

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. JUNE 3, 2014**

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 Joe Pinnix, Jr., Aldermen Keith Hooker, Tracey Shifflette, Irving Neal, and Kenny Crews.

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 Scott Cunningham; Fire Chief Terry Crouse; Doran Maltba, Public Services Director; Gray Cassell, Chief Information Officer; Ernie Pages, Parks & Recreation Director, Franz Ader, Finance Director; and Ray Smith, Human Resources Director.

- **CALL TO ORDER**
- **INVOCATION BY DR. REVEREND MICHAEL WALTON, LIBERTY COMMUNITY CHRISTIAN CHURCH**
- **PLEDGE OF ALLEGIANCE**

Mayor Dawn Morgan called the meeting to order at 7:08 PM. Reverend Michael Walton of Liberty Community Christian Church delivered the invocation. Boy Scout Troop 123 from Colfax led the Pledge of Allegiance.

- **RECOGNITION OF EAST FORSYTH HIGH SCHOOL 2014 GIRLS LACROSSE TEAM**

Mayor Morgan presented each member of the team with a Certificate of Achievement: Aleksey Bugg, Allison Wolfe, Ashley Schell, Brooke Mudgett, Brooke Wright, Caroline Swaim, Danlee Brown, Gabby Fagan, Kennadi Holt, Lexi Heller, Megan Shortt, Mia Westbrook, Rachel Giddings, Savannah Stanford, Shelby Gray, and Tori Heller. She presented the Coaches with a Proclamation commending the team for a very successful season: Head Coach Mason Kellum, Assistant Joseph Fagan, Assistant / JV Coach Caroline Tumbus and Assistant Bryton Charles.

Patricia Gainey, Principal of East Forsyth High School was present and also commended the 2014 Girls Lacrosse team on their success. She thanked the Town for the recognition as well.

Coach Mason Kellum highlighted the performance of this team which set new records for the area. He also commended the players on their success.

Mayor Morgan presented the procedures to follow during the meeting.

PUBLIC HEARINGS

1a. PUBLIC HEARING: on the Annexation of property owned by the Town of Kernersville consisting of approximately 9.068 acres, more or less, known as a portion of the Kernersville Medical Parkway.

Mr. Jeff Hatling, Community Development Director presented this request to annex the property known as the Kernersville Medical Parkway.

Mayor Morgan declared the Public Hearing open.

In Favor

None presented.

In Opposition

None presented.

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

1b. Consideration of an ordinance annexing said property.

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance annexing property owned by the Town and known as a portion of the Kernersville Medical Parkway. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

ANNEXATION ORDINANCE NO. A1-2014-08
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO INCLUDE
AN APPROXIMATELY 9.068 ACRE TRACT KNOWN AS
A PORTION OF KERNERSVILLE MEDICAL PARKWAY

WHEREAS, the Board of Aldermen of the Town of Kernersville, on the 6th day of May, 2014, adopted a Resolution of Intent to annex a tract of property owned by the Town and known as a portion of Kernersville Medical Parkway, being more particularly described herein, in accordance with North Carolina General Statute 160A-31(g); and

WHEREAS said Resolution of Intent set the time and date of a Public Hearing to be held on the question of Annexation as being June 3, 2014, at 7:00 p.m. in the Kernersville Council Chambers/District Courtroom; and

WHEREAS, a public hearing on the question of this Annexation was held at a regular meeting of the Board of Aldermen of the Town of Kernersville in the Kernersville Council Chambers/District Courtroom at 7:00 p.m. on the 3rd day of June, 2014, after due notice by publication on the 15th day of May, 2014; and

WHEREAS, the Board of Aldermen does hereby find as a fact that said annexation meets the requirements of N.C.G.S. 160A-31, as amended, including that this property is owned by the Town of Kernersville and is contiguous to the present corporate limits of the Town of Kernersville.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville, North Carolina:

Section 1. By virtue of the authority granted in North Carolina General Statutes 160A-31, as amended, the territory of approximately 9.068 acres, as further described in the attached **Exhibits A** and in that map recorded in Plat Book ____ at Page ____, which are included herein as if fully set out, is hereby Annexed and made part of the Town of Kernersville as of this 3rd day of June, 2014, at 7:28 o'clock p.m.

Section 2. Upon and after this 3rd day of June, 2014, at 7:28 o'clock p.m., the above described territory, and its citizens and property, shall be subject to all debts, laws, ordinances and regulations in force in the Town of Kernersville and shall be entitled to the same privileges and benefits as other parts of the Town of Kernersville.

Section 3. The newly Annexed territory described herein shall be subject to Town of Kernersville taxes according to G.S. 160A-58.10.

Section 4. A certified copy of this Ordinance shall, together with a map outlining the newly annexed areas, be recorded in accordance with N.C.G.S. §160A-39 in the Office of the Secretary of State of North Carolina and in the Office of the Register of Deeds of Forsyth County, North Carolina; and, a copy of this Ordinance, and map outlining the newly annexed area shall be sent to the Forsyth County Board of Elections as provided for in N.C.G.S. §163-288.1(a), as well as to the Forsyth County Tax Supervisor's Office.

Adopted this 3rd day of June, 2014.

2. PUBLIC HEARING: on proposed Fiscal Year Operating Budget 2014-2015.

Town Manager Curtis Swisher presented the Town's operating budget for fiscal year 2014-15.

Mr. Swisher presented a power point presentation highlighting projected revenues for 2014-15

- Ad valorem property tax revenues, Town's largest source of revenue
- General fund revenues broken down by type
- Other revenues

Mr. Swisher pointed out that Town revenues are projected to increase about \$599,000.

Mr. Swisher then presented Town expenditures by department:

- Police Department, Public Service Department and Fire Department are three largest departments.
- Presented the Town's fixed expenditures that are increasing this year - \$929,800
- Presented non-fixed expenses for this year which totaled – \$215,200.00
- An increase in expenditures - \$1,145,000

He noted that the difference in revenues and expenditures is approximately \$516,000.

Mr. Swisher then presented his recommended equipment purchases:

Fire Department:

16 Radios - \$20,543 p/yr 5/yrs

Fire Engine - \$52,279 p/yr 10/yrs

Police Department:

6 Police Cars - \$32,099 p/yr 5/yrs

18 Radios - \$18,393 p/yr 5/yrs

23 In Car Computers & Printers & 12 Desktop Computers \$21,207 per year for 5 years

Parks & Recreation Department:

Lawn Mowers - \$27,000

Admin Vehicle - \$6,421 p/yr/5yrs

Mr. Swisher presented current tax rate of 52.75 cents and he proposes an increase to 54.75. This will require that some money be taken for the fund balance.

Mr. Swisher presented the impact a 2 cent tax increase would have on the average homeowner:

Home Value	Yearly Increase in Taxes
\$145,000*	\$29
*(median home value)	
\$100,000	\$20
\$200,000	\$40
\$300,000	\$60
\$400,000	\$80
\$500,000	\$100

Mr. Swisher presented the history of Kernersville's tax rate from 2000 and noted that there have been only four increases in 16 years and two of those were for the road bonds.

Mr. Swisher presented the tax rates for our surrounding communities.

Jurisdiction	Tax Rate
Guilford County	0.77
Reidsville	0.71
High Point	0.675
Forsyth County	0.7168
Greensboro	0.6325
Eden	0.6090
Lexington	0.60
Burlington	0.58
Thomasville	0.56

Asheboro	0.55
Kernersville	0.5475 (proposed)
Winston Salem	0.54 (recommended)

Mr. Swisher then presented a comparison of the average residents monthly bills to what is paid in taxes for the services provided by the Town.

Possible Resident Monthly Bills	Amount
Internet (Centurylink up to 10 Mbps)	39.95
Home Phone (Centurylink)	44.95
Cell Phone (Verizon-1 line with Unlimited Minutes and Messages, No Data)	58.00
Current Town Tax Bill (Median Single Family Owner @ 52.75 cent)	63.74
Time Warner Cable (Digital TV, 1 HD DVR Box and Service)	82.82
YMCA Membership (Kernersville Branch-Household w/ dependents)	91.00
Duke Power (all Electric-average of 900 kwh)	111.49
City of W-S Water/Sewer Usage (\$252 bi-monthly)	126.00
Gas for Car (30 miles/day, 25 mpg, \$3.59/gallon)	129.24
Car Payment (5 year loan on 2014 Honda Civic Sedan @ \$17,900)	329.58
House Payment (30 yr Fixed at 3.75% for \$145,000, 20% down)	535.87

Mr. Swisher presented the list of services the Town provides at what it would cost if they were contracted out to a private provider.

- 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

Total \$1,150

Town Taxes for a \$145,000 homeowner currently pays \$765/year in taxes – increase to \$794.
Town Taxes for a \$200,000 currently pays \$1,055/year in taxes – increase to \$1,095.

Mr. Swisher presented the Town’s financial position and stressed the importance of maintaining a healthy fund balance and good bond rating. He explained his concerns with future revenues and expenditures, highlighting the many capital expenditures and infrastructure needs of the Town.

Mayor Morgan called a recess at 8:13 PM. The meeting was reconvened at 8:27 PM.

Mayor Morgan declared the budget Public hearing Open.

Harvey Pulliam, 415 Holt St., Kernersville, NC – stated that residents are leaving the State because our tax rates are too high. He expressed his concern with a 2 cent proposed tax increase and reminded the Board that the “buck starts with you”. He noted an increase in insurance for administration and increases in salaries in Human Resources. He requested the Board not fund the NC League of Municipalities or the UNC School of Government.

Mr. Pulliam expressed his concern with funding the Chamber of Commerce as they get money from the businesses, the Spring Folly and others and should not be funded by the Town. He then stated that he did not feel the Town should buy the land from Novant and recommended demolishing the Chamber building and adding on to the current library building. He commended the Town Manager on his performance regarding the budget but stated that the “buck starts with the Board” and requested that the Board stop the unnecessary funding.

Mr. Swisher explained that group insurance calculations for Administration. He noted the increase in salaries for the HR Department is because the Administrative Assistant position was previously split with Stormwater and now is assigned only to the HR Department.

Mr. Swisher stated that the rent on Town buildings is approximately \$89,000 and will increase when all the units are fully occupied. He noted that the rent on these buildings bring in enough to cover the payments on the property. He also pointed out that the property did have some repairs made. Some repairs we knew about and some were unexpected. He noted that rent on all Town property is approximately \$170,000 and rent on the towers is approximately \$195,000.

Patrick Benson, 953 LaPlata Dr., Kernersville, NC – a four year resident of Kernersville stated that he has reviewed the budget and believes it to be a good budget. He believes the request is very reasonable. He presented an example of where he used to live that had a much lower quality of life than what we have here. He did not want to see that happen in Kernersville. He stated that he would gladly pay for the quality services we have in Town.

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

Mayor Morgan stated that the budget is expected to be adopted on June 24th.

Mr. Swisher requested that the Board members inform him about any changes or questions they have regarding the budget. Staff must prepare a budget ordinance for adoption on June 24th. Alderman Neal asked for a summary of the services provided by the NC League of Municipalities. Mr. Swisher stated that he will provide a description of the many services they provide to Towns across the State and will send it out to the Board.

Mr. Swisher stated that he believes the State will have a budget adopted before the Town and that we don't anticipating anything new from the State this year.

3a. PUBLIC HEARING: Mark Smith, Agent for Others for property located at 422 Mountain View Drive including vacant property north to the 700 Block of Lake Drive being all of PIN #(s) 6876-84-7611 and 6876-94-0147 containing 6.78 acres more or less. Petitioner requests to rezone from RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) to RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District). *Requested Use(s): Residential Building, Multifamily Zoning Docket K-724 A.1*

Mr. Jeff Hatling, Community Development Director presented the Planning Board report for this rezoning request. He noted that a similar request was previously approved in February and that this is a minor change to what has been approved. The request is to increase the number of units by seven. The Planning Board and Staff recommend approval of the request. There was no opposition at the Planning Board meeting.

Mayor Morgan declared the Public Hearing open.

In Favor

Mark Smith, Agent for the Petitioner – explained a mathematical error made in the calculations and that their buildings and he is able to have more units than originally planned, which would allow for additional 1-bedroom room units. He noted that the site has plenty of parking to accommodate the addition. Nothing is changing on the outside of the buildings. He asked for approval and made himself available for questions.

Alderman Crews stated that he has spoken with an adjacent property owner to see if they had any concerns. They expressed a concern with tile work at the end of the street and whether or not the street would be continued out. Mr. Smith stated that they just had a review for their stormwater and erosion control permit and they will be installing a temporary collection pond. It will be

destructured at the end of the project and the entire area cleaned up. He would share this plan when finalized if so desired.

In Opposition

None presented.

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

3b. Consideration of an Ordinance rezoning above described property.

Alderman Hooker asked for the current traffic count on the streets that will primarily be used and what is the impact from the project. Mr. Hatling stated that one of the conditions approved with McConnell was to start a Durham Street fund where each housing unit will contribute towards the construction of the roadway. The traffic analysis indicates 31,000 is the capacity here. The “trips per day” is still low even with the addition of this project. When the roadway approaches its capacity Durham Street will be built.

Alderman Irving Neal made a **Motion** to amend the Unified Development Ordinance of the Town by rezoning the property in case K-724.A1 from RM12-S to RM12-S to the said rezoning being consistent with the Town’s Comprehensive Plan, Kernersville Development Plan, and further being consistent with the public interest due to the following facts:

1. The project has been approved in February of this year and this request is a modification of the building and parking. A mixture of multi-family housing has been established with this neighborhood.

2. The proximity of proposed housing to Kernersville’s downtown can bring economic viability and retail services growth in the downtown area.

Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

Town Ordinance

Zoning Petition of Mark Smith, Applicant

Zoning Docket K-724.A1

ORDINANCE NO. O-2014-09 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 Map be amended by changing from RM12-S ((Residential Multi-family, maximum 12 units/acre - Special Use District) to RM12-S (Residential Multi-family, maximum 12 units/acre - Special Use District) for properties located at 422 Mountain View Drive including vacant property north to the 700 Block of Lake Drive being all of PIN #(s) 6876-84-7611 and 6876-94-0147 containing 6.78 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina and being further described as follows:

BEING KNOWN AND DESIGNATED as 422 Mountain View Drive including vacant property north to the 700 Block of Lake Drive being all of PIN #(s) 6876-84-7611 and 6876-94-0147 containing 6.78 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This ordinance is adopted after approval of and upon condition of compliance with the site plan entitled *Davis Gardens*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 3rd day of June, 2014 to Mark Smith, Applicant.

SECTION 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to Chapter 19 of the Town code for Davis Gardens. 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 3rd day of June, 2014.

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 included in this zoning petition of Mark Smith, Applicant. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for Davis Gardens approved by the Board of Aldermen the 3rd day of June, 2014 and signed, provided the property is developed in accordance with requirements of the RM12-S (Residential Multi-family, maximum 12 units/acre - Special Use District) zoning district to Chapter 19 of the Town Code, the Erosion Control

Ordinance, and other applicable laws permitted with the uses of: Residential Multi-family, maximum 12 units/acre - Special Use District.

Bold and underlined represent Planning Board recommended additions.

SITE PLAN: Approval with the following conditions:

**denotes standard conditions*

1. Transportation

- a. *A Town of Kernersville driveway permit is required to access Mountain View Drive.
- b. Developer shall contribute \$31,167.17 to the Town upon the recording of the first plat to address off-site road improvement needs to serve this development.

2. Plat Requirements

- a. * Prepare a final plat to be recorded with the Register of Deeds Office showing all required information of the Unified Development Office and Special Use District. Developer shall provide a final plat for the development prior to the request of any building permit.
- b. *All storm drainage and sanitary sewer easements meeting Forsyth County Utility requirements and Kernersville's *Design and Construction Specifications Manual* shall be shown on the final plat.
- c. *A note on the Final Plat shall state: "*All storm drainage devices including but not limited to: pipes, drainage boxes, inlets, outlets, and open channel conveyances located outside of the public utility easement shall be maintained by... ..*" (And state the party responsible for maintaining the storm drainage devices).
- d. A negative access easement shall be designated along Mountain View Drive, except in the 2 locations of driveway access to the site.

3. Infrastructure

- a. *The developer shall design and construct all public infrastructures in accordance with the Town's *Design and Construction Specifications Manual*.
- b. *All water and sanitary sewer drawings with appropriate easements shall be approved by the City-County Utilities Commission.
- c. *All detailed construction plans for infrastructure must be submitted to and approved by the Public Services Department prior to construction.
- d. The location, design and construction of the dumpster pad and any appurtenances will be in accordance with the *Town of Kernersville Design and Construction Specifications* manual; and approved by the Public Services Department, Solid Waste Division. **Note:** dumpster pad and vehicle approach slopes shall not differ from one another; nor exceed a 5% lateral slope. The top of slab elevation shall not differ from the vehicle approach finished grade by more than 1/2 foot (0.50'). The lateral slope indicated on the referenced plan looks to be approximately 10% and increasing to 16% at the S.E. edge of the parking area.

4. Environmental

- a. *Developer shall adhere to all State, Federal and Local Government environmental regulations.
- b. *A detailed grading plan, with finished grades, shall be submitted with construction plans.
- c. *An Engineered stormwater management plan shall be submitted to the Watershed Administrator and Stormwater Division of the Town of Kernersville for review and approval prior to final plat.
- d. *The developer shall provide for a sufficient storm drainage system to prevent stormwater runoff from entering Mountain View Drive, and to intercept and convey all runoff from impervious surfaces to the proposed best management practices.
- e. The developer shall determine in the field, the type of any regulated waters on the site.
- f. *The developer shall adhere to all State, Federal and Local Government environmental regulations

5. Emergency Services

- a. *Developer shall comply with all Fire Marshal requirements. All revisions to the project must be submitted to the Fire Marshal and approved including but not limited to pavement or driveway turning radiuses, three-way fire hydrant locations, hydrant discharge thread, water main sizes.

6. Landscape, Signage, Lighting, Requirements

- a. *All landscape requirements per the Unified Development Ordinance shall be met.
- b. Developer shall pronounce the entrances to the project by using berms along with required landscape material.
- c. *One residential sign eighteen square feet in area and up to six feet (6) in height will be allowed.
- d. *A landscape plan sealed by a professional in the field for designing landscape plans shall be submitted for review at time of building permit application. Plan shall include the required number of plantings, types and sizes for streetyard, bufferyard and interior parking lot trees.
- e. Developer shall provide residential lighting in scale and height proportion as street lighting on Lake Way.

7. Other Conditions Required:

- a. The developer shall submit with the building permit request, architectural construction drawings and elevations of a building designed to follow EXHIBIT 1 Conceptual Plan. EXHIBIT 1 shows a 3 story Tudor revival styled building with a front façade that include timber framing accents on the top third of the building with a mix of brick and stone for the remaining façade, accent dormers, and a low pitch roof.

- b. *Building plans are to be sealed by a design professional and shall meet the current edition of the applicable North Carolina State Building Codes and ADA requirements.
- c. This development shall remain designated as “Elderly Housing” (as defined by the Town of Kernersville Unified Development Ordinance) for the life of the development. Any change in use or status shall require rezoning. Elderly housing is defined as a multifamily residential development or facility occupied by persons aged fifty-five (55) years or older or handicapped, their spouses and/or surviving spouses, and resident staff personnel.

4a. PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville for a proposed UDO Text Amendment by amending Chapter B, Article II, Section 2-1.4(A)(4)[B]1.); requirement of the Unified Development Ordinance (UDO) to allow for a “sound wall” to replace a portion of the required trees. Zoning Docket KT-212

Mr. Jeff Hatling presented the Planning Board Report for this text amendment. He stated that this amendment is a result of the situation between Deere-Hitachi and the residents of Manorwood Drive in which a six foot sound wall has been recommended and approved to shield the neighbors from the noise from the plant. Staff and the Planning Board recommend approval.

Alderman Tracey Shifflette asked if this would apply to any rezoning for the LI district. Mr. Hatling explained that this is the only LI district right now but if there is ever a new LI district mixed with single-family residential they would have an option for plantings on top of the berm or a sound wall.

Alderman Neal asked if this would supersede special use zoning. Mr. Hatling stated that it would not.

Mayor Morgan declared the Public Hearing open.

In Favor

None presented.

In Opposition

None presented.

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

4b. Consideration of an Ordinance to amend the Unified Development Ordinance (UDO).

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance for a text amendment to the UDO by amending Chapter B, Article II, Section 2-1.4(A)(4)[B]1; requirement of the UDO to allow for a “sound wall” to replace a portion of the required trees. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

**Town Ordinance
Zoning Docket KT-212**

**ORDINANCE NO. O-2014-10
AN ORDINANCE AMENDING
THE ZONING ORDINANCE
OF THE UNIFIED DEVELOPMENT ORDINANCE**

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinance* (UDO) is hereby amended as follows:

Section 1. Chapter B, Article II, Section 2-1.4(A)(4)[B]2 is hereby amended as follows:

- 2. Plantings.** The minimum planting shall meet the planting standards of a Type IV, 30' Bufferyard and be planted on the crown of the berm, **or a minimum 6' high sound wall meeting NCDOT specifications, constructed along the top of the berm, and 7 primary evergreen trees per one hundred feet (100') between the sound wall and building(s), may be used as an alternative.**

Section 2. That this Ordinance shall become effective upon adoption.

Adopted this the 3rd day of June, 2014.

5a. PUBLIC HEARING: Curtis Swisher, Town Manager, for consideration of an amendment to the Kernersville Development Plan to amend the Land Use Plan for the eastern portion of Old Winston Road, southern portion of South Cherry Street and Southern Street area consisting of 225+/- acres. Plan Docket KDP-40

Mr. Jeff Hatling presented the Planning Board Report for this request to amend the Land Use Plan. Staff and the Planning Board recommend approval. He stated that the study was started a

year ago with a Public Open House in May. The Board directed Staff to adopt an area Land Use Plan. The Southern area is recommended for a mixed area of office, commercial, residential with a potential for light-industrial. A citizen recommended at the Planning Board that the language be added to exclude heavy industrial. Staff and Planning Board concur on adding that to the language.

Mr. Hatling stated that no modifications were recommended for the northern area. He added that in the western area, the words “excluding heaving industrial” will be added.

Mayor Morgan declared the Public Hearing open.

In Favor

None presented.

In Opposition

None presented.

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

5b. Consideration of a Resolution to amend the Kernersville Development Plan.

Mayor Pro Tem Joe Pinnix made a **Motion** to approve the following resolution to amend the Land Use Plan as follows:

- Under the western area add “Excluding Industrial” from uses.
- Under the southern area add “Excluding Heavy Industrial” from uses.

Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Resolution No. R-2014-12

WHEREAS, the Town of Kernersville desires to have orderly growth to protect the health, safety, and welfare of its residents and businesses; and

WHEREAS, the *Kernersville Development Plan* is the comprehensive plan for the community and contains the community planning elements of land use; transportation; community appearance; historic preservation; parks & recreation; environmental; financing of public improvements; and

WHEREAS, the *Kernersville Development Plan* has been duly adopted and amended; and

WHEREAS, community planning is a process that requires constant evaluation of the community's situation and review of its plans; and

WHEREAS, the Town of Kernersville recognizes that within the Land Use Plan amendment area, there are over 200 acres of undeveloped land; and

WHEREAS, economic development, market conditions, and road plans have changed for this area since the last *Land Use Plan* was adopted for this area in 2003; and

WHEREAS, the *Land Use Plan – Area Study Eastern Portion Old Winston Road, Southern Portion South Cherry & Southern Street* was undertaken to determine appropriate land uses based on surrounding land uses, development potential, and traffic conditions; and

WHEREAS, the community was asked to assist in determining what types of future development or land use(s) may be beneficial to the community and property owners for this area; and

WHEREAS, the Land Use Plan amendments incorporates the recommendations of the *Land Use Plan – Area Study Eastern Portion Old Winston Road, Southern Portion South Cherry & Southern Street*.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Land Use Plan* as shown and described in Exhibit A. Adopted the 3rd day of June, 2014.

PUBLIC SESSION

6. SPEAKERS FROM THE FLOOR.

None presented.

7. Consideration of the following regarding the Sale of General Obligation Refunding Bonds:

Mr. Franz Ader, Finance Director introduced Mr. Tom Lee, of Womble, Carlyle & Rice, as the Town's Bond Attorney helping navigate the Town through this process.

Mr. Ader stated that in 2004 the Town issued \$7 million worth of general obligation bonds. He explained the refinancing process to lower the Town's cost on interest paid by approximately \$350,000. Staff requests the Board's approval of a resolution and application to Local Government Commission and approval of a Bond Order.

Mr. John Wolfe read the resolution and order.

a. Resolution Approving the Filing of an Application with the NC Local Government Commission.

b. Introduction and Adoption of a Bond Order.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution approving the Filing of an Application with the NC Local Government Commission. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

A regular meeting of the Board of Aldermen of the Town of Kernersville, North Carolina was held in the Council Chambers of the Municipal Building located at 134 E. Mountain Street in Kernersville, North Carolina, the regular place of meeting, at 7:00 p.m. on June 3, 2014.

Present: Mayor Dawn H. Morgan, presiding, and Mayor Pro Tem Joe Pinnix, Alderman Keith Hooker, Alderman Tracey Shifflette, Alderman Irving Neal and Alderman Kenny Crews

Absent: None

Also Present: John Wolfe, Town Attorney; Tom Lee, Bond Attorney; Curtis Swisher, Town Manager; and Franz Ader, Finance Director

* * * * *

John Wolfe, Town Attorney introduced the following resolution the title of which was read and copies of which had been previously distributed to each Alderman:

Resolution No. R-2014 -13

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS BY THE TOWN OF KERNERSVILLE, NORTH CAROLINA

BE IT RESOLVED by the Board of Aldermen (the “Board”) of the Town of Kernersville, North Carolina (the “Town”):

Section 1. The Board does hereby determine that:

(a) Preliminary analysis has been completed to demonstrate a benefit of refunding all or a portion of the Town’s outstanding General Obligation Street Bonds, Series 2004, dated May 1, 2004 (the “2004 Refunding Bonds”).

(b)The Board wishes to commence the procedures for the issuance of not to exceed \$4,125,000 General Obligation Refunding Bonds of the Town (the “Bonds”) for the purpose of providing funds, together with any other available funds, to refund all or a portion of the outstanding 2004 Refunding Bonds.

(c) The annual audits of the Town show the Town to be in strict compliance with debt management policies and that the budgetary and fiscal management policies are in compliance with law.

Section 2. The filing by the Town of an application with the North Carolina Local Government Commission for approval of the issuance of the Bonds in an aggregate principal amount not to exceed \$4,125,000 is hereby authorized, ratified and approved.

Section 3. The law firm of Womble Carlyle Sandridge & Rice, LLP is hereby appointed to serve, but solely at the pleasure of the Board, as bond counsel to the Town in connection with the issuance of the Bonds.

Section 4. This resolution shall take effect immediately upon its passage.

Thereupon, the resolution entitled: “RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION IN CONNECTION WITH THE PROPOSED ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS BY THE TOWN OF KERNERSVILLE, NORTH CAROLINA” was passed by the following vote:

Ayes: Mayor Dawn H. Morgan, presiding, and Mayor Pro Tem Joe Pinnix, Alderman

Keith Hooker, Alderman Tracey Shifflette, Alderman Irving Neal and Alderman Kenny Crews

Noes: None

Thereupon, John Wolfe, Town Attorney introduced the following order authorizing bonds, the title of which was read and copies of which had been previously distributed to each Alderman:

Alderman Irving Neal made a **Motion** to approve the following Bond Order authoring \$4,125,000 General Obligation Refunding Bonds. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**ORDER AUTHORIZING
\$4,125,000 GENERAL OBLIGATION REFUNDING BONDS**

BE IT ORDERED by the Board of Aldermen of the Town of Kernersville, North Carolina:

1. That pursuant to The Local Government Bond Act, as amended, the Town of Kernersville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said Town may now or hereafter have power and authority to contract, and in evidence thereof to issue General Obligation Refunding Bonds in an aggregate principal amount

not exceeding \$4,125,000 for the purpose of providing funds, together with any other available funds, to (a) refund all or a portion of the Town's outstanding General Obligation Street Bonds, Series 2004, dated May 1, 2004, and (b) pay certain expenses related thereto.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of debt of said Town has been filed with the Town Clerk and is open to public inspection.

4. That this order shall take effect upon adoption.

5. That the Finance Director is hereby authorized and directed to provide notice of redemption to the holders of the General Obligation Street Bonds, Series 2004 in accordance with the terms thereof.

The Board thereupon designated the Finance Director of the Town to make and file with the Town Clerk the sworn statement of debt of the Town which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced. The Board also designated the Finance Director to file with the Town Clerk the statement of total estimated interest which is required by The Local Government Bond Act, as amended, to be filed with the Town Clerk at the time the bond order is introduced and further directed the Town Clerk to file a copy of such statement with the Local Government Commission.

Thereupon, the Finance Director of the Town caused to be filed with the Town Clerk, in the presence of the Board, the sworn statement of debt and the statement of total estimated interest as so required.

Thereupon, the order entitled "ORDER AUTHORIZING \$4,125,000 GENERAL OBLIGATION REFUNDING BONDS" was adopted by the following vote:

Ayes: Mayor Dawn H. Morgan, presiding, and Mayor Pro Tem Joe Pinnix, Alderman

Keith Hooker, Alderman Tracey Shifflette, Alderman Irving Neal and Alderman Kenny

Crews

Noes: None

The Town Clerk was thereupon directed to publish the aforementioned order, together with the appended statement as required by The Local Government Bond Act, as amended, once in the Kernersville News.

* * * * *

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Board of Aldermen of said Town at a regular meeting held on June 3, 2014, as relates in any way to the passage of the foregoing resolution and the adoption of the foregoing order authorizing general obligation refunding bonds of said Town and that said proceedings are recorded in the minutes of said Board.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said Town this 3rd day of June, 2014.

Alderman Tracey Shifflette asked for the end date of these bonds. Mr. Ader stated that we are financing half of the bonds originally and will mature in 10 years as was the date for the original bonds. Mr. Wolfe added that this will not extend anything out further however; will significantly reduce the cost to the Town.

8. Consideration of Designating Kernersville Medical Parkway within the Highway Corridor Overlay District.

Mr. Hatling stated that this is a request to designate Kernersville Medical Parkway as part of the Highway Corridor Overlay District. He presented the advantages of having this parkway included in the Overlay District which has proven to be very effective in achieving the Town's goal of "establishing Kernersville as a unique high quality community in the Triad."

Staff recommends we initiate a formal process for designation if the Board so desired.

Alderman Neal asked if the zoning requirements would be greater than what they are now and would it require any changes to the property along the roadway. Mr. Hatling stated that all property owners will be notified of the process and that the Business Park complies with the Overlay District requirement as it is proposed.

Mayor Morgan polled the Board and it was a consensus of the Board to pursue the formal process to designate Kernersville Medical Parkway as part of the Highway Corridor Overlay District.

9. **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 30, 2014 Briefing 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.

Russ (Yates) Thomas

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

Community Appearance Commission: (up to 6 Vacancies)

Susan Sears Snow – reappointment, term to expire 6/30/2017

Lisa Fowler – new appointment, term to expire 6/30/2017

Recreation Advisory Board: (4 Vacancies)

Howard Martin – reappointment, term to expire 6/30/2017

Chris Oakman – reappointment, term to expire 6/30/2017

Kevin Bugg – new appointment, term to expire 6/30/2017
Wade Hampton – new appointment to fill unexpired term, term to expire 6/30/16

Tree Commission: (3 Vacancies)

Charles Meyers - reappointment, term to expire 6/30/2017
Timothy Gray Goins – new appointment, term to expire 6/30/2017

Sister City Commission: (2 Vacancies)

Lezah Arney – reappointment, term to expire 6/30/2017
Jim King – new appointment, term to expire 6/30/2017

Board of Adjustment: (5 Vacancies 2 Inside Town Limits, 3 ETJ)

Roger Duggins – reappointment, (ETJ) Regular member, term to expire 6/30/2017
Ken Layfield – reappointment, Regular member, term to expire 6/30/2017
Virgil Smith – reappointment to Regular member, term to expire 6/30/2017
Janice Carroll – (ETJ) move to Regular member, term to expire 6/30/2015
Joseph D. Orenstein – new appointment, (ETJ) Alternate member, term to expire 6/30/2017
(1 vacancy – ETJ Alt member)

Planning Board: (4 Vacancies)

Bronda S. Martin- reappointment, term to expire 6/30/2017
James R. Waddell – reappointment, term to expire 6/30/2017
Steve Hutchins – reappointment, term to expire 6/30/2017
Ronnie Roberts – reappointment, term to expire 6/30/2017

C-6 Consideration of Auditing Service Contract with Dixon Hughes Goodman.

C-7 Consideration of a Resolution setting the Public Hearing date for a voluntary annexation petition by Ricky & Katherine Gray for property located at Grays Land Road near Macy Grove Road and I-40, 19.130 acres.

**RESOLUTION NO. R-2014-14
RESOLUTION SETTING TIME AND PLACE FOR PUBLIC HEARING
ON ANNEXATION OF 19.130 ACRE TRACT OF PROPERTY NON-CONTIGUOUS
TO THE CORPORATE LIMITS OF THE TOWN OF KERNERSVILLE
KNOWN AS TAX PARCEL NO. 0169167 OF GUILFORD COUNTY TAX MAPS**

**LOCATED AT GRAYS LAND ROAD NEAR S.R. NO. 1860 MACY GROVE ROAD AND
I-40 UPON PETITION OF RICKY L. GRAY AND KATHERINE F. GRAY**

WHEREAS, the Board of Aldermen of the Town of Kernersville was petitioned on the 15th day of May, 2014, to consider the annexation of certain property consisting of a 19.130 acre tract of property non-contiguous to the corporate limits of the Town of Kernersville known as tax parcel No. 0169167 of Guilford County Tax Maps located at Grays Land Road near S.R. No. 1860 Macy Grove Road and I-40, as more fully described on the attached Exhibits A and B, which Exhibits are incorporated herein as if fully set out within this Resolution, and which property is non-contiguous to the present municipal boundary of the Town of Kernersville; and

WHEREAS, the Town Clerk has certified to the Board of Aldermen as to the sufficiency of said Petition in that:

1. The property is solely owned, according to the tax records of the Guilford County Tax Supervisor's Office, by Ricky L. Gray and Katherine F. Gray.
2. The Petition includes the name and address of the property owner of all of the real property located within the proposed satellite corporate limits;
3. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the Town of Kernersville;
4. The property proposed for satellite annexation by the Town of Kernersville is within the area described for future annexation by the Town of Kernersville in the current Annexation Agreements between the Cities of High Point and Greensboro, and the Town of Kernersville;
5. Neither the area proposed for annexation, nor any part thereof, is a subdivision as defined in N.C.G.S. 160A-376; and
6. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the Town of Kernersville, will not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Kernersville; and

WHEREAS, it is now necessary to set a time and place for a Public Hearing on the matter of Annexation of said property and to publish Notice thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE that the Public Hearing on the question of Annexation of

the herein set forth property by The Town of Kernersville, being more particularly described in the attached Exhibits A and B, is hereby set at 7:00 p.m. in the Kernersville Council Chambers/District Courtroom, Town Hall, Kernersville, Forsyth County, North Carolina, on the 24th day of June, 2014, and that Notice therefore be given according to law.

This the 3rd day of June, 2014.

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

10. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

11. SPEAKERS FROM THE FLOOR.

None presented.

12. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher reported that a citizen came in with a notice from Duke Energy notifying them that they would be in the area trimming trees away from power lines. He stated that they did a poor job last time; however, there is not much the Town can do about it. Asplundh did the work before. He stated that the Board may receive some complaints.

13. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

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

Alderman Shifflette stated that she currently sits on the TAC Board and MPO and by June 6th we have to assign our 40 points for our regional and divisional road projects.

Mr. Hatling explained that we have received an email that things have changed. The State has come up with a ranking system for projects across the State. Each local government will have points to allocate to the project they want to promote. We currently have no statewide or regional projects that directly impact the Town. The closest project is the beltway being built from Bus.- 40 to Hwy. 158. The next segment near us is from Bus.- 40 to I-40. Mr. Hatling

stated that he and Alderman Shifflette discussed this early this afternoon and feel that we should allocate the Town's points to this project.

Mayor Morgan stated that things are subject to change quickly at the TAC meeting and suggested that the Board give Alderman Shifflette some flexibility to react to those situations during the meeting. Mr. Hatling stated that we can switch our points to help one project over another.

Mr. Hatling noted recent changes in Town projects and the confusion that it's caused. He added that based on the latest rankings, our best chance to move projects ahead would be the Big Mill Farm Road interchange and Hopkins Road improvements.

After discussing the projects, the consensus of the Board was to allocate the Town's points towards the Bus-40 to I-40 segment for the Regional/State Project and to the Macy Grove Road extension as the divisional project.

Mayor Morgan asked Mr. Maltba to give his opinion on these road projects. Mr. Maltba stated that in his conversations with DOT, they plan to support the extension of Macy Grove Road and if we follow suit we could be matching those points and get this project back on the list as a priority.

Alderman Hooker pledged his support as well and explained that the State assigns points for different factors when setting priorities and bike lanes and sidewalks are things that get a road extra points. He believed that with NCDOT's support, Macy Grove Road could be pushed to a top priority project.

Alderman Shifflette stated that she would take these comments back to the TAC meeting.

Alderman Keith Hooker stated that he witnessed a single car accident on Hopkins Road at Timberwood Trail. He asked Mr. Swisher to check with NCDOT to see if they would do anything about the ditch. Mr. Swisher reported that it does not warrant action by NCDOT however; they would allow the Town to put up guardrail along Hopkins Road. He suggested that Board send formal notification to DOT request they address the situation.

Alderman Hooker asked if the Board should send a letter or adopt a resolution. Mr. Wolfe explained that the Board will be issuing a resolution with a Motion to take action after which the appropriate correspondence could be sent to NCDOT.

Alderman Crews stated that he is aware of a number of accidents on Hopkins Road and supports this request.

Mr. Swisher stated that the ditch is getting wider and estimated that a guardrail would cost approximately \$10,000 to \$12,000. Mr. Doran Maltba, Public Services Director came forward and the Board discussed which would be more affective a guardrail or a cable. It was determined that a guardrail would be most effective in this situation.

Alderman Keith Hooker made a **Motion** to request that NCDOT revisit the area at Hopkins Road and Timberwood Trail to install at their cost a guardrail along Hopkins Road. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

Alderman Neal asked if the Town should offer to pay half of the cost. Mr. Swisher recommended we ask DOT and then if they say no, we will bring it back to the Board.

Alderman Irving Neal made a **Motion** to enter into Closed Session to discuss certain matters about which the Board needs to be advised regarding land acquisition. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Board entered into Closed Session at 10:09 PM.

15. ADJOURNMENT.

Alderman Keith Hooker made a **Motion** to adjourn the meeting at 11:05PM immediately following the Closed Session. Alderman Irving Neal 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 3, 2014.

This the 12 day of August, 2014.

A handwritten signature in cursive script, reading "Dale Martin", written in dark ink. The signature is positioned above a horizontal line.

Dale F. Martin, MMC, Town Clerk