

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. JUNE 26, 2012**

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, 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.

- **CALL TO ORDER**
- **INVOCATION BY FATHER PAUL DECHANT, HOLY CROSS CATHOLIC CHURCH**
- **PLEDGE OF ALLEGIANCE**

Mayor Morgan called the meeting to order. The invocation was delivered by Father Paul Dechant of Holy Cross Catholic Church which was followed by the Pledge of Allegiance.

- **PRESENTATION OF THE BADGE AND SERVICE REVOLVER TO
MAX T. CREASON, RETIRING POLICE LIEUTENANT IN ACCORDANCE
WITH THE NORTH CAROLINA GENERAL STATUTES**

Police Chief Ken Gamble spoke of Lt. Creason's distinguished law enforcement career and added that he will be greatly missed. Mayor Morgan then presented Lt. Creason with a proclamation authorizing the release of his badge and revolver to be presented to him by the Police Chief. She stated that the Board of Aldermen appreciates his many years of service to this community.

Alderman Neal Stockton also thanked Lt. Creason for his many years of service and also noted his dad's years of service.

PUBLIC HEARINGS

Mayor Morgan presented the procedures for speaking at public hearings.

- 1a. **PUBLIC HEARING: On the Proposed Financing of real property by the Town of Kernersville at the following locations: 1815 Teague Lane, 115 South Main Street, 125 South Main Street, 133 South Main Street, and 141 South Main Street.**

Mr. Curtis Swisher, Town Manager stated that the Town of Kernersville submitted a request for proposals (RFP) to nine banks for an installment purchase loan to reimburse itself for recent purchases of real property as approved by the Board of Aldermen. Those properties include 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.

He added that quotes were received from four out of the nine banks:-

Fidelity Bank	2.25%
NewBridge Bank	3.57%
BB&T	4.19%
Southern Community Bank & Trust	5.95%

He further added that Staff is recommending awarding the contract to Fidelity Bank.

- 1b. **Consideration of Resolution Authorizing the Execution of an Installment Financing Contract for Infrastructure Purchases and the Consideration of Declaration of Notice of Intent to Reimburse for Infrastructure Purchases.**

Mayor Dawn Morgan declared the Public Hearing open.

Being no speakers in favor or opposed Mayor Morgan closed the Public Hearing.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve two resolutions: 1) Authorizing the Execution of an Installment Financing Contract for Infrastructure Purchases and 2) Declaration of Notice of Intent to Reimburse for Infrastructure Purchases and to award the financing contract to Fidelity Bank. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-23

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF \$1,218,500.00 WITH FIDELITY BANK TO FINANCE THE ACQUISITION OF CERTAIN REAL PROPERTY FOR USE BY THE

**TOWN OF KERNERSVILLE, NORTH CAROLINA, AUTHORIZING
THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS,
AND DETERMINING OTHER MATTERS IN CONNECTION
THEREWITH**

BE IT RESOLVED by the governing body for the Town of Kernersville, North Carolina (the "Unit"):

Section 1. The governing body of the Unit does hereby find and determine:

- a) **The Town of Kernersville proposes the acquisition of certain Real Property (collectively, the "Real Property");**
- b) **After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;**
- c) **Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of real property by installment contracts that create a security interest in the property financed to secure repayment of the financing; and**
- d) **FIDELITY BANK has proposed that FIDELITY BANK enter into an Installment Financing Contract with the Unit to finance the Real Property pursuant to which FIDELITY BANK will lend the Unit the amount of \$1,218,500.00 (the "Contract") and a related Escrow Agreement between the Unit and FIDELITY BANK (the "Escrow Agreement").**

Section 2. The governing body of the Unit hereby authorizes and directs the Town Manager to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the Town of Kernersville to the Contract and the Escrow Agreement and attest the same.

Section 3. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Section 4. Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for FIDELITY BANK in such instance.

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue

Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of FIDELITY BANK.

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2012.

Section 7. This Resolution shall take effect immediately upon its passage.

Adopted this the 26th day of June, 2012.

RESOLUTION NO. R-2012-24
TOWN OF KERNERSVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

WHEREAS, This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

WHEREAS, the undersigned is authorized to declare the official intent of the Town of Kernersville, North Carolina (the "Issuer") with respect to the matters contained herein.

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

1. **Expenditures to be incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the purchase of several real properties (the "Properties"). The Properties are located at 1815 Teague Lane, 115 South Main Street, 125 South Main Street, 133 South Main Street and 141 South Main Street. The Property located on Teague Lane will serve and the location of future Fire Station 44 and the Properties located on South Main Street will serve as both current and future administrative facilities.

2. **Plan of Finance.** The Issuer intends to finance the cost of the Properties with the proceeds of debt to be incurred by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Property is \$1,218,500.

4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this the 26th day of June, 2012.

PUBLIC SESSION

2. SPEAKERS FROM THE FLOOR.

Louise Thibodeaux, 280 Post Oak Rd., Kernersville, NC – referred to previous discussion regarding the Board meetings lasting until late at night. He thanked the Board for discussing this matter and for suggestions on how this could be improved. He asked the Board to continue looking at the budget and ways to control costs in light of next year's issues with reevaluations and loss of other revenues. He asked that the Board be prudent about taking money out of the fund balance for wants and not needs.

3. Presentation by the War Memorial Foundation on the Carolina Field of Honor at Triad Park.

Bill Knight, Greensboro, NC – thanked the Board for the opportunity to speak tonight. He presented a short video of the proposed Veterans Memorial to be located in Triad Park. He introduced the four members of the Foundation's Board in attendance and stated that each one is a Veteran.

Mr. Knight stated that this project is to honor all branches of our armed serviceman. He presented the makeup of the Foundation Board and showed a banner of the proposed project. He spoke of fundraising efforts that have raised a substantial amount of money. Mr. Knight stated that all donations are appreciated. He noted the benefit to Kernersville and asked for the Town's support.

4. Discussion by the McConnell Homeowner's Association Regarding the Retention Ponds within the Subdivision.

Pat Reavis, 545 Lake Way, Kernersville, NC, Homeowner's Association Officer – introduced the Landscaper Max Sawyer and Kathy Gydus another resident of McConnell Subdivision. Ms. Reavis presented copies of information illustrating the concerns of the Homeowner's Association Board (HOA). She referred to correspondence regarding the certificates, inspections and repairs needed to the retention ponds located within the subdivision. Ms. Reavis expressed her concern that there were no inspection reports until 2009 and the information was sent to the developers instead of the HOA. She believes that the lack of reports is a violation of our ordinance and that inspections are to be conducted annually. Ms. Reavis reported that trees have taken root and grown to a couple of feet but cannot believe that they were not in existence at the time of the last inspection. She noted that letters were continually sent to the developer but not to the HOA even though the property was conveyed to

the HOA in December 2007. Ms. Reavis noted that in July 2010, letters were sent to the HOA's management office in Chapel Hill and then were redirected to our local office. She stated that at that time Mr. Sawyer was hired. He met with the Town and proceeded to make \$10,521.00 in repairs which were completed in November. She stated that the HOA never received a letter that the work was improper or incomplete and therefore felt this issue was resolved.

Ms. Reavis stated that in March 2012, a meeting was held with the Management Company, Town Staff, Mr. Sawyer, and Ms. Gydus the HOA President to discuss the issue. She stated that the HOA feels the Town should bear the responsibility to bring these ponds into compliance as there has been no inspection reports filed or correspondence to the appropriate officials as to the required maintenance of these ponds allowing the area to deteriorate.

Ms. Reavis thanked the Board for their time and attention and they look forward to a decision by the Board. She then made herself available for questions.

Mr. John Wolfe, Town Attorney asked when the HOA took over from the developer. Ms. Reavis stated that the first Board elections took place in December 2007 and the developer was in attendance at that first meeting at which time they turned over control. Mr. Swisher asked if Ms. Reavis had said that the previous budget had not included funds for maintenance of these ponds. Ms. Reavis stated that there was a budget but no funds for maintenance. Mr. Swisher asked if the developer ever told the HOA that they were responsible for the maintenance. Ms. Reavis said no they were not told.

Mr. Wolfe asked when funds for maintenance were first placed into the budget. Ms. Reavis stated that it was included in the budget in November 2011, however the first work that was approved as a non-budgetary item was in 2010 and completed in November 2010, and that was the work we were later told was incomplete. Mr. Swisher asked who they thought would maintain the ponds. Ms. Reavis stated that they had not thought about it. Ms. Gydus added that she was not made aware until last year that the ponds were the responsibility of the HOA.

Ms. Kathy Gydus, 5102 McConnell Drive, Kernersville, NC - stated that her major concern is the lack of a paper trail for inspections from 2001 until 2009. She pointed out the lack of certificates and reports on file with the Town. She noted the incorrect addresses that were on file and suggested that the Town had not followed through as required by the Town ordinance. She noted the lack of direction by Town Staff as to what needed to be done. Ms. Gydus stated that it is the landscaper's opinion that the trees in question were planted and not naturally grown. She felt that someone from the Town should know who planted those trees.

Mr. Swisher stated that in 2004 when the original inspection certification took place there is a letter and report on file. At this time the cash bond posted for the pond was returned to the developer and this was done following a certification from Mr. Radford that the pond did function properly. Mr. Swisher stated that June of 2002 when the final plat was approved by the Town there was a notation on that plat which requires maintenance of Stormwater ponds by the McConnell HOA. He then reported on subsequent inspections done on the ponds and the correspondence recording those inspections. Mr. Swisher noted that previous pictures of the area

do not show the trees. He stated that the Town did not plant the trees and we don't know whether they were planted or just grew there. He made himself available for questions.

Ms. Reavis stated that in regard to the 2004 inspection report there is a letter to Mr. Medford but not a report. The letter does mention an inspection and report but when we requested a report nothing was found. Mr. Swisher stated that he could not verify whether or not a written report was done back then but that the Town does not release these bonds on Stormwater ponds until an inspection is done and certified that the ponds are operating correctly.

Mayor Pro Tem Caudill Jones asked how many ponds are switched over from the developer to the HOA. Mr. Swisher stated that most of the ponds are under the HOA however, some are not. He stated that we have approximately 60 bmp devices of which all are not ponds. He did not have the actual number of ponds we have in Town.

Mayor Pro Tem Caudill Jones stated that at some point the residents had to have a meeting with the developer to discuss what the HOA would be responsible for. She added that somewhere between the transfers of obligation something was missed. She stated that the Town has submitted letters and inspections on these ponds. She noted that other devices have been transferred to the HOA without problems. She did not feel that the Town would have any responsibility here.

Ms. Reavis stated that this is one of the reasons we went back to Mr. Mitchell as well as the fact that he has vacant land that drains into these ponds. She felt that if there had been annual reports from 2001 to 2009 and the Ordinance had been followed with proper notification provided to the appropriate owners there wouldn't be an issue. Being no inspections and reports until 2010, the situation got out of control and now the HOA has to play catch up. She added that they have already spent over \$10,500 and was told that the work is not up to par. She stated that no one from the Town has told them what they need to do to bring the ponds into compliance.

The Board continued to discuss the timeline of events in this situation from the original inspections through 2012. They discussed the process and timeline for turning over responsibility of the ponds from the developer to the HOA and what notifications were sent out.

Mr. Swisher reminded the Board of the statement on the plat that the ponds are the responsibility of the HOA.

Ms. Reavis reiterated that had inspections been done then the HOA would not be in this shape and suggested the Town be responsible due to the lack of reports and inspections on file.

Alderman Tracey Shifflette stated that it is unfortunate that there was a breakdown in communication when responsibility was turned over to the HOA. She suggested the HOA should have been proactive and found out what was involved by calling the Town.

Town Attorney John Wolfe stated that the Board has a picture of the ponds prior to 2006 when the ponds were in compliance. There have been inspections as provided in the packet from Mr. Radford. In 2009, the ponds were under the control of the HOA and following an inspection a

violation notification was sent to the last known address. He stated that it's not the Town's responsibility to find out who controls these ponds but the Town is responsible for conducting inspections.

Mayor Morgan asked if there are federal or state laws that regulate these devices and if funds at that level would be available to assist with this project. Mr. Wolfe stated that both federal and state regulations apply.

Mayor Morgan stated that she would like the HOA to leave here with certainty of what's required of them to maintain this property.

Mr. Radford presented the guidelines as spelled out in the Town's ordinance. A discussion of those guidelines was held.

Mayor Pro Tem Caudill Jones requested that the Town Staff meet with the HOA Officials and their Landscaper at the site and give clear and specific directions on what must be done to bring the ponds into compliance. She added that she did not feel the Town is responsible for any financial compensation in this situation but it is the Town's responsibility to provide clear instruction on what needs to be done and it should be done in writing. All parties agreed.

Mayor Morgan called a Recess at 8:37 PM and reconvened the meeting at 8:45 PM.

5. Consideration of Budget Amendment No. 3 for Fiscal Year 2011-12.

Mr. Swisher presented highlights of this budget amendment as outline in the agenda packet.

General Fund – Expenditures

1. To increase the Governing Body Department expenditures in the net amount of \$1,191,800 to cover expenses associated with the purchase of real property and a contribution to the Korner's Folly Foundation.
2. To increase the Administration Department expenditures in the net amount of \$10,686 to cover expenses associated with the purchase of real property.
3. To increase the Inspection Department expenditures in a net amount of \$212 to cover an increase in insurance premiums.
4. To increase the Finance Department expenditures in the amount of \$5,852 to cover expenses associated with increases in revenue collections and banking services.
5. To increase the Information Technology Department expenditures in the amount of \$122 to reflect a decrease in insurance premiums.
6. To increase the Planning and Zoning Department expenditures in a net amount of \$2,492 to cover expenses associated with temporary employees and advertising expenses.

7. To increase the Human Resources Department expenditures in the amount of \$127 to cover increases in insurances and bonds.
8. To increase the Police Department expenditures in the amount of \$41,359 to cover expenditures associated with the Know Your Speed Grant and increases in insurance and bond premiums.
9. To increase the Fire Department expenditures in the net amount of \$124,635 to cover the following: expenses associated with the purchase of real property, departmental supplies and materials, fire truck maintenance and insurance and bonds, and; decreases in uniforms and accessories, utilities expense, and driveway improvements at Fire Station 42.
10. To increase the Engineering Department expenditures in the amount of \$105 to cover expenditures associated with an increase insurance premiums.
11. To increase the Street Department expenditures in the net amount of \$15,405 to cover costs associated with patching the Public Services Parking Lot.
12. To decrease the Solid Waste Department expenditures in the amount of \$7,432 to cover a decrease in expenses associated with the purchase of a front end refuse truck and a container set truck.
13. To increase the Transportation Department expenditures in the net amount of \$154,599 to cover expenses associated with several construction projects: Bodenhamer Roundabout, School Street, Union Cross Road and Angel Road.
14. To increase the Recreation Department expenditures in the net amount of \$54,031 to cover increases in group insurance, recreational activities and unexpected park repairs.
15. Urban Forestry Grant project and decreases in the following: concession supplies, Recreational Camp, additional events and insurance premiums.
16. To decrease the Library (Paddison Memorial) expenditures in the amount of \$40,090 to reflect a decrease in insurance premiums.
17. To increase the General Services Department expenditures in the net amount of \$4,231 to cover costs associated with HVAC and building repairs.
18. To increase the transfer to Capital Reserve in the amount of \$57,537 for future transportation projects.
19. To decrease the Special Appropriations Department expenditures in the amount of \$52,788 to cover the cost of salary contingencies.
20. To decrease the Public Services Administration Department expenditures in the amount of \$157 to reflect a decrease in insurance premiums.
21. To decrease the Central Maintenance Department expenditures in the net amount of \$25,183 to reflect a decrease in gasoline and diesel costs.

General Fund – Revenues

1. To increase the GHSB-Know Your Speed Grant by \$19,000 to cover expenses associated with the grant.
2. To increase revenues from Installment Purchase Loan Proceeds in the amount of \$34,240 to cover the costs associated with loan purchases.
3. To increase the miscellaneous revenue in the amount of \$30,000 to reflect additional revenue received.
4. To increase the Sale of Capital Assets in the amount of \$14,000 to reflect additional revenues received.
5. To increase the Rent on Town Property in the amount of \$11,500 to reflect new rental property revenues.
6. To increase the Transfer from the Transportation Capital Project Ordinance (TCPO) Fund Equity in the amount of \$28,446 to reflect the actual fund equity at fiscal year-end 2011.
7. To decrease the Transfer from Capital Reserve Fund – Interest on Investments in the amount of \$127 to reflect actual revenue received.
8. To increase the fund balance appropriated in the amount of \$1,400,798 to balance the general fund revenues with the general fund expenditures.

Law Enforcement – Federal Forfeiture Fund – Expenditures

To increase the expenditures in the net amount of \$99,006 to reflect an increase in capital expenses associated with increased revenues.

Law Enforcement – Federal Forfeiture Fund – Revenues

To increase the revenue in the amount of \$122,483 to reflect actual proceeds and a decrease in fund balance appropriated in the amount of \$23,477 to balance expenditures with revenues.

Justice Assistance Grant – Expenditures

To increase the expenditures in the amount of \$11,001 to reflect an increase in departmental supplies associated with a JAG Grant.

Justice Assistance Grant – Revenues

To increase the revenues in the amount of \$11,001 to reflect proceeds from a JAG Grant.

Worker’s Compensation Self Insurance Fund – Expenditures

To increase the expenditures in the amount of \$40,000 to cover unexpected claims.

Worker’s Compensation Self Insurance Fund – Revenues

To increase the revenues in the amount of \$40,000 to offset expenditures.

Stormwater Fund – Expenditures

To increase the expenditures in the amount of \$180 to account for a reduction in insurance expenses.

Stormwater Fund – Revenue

To increase the revenue in the amount of \$180 to balance expenditures with revenues.

Transportation Capital Project Ordinance Fund – Expenditures

To increase the expenditures in the amount of \$28,446 to reflect the transfer to reflect the closure and actual transfer of fund balance to the general fund.

Transportation Capital Project Ordinance Fund – Revenue

To increase the fund balance appropriated revenue in the amount of \$28,446 to balance expenditures with revenues.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following ordinance for Budget Amendment No. 3 for Fiscal Year 2011-12. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2012-15
TOWN OF KERNERSVILLE
BUDGET AMENDMENT # 3

Be it hereby ordained by the Board of Aldermen of the Town of Kernersville that the following amendment be made to the Budget Ordinance adopted on the 22nd day of June, 2011 as follows:

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

General Fund - Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Governing Body		1,191,800	1,635,246

Administration Department		10,686	294,629
Inspections Department		212	358,094
Finance Department		5,852	736,868
Information Technology		122	393,309
Planning & Zoning Department		2,492	345,492
Human Resources Department		127	589,519
Police Department		41,359	6,874,621
Fire Department		124,635	5,191,760
Engineering Department		105	1,162,608
Street Department		15,405	1,502,170
Solid Waste Department	7,432		2,264,003
Transportation Department		154,599	2,155,195
Recreation Department		54,031	1,330,318
Library (Paddison Memorial)	40,090		63,827
General Services Department		4,231	774,307
Trans. to Capital Reserve -Future Transportation Proj.		57,537	534,587
Special Appropriations	52,788		2,291,254
Public Services Administration		157	313,797
Public Services Central Maintenance	25,183		1,415,099
Total	125,493	1,663,350	

This will result in a net increase of \$1,537,857. in the expenditures of the General Fund. The above changes in expenditures will require an adjustment to revenues as follows:

General Fund - Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
GHSB-Know Your Speed Grant		19,000	19,000
Installment Purchase Loan Proceeds		34,240	1,185,500
Miscellaneous Revenue		30,000	66,670
Sale of Capital Assets		14,000	26,500
Rent on Town Property		11,500	119,029
Transfer fr TCPO-Fund Equity		28,446	1,210,135
Transfer fr Capital Reserve Fund- I.O.I.	127		73
Fund Balance Approp.		1,400,798	1,916,151
Total	127	1,537,984	

Section 2. To amend the Local Law Enforcement Forfeiture -Federal Justice Fund, the expenditures are to be changed as follows:

L L E F-Federal Justice Fund-Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
LLEF-Federal Justice Expenditures		99,006	122,533
Total		99,006	

This will result in a net increase of \$99,006. in the expenditures of the Local Law Enforcement Forfeiture-Federal Justice Fund. The above changes in expenditures will require an adjustment to revenues as follows:

L L E F-Federal Justice Fund-Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Forfeiture-Federal Justice Revenue		122,483	122,483
Fund Balance Approp.	23,477		0
Total	23,477	122,483	

Section 3. To amend the Justice Assistance Grant Fund, the expenditures are to be changed as follows:

Justice Assistance Grant Fund-Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Justice Assistance Expenditures		11,001	12,401
Total		11,001	

This will result in a net increase of \$11,001 in the expenditures of the Justice Assistance Grant Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Justice Assistance Grant Fund-Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Justice Assistance Revenues		11,001	11,001
Total		11,001	

Section 4. To amend the Worker's Compensation Self-Insurance Fund, the expenditures are to be changed as follows:

Worker's Compensation S.I.F.-Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Worker's Compensation S.I.F.-Expenditures		40,000	197,070
Total		40,000	

This will result in a net increase of \$40,000 in the expenditures of the Worker's Compensation Self-Insurance Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Worker's Compensation S.I.F.-Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Charges for Services		40,000	196,870
Total		40,000	

Section 5. To amend the Stormwater Fund, the expenditures are to be changed as follows:

Stormwater Fund- Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Stormwater Fund Expenditures		180	1,569,292
Total	0		

This will result in a net decrease of \$180. in the expenditures of the Stormwater Enterprise Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Stormwater Enterprise Fund- Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Fund Balance Approp.		180	392,110
Total	0		

Section 6. To amend the Transportation Capital Project Ordinance Fund, the expenditures are to be changed as follows:

Transportation CPO Fund - Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Transfer to General Fund- Fund Equity		28,446	1,210,135
Total	0	28,446	

This will result in a net increase of \$28,446. in the expenditures of the Transportation Capital Project Ordinance Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Transportation CPO Fund - Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Fund Balance Approp.		28,466	1,210,135
Total		28,466	

Section 7. Copies of the budget amendment shall be furnished by the Town Clerk of the Board of Aldermen, the Budget Officer, and Finance Director for their directions.

Adopted this the **26th** day of **June**, 2012.

6. Consideration of Condemnation Proceedings for property on Kernersville Medical Parkway.

The Town Attorney stated that at the Briefing Session last week he described the property necessary for the right-of-way of the Kernersville Medical Parkway. He assured the Board that every reasonable effort has been attempted to acquire this property prior to bringing this before the Board for condemnation proceedings. He reminded the Board of previous conversations where this issue was discussed along with the possibility of the Town's help in acquiring this right-of-way.

Mr. Wolfe stated that Mr. Hank Perkins and Mr. Doug Stimmel are here tonight and available for questions. He noted that one of the property owners has an Attorney here from Greensboro that may wish to speak. He stated that he has 7 resolutions for the Board's consideration.

Doug Stimmel, Stimmel and Associates, 601 N. Trade St., Winston-Salem, NC – stated that he is here representing Trade Street Development in this matter. He stated that Kernersville Medical Parkway is an important part of this development. He presented an aerial photo of the area illustrating the roadway network. He explained that this road will provide critical connectivity within the development, shorter trips to the hospital and other sites; it will disperse traffic and improve the safety and welfare of the community. He added that barring no setbacks, construction should begin in August.

Mr. Wolfe then presented a Resolution to institute condemnation proceedings against Sandra S. Riddle.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following Resolution to institute condemnation proceedings against Sandra S. Riddle. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-25

RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST SANDRA S. RIDDLE

WHEREAS, for the public purpose of transportation connectivity between Highway 66 South and Macy Grove Road, Novant Health, Inc. was required as part of rezoning for the construction of the Kernersville Medical Center to acquire property for, and to construct, a new municipal roadway commonly known as Medical Parkway, this requirement being memorialized in an infrastructure agreement dated February 11, 2011; and

WHEREAS, Trade Street Development Corp. is the developer of Medical Parkway and has attempted on behalf of Novant Health, Inc. to procure the necessary rights of way and easements for the construction of this new municipal roadway but has been unable, through negotiations, to obtain said property from its owner, Sandra S. Riddle; and

WHEREAS, pursuant to the aforementioned infrastructure agreement, the Town agreed to acquire property through condemnation if Novant Health, Inc., after reasonable attempts, was unable to do so; and

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that Novant Health, Inc. has made reasonable attempts to acquire the needed rights of way and easements without success, and it is necessary and in the public interest to acquire a portion of certain real property owned by Sandra S. Riddle for use in meeting the following public purposes: roadway construction of Medical Parkway; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of said roadway.

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 require construction of a municipal roadway commonly known as Medical Parkway.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 1.517 acres for permanent right of way, 1.425 acres for a permanent grading easement and 1.771 acres for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6885-93-5644.00 and also known as a portion of Tax Lot 029D of Tax Block 5644 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 6885-93-5644.00 and belonging to Sandra S. Riddle.

This the 26th day of June, 2012.

Mr. Wolfe then presented a Resolution to institute condemnation proceedings against James W. Baker, Sr.

Alderman Neal Stockton made a **Motion** to approve the following Resolution to institute condemnation proceedings against James W. Baker, Sr. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-26

RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST JAMES W. BAKER, SR.

WHEREAS, for the public purpose of transportation connectivity between Highway 66 South and Macy Grove Road, Novant Health, Inc. was required as part of rezoning for the construction of the Kernersville Medical Center to acquire property for, and to construct, a new municipal roadway commonly known as Medical Parkway, this requirement being memorialized in an infrastructure agreement dated February 11, 2011; and

WHEREAS, Trade Street Development Corp. is the developer of Medical Parkway and has attempted on behalf of Novant Health, Inc. to procure the necessary rights of way and easements for the construction of this new municipal roadway but has been unable, through negotiations, to obtain said property from its owner, James W. Baker, Sr.; and

WHEREAS, pursuant to the aforementioned infrastructure agreement, the Town agreed to acquire property through condemnation if Novant Health, Inc., after reasonable attempts, was unable to do so; and

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that Novant Health, Inc. has made reasonable attempts to acquire the needed rights of way and easements without success, and it is necessary and in the public interest to acquire a portion of certain real property owned by James W. Baker, Sr. for use in meeting the following public purposes: roadway construction of Kernersville Medical Parkway; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of said roadway.

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 require construction of a municipal roadway commonly known as Medical Parkway.

2. That the Town of Kernersville shall acquire, for the public purpose described above, .798 acres for permanent right of way, .201 acres for a permanent grading easement and .193 acres for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6885-83-6107.00 and also known as a portion of Tax Lot 013F of Tax Block 5644 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 6885-83-6107.00 and belonging to James W. Baker, Sr..

This the 26th day of June, 2012.

Mayor Morgan recognized Mr. Sharpless to speak on behalf of Joyce Development Co.

Mr. Frederic Sharpless, 200 S. Elm Street, Greensboro, NC – stated that he is here to represent Joyce Development Company. He stated that this all began in 2007 with a resolution to approve the subdivision plan for this project. He stated that a condition was approved that after all reasonable effort has been made to acquire the necessary right-of-way for this roadway; the Town would consideration proceeding with condemnation.

Mr. Sharpless referred to comments by Mr. Stimmel that this would be a minor thoroughfare for the Town to provide access to underutilized property which will not be landlocked after this road is built. He pointed out that this road will benefit a private development by opening up landlocked property and did not think the purpose is sufficient to use eminent domain. He also said the condition notes that “only after reasonable efforts” were made. He stated that his client

has had only one meeting since 2008 with Trade Street Development Company to acquire this property. Trade Street submitted an offer of \$540,000 for half the property and one of the two buildings on the property. The Town has an appraisal of \$1.3 million. They offered less than half ½ tax value on the property. This will leave Joyce Development with a problem because NCDOT plans to widen Hwy. 66. This property is being used now but whether or not this property can continue to be used other than through a grandfathered clause is now uncertain.

Mr. Sharpless stated that if this goes to court, the Town will have to explain why its tax assessment is not really what the property is worth. He stated that there have not been reasonable efforts made by Trade Street Development and now they are asking the Board to force the issue by condemning the property. He then made himself available for questions.

Mr. Swisher reminded the Board that the Town does not assess values for property as this is handled by Forsyth County Tax Office.

Mr. Wolfe stated that it is the right of the property owner to contest any assessed values and have the issues decided in court. He stated that the Town does have an appraisal of the property and if the Board feels that it has made a reasonable effort to acquire this property without success then he recommends adopting this resolution to institute condemnation.

Alderman Neal Stockton made a **Motion** to approve the following Resolution to institute condemnation proceedings against Joyce Development Corporation. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-27
RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST
JOYCE DEVELOPMENT CORPORATION

WHEREAS, for the public purpose of transportation connectivity between Highway 66 South and Macy Grove Road, Novant Health, Inc. was required as part of rezoning for the construction of the Kernersville Medical Center to acquire property for, and to construct, a new municipal roadway commonly known as Medical Parkway, this requirement being memorialized in an infrastructure agreement dated February 11, 2011; and

WHEREAS, Trade Street Development Corp. is the developer of Medical Parkway and has attempted on behalf of Novant Health, Inc. to procure the necessary rights of way and easements for the construction of this new municipal roadway but has been unable, through negotiations, to obtain said property from its owner, Joyce Development Corporation; and

WHEREAS, pursuant to the aforementioned infrastructure agreement, the Town agreed to acquire property through condemnation if Novant Health, Inc., after reasonable attempts, was unable to do so; and

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that Novant Health, Inc. has made reasonable attempts to acquire the needed rights of way and easements without success, and it is necessary and in the public interest to acquire a portion of

certain real property owned by Joyce Development Corporation for use in meeting the following public purposes: roadway construction of Medical Parkway; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of said roadway.

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 require construction of a municipal roadway commonly known as Medical Parkway.

2. That the Town of Kernersville shall acquire, for the public purpose described above, .945 acres for permanent right of way, .137 acres for a permanent construction easement and .172 acres for a temporary construction easement as shown on the attached **Exhibits A and B** and furthermore known as a portion of PIN 6885-63-3308.00 and also known as a portion of Tax Lot 011U of Tax Block 5644 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 **Exhibits A and B** and furthermore known as a portion of PIN 6885-63-3308.00 and belonging to Joyce Development Corporation.

This the 26th day of June, 2012.

Mr. Wolfe then presented a Resolution to institute condemnation proceedings against Village Realty of Kernersville, Inc.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following Resolution to institute condemnation proceedings against Village Realty of Kernersville, Inc. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-28
RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST
VILLAGE REALTY OF KERNERSVILLE, INC.

WHEREAS, for the public purpose of transportation connectivity between Highway 66 South and Macy Grove Road, Novant Health, Inc. was required as part of rezoning for the construction of the Kernersville Medical Center to acquire property for, and to construct, a new municipal roadway commonly known as Medical Parkway, this requirement being memorialized in an infrastructure agreement dated February 11, 2011; and

WHEREAS, the North Carolina Department of Transportation, as part of the design and construction of Medical Parkway, requires that NC Highway 66 South be widened to provide safe and adequate access to and from Medical Parkway; and

WHEREAS, Trade Street Development Corp. is the developer of Medical Parkway and has attempted on behalf of Novant Health, Inc. to procure the necessary rights of way and easements for the construction of this new municipal roadway but has been unable, through negotiations, to obtain said property from its owner, Village Realty of Kernersville, Inc.; and

WHEREAS, pursuant to the aforementioned infrastructure agreement, the Town agreed to acquire property through condemnation if Novant Health, Inc., after reasonable attempts, was unable to do so; and

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that Novant Health, Inc. has made reasonable attempts to acquire the needed rights of way and easements without success, and it is necessary and in the public interest to acquire a portion of certain real property owned by Village Realty of Kernersville, Inc. for use in meeting the following public purposes: roadway construction of Medical Parkway; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of said roadway.

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 require construction of a municipal roadway commonly known as Medical Parkway.

2. That the Town of Kernersville shall acquire, for the public purpose described above, .006 acres for permanent right of way, and .024 acres for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6885-64-1234.00 and also known as a portion of Tax Lot 044B of Tax Block 5645 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 6885-64-1234.00 and belonging to Village Realty of Kernersville, Inc..

This the 26th day of June, 2012.

Mr. Wolfe then presented the Resolution to institute condemnation proceedings against Pierce Properties #2, LLC.

Alderman Irving Neal made a **Motion** to approve the following Resolution to institute condemnation proceedings against Pierce Properties #2, LLC. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-29
RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST
PIERCE PROPERTIES #2, LLC

WHEREAS, for the public purpose of transportation connectivity between Highway 66 South and Macy Grove Road, Novant Health, Inc. was required as part of rezoning for the construction of the Kernersville Medical Center to acquire property for, and to construct, a new municipal roadway commonly known as Medical Parkway, this requirement being memorialized in an infrastructure agreement dated February 11, 2011; and

WHEREAS, the North Carolina Department of Transportation, as part of the design and construction of Medical Parkway, requires that NC Highway 66 South be widened to provide safe and adequate access to and from Medical Parkway; and

WHEREAS, Trade Street Development Corp. is the developer of Medical Parkway and has attempted on behalf of Novant Health, Inc. to procure the necessary rights of way and easements for the construction of this new municipal roadway but has been unable, through negotiations, to obtain said property from its owner, Pierce Properties #2, LLC; and

WHEREAS, pursuant to the aforementioned infrastructure agreement, the Town agreed to acquire property through condemnation if Novant Health, Inc., after reasonable attempts, was unable to do so; and

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that Novant Health, Inc. has made reasonable attempts to acquire the needed rights of way and easements without success, and it is necessary and in the public interest to acquire a portion of certain real property owned by Pierce Properties #2, LLC for use in meeting the following public purposes: roadway construction of Medical Parkway; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of said roadway.

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 require construction of a municipal roadway commonly known as Medical Parkway.

2. That the Town of Kernersville shall acquire, for the public purpose described above, .053 acres for permanent right of way, .014 acres for a permanent easement and .043 acres for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6885-64-1059.00 and 6885-54-6097.00 and also known as a portion of Tax Lots 042D and 042F of Tax Block 5645 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 6885-64-1059.00 and 6885-54-6097.00 and belonging to Pierce Properties #2, LLC.

This the 26th day of June, 2012.

Mr. Wolfe then presented a Resolution to institute condemnation proceedings against Wenstar Properties, LP.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution to institute condemnation proceedings against Wenstar Properties, LP. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-30
RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST
WENSTAR PROPERTIES, LP

WHEREAS, for the public purpose of transportation connectivity between Highway 66 South and Macy Grove Road, Novant Health, Inc. was required as part of rezoning for the construction of the Kernersville Medical Center to acquire property for, and to construct, a new municipal roadway commonly known as Medical Parkway, this requirement being memorialized in an infrastructure agreement dated February 11, 2011; and

WHEREAS, the North Carolina Department of Transportation, as part of the design and construction of Medical Parkway, requires that NC Highway 66 South be widened to provide safe and adequate access to and from Medical Parkway; and

WHEREAS, Trade Street Development Corp. is the developer of Medical Parkway and has attempted on behalf of Novant Health, Inc. to procure the necessary rights of way and easements for the construction of this new municipal roadway but has been unable, through negotiations, to obtain said property from its owner, Wenstar Properties, LP; and

WHEREAS, pursuant to the aforementioned infrastructure agreement, the Town agreed to acquire property through condemnation if Novant Health, Inc., after reasonable attempts, was unable to do so; and

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that Novant Health, Inc. has made reasonable attempts to acquire the needed rights of way and easements without success, and it is necessary and in the public interest to acquire a portion of certain real property owned by Wenstar Properties, LP for use in meeting the following public purposes: roadway construction of Medical Parkway; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of said roadway.

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 require construction of a municipal roadway commonly known as Medical Parkway.

2. That the Town of Kernersville shall acquire, for the public purpose described above, .047 acres for permanent right of way, and .056 acres for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6885-53-9420.00 and also known as a portion of Tax Lot 012 of Tax Block 5645Q 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 6885-53-9420.00 and belonging to Wenstar Properties, LP.

This the 26th day of June, 2012.

Mr. Wolfe then presented a Resolution to institute condemnation proceedings against J. C. Faw.

Alderman Keith Hooker made a **Motion** to approve the following Resolution to institute condemnation proceedings against J. C. Faw. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-31
RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST
J. C. FAW

WHEREAS, for the public purpose of transportation connectivity between Highway 66 South and Macy Grove Road, Novant Health, Inc. was required as part of rezoning for the construction of the Kernersville Medical Center to acquire property for, and to construct, a new

municipal roadway commonly known as Medical Parkway, this requirement being memorialized in an infrastructure agreement dated February 11, 2011; and

WHEREAS, the North Carolina Department of Transportation, as part of the design and construction of Medical Parkway, requires that NC Highway 66 South be widened to provide safe and adequate access to and from Medical Parkway; and

WHEREAS, Trade Street Development Corp. is the developer of Medical Parkway and has attempted on behalf of Novant Health, Inc. to procure the necessary rights of way and easements for the construction of this new municipal roadway but has been unable, through negotiations, to obtain said property from its owner, WN Property Group, LLC; and

WHEREAS, pursuant to the aforementioned infrastructure agreement, the Town agreed to acquire property through condemnation if Novant Health, Inc., after reasonable attempts, was unable to do so; and

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby determines that Novant Health, Inc. has made reasonable attempts to acquire the needed rights of way and easements without success, and it is necessary and in the public interest to acquire a portion of certain real property owned by WN Property Group, LLC for use in meeting the following public purposes: roadway construction of Medical Parkway; and

WHEREAS, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of said roadway.

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 require construction of a municipal roadway commonly known as Medical Parkway.

2. That the Town of Kernersville shall acquire, for the public purpose described above, .045 acres for permanent right of way, as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6885-63-2170.00 and also known as a portion of Tax Lot 011Q of Tax Block 5644 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 6885-63-2170.00 and belonging to WN Property Group, LLC.

This the 26th day of June, 2012.

Mayor Morgan then called Police Chief Ken Gamble and Asst. Fire Chief Terry Crouse to the podium to address the importance of this roadway in regard to safety.

Chief Gamble stated that this road is essential for emergency services. He described the difficulties of traveling on Macy Grove Road and the need for a second access to the hospital and adjoining sites which would allow emergency response in a timely manner.

Chief Crouse concurred with Chief Gamble's comments as this roadway is essential to emergency responders.

Mayor Morgan asked about the water infrastructure in this area. Mr. Swisher explained the two water lines are needed in case water is cut off in this area as water is essential to the hospital. Chief Crouse explained that having a grid water source is essential for their operations as well.

7. **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 May 1, 2012 Special Meeting
Approval of Minutes for May 16, 2012 Special Meeting
Approval of Minutes for May 30, 2012 Special Meeting
- C-2 Consideration of NCDOT Supplemental Agreement # 2 for Union Cross Road Turn Lane.
- C-3 Consideration of NCDOT Construction Agreement for Roundabout at Intersection of NC 66 and Dobson Street.
- C-4 Consideration of Appointments to the Sister City Commission.

Anthony K. Edmond – new appointment to fill unexpired term, term to expire 6/30/2014

Xiuman "Rose" Chaffin – new appointment, term to expire 6/30/2015

Russell Yates Thomas – new appointment, term to expire 6/30/2015

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the Consent Agenda as presented. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

8. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

9. SPEAKERS FROM THE FLOOR.

None presented.

10. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

The Town Manager presented a Memorandum of Understanding for the Hazardous Mitigation Plan. He stated that the Board voted to participate in the Multi-Jurisdiction Hazard Mitigation Plan in 2010 and it must be readopted in 2015 in order for jurisdictions in Forsyth County to be eligible for state or federal disaster funding. Staff recommends the adoption of this Memorandum Of Understanding to continue participating in this program.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the Memorandum of Understanding for the Development of a Regional Hazard Mitigation Plan for Forsyth, Davidson, Yadkin, Surry, Stokes, Rockingham and Caswell Counties. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

11. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

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

As follow up to discussion at the Briefing, Mayor Morgan presented a possible time keeping system to be used at Board meetings. After a brief discussion, a consensus of the Board was to allow the Mayor, Manager and IT Director to proceed with purchasing a time keeping system.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to pursue the purchase of a timekeeping system for the August or September meetings. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mayor Morgan then announced a meeting of the Town, Chamber and officials of the Kernersville Downtown Council (KDC) to discuss taking responsibility for events previously coordinated by the KDC once the organization has been dissolved. Mayor Pro Tem Caudill Jones stated that discussions between the Chamber and KDC Board have begun and suggested these organizations continue those discussions of these events to determine what events they can take over and then bring that information back to the Town. The Board briefly discussed the Halloween Trick or Treat event that has been extremely popular since it began. The Board was in support of the continuation of this event in some capacity.


Alderman Shifflette thanked Mr. Pages and the Parks & Recreation Staff for conducting tours last week of all the property maintained by that department. She encouraged those that were not able to attend to take the time and tour around to see the excellent job the Staff does maintaining that property.

Mayor Morgan wished everyone a safe and happy Fourth of July!

13. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 9:53 PM. Mayor Pro Tem Dana Caudill Jones 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.

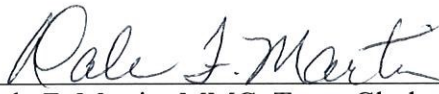

Dawn H. Morgan, Mayor

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 26, 2012.

This the 9 day of August, 2012.


Dale F. Martin, MMC, Town Clerk