sanitary sewer service within Triad Business Park. Under the agreement between the Town and CCUC they collect sewer rates. The Triad Business Park is being served by the City of High Point system however; CCUC has agreed to collect the sewer rates along with the water. Mr. Swisher and Mr. Radford explained the method for calculating the rate to be used.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the below calculation of the sewer rate for Triad Business Park as recommended by Staff. Alderman Neal Stockton seconded the motion and the vote all for and motion carried.

- A. **Water Rates**: After the effective date of this Agreement, customers utilizing the subject utility services within the service area will be charged the **CITY’S** outside prevailing rate.
- B. **Sewer Rates**: After the effective date of this Agreement, customers within the service area will be charged a multiplier of 1.236 times the **CITY’S** outside prevailing rate. The Town shall receive the difference between the multiplier rate and the City’s outside prevailing rate. The difference shall be remitted to the Town by the City on or before September 30 and March 31 of each year.
- C. **Future Adjustment of Multiplier of Rates**: The parties agree that factors which would be used to determine equitable rates charged to customers within the **TOWN** are not foreseeable for the entire term of this Agreement. Therefore, the **CITY** agrees to increase, or decrease, the multiplier as deemed necessary upon the **TOWN’S** request to be made by Resolution of the Board of Aldermen.

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

Mr. Swisher stated that Staff has been working with a consultant to update the Town’s Design and Construction Standards manual and deferred to Mr. Radford for further explanation.

Mr. Radford stated that the Town first approved a Design and Construction Standards manual in 2001 and that there have been a couple of small updates since then. This is an attempt to bring the manual up to date and noted that a draft would be brought back to board for approval.

Alderman Dana Caudill Jones made a **Motion** to approve a contract for Professional Services with Anderson and Associates for Revisions to the Town Design and Construction Standards. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

8. 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 Forsyth County Tax Refunds

Thomas & Bennett Attorneys-at-law	Value Change	\$1,390.02
Sffga Kernersville LLC	Value Change	\$3,654.47
Sffga Kernersville LLC	Value Change	\$3,486.81

Alderman Tracey Shifflette made a **Motion** to approve the Consent Agenda as presented. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

9. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

10. SPEAKERS FROM THE FLOOR.

None presented.

11. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

The Town Manager stated that we were contacted by the Forsyth County Emergency Management requesting support for the purchase of WebEOC Crisis Management Software to be used by Forsyth County as well as surrounding agencies. He and Fire Chief Walt Summerville explained how the software would ensure that surrounding agencies are more efficient and effective coordinating emergency operations. The annual fee would be \$5,000 with additional operational fees approximately \$2,800. Chief Summerville stated that this will be a good deal for the Town and encourage the Board's approval.

Mr. Swisher stated that this item was not budgeted for in 2011-12 however, we don't know yet when we will expend the money. If expended this year, a budget amendment would be required. Chief Summerville stated that this matter will be taken to Forsyth County Commissioners and for the Town to be included he will need to submit a letter of support from the Town.

Alderman Neal Stockton made a **Motion** to authorize the Town's participation in the WebEOC Crisis Management Software through Forsyth County Emergency Management as recommended by Staff. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mr. Swisher stated that he wanted to clarify a map that was presented to the Kernersville Leadership Class. He stated that this information was previously sent to the Board and contained several alternatives for improvements to the S. Main Street/Cherry Street intersection. He stated that this alternative has not been approved and will come to the Board for final approval.

12. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

Mr. Wolfe stated that he wanted to update the Board regarding his research on the noise issue brought up at the last meeting by residents off Old Valley School Road. He explained why the Town's ordinance would not cover this issue and encouraged the residents to contact the Forsyth County Health Department or seek Legal Counsel for a resolution.

Mr. Wolfe presented an Interlocal Agreement with CCUC in regards to funds currently being held by CCUC for expansions to the Town's water and sewer system. Mr. Wolfe gave the history of this agreement and the subsequent amendment in 2003 which set aside funds to be used for Town expansions.

Mr. Wolfe stated that we currently owe to the City of High Point for the expansion to serve the Triad Business Park \$650,000 from this fund. He stated that when we requested those funds we received hesitation from CCUC which led to further discussions regarding the Town's use of those funds.

Mr. Wolfe explained that this proposed agreement requests the \$650,000 the Town owes to the City of High Point and that during the next six months the Town will hold discussions with CCUC to draft an amendment to the previous agreement outlining what is expected in regard to expansions of the water

and sewer system within the Town limits. If such agreement is reached a draft will be presented to the Board for consideration.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve an Interlocal Agreement with City-County Utilities Commission as recommended by Staff. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

Mr. Wolfe then requested a Closed Session at the end of the meeting.

13. MATTERS TO BE PRESENTED BY THE MAYOR AND BOARD OF ALDERMEN.

Mayor Morgan presented her recommendation of two citizens to be appointed to the Fireman's Relief Board: Carl Cook and David Fitzpatrick.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to accept the Mayor's nomination of Carl Cook and David Fitzpatrick to the Fireman's Relief Board. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mayor Morgan reported that the Nominations Committee met to consider applications for the Planning Board vacancy. The Committee recommends Ronnie Roberts be appointed to the Planning Board to fill the seat vacated by Keith Hooker.

Mayor Morgan stated that the Committee also met to consider an appointment to the Community Appearance Commission and recommends Susan Snow for that appointment.

Alderman Tracey Shifflette made a **Motion** to appoint Ronnie Roberts to the Kernersville Planning Board and Susan Snow to the Community Appearance Commission to fill unexpired terms. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

Mayor Morgan then reported on discussion by the Nominations Committee in regards to the Thoroughfare and Street Plan Study Review Committee that was recommended as part of the adoption of that study. She added that it is anticipated that this committee will meet infrequently but sufficiently to review the study and prepare an annual report to be heard possibly by the Planning Board in January and the Alderman in February of each year. The Committee meetings will be open to the public and the members would serve a three to five year term. The projected makeup of the committee is to be as follows: 2 Planning Board members, 2 members from the business/commercial/industrial/Institutional uses, 3 to 4 interested citizens and Staff.

Alderman Tracey Shifflette made a **Motion** that the Board establish a Thoroughfare and Street Plan Study Review Committee to submit an annual report to the Board and it be made up of Planning Board members, citizens, business/commercial/industrial/institutional representatives and staff to serve a 3 to 5 year term, and that letters be sent out to solicit individuals that are interested in serving on this committee. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

Mayor Morgan then wished everyone a Merry Christmas and safe holiday season. She complimented everyone involved on the Town's beautiful Christmas decorations.

Alderman Hooker also wished everyone a Merry Christmas & Happy New Year. He extended well wishes to Alderman-elect Irving Neal.

Mayor Pro Tem Caudill Jones wished everyone a Merry Christmas & Happy Holidays. She welcomed the new members to their first official meeting as a Board. She extended her prayers to Alderman-elect Neal also.

Alderman Stockton wished everyone a Merry Christmas & Happy New Year and stated that he looks forward to serving for the next two years and extended well wishes to Alderman-elect Neal.

Alderman Shifflette wished everyone a Merry Christmas and Happy New Year as well. She also extended well wishes and prayers to Alderman-elect Neal.

Alderman Tracey Shifflette made a **Motion** to enter into closed session at 9:21 PM to discuss certain matters about which our Town Attorney needs to advise us and which fall within the Attorney-Client privilege. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

14. ADJOURNMENT.

Being no further business to come before the Board the meeting was adjourned immediate following the Closed Session at 9:48 pm.


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 December 13, 2011.

This the 13 day of February, 2011.


Dale F. Martin, MMC, Town Clerk