

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. JUNE 5, 2012**

The Board of Aldermen of the Town of Kernersville met in regular session at 7:07 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, Irving Neal, Keith Hooker and Alderman Neal Stockton. Mayor Pro Tem Dana Caudill Jones.

Absent: None

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Police Chief Ken Gamble; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Terry Crouse, Assistant Fire Chief; Ray Smith, Human Resources Director; Gray Cassell, Information Services Director, Russell Radford, Engineering Director, and Brian Ulrich, Transportation Manager and Sharon Richmond, Senior Planner.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND JEFF PATTERSON, MAIN STREET UNITED METHODIST CHURCH**
- **PLEDGE OF ALLEGIANCE**

Mayor Dawn Morgan called the meeting to order and Reverend Jeff Patterson of Main Street United Methodist Church delivered the invocation which was followed by the Pledge of Allegiance.

- **RECOGNITION OF THE BISHOP MCGUINNESS HIGH SCHOOL GIRLS 2012 BASKETBALL TEAM**

Mayor Morgan recognized Coaches Brian Robinson and Trish France, and players Julie Brown, Katie Burske, and Sarah Anne Craven for their achievement in Girls basketball at Bishop McGuinness High School. Mayor Morgan noted that the girls' team has won the State Championship for seven consecutive years. She then presented Coach Robinson with a proclamation and each player with a certificate.

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| PUBLIC HEARINGS |
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- 1 a. PUBLIC HEARING: on proposed Fiscal Year Operating Budget 2012-2013.**

Town Manager Curtis Swisher presented the FY 2012-13 Annual Operating Budget for the Town of Kernersville. He highlighted the current tax rate of 49.75 cents and the proposed tax rate is 51.75 cents. He presented the projected revenues noting that the ad valorem taxes for Forsyth County have decreased and reported a slight increase for Guilford County. The largest source of revenue for the Town is property taxes.

Mr. Swisher stated that Towns are required by the State to balance their budget each year. He presented a pie chart illustrating revenues and expenditures broken down by department. He presented the recommended purchases included in this proposed budget: an aerial truck for the Fire Department and explained the uses for this new truck; breathing apparatus for the Fire Department; radios for Fire and Police and explained that our technology will be obsolete in a few years. He recommends purchasing five (5) police cars, a Parks and Recreation Crew Cab truck and a mower. He also recommends two (2) Sanitation Automated trucks.

Mr. Swisher then presented personnel changes that are being recommended which include the elimination of seven (7) positions, and the addition of one (1) new seasonal position in the Parks & Recreation Department. Mr. Swisher noted that this is the third year for personnel changes and presented all the changes implemented in the past three years. He noted the 35 hours of furloughs each employee was required to take, the eliminated 401k contribution and no cost of living or merit increases. He stated that this year no furlough was recommended however employees are now paying a higher portion of their health insurance.

Mr. Swisher presented the cost justification for Staff's recommended automated recycling program.

Mr. Swisher presented the Town's tax rate history and then presented the tax rates for the surrounding communities for comparisons. He noted that citizen's point out that Kernersville has the highest tax rate in Forsyth County. He stated that Kernersville is the only municipality with the exception of Winston-Salem that provides a full range of services to their citizens. He explained that the tax base for Winston-Salem is much larger than Kernersville and in fact the tax base for their downtown alone is more than Kernersville's tax base. Mr. Swisher then presented the cost of monthly expenses such as phone, cable, water, and house payments per household. He presented the average median homeowner tax bill per month at the current tax rate, and it is \$63.80. He then presented the cost for the following list of services if they were contracted out to the private sector: Garbage Pick-up @ \$180, Leaf Pick-up @ \$750 (\$150/per pick-up X 5 pick-ups), Brush Removal @ \$120 (2 small piles @ \$60 each); Car Unlock @ \$100 ea. for a total of \$1,150 per year. He noted that a citizen with a \$154,000 home pays \$765 per year in taxes and a citizen with a \$200,000 home pays \$995 per year in taxes.

Mr. Swisher presented the impact of a 2 cent tax increase as follows and noted that it would still be a savings for the homeowner:

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| \$154,000 Home | \$30.80/year |
| \$200,000 Home | \$40.00/year |
| \$300,000 Home | \$60.00/year |

Mr. Swisher presented the Town's strong financial condition and the changes in the Fund Balance since 2008. He then presented the deficit situation the Town could face in FY 13-14, highlighting the loss in current revenues and projected new revenues. He explained that the loss in the Sales & Use Taxes along with other revenue sources expiring next year and the increase in known expenses will result in a projected deficit of approximately \$972,849 already for FY 13-14. He stated that the Forsyth County Tax office will conduct a reevaluation process in FY 13-14 and property values are projected to decrease. He explained that a tax increase would be needed just to offset the decrease in property values in addition to an increase to cover additional expenses to balance the budget. Mr. Swisher made himself available for questions.

Mayor Morgan declared the Public Hearing open.

B.H. Simpson, 1253 Old Salem Road, Kernersville, NC – thanked the Board for the opportunity to speak against a tax increase. He spoke of his experience as a salesman of heavy equipment to municipalities in the area. He noted the incompetency in purchasing and services provided by these other agencies. He spoke of increased prices in equipment purchases as well as services. He stated that he is not accusing Kernersville of mismanagement however; he speculated there was room for improvement. He commended the Town Manager on the budget but encouraged conservatism. He stated that the last time he saw a list of tax rates that came in his tax bill; Kernersville was the highest in the area. He asked the Board to consider carefully a tax increase.

Tim Mason, 648 Piney Grove Road, Kernersville, NC – thanked the Town Manager for his budget presentation as well. He asked for the amount a one cent tax increase generates. Mr. Swisher stated that it would be approximately \$253,000. Mr. Mason stated that he likes the use of large recycling containers and less pickups. He believed more people would be willing to use the recycling bins. He suggested that for those not willing to pay the \$60 for the yard cart, a label be provided so that he could use the bin for recycling. Others may be willing to use this cart as well and could save some money.

Mr. Mason stated that some of the money the Town knew would be eliminated should have been brought up before now and maybe he would not have been such a squeaky wheel on certain items. Some of the money given away should not have been, knowing that we would have these deficits. He recommended keeping the Police Cars at the station and sharing the vehicles among the officers. He offered suggestions regarding the non-profits, that we should have been reducing their amount over the last three years so they could ease into it. He asked the Board to look more long term in evaluating the Town budget.

Mayor Morgan asked the Town Manager to address the non-profits and past efforts to educate citizens on the budget.

Mr. Swisher explained that the Town has known about the loss of revenues since 2008 and explained how the loss came about through the General Assembly and the implementation of the hold harmless money. He stated that when the recession hit, sales and use taxes went down and have not come back up to make up the loss in this revenue source.

Mr. Swisher explained difficulties in not using these funds over the last couple of years to balance the Town budget. Unless something changes in the General Assembly, we will lose this source of revenue. A decision is expected shortly but it does not seem likely it will pass.

Mr. Swisher stated that the Town gives \$92,000 in grants to non-profits. Cuts were looked at in past years and they were cut by 1/3 a few years ago. In the past few years, the Town has made significant cuts and changes to services while the funding for non-profits remained the same.

Mr. Swisher stated that Police Officers taking cars home has been looked at numerous times and it has been documented that an officer having his own vehicle saves wear and tear on the vehicles as they are taken better care of by the Officers. It also saves time when Officers are called back for duty. The vehicles last twice as long when assigned to one Officer than when shared.

Mr. Mason commended the Town on the type of fuel purchased and the money this saves the Town.

Mayor Pro Tem Dana Caudill Jones asked about the green carts of those who chose not to pay for and use for yard waste cart, could they use these carts for recycling.

Mr. Maltba explained that our new cans are coded to provide us with lots of data that can be used in our operations. He also noted that it's a minor issue but our Employees know that certain trucks pick up certain colored cans and this could become confusing. He noted that Winston-Salem went to this type program and they experienced a 40% in tonnage collected. That would increase our revenues in recycling but also a decrease in tipping fees paid at the landfill.

Alderman Shifflette addressed Mr. Simpson's comments regarding Kernersville's tax rate and gave website addresses where this information can be found and concurred with the rates the Town Manager presented in his presentation.

Harvey Pulliam 415 Holt Street, Kernersville, NC – thanked Mr. Mason and Mr. Simpson for taking the time to speak tonight. He expressed a concern with time constraints placed on speakers at the budget public hearing. He encouraged the Board to carefully consider this budget and not abandon your fiduciary responsibilities. He expressed a concern with the fund balance scare and suggested the Town explore the possibility of acquiring a catastrophic insurance policy to eliminate the need to carry a fund balance that exceeds what's required by the Local Government Commission.

Mr. Pulliam asked why funding cuts are not being made to other non-profits such as the League of Municipalities and Piedmont Council of Governments. He then questioned the purchase of land adjacent to Town Hall. He noted the request for most of the new Employees is for the

Recreation Department and this service was not originally intended to be funded with property taxes. He reminded the Board that Fire, Police, Sanitation and Building Inspections were the original intent for property taxes.

Mr. Pulliam referred to the Town's quality of life and asked if Kernersville is a better place to live than 1 year ago, 5 years ago, 10 years ago and 20 years ago. He stated that the only ones that can say yes are government officials.

Mr. Pulliam commended the Town Manager on his effort in presenting next year's budget.

Being no further speakers, Mayor Morgan closed the Public Hearing.

Mayor Morgan called a recess of the meeting at 8:34 PM. The meeting was reconvened at 8:49 PM.

Mayor Pro Tem Dana Caudill Jones thanked everyone for their comments on the budget. She explained that the purchase of the property on S Main was for use by the Town and for investment purposes. She noted the Town was able to purchase this property at an excellent price and below appraised value and that rental of the property will bring in more money than the Town will be paying out.

Mr. Swisher noted the property addresses and added that one of the spaces will be used by the Engineering Department and the rest will be rented out. He explained that the initial purchase of the property was taken out of the fund balance however; the Town will borrow the money to reimburse the Town. The payments on the land will be approximately \$88,000 and we expect to generate \$100,000 per year with a 75% occupancy rate. He noted the property is currently 70% occupied. He noted where these line items appear in the budget.

Mayor Pro tem Caudill Jones stated that we are sometimes surprised by the numbers we get back in the budget however, she believes the Town Manager presented a reasonable budget and is doing his job by trying to protect the Town's fund balance. She commended the Staff for implementing savings and cuts wherever possible. She stated that she is not in favor of a tax increase at this time and supports taking the shortfall from the Town's fund balance. She then asked to hear from other Board members.

Alderman Irving Neal commended Mr. Swisher on his budget presentation as well. He stated that he is proud of the services we offer. He stated that you can call the police department or fire department and they are right there, your trash gets picked every week. He spoke of the need for a new fire truck that is expensive, but we would pay a higher price later when the old truck must be taken out of service. He referred to a need for recreation and the excellent programs we have for soccer, baseball etc. He stated that the Board has to weigh all the issues that affect the Town. He stated that although we have made deep cuts this year, he could not vote for a tax increase. He expressed a great concern for next year's budget. Next year is not a matter of cutting cost but cutting services that our citizens deserve.

Alderman Neal stated that he appreciates the comments made tonight regarding the budget. He appreciated Mr. Pulliam's comments but wished he would have said it differently.

Alderman Shifflette stated that she concurs with comments from Mayor Pro Tem Caudill Jones and Alderman Neal. She too felt that next year is an unknown and we need to inform our citizens of what is coming up as best we can. She supported taking the budget shortfall from the Town's fund balance.

Alderman Keith Hooker agreed that this is a good budget but has areas for improvement. He also opposed a tax increase this year. He noted that according to the presentation the only tax increases were for the road bonds and the rate went down with revaluation. He stated that the Town has been revenue neutral for years and would like us to continue that trend. He supported taking this year's shortfall from the fund balance and to look at additional cuts.

Alderman Hooker pointed out that the Town has approximately 33% of our budget in savings and recommended we use some of this savings this year and come up with plan for next year.

Mayor Pro Tem Caudill Jones asked Alderman Hooker if he would share his recommended cuts to the budget.

Alderman Hooker stated that most of the money being spent on capital purchases has explanations that the maintenance costs are high. He didn't see that those maintenance line items were reduced. He pointed out the radios being purchased for Police and Fire departments and noted that the maintenance costs in those departments were not decreased.

Mr. Swisher explained that the maintenance cost for vehicles and equipment is included in the Central Maintenance budget and while some equipment is being replaced, we have other equipment that is getting older that will still need to be maintained. The line item for parts and accessories was reduced.

Mayor Morgan asked Chief Gamble and Mr. Maltba to come forward.

Alderman Neal noted that if we don't upgrade the Police and Fire radios at some point we won't be able to dispatch our calls and would have to contract this out. Mr. Swisher stated yes at some point it would have to be contracted out. Mr. Swisher pointed out the communications towers that the Town owns and the rent received from those towers. The rent received more than pays for improvements and upgrades.

Mayor Morgan asked Chief Gamble and Mr. Maltba to give some background on the Town's use of radios and the impact this has on our operations. She also asked them to address Alderman Hooker's questions regarding maintenance costs in the budget.

Chief Gamble stated that the Town Manager addressed the monetary issues however; the maintenance doesn't only cover the radios but also the console and the infrastructure at the Tower site. He added that this cost did go down significantly this year. He stated funds are also included in this line item for programming of radios when necessary and for installation of

radios. Chief Gamble stated that the Department's philosophy is to provide walkies and in car radios because of safety issues for our Police Officers. The Department continues to look for ways to manage those costs. There will always be costs associated with the system whether we pay Forsyth or Guilford County to integrate into their system or for brand new radios. Our main concern is that we have radios that our Officers can depend on.

Alderman Stockton referred back to the Town's previous radio system where Communications could not communicate with Officers in the field. This was a safety issue that had developed because we did not keep up with technology. Chief Gamble stated that this also impacts other departments that we need to communicate with daily as well as State Troopers and other law enforcement agencies.

Mayor Morgan pointed out that the Town Manager and Chief Gamble are involved in discussions with surrounding cities on what plans are for the future.

Alderman Stockton reminded the audience of what happened on 9/11. Kernersville is preparing itself for incidents that may arise here in Kernersville.

Alderman Hooker also spoke of the safety of our officers and the Town's need to provide them with dependable equipment.

Mayor Morgan asked about capital purchases recommended to help manage maintenance costs for our aging equipment. She asked Mr. Maltba to bring us up to date on our equipment and maintenance provided by the Central Maintenance Division.

Mr. Maltba stated that the last time he checked the average age of most of our equipment is 9.8 years which is above the State's recommendation. He stated that this directly relates to maintenance. He stated that tires and fuel consumption is fairly predictable but some things are not such as parts and contracted services. We calculate the labor costs using a monthly average and adding some for aging. We did back out a little cost for maintenance for some of our equipment such as the automated Solid Waste Truck. He stated that when one of our Solid Waste trucks went out we had to borrow a truck from one of our vendors to provide service. He added that Central Maintenance maintains most the Town's equipment with few exceptions that are contracted out. We maintain approximately 300 pieces of equipment.

Alderman Stockton stated that we would like to sit back and see what is going to happen. He commended Mr. Swisher on preparing the budget and the process we go through. He stated that it is very important to find a better way to manage the spending that we have. He pointed out the potential for the Town to grow more into Guilford County and how this will benefit Kernersville.

Alderman Stockton stated that as part of the Town, he has seen the cuts and felt the pain. He pointed out the furloughs and layoffs of Employees, cutting their 401K and other benefits were hard. These employees did not waiver in providing Town services. He added that this community is very proud of the services we offer and we want to continue to maintain that high level of services. He supports taking the shortfall from the fund balance and then encouraged the Board to sit back and see what happens.

Mayor Pro Tem Caudill Jones agreed with Alderman Stockton's point of commending Town Employees for continuing services through these tight budget years. She stated that we have all seen things change and through good planning and balancing our resources no one has requested cutting services. She stated that the Departments have been frugal with the funds that they have. She stated that in year's past, there may have been some fluff in the budget but now we are cutting into our staff. She stated that we have done a good job in allocating our funds and that every year we have told the non-profits that we will try to fund agencies at the same level. She stated that maybe in six (6) months we can look at our budget and if we are doing better than anticipated we can allocate them more money.

Mayor Pro Tem Dana Caudill Jones made a **Motion** directing the Town Manager to prepare a budget ordinance with no tax increase, to include the recommended capital purchases, the elimination of positions as recommended, that the non-profits grants be funded at ½ the current level, that we implement changes to the automated recycling program as recommended and that any shortfall in funding be taken from the fund balance. She stated that we will look at the budget situation in 6 month to determine if more funds are available for our non-profits. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Alderman Hooker recommended that if the Town does get the hold harmless money from the General Assembly, that we use this money for capital purchases and not for general operations.

2a. PUBLIC HEARING: Tim Knowles, Agent for J. C. Faw, Owner, for a portion of the property located at 1494 Hwy. 66 South (PIN #6885-53-8154), being the northern portion of said lot, containing 1.5 acres more or less. Petitioner requests a Special Use District rezoning from HB-S (Highway Business – Special Use District) to HB-S (Highway Business – Special Use District). Requested Use: Restaurant (without drive-through service). Zoning Docket K-547.A2

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this rezoning request. He presented the site location on Hwy. 66 South which is to be used for a restaurant without a drive-through. He presented the design of the building and aerial photographs of the site. He stated that the Planning Board and Staff recommend approval of the rezoning request as presented.

Mayor Morgan declared the Public Hearing open.

In Favor

None presented.

Opposed

None presented.

Being no speakers in favor or opposed, the Public Hearing was closed.

2b. Consideration of an ordinance for rezoning petition.

Alderman Tracey Shifflette made a **Motion** to approve the following Ordinance amending the Zoning Ordinance of the Town by rezoning the property in case K-547A.2 from HB-S to HB-S. The said rezoning being consistent with the Town's Comprehensive Plan, and further being both reasonable and in the public interest because:

1. The use of restaurant without drive-through is consistent with the original Stafford Center approval from 2001.
2. Special Use District rezoning is used to assist in integrating land uses and the petitioner is in compliance with the UDO by making the request for Modification of the District for the change in the landscape streetyard for Abbotts Trace.

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

Town Ordinance

Zoning Petition of Tim Knowles, Agent for Owner

Zoning Docket K-547.A2

**ORDINANCE NO. O-2012-09
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 Ordinance and the Official Zoning Map of the Town of Kernersville, NC are hereby amended by changing from Zoning District HB-S (Highway Business – Special Use District) to HB-S (Highway Business – Special Use District) for property located at 1494 Highway 66 South, being the northern portion of lot PIN #6885-53-8154, containing a total of 1.5 acres more or less, and being further described as follows:

BEING KNOWN AND DESIGNATED as being the northern portion of lot PIN #6885-53-8154 as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina as:

BEGINNING at a new iron pipe eastern margin of Abbotts Trace Drive a 60' public right-of-way and being the, the southwest corner of Wenstar Properties, L.P., either now or formerly, as described in instrument recorded in Deed Book 2528, Page 1183, in the Forsyth County Registry (the "Wenstar Property"), said point also being South 13 deg. 57 min. 11 sec. West 184.26 feet from an existing "x" in concrete at the intersection of the eastern margin of Abbotts Trace Drive and the southern margin of Stafford Centre Drive; and running thence from the Point of Beginning, leaving the eastern margin of Abbotts Trace Drive in an easterly direction along the

southern line of Wenstar Property South 72 deg. 46 min. 04 sec. East 285.13 feet to a new iron pipe in the newly proposed western margin of N.C. Highway 66 a public right-of-way, the southeast corner of Wenstar Property; thence with the new proposed eastern margin of N.C. Highway 66, the following three (3) courses and distances: (i) South 14 deg. 31 min. 27 sec. West 4.28 feet to a new iron pipe (ii) South 20 deg. 08 min. 08 sec. West 100.29 feet to a new iron pipe (iii) South 13 deg. 14 min. 59 sec. West 123.20 feet to a new iron pipe, a new corner with J. C. Faw, either now or formerly, as described in instrument recorded in Deed Book 2116, Page 1113, in the Forsyth County Registry (the “Faw Property”); thence leaving the western margin of the new proposed N.C. Highway 66 in a westerly direction along a new northern line of the Faw Property North 72 deg. 46 min. 04 sec. West 274.68 feet to a new iron pipe in the eastern margin of Abbotts Trace Drive, the new northwest corner of the Faw Property; thence along the eastern margin of Abbotts Trace Drive the following two (2) courses and distances: (i) along a curve to the right having a radius of 370.00’ and a chord bearing and distance of North 11 deg. 42 min. 51 sec. East 28.37 feet to an existing iron pipe; (ii) North 13 deg. 57 min. 11 sec. East 199.42 feet to the Point and Place of Beginning and containing 1.447 acres more or less.

The above described parcel is the northern portion of Lot 13 as described in Plat Book 47, Page 158 Forsyth County Registry, and being a part of tax parcel PIN # 6885538154.

SECTION 2. This Ordinance shall be effective upon condition of compliance with the site plan entitled “*Mi Pueblo Mexican Restaurant*”, identified as “Attachment A of the Special Use District Permit” issued by the Board of Aldermen the 5th day of June, 2012.

SECTION 3. The Board of Aldermen of the Town of Kernersville hereby directs the issuance of a Special Use District Permit pursuant to Chapter 19 of the Town Code for a portion of the property located at 1494 Highway 66 South. Said Special Use District Permit and site plan with associated documents attached hereto and incorporated herein.

SECTION 4. This Ordinance shall be effective from and after its adoption.

Adopted this the 5th day of June, 2012.

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 entitled “*Mi Pueblo Mexican Restaurant*”, included in this zoning petition of Tim Knowles, Agent for Owner. The site shall be developed in accordance with the plan approved by the Board of Aldermen the 5th day of June, 2012 and signed, provided the property is developed in accordance with requirements of the zoning district HB-S (Highway Business – Special Use) District of Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the approved use of *Restaurant (without drive-through service)*.

SITE PLAN:

Approval with the following conditions.

***Standard Conditions**

1.) Transportation

- a. *A Town of Kernersville driveway permit is required to access Abbotts Trace Drive.

2.) Plat Requirements

- a. *All storm drainage easements meeting the Town's requirements for easements as outlined in the *Town of Kernersville Design and Construction Specifications* manual shall be shown on the final plat.
- b. Petitioner shall plat a five (5') foot negative access easements along N.C Highway 66 South.
- c. *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.....*" (and state the party responsible for maintaining the storm drainage devices).

3.) Public Infrastructure

- a. *All water and sanitary sewer drawings with appropriate easements shall be approved by the City-County Utilities Commission.
- b. *All detailed construction plans for infrastructure must be submitted and approved by the Engineering Department with the building permit application prior to any construction.
- c. *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.

4.) Environmental and Stormwater Management

- a. *Developer shall adhere to all State, Federal, and Local Government environmental regulations.
- b. *A Watershed/Stormwater Permit approved by the Town Engineer is required.
- c. *A detailed grading plan for lot drainage, shall be submitted with the construction plans. Detailed grading plans shall be in compliance with current requirements of the North Carolina Building Code.
- d. *Drainage design calculations shall be submitted with the submittal of the grading plan. **A building permit will not be approved if the existing detention ponds for Stafford Center are not improved or maintained.**

5.) Emergency Services

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

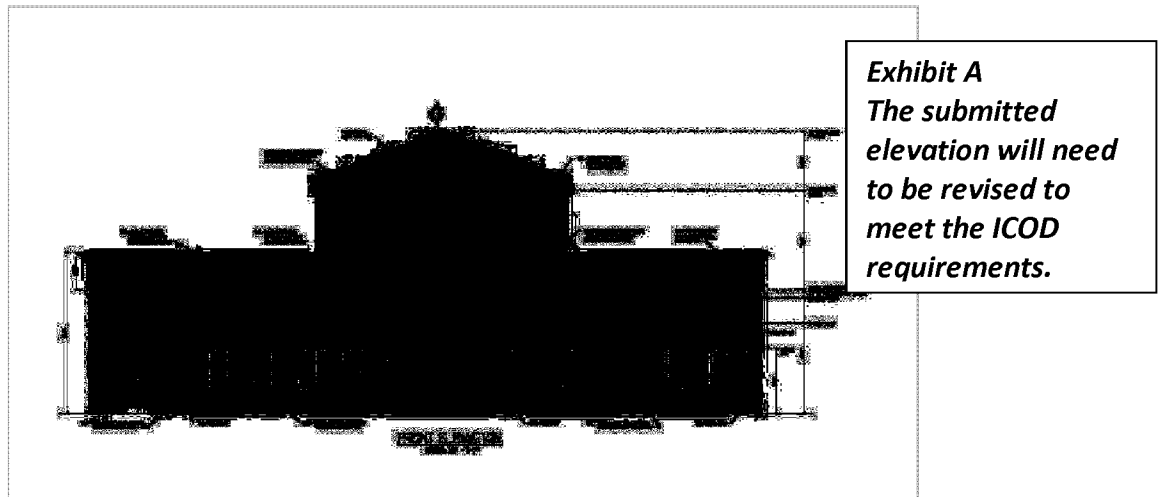
6.) Building Standards for the ICOD District

- a. **Building Materials.** The construction of any new building, or any addition to an existing building, not exempt, shall be restricted by use of the following:

Facade Fronting a Corridor. The primary material of any façade fronting an existing or proposed right-of-way within the ICOD shall consist of brick, but may contain facade accent elements of stucco, texture concrete block, tile, native stone, columns, pre-cast trim, and/or canopies. The primary facade material used in the construction shall compose at a minimum seventy five percent (75%) of the non-glass wall surface. Quik Brik™ or similar product may be used as a substitute to brick.

Facade Visible from Corridor. The lower ten feet (10') of façade, shall be constructed with one and/or a combination of brick, native stone, wood, decorative cast concrete, stucco, textured tinted concrete block and/or tile. Metal or vinyl may be used above the ten feet (10'). Quik Brik™ or similar product may be used as a substitute to brick.

Facade Not Visible from Corridor. Vinyl siding, metal facade covering, or other synthetic veneer materials shall be allowed as construction material(s) when a façade is not fronting or visible from the corridor.



Colors. All facade colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors, are prohibited. High intensity whites used for the façade shall be prohibited unless low reflecting, subtle, neutral or earth tone trim is used. Building trim and accent areas may feature brighter colors, including primary colors; however, neon tubing shall not be an acceptable feature for building trim or accent elements. Roof colors shall be low reflectance and non-metallic.

7). Parking and Signage

- a. *The signage requirements offer two choices; monument style sign, eight feet (8') or less in height and fifty (50) square feet or less in area; or a decorative double post sign, six feet (6') or less in height and thirty two (32) square feet or less in

area. All illumination shall be indirect lighting or if internally lit, knockout or routed letters only.

8). Landscape, Signage, Pedestrian Access

- a. *Developer shall submit, at time of building permit, a detailed landscape plan showing the modifications along Abbotts Trace and the sideyards. The plan shall also show the streetyard and berming along N.C. Highway 66 South. The plan is required to show interior parking lot landscape material and all quantities, selections, and sizes conforming to the Industrial Corridor Overlay District.
- b. *The lighting for the project shall be required with no light above “cut-off lighting fixtures”. Cut off lighting fixtures are lights that cast light downward. Pedestrian scale lighting should illuminate so that lighting dissolves at the roof lines of buildings or the top of the light pole. Pole heights shall be a maximum of 25 feet or less. Security lighting for the building (if needed) shall be a cut-off lighting fixture mounted to a pole or wall.
- c. Developer shall install a 5' sidewalk from the Abbotts Trace sidewalk adjacent to the entrance drive, with a crosswalk across the parking lot drive, to the sidewalk along the northern side of the restaurant.
- d. Developer shall install a 5' sidewalk from the NC 66 South sidewalk to the parking lot, with a crosswalk across the parking lot drive, to the sidewalk along the restaurant.
- e. Developer shall install a crosswalk at the entrance drive from Abbotts Trace.

Mayor Morgan called a recess at 9:39 PM and reconvened the meeting at 9:50 PM.

- 3a. PUBLIC HEARING: Alan Duncan, Agent for TDO Land Holding LLC, Owner for a portion of properties located within the eastern terminus of the Triad Business Park, being a part of 600 Gray Wilson Road (PIN # 6895-89-3763) located on the western side of S. Bunker Hill Road , all of 314 S. Bunker Hill Road (PIN # 6895-99-3213), all of 318 S. Bunker Hill Road (PIN # 6895-88-9886), all of 324 S. Bunker Hill Road (PIN # 6895-98-2552), and part of 408 S. Bunker Hill Road (PIN # 6895-88-9070) located on the western side of S. Bunker Hill Road, containing a total of 115 acres more or less, as listed in the Guilford County Tax Department. Petitioner requests a Special Use District rezoning from BI (Business Industrial) to IP-S (Institutional and Public-Special Use District). *Requested Uses: School, Public; and School, Vocational or Professional.* Zoning Docket K-712 (Protest Petition has been filed)**

Mr. Jeff Hatling presented the Planning Board report for this rezoning request. He pointed out the location in the Triad Business Park and the surround land uses. He reported that a valid Protest Petition has been filed which will require a vote of 4 of the 5 Alderman to approve the request. He presented the following concerns submitted by the Municipal and School Transportation Assistance (MSTA):

- The Site Plan requires changes to the internal traffic operations to provide safe ingress and egress to the State highway system. This design is expected to fail. MSTA is available to assist with further design considerations to be incorporated in a final submittal.
- The TIA analysis does not properly address traffic expected at the school driveways. These driveways are expected to fail. A revised TIA should be submitted before a thorough review can be completed.
- The close proximity to an industrial area and noises.
- The close proximity to an industrial area and related heavy truck traffic.
- The close proximity to an active Railroad Line presenting high noise levels and possible limited road access to the school.
- The close proximity to US 421 and I-40 presenting high noise levels.
- Very Poor connectivity to residential development and providing for pedestrian and bicycle transportation. This places additional demands on the local roadway systems for many years to come.
- High and Middle Schools will need additional review for traffic operation, parking lot design and adequate on-campus vehicle queue length.
- The site will be located approximately one half miles from Colfax Elementary School. This could encourage residential growth in the area.
- Nearby intersections will likely need improvements including, but not limited to, signal upgrades, roadway widening and additional turn lanes.
- School traffic congestion is expected along South Bunker Hill Road that will require a staggered time schedule between the High School and Middle school.

Mr. Hatling noted concerns expressed by the Guilford County Board of Education and conflicts with the Triad Business Park and the Kernersville Land Use Plan. He presented the projected tax revenue of this site if it is developed as industrial uses as planned for the business park. He presented conflicts with the Town's Thoroughfare and Street Plan. Mr. Hatling stated that parking, landscaping and watershed shown on the site plan meets the requirements of the UDO; however, the plan does not conform to the approved Triad Business Park subdivision plan.

Mr. Hatling stated that the Planning Board and Staff recommend denial of the rezoning and cited conditions for denial. He stated that they also recommend denial of the site plan. If the Board considers adoption of the site plan, he presented a list of recommended conditions. He then made himself available for questions.

Mayor Morgan declared the Public Hearing open.

In Favor

Andrew LaRowe , Chief Operations Office, Guilford County Schools, 617 W. Market Street, Greensboro, NC – sent his regrets that members of the Guilford County School Board could not attend as they are attending High School Graduations. He expressed his appreciation to the Kernersville Board and Staff for their cooperation and for the opportunity to work with the Town on this project. He recognized his Planning Team in attendance and added that they have been working on this project for some time.

Mr. LaRowe reported that voters in Guilford County approved funding for a new high school

and middle school in 2008. He stated that Staff evaluated over 60 sites for this project and feel that this site is the best site to serve this area. Mr. LaRowe presented the challenges Staff had in selecting suitable land for this project. Mr. LaRowe addressed the transportation concerns noted for Bunker Hill Road. He stated that Staff will work closely with NCDOT on this project. He assured the Board that they do not take safety lightly as all their schools are designed to address safety concerns.

Mr. LaRowe expressed concerns about the existing wetlands and whether or not that area can be crossed. The School System considers this to be a natural buffer. He noted that the topography of the other sites have been difficult. He explained that the school system has a very specific checklist of criteria that is used in selecting a school site. This site will work for this project. He briefly described some of the other sites that had been evaluated and the problems with those sites. He stated that water and sewer is a big issue when selecting a site and both are available on this site.

Mr. LaRowe stated that Guilford County negotiated the land sale with TDO which was very interested in working with the School System on this project. He explained that the Guilford County School System prefers not to use their power of eminent domain to acquire land for schools but instead look to purchase suitable property. He presented the time frame for the purchase and rezoning of this site. In conclusion, he added that they understand land use planning and are responsible for making long range decisions as well. It takes a long time to pass a bond referendum and to determine site locations. In the meantime they have to bring in more mobile classrooms until it gets to a point where you have to build a new school. He stated that we are at that point in western Guilford County and asked for the Board to consider this request.

Opposed

Garland Stack, 8949 Bending Road, Colfax, NC – spoke of the School Systems failure to conduct an objective search for a school site. He noted that the School System has changed or combined areas served by this school occasionally. He stated that they have overlooked the Highway 68 area unless the land is being preserved for utilization by the Airport Authority. He stated that this site failed badly when evaluated by the State's basic standards for public schools and that this site is a poster boy for where not to put a public school. He noted the site failed in areas of safety, logistics, roads, train crossings and incompatibility with industrial uses. He spoke of the cost of the land to be estimated at \$10 million but the School System failed to mention the costly infrastructure improvements that will be necessary.

Mr. Stack noted that many of the major benefactors of this site are land developers, the City of Greensboro and City of High Point. He stated that few parents are aware of the unsafe, crowded and hard to access site for their students and referenced a map that shows that only a few students live in or near Colfax and will be served by this school. Mr. Stack stated that there was a failure to provide transparency of the planning for this site until after decisions were made and this is evidenced by the late invitation for adjacent land owners to review plans last week.

Mr. Stack encouraged the Board to deny this request for rezoning and keep the land for industrial zoning as committed by all parties which will result in the School System's search for a more suitable location. He thanked the Board for the opportunity to speak.

Harvey Pulliam – reminded the Board that they were elected to represent the people of Kernersville. He reminded the Board of the sizable investment made on this business park property. He pointed out that there have been hours of meetings on this project and from the beginning they were told Kernersville was not in favor but they kept hounding Kernersville. He noted that Kernersville looked at this as an investment to help our tax base and that the Board should hold to the agreements made and use this for industrial property and vote down this request.

Brian Hall, 309 Gallimore Dairy Road, Greensboro, NC – representative from Samet Corporation, thanked the Board for the opportunity to speak. He stated that Samet and the Town has seen a good marriage for about five years now. He supported the efforts of the Guilford County Schools.

Andy LaRowe chose to give a rebuttal to clarify the reason Guilford County School is here. He stated that this is a very important process. He stated that they are aware of the Planning Board's decision, however; we have to see this through. We are hopeful that we will be understood.

Mr. LaRowe explained that in terms of transparency, it is very important to the School Board that we conduct real estate transactions in closed session for many reasons. He stated that Alan Duncan is not an agent for TDO but the Petitioner on this application. He added that somewhere in the middle of all this we have to have good adequate schools that are well placed. We all have to work together to overcome our crowded schools.

Mr. Stack stated that it is obvious that Mr. LaRowe is devoted to education and appreciates his efforts. However, he had to take exception to the placement of this school at this location when there is plenty of other land available and encouraged officials in the area to work together to find a suitable location.

Mr. Pulliam stated that this is the end of line and that the Board represents the people of Kernersville and should preserve our sizable investment by voting no.

Being no further speakers either in favor or opposition, Mayor Morgan declared the Public Hearing closed.

3b. Consideration of an ordinance for zoning petition.

Mayor Pro Tem Dana Caudill Jones stated that there has been a great deal of discussion on this site. She recognized the difficult task before the Guilford County Schools but she is not here to make decisions that are best for the School System or TDO, but for the residents of Kernersville. She supports keeping this area as industrial to be used as part of this business park.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to deny the rezoning of the property in case K-712 from BI to IP-S in that to do so would not be consistent with the Town's Comprehensive Plan and would be unreasonable and not in the public interest because:

1. The use School, Public **does not** conform to the Kernersville Comprehensive Plan's Land Use Plan.
2. The Proposed site plan **does not** conform to the Kernersville Comprehensive Plan's Thoroughfare and Street Plan as being implemented through the Triad Business Park subdivision.
3. Guilford County Schools have failed to gain approval from NCDOT and the Town of Kernersville Engineering Department for their Traffic Impact Analysis (TIA) and proposed road improvements.
4. The use School, Public **is not** a compatible use adjacent to heavy industrial use.
5. The use School, Public **is not** a compatible use to the existing FedEx Ground facility.
6. The use School, Public would adversely impact the financial value of the surrounding property.

Alderman Neal Stockton seconded the motion.

Alderman Stockton stated that it is important that we have strong public schools. Kernersville supports numerous programs in our schools however; this is a business decision for the Town of Kernersville.

The vote was all for and motion carried.

4a. PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville, for a proposed Unified Development Ordinance (UDO) Text Amendment by amending Chapter B; Article III; Section 3-2; Sign Regulations; 3-2.1(B)(1)(e); Political Signs. Zoning Docket KT-208

Mr. Jeff Hatling presented the Planning Board Report for this text amendment regarding political signs. He explained that in 2011 the NC General Assembly adopted a law to permit the placement of campaign signs in the right-of-way of state-maintained roads even if the roads are in towns with sign ordinances that would prohibit or control the size and placements of these signs. He noted that this law allows for a slightly larger sign than what our currently regulations allow. Mr. Hatling stated that Staff has questioned the law in that it says that the permittee must obtain the permission of any property owner of a residence, business, and religious institution fronting the right-of-way where a sign would be erected. The law also makes it a misdemeanor for a resident to remove a political sign from the public right-of-way.

The Planning Board and Staff recommend approval of this text amendment as presented.

Mayor Morgan declared the Public Hearing open.

In Favor

Mr. John Owensby, Kernersville News, asked for a clarification of it being a misdemeanor to remove a sign from the right-of-way. Mr. Hatling explained that these questions should be directed to the State. The law says that you must acquire permission of the property owner and then it says that you can't remove it. Mr. Wolfe states that the owner owns the property in front of his/her home or business and the State has right-of-way and if the sign is in front, the State doesn't have the right to that sign, the property owner has the right to decide whether or not that sign should be in front of their home or business. He further explained that if he owns property and the State has a right of way over the property, he still owns the property but then you get into technicalities of who actually owns the property.

Mr. Owensby presented a hypothetical situation and stated that this could be a big deal.

Opposed

None presented.

Mayor Morgan expressed a concern with the time that signs are allowed. She explained that there could be primaries and then runoffs which create some confusion as to when a candidate can put out signs. Mr. Swisher stated that this is a State Statute and they have decided that there will be early voting and assumed they would be allowed from that established date through the election whether it is a primary or general election. If there is a recount or runoff, the election is over when this is completed and the signs should be removed.

Being no further speakers either in favor or opposition, Mayor Morgan declared the Public Hearing closed.

4b. Consideration of an ordinance for text amendment.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following Ordinance amending the Unified Development Ordinance Chapter B; Article III; Section 3-2; Sign Regulations; 3-2.1 (B)(1)(e); Political Signs in Zoning Docket KT-208. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2012-10 KT-208 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:

Section1. Chapter B; Article III; Section 3-2; *Sign Regulations; 3-2.1(B)(1)(e); Political Signs* is hereby amended as follows:

CHAPTER B - ZONING ORDINANCE

ARTICLE III - OTHER DEVELOPMENT STANDARDS

3-2 SIGN REGULATIONS

NOTE: SEE OVERLAY ZONING DISTRICTS FOR OTHER SIGN STANDARDS THAT MAY APPLY.

3-2.1 SIGN REGULATIONS - CURRENT

(B) PERMITTED SIGNS

(1) Signs Permitted

(e) Political Signs. ~~Political signs not exceeding two (2) square feet in size shall be allowed in any zoning district, and not exceeding twenty-four (24) square feet on a vacant lot within a nonresidential zoning district, from sixty (60) days prior to and until seven (7) days after any primary or election date for which an individual is a candidate or about which a questions appears on the ballot.~~

(e) Political Signs. Shall follow regulations as adopted by G.S. 136-32

(a) Compliant Political Signs Permitted. – During the period beginning on the 30th day before the beginning date of "one-stop" early voting under G.S. 163-227.2 and ending on the 10th day after the primary or election day, persons may place political signs in the right-of-way of the State highway system as provided in this section. Signs must be placed in compliance with subsection (c) of this section and must be removed by the end of the period prescribed in this subsection.

(b) Definition. – For purposes of this section, "political sign" means any sign that advocates for political action. The term does not include a commercial sign.

(c) Sign Placement. – The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

(1) No sign shall be permitted in the right-of-way of a fully controlled access highway.

(2) No sign shall be closer than three feet from the edge of the pavement of the road.

(3) No sign shall obscure motorist visibility at an intersection.

(4) No sign shall be higher than 42 inches above the edge of the pavement of the road.

(5) No sign shall be larger than 864 square inches (6 square feet), or not exceeding twenty-four (24)

square feet on a vacant lot within a nonresidential zoning district.

(6) No sign shall obscure or replace another sign.

~~(d) Penalties for Unlawful Removal of Signs. It is a Class 3 misdemeanor for a person to steal, deface, vandalize, or unlawfully remove a political sign that is lawfully placed under this section.~~

Section 2. This Ordinance shall become effective upon adoption.

Adopted this the 5th day of June, 2012.

PUBLIC SESSION

5. SPEAKERS FROM THE FLOOR.

None presented.

6. Consideration of an Amendment to the Contract with the YMCA for the Community Pool.

Mr. Swisher reported that he received notification from the YMCA declining the Town's offer. He stated that no further action is required by the Board.

Mayor Morgan asked Mr. Pulliam if he still wished to speak. Mr. Pulliam stated that he had no comments since the request is being withdrawn although he did add that he didn't think the Town had the money to spend anyway. He stated that leaving garbage in our neighborhoods for three months before it gets picked up is more important than a pool.

7. Consideration of a Resolution Adopting the Ten (10) Year Solid Waste Management Plan.

Mr. Doran Maltba presented the Ten Year Solid Waste Management Plan as required by City-County Utility Commission (CCUC) and the NCGS.

Alderman Irving Neal made a **Motion** to approve the following Resolution adopting the Ten (10) Year Solid Waste Management Plan as required by Forsyth County-City of Winston-Salem Utilities Commission. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-17

RESOLUTION APPROVING THE WINSTON-SALEM FORSYTH COUNTY SOLID WASTE PLAN

WHEREAS, adequately planning for solid waste management and waste reduction will protect public health and the environment, provide for improved solid waste collection and disposal, better utilize our natural resources, and control the cost of solid waste management; and

WHEREAS, N.C General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government to develop a 10-year comprehensive solid waste management plan; and

WHEREAS, the City-County Utilities Commission compiles the Plan with contributions from all municipalities within Forsyth County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Kernersville hereby, approves the Winston-Salem/Forsyth County Solid Waste Management Plan.

Adopted this 5th day June, 2012.

8. Consideration of a Recycling Grant from the State of North Carolina.

Mr. Maltba presented a Recycling Grant available through the NC Department of Environment Assistance and Outreach (NC DEAO) for \$75,000. The grant will assist in the Town's effort to convert to a fully automated collection process.

Alderman Neal Stockton made a **Motion** for the approval of the grant application for a Recycling Grant through NC DEAO for approximately \$75,000. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

9. Consideration of Condemnation Proceedings for property on Piney Grove Road.

The Town Attorney explained the Town's attempt to further negotiate with property owners along Piney Grove Road for the necessary road improvements. These negotiations have not been successful and due to time constraints Staff is requesting we begin condemnation proceeding to acquire the right-of-way for three tracts of property two of which are owned by Jerry E. and Sadie G. Martin and a third owned by Southwest Forsyth Development Company.

Alderman Irving Neal made a **Motion** to approve the following Resolution to Institute Condemnation Proceedings against Jerry E. Martin and Sadie G. Martin. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Resolution No. R-2012-18

**RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST
JERRY E. MARTIN AND SADIE G. MARTIN**

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by Jerry E. Martin and wife, Sadie G. Martin for use in meeting the following public purposes:

street widening and roadway improvements at the intersection of North Cherry Street with and along Piney Grove Road; and

WHEREAS, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of street widening and roadway improvements at the intersection of North Cherry Street with and along Piney Grove Road within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct street widening and roadway improvements at the intersection of North Cherry Street with and along Piney Grove Road.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 4378 square feet for permanent right of way, a 25 by 50 foot utility easement and 3045 square feet for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-36-6172.00 (also known as Tax Lot 002A of Tax Block 2124 as shown in the Forsyth County Tax Supervisor's office) and PIN 6886-36-7138.00 (also known as tax lots 023A, 024A, 025A, 026A and 027A of Tax Block 5358 as shown in the Forsyth County Tax Supervisor's office).

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as both PIN 6886-36-6172.00 (also known as a portion of Tax Lot 002A of Tax Block 2124 as shown in the Forsyth County Tax Supervisor's office) and PIN 6886-36-7138.00 (also known as a portion of tax lots 023A, 024A, 025A, 026A and 027A of Tax Block 5358 as shown in the Forsyth County Tax Supervisor's office) and belonging to Jerry E. Martin and wife, Sadie G. Martin.

This the 5th day of June, 2012.

Alderman Irving Neal made a **Motion** to approve the following Resolution to Institute Condemnation Proceedings against Jerry E. Martin and Sadie G. Martin. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-19

**RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST
JERRY E. MARTIN AND SADIE G. MARTIN**

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by Jerry E. Martin and wife, Sadie G. Martin for use in meeting the following public purposes: street widening and roadway improvements at the intersection of North Cherry Street with and along Piney Grove Road; and

WHEREAS, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of street widening and roadway improvements at the intersection of North Cherry Street with and along Piney Grove Road within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct street widening and roadway improvements at the intersection of North Cherry Street with and along Piney Grove Road.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 4378 square feet for permanent right of way, a 25 by 50 foot utility easement and 3045 square feet for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-36-6172.00 (also known as Tax Lot 002A of Tax Block 2124 as shown in the Forsyth County Tax Supervisor's office) and PIN 6886-36-7138.00 (also known as tax lots 023A, 024A, 025A, 026A and 027A of Tax Block 5358 as shown in the Forsyth County Tax Supervisor's office).

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as both PIN 6886-36-6172.00 (also known as a portion of Tax Lot 002A of Tax Block 2124 as shown in the Forsyth County Tax Supervisor's office) and PIN 6886-36-7138.00 (also known as a portion of tax lots 023A, 024A, 025A, 026A and 027A of Tax Block 5358 as shown in the Forsyth County Tax Supervisor's office) and belonging to Jerry E. Martin and wife, Sadie G. Martin.

This the 5th day of June, 2012.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution to Institute Condemnation Proceedings against Southwest Forsyth Development Co., Inc. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

Resolution No. R-2012-20

**RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST
SOUTHWEST FORSYTH DEVELOPMENT COMPANY, INC.**

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by Southwest Forsyth Development Company, Inc. for use in meeting the following public purposes: roadway improvements on North Main Street; and

WHEREAS, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for roadway improvements on North Main Street within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to undertake roadway improvements on North Main Street.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 630 square feet for permanent right of way and 1477 square feet for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-35-6777.00 and also known as a portion of Tax Lot 106 of Tax Block 2120 as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-35-6777.00 and also known as a portion of Tax Lot 106 of Tax Block 2120 as shown in the Forsyth County Tax Supervisor's office and belonging to Southwest Forsyth Development Company, Inc..

This the 5th day of June, 2012.

**10. Consideration of a Resolution Authorizing Staff to Seek Financing for
Infrastructure Loans.**

Mr. Swisher explained that this is a resolution authorizing Staff to submit an application for approval of a financing agreement authorized by the North Carolina General Statutes for recent purchases of the property on S. Main Street.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following Resolution authorizing the filing of an application for financing as allowed by the NC General Statutes. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

RESOLUTION R-2012-21

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the Town of Kernersville, North Carolina has purchased real property (hereafter referred to as the “Project”) which includes the following: (1) 1815 Teague Lane, (2) 115 South Main Street, (3) 125 South Main Street, (4) 133 South Main Street, and (5) 141 South Main Street. The property located at 1815 Teague Lane will serve as the location for the future Fire Station 44. The properties located at 115, 125, 133, and 141 South Main Street will serve as both current and future Town administrative facilities. These purchases will better serve the citizens of Kernersville; and

WHEREAS, The Town of Kernersville desires to finance the reimbursement of the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of Kernersville, North Carolina, meeting in regular session on the 5th day of June, 2012, make the following findings of fact:

1. The proposed contract is necessary or expedient because the Town requires facilities and infrastructure both now and in future.
2. The proposed contract is preferable to a bond issue for the same purpose because of several factors. First, private placement financing can be secured within a quicker timeframe compared to the issuance of bonds. Second, the private placement financing term will be shorter than a typical bond financing period. And third, private placement financing is currently available with interest rates comparable to or lower than bonds.
3. The cost of financing under a proposed installment purchase contract is comparable or less than the cost of issuing general obligation bonds.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose because debt repayment can occur with no tax increase or increase in service fees.

5. The Town of Kernersville's debt management procedures and policies are good because the Town's financial records, procedures and policies are reviewed annually by an independent audit firm and are determined to be in compliance with the applicable regulations and industry practices.
6. The increase in taxes necessary to meet the sums to fall due under the proposed contract will be 0 cents per \$100 valuation.
7. The Town of Kernersville is not in default in any of its debt service obligations.
8. The attorney for the Town of Kernersville has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town Manager and Finance Director are hereby authorized to act on behalf of the Town of Kernersville in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this the 5th day of June, 2012

The motion to adopt this resolution was made by Alderman Dana Caudill Jones, seconded by Alderman Irving Neal and passed by a vote of 5 to 0.

11. Consideration of extending time within which Town and City County Utilities Commission (CCUC) shall negotiate toward amending the current Town of Kernersville/CCUC Agreement.

Mr. John Wolfe, Town Attorney presented a brief history on this contract. He added that both he and CCUC are requesting the Board's approval of an additional six months to continue the discussion and negotiations to work out details in the amendment to this contract.

Alderman Irving Neal made a **Motion** to grant an extension of six (6) months to continue negotiations on a contract with CCUC. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

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 3, 2012 Regular Session**
- Approval of Minutes for April 3, 2012 Closed Session**
- Approval of Minutes for April 25, 2012 Briefing Session**
- Approval of Minutes for April 25, 2012 Closed Session**

- C-2 Consideration of the new Lease with the Kernersville Woman’s Club for the Kernersville Community House.**
- C-3 Consideration of the new Lease with the Shepherds Center for the Basement of the Library.**
- C-4 Consideration of a Recommendation to designate a Chairman for the Sister Cities Commission.**

Lezah Arney was recommended by the Commission as Chair.

C-5 Consideration of Appointments to Various Boards and Commissions.

Community Appearance Commission: (5 Vacancies)

Allan Asbell – reappointment, term to expire 6/30/2015
Jo Levens – reappointment, term to expire 6/30/2015
Joe Pinnix – new appointment, term to expire 6/30/2015
Kris Witherspoon – new appointment, term to expire 6/30/2015

Recreation Advisory Board: (3 Vacancies)

Susan Kubiak – reappointment, term to expire 6/30/2015
Dharmesh Patel – reappointment, term to expire 6/30/2015
William Reece – reappointment, term to expire 6/30/2015

Tree Commission: (5 Vacancies)

Ernie Pages – reappointment, term to expire 6/30/2015
Adrienne Roethling – reappointment, term to expire 6/30/2015
Ana Jaramillo – new appointment, term to expire 6/30/2015

Sister City Commission: (4 Vacancies)

Ernie Pages – reappointment, term to expire 6/30/2015

Board of Adjustment: (5 Vacancies)

Janice Carroll – ETJ reappointment, Alternate member, term to expire 6/30/2015
Matt O’Brien – reappointment, Regular member, term to expire 6/30/2015
Thomas Hicks – reappointment to Regular member, term to expire 6/30/2015
Debbie Juday – new appointment, Alternate member, term to expire 6/30/2015

Planning Board: (3 Vacancies)

Darrell Davis – ETJ reappointment, term to expire 6/30/2015

Ed Green – reappointment, term to expire 6/30/2015

Tom McDaniel – reappointment, term to expire 6/30/2015

C-6 Consideration of a Municipal Agreement with NCDOT for Sidewalk Improvements on Macy Grove Road.

C-7 Consideration of Ordinance by Forsyth County to Collect Town of Kernersville Taxes for Prior Years.

NORTH CAROLINA

FORSYTH COUNTY

Ordinance No. 0-2012-11

**ORDER OF THE COUNCIL OF THE TOWN OF KERNERSVILLE
IN ACCORDANCE WITH G.S.105-373, G.S.105-321, AND G.S.105-330.3
FOR THE COLLECTION OF 2011 AND PRIOR YEARS' TAXES**

**TO: JOHN T. BURGISS, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM,
VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF
LEWISVILLE, TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF
KING, TOWN OF KERNERSVILLE, TOWN OF BETHANIA, CITY OF HIGH POINT**

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2003 through 2011 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2003 through 2011 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobacoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to

levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

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

Taxes on classified Motor Vehicles for 2008 and prior years are deemed uncollectible; therefore, the Forsyth County Commissioners, pursuant to G.S. 105-373(h) do hereby relieve the tax collector of the charge of collecting taxes on classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) for 2008 and prior years.

WITNESS my hand and official seal, this the 5th day of June, 2012.

C-8 Consideration of Ordinance by Forsyth County to Collect Town of Kernersville Taxes for 2012.

NORTH CAROLINA

FORSYTH COUNTY

Ordinance No. 0-2012-12

**ORDER OF THE COUNCIL OF THE TOWN OF KERNERSVILLE
IN ACCORDANCE WITH G.S.105-321 AND G.S. 153A-156
FOR THE COLLECTION OF 2012 TAXES**

TO: JOHN T. BURGISS, RES
TAX COLLECTOR OF FORSYTH COUNTY, CITY OF WINSTON-SALEM,
VILLAGE OF CLEMMONS, VILLAGE OF TOBACCOVILLE, TOWN OF
LEWISVILLE, TOWN OF RURAL HALL, TOWN OF WALKERTOWN, CITY OF
KING, TOWN OF KERNERSVILLE, TOWN OF BETHANIA, CITY OF HIGH POINT

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2012 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2012 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobacoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue

Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

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

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

WITNESS my hand and official seal, this the 5th day of June, 2012.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the Consent Agenda Items C-1 through C-5, C-7 and C-8 as presented. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

13. ITEMS REMOVED FROM CONSENT AGENDA.

C-6 Consideration of a Municipal Agreement with NCDOT for Sidewalk Improvements on Macy Grove Road.

William Penn, 2428 Wickham Road, Kernersville, NC – requested that the Municipal agreement for sidewalk improvements be removed from the Consent agenda. He explained that he is here on behalf of a friend and resident of Macy Grove Road, Mr. Ernest Snow. Mr. Penn explained that Mr. Snow is concerned about the improvements to Macy Grove Road and the affect it will have on his home. He stated that road improvements being implemented for the hospital will destroy the value of his home.

After brief discussion, the Board and Staff determined that the sidewalk improvements would not affect Mr. Snow's home as his home is not in that area of Macy Grove Road. It was recommended that Mr. Snow come to Town Hall and meet with the Transportation Department and Town Manager to see what assistance the Town can give to Mr. Snow in other improvements planned for Macy Grove Road.

Alderman Keith Hooker made a **Motion** for the approval of a Municipal Agreement with NCDOT for sidewalk improvements to Macy Grove Road. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

14. SPEAKERS FROM THE FLOOR.

None presented.

15. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

None presented

16. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

The Town Attorney requested a Closed Session be held.

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

Mayor Morgan addressed the funding for the non-profits and the need for further consideration as we go through the year.

Alderman Tracey Shifflette asked for an update on the Salisbury Street Bridge. Mr. Swisher reported that as far as we know the project is still on schedule. Mr. Brian Ulrich stated that the project is expected to be completed at the end of August or September.

Alderman Shifflette then asked about the removal of the trees along Salisbury Street. Mr. Wolfe stated that he believes NCDOT has obtained permission from property owners for the removal. Mr. Doran Maltba, Public Services Director stated that the request is still being reviewed in Raleigh. Mayor Morgan expressed a concern about the safety of this area and the potential for fallen trees in the upcoming summer storm season. Staff agreed to contact the appropriate officials in Raleigh to inquire about this request.

Alderman Neal Stockton commended the Town Employees for their efforts on this year's budget and for continuing to provide a high level of services through these tough budget times.

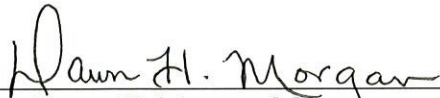
Mayor Pro Tem Dana Caudill Jones made a **Motion** to go into Closed Session at 11:35 PM to discuss certain matters regarding potential land acquisition and personnel matters, as well as matters of economic development for the Town and which fall under the statutory provisions for discussion in Closed Session. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

18. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to go into Open Session at 12:39 AM. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to adjourn the meeting at 12:40 AM immediately following the Closed Session. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

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


Dawn H. Morgan, Mayor

Attest:


Dale F. Martin, Town Clerk

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on June 5, 2012.

This the 9 day of August, 2012.


Dale F. Martin, MMC, Town Clerk