

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. JUNE 24, 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; Dale Metzinger, Street Superintendent; Adam Hutchins, Systems Administrator; Gray Cassell, Information Systems Director; Heather Wood, Marketing & Community Relations Specialist; Franz Ader, Finance Director; and Ray Smith, Human Resources Director. Mike Horney, Operations Manager.

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

Mayor Dawn Morgan called the meeting to order at 7:06 PM and led the Pledge of Allegiance. Reverend Jeff Patterson of Main Street United Methodist Church delivered the invocation.

Mayor Morgan presented Reverend Patterson with a Resolution of Appreciation and small gift from the Town for his service to the citizens of Kernersville. Reverend Patterson will be moving to Winston-Salem and taking a new position within the Methodist Church organization.

Rev. Patterson stated that it has been an honor to serve this community and that our residents are very fortunate to live here.

- **OATH OF OFFICE TO BE ADMINISTERED TO WYATT SAMUEL JONES JR. BY MAYOR DAWN H. MORGAN FOR HIS APPOINTMENT TO THE NC STATE BOARD OF COSMETIC ART EXAMINERS.**

Mayor Dawn Morgan recognized Mr. Wyatt Samuel Jones, Jr. and delivered the Oath of Office for his appointment to the NC State Board of Cosmetic Art Examiners. Mr. Jones has been in

business since 1960, beginning his career in Greensboro before moving to Kernersville. Mayor Morgan noted his educational accomplishments and civic involvement. Mayor Morgan congratulated Mr. Jones on his appointment.

Mayor Morgan then explained the procedures followed during the meeting.

PUBLIC HEARINGS

1a. PUBLIC HEARING: on 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.

Mr. Jeff Hatling, Community Development Director presented the annexation request for property located on Macy Grove Road. He noted the agreement with the City of High Point to provide water and sewer which requires the annexation of this property. Staff recommends approval of this annexation request.

Mr. Hatling then presented the development plan amendment for high density residential. He highlighted the surrounding land uses. He explained the change to high density residential and described the physical constraints on this site.

Mr. Hatling stated that a resident north of this property expressed a concern with how this project will impact his property. He explained that the topographical constraints on this site will serve as a buffer for the property to the north.

Mr. Hatling stated that Staff recommends approval however a motion to approve the amendment to the Kernersville Development Plan failed at the Planning Board.

Mr. Hatling presented the special use rezoning request. He noted the layout of the site and the amenities proposed. He explained the proposed plans for the interchange at Macy Grove Road and I-40 and the impact on this site. He stated that a traffic study and analysis was conducted by the City of High Point. The study showed that the infrastructure was adequate for the area and a four-lane configuration was dropped.

Mr. Hatling referred to the traffic study and analysis done for the hospital and VA clinic proposal, which showed the need for Medical Parkway and Hwy. 66 improvements. Those improvements have been addressed.

Mr. Hatling pointed out the architectural features of the buildings and the stormwater plan for this site. Specific conditions are included. He pointed out a requirement by the Fire Department for a second access which has been addressed in the revised site plan.

Mr. Hatling noted a change to condition #30 at the Planning Board meeting. Staff recommends a change to require that screening for dumpsters and garages be the same materials as the buildings. Staff recommends approval as permitted and with the revision to condition #30. The Planning Board motion to approve the request failed.

Mayor Morgan declared the Public Hearing open.

Alderman Irving Neal asked if the annexation of the property is approved but the property is not rezoned, what happens.

Town Attorney John Wolfe explained that the only recourse to deannex property is through the legislature as this Board does not have that authority. He added that the property must be annexed before you can rezone the property.

Alderman Neal referred to the Novant rezoning request in which they were required to dedicate right-of-way for the interchange. He requested clarification that NCDOT has signed off on this site plan. He expressed his concern for the future interchange and the need for additional right-of-way.

Mr. Swisher explained that right-of-way was required from Novant because of the side of the road that they are located on and based on a design by Ramey Kemp, the interchange can be built without impacting the apartments. The initial design shows the interstate coming from the south. He added that NCDOT is not going to sign off on any plan ahead of time. If they can construct the interchange without taking any more right-of-way they will do so because they don't want the expense of purchasing the additional land.

Mr. Hatling explained that NCDOT participates in all Town development processes as they did in this case and the Novant site. They did not indicate the need for additional right-of-way from the site.

Alderman Tracey Shifflette asked for the number of trips generated per day by this project. Mr. Hatling estimated 8 trips per unit per day as a result of these apartments. He stated that this is the calculation used in their analysis.

Alderman Shifflette asked if the concerns regarding stormwater are adequately addressed. Mr. Hatling stated that the requirements are very stringent and the developer must address not only the water quality but also the rate of runoff onto adjacent sites.

Alderman Keith Hooker stated that it is his understanding that the stormwater controls planned for this site are actually more stringent than what we require. Mr. Hatling noted that this site is also in the Randleman Dam watershed which does have heightened standards.

Alderman Hooker expressed a concern with the location of the intersection with Grays Land Road. Mr. Swisher and Mr. Hatling explained that Gray's Land Road will be shifted and will not be a problem.

In Favor

Ricky Gray, 578 Macy Grove Road, Kernersville, NC – stated that he is the property owner. He stated that he wants this area to remain residential and asked for the property to be annexed.

Dino Hackett, 1152 Kearns-Hackett Road, Pleasant Garden, NC – stated that he is the developer and contractor for this project. They feel strongly about this location in regard to it servicing the surround area. He noted the industry in the area and the proximity to I-40 makes this an attractive area for multifamily development. He asked the Board to annex the property.

Opposed

Johnathan Ballinger, 6117 Ballinger Road, Greensboro, NC – stated that he did not know anything about the annexation and questioned what type of notice was required. He added that he did receive a notice about the rezoning. He recommended that the Board not vote on the annexation until they vote on the rezoning. He noted his opposition to the rezoning.

Being no additional speakers either in favor or opposition, Mayor Morgan closed the public hearing.

1 b. Consideration of an Ordinance annexing above property.

Alderman Keith Hooker asked if there is anything unusual about this site. Mr. Swisher stated that he is not aware of any unusual circumstances with this property. He stated that the Town already serves the hospital area, the owner will pay for solid waste disposal and should be very little cost associated with services for police and fire. He stated that a letter was sent by Becky Smothers of High Point stating that water will be provided by the City of High Point. He stated that this area will be easier to serve than some other areas in Town.

Alderman Hooker asked how much revenue the property would generate if it is not developed. Mr. Swisher stated that if the property is agricultural and it is not rezoned he speculated that the property owner would take action to deannex the property and the Town would not receive any revenue. The property owner estimated the tax value at \$8,000 which would not produce very much tax revenue.

Mayor Morgan asked the Town Attorney to address the advertisement of the annexation. Mr. Wolfe stated that signage is not required for a voluntary annexation. The annexation was properly advertised in the newspaper which is all that is required when the Town is being petitioned for annexation.

Mayor Pro Tem Joe Pinnix made a **Motion** to approve the following Ordinance annexing property located on Grays Land Road containing 19.130 acres more or less at 8:13 PM. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

ANNEXATION ORDINANCE NO. A2-2014-11

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF

THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO

INCLUDE A 19.130 ACRE TRACT DESCRIBED HEREIN AND

GENERALLY 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 BEING NON-CONTIGUOUS TO THE CORPORATE LIMITS OF

THE TOWN OF KERNERSVILLE UPON PETITION OF RICKY L. GRAY AND KATHERINE F. GRAY

WHEREAS, the Board of Aldermen of the Town of Kernersville has been petitioned, in accordance with North Carolina General Statutes 160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition; and

WHEREAS, on June 3, 2014, the Board of Aldermen of the Town of Kernersville set the time and date of a Public Hearing to be held on the question of Annexation as being June 24, 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 24th day of June, 2014, after due notice by publication on the 12th day of June, 2014; and

WHEREAS, the Board of Aldermen does hereby find as a fact 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 Agreement 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
7. The area to be annexed is so situated that the Town will be able to provide the same service within the proposed satellite corporate limits that it provides within the primary corporate limits of the Town;

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-58.1, as amended, the territory of approximately 19.130 acres, as further described in the attached **Exhibits A and B** which are included herein as if fully set out, is hereby Annexed and made part of the Town of Kernersville as of June 24, 2014 at 8:13 PM o'clock PM.

Section 2. In accordance with N.C.G.S. 160A-58.3 upon and after June 24, 2014 at 8:13 PM o'clock PM, 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 Guilford County, North Carolina; and, a copy of this Ordinance, and map outlining the newly annexed area shall be

sent to the Guilford County Board of Elections as provided for in N.C.G.S. §163-288.1(a), as well as to the Guilford County Tax Supervisor's Office.

Adopted this 24th day of June, 2014 at 8:13PM.

- 2a. **PUBLIC HEARING:** Curtis Swisher, Agent for the Town of Kernersville for consideration of an amendment to the *Kernersville Development Plan* to amend the *Land Use Plan* for property located at 780 Macy Grove Road and within Guilford County being all of Guilford County PIN # 6895-44-4614 containing 17.96 acres more or less. Plan Docket KDP-41

Mayor Morgan declared the Public Hearing Open for the rezoning and Development Plan amendment.

In Favor

Dino Hackett, 1152 Kearns-Hackett Road, Pleasant Garden, NC – stated that he is the developer and general contractor on this project. He presented a preliminary site plan for the project and noted that they did not use the entire property to allow for the required green spaces. The project is for a 216 gated apartment community with a club house, pool house and 9 garages. The buildings are 3 story with 1, 2, and 3 bedroom units. He projected the rents to be approximately \$875 to \$1,100. He then listed the amenities that will be offered and added that the complex will be managed by a 3rd party company. He also referred to the letters of support by officials in High Point. He added that a community meeting was held and there was a consensus that development was inevitable and they preferred residential over other options. He thanked the Board for their attention and consideration of this request. He then made himself available for the questions.

Opposed

Dave Thomas, 911 Quail Meadow Lane, Colfax, NC – stated that he lives in a single family residential area and objects to this multifamily development. He stated that his neighborhood is a half a mile down the road. He stated that he doesn't believe that the traffic was taken into consideration. The VA hospital and additional development that will occur in the area will all increase the traffic in this neighborhood. He commended the developer on a beautiful project but feels that it is in the wrong place and would prefer houses on this land. He added that there are others things that could be done as opposed to 216 apartment units.

Alderman Neal asked how far Mr. Thomas lives from this property. Mr. Thomas stated that he lives $\frac{3}{4}$ of a mile from this site. He noted that he is aware of homeowners in this neighborhood that will be putting their houses up for sale because of this development.

Johnny Ballinger referred to the site plan. He added that he has nothing against the property owners and developer, however; if you want to have a business park as this area has been laid out for then you need to keep it that way. He stated that he believes there will be an interchange here and DOT will need the exit ramp.

Alderman Neal asked where Mr. Ballinger lives in relation to this property.

Mr. Ballinger stated that he lives about 8 miles away, however; he owns property adjacent to this property. He stated that this property sits on top of the hill and you will have a 3-story apartment building sitting up there. He noted that they want to build a retaining wall along my property line that will need to be 10 feet high. He stated that his property will provide the view for the apartment and if it is developed for industrial or some such use then the residents will be complaining. He stated that no one has talked to him about the run off from this property that will affect his property. He stated that he came to the meeting of the owners, however he was not invited by the developer but went with a neighbor. He stated that he has plans to put cows on his property this winter. He believes the impervious surface calculations are wrong and believes that only one way in and one way out is a problem. He questioned the screening of the dumpster and the amount of parking.

Mr. Ballinger suggested the Board consider the uses for the surrounding property that could be included in a business park and having these apartments here along I-40 could be a problem.

David Lain, 525 Lake Drive, Kernersville, NC – explained that the only access to his property is by way of Gray's Land Road. He stated that part of his father's land was taken for I-40. He expressed concern with other improvements here that might limit his access to his property.

Mr. Swisher explained that Gray's Land Road is not being cutoff but being rerouted to another location and stated that if an exit ramp is needed here it would not affect access to his property.

Mayor Morgan allowed Mr. Hackett time for a rebuttal.

Dino Hackett added that they did meet with all home owners in the area. He noted that the residents of the area can see the hospital and other medical buildings out there. He stated that this project will not be in their back yard. He stated that the property will eventually be developed and that apartments are more compatible than many other uses that could be built on this property.

Mr. Hackett stated they plan to leave as many of the existing trees as possible and that he sees no problem with Mr. Ballinger putting cows on his property. He reminded the Board that stormwater plans are required to be approved for this site which will address any water issues. He noted that the project has more parking spaces than what's required and noted the dumpster will be enclosed with brick. He added that this is a gated community which will restrict people from going in and out of the complex.

Alderman Hooker asked if the exterior of all four sides of the buildings will be brick. Mr. Hackett stated yes except for the garages. The back of the garages will be a decorative style with possibly some gables with cedar or other type siding.

Alderman Shifflette asked to confirm the number of entrances. Mr. Hackett explained that there will be two ways in and out of the development.

Mr. Ballinger stated that he met with six of the homeowners on Macy Grove Road and they all are considering selling their property. They don't feel this is the best location for apartments, that this area next to I-40 should be reserved for an industrial or business park.

Being no additional speakers either in favor or opposition, Mayor Morgan closed the public hearing.

2b. Consideration of a Resolution to amend the Kernersville Development Plan.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution amending the Kernersville Development Plan for property located at 780 Macy Grove Road and within Guilford County. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

Resolution No. R-2014-16

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 situation and review of its plans; and

WHEREAS, a rezoning has been proposed that requires a review of the *Land Use Plan* to determine if modifications should be made; and

WHEREAS, the adopted *Heart of the Triad Plan* calls for targeting higher density residential development for areas in close proximity to existing or future employment centers, where existing & future transportation systems and public infrastructure can service the development; and

WHEREAS, as the site is near the growing job center area including the hospital, FedEx Ground, VA Health Center and the industrial area along NC 66; and

WHEREAS, special use district rezoning is being requested for this site to assist in the proper transition between vacant property, single-family, and the Medical Business Park; and

WHEREAS, a traffic impact analysis has been completed for the area to allow for the construction of an adequate street network.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Land Use Plan* by changing the property located at 780 Macy Grove Road from “Business Center” to “High Density Residential”.

Adopted the 24th day of June, 2014.

- 3a. **PUBLIC HEARING:** Hackett Properties, Inc., Agent for Others for property located at 780 Macy Grove Road and within Guilford County being all of Guilford County PIN # 6895-44-4614 containing 17.96 acres more or less. Petitioner requests to rezone from Guilford County AG (Agricultural) to Kernersville RM18-S (Residential Multifamily, maximum 18 units/acre – Special Use District). *Requested Use(s): Residential Building, Multifamily.* Zoning Docket K-726

Public Hearing held jointly with item #2 above.

3b. Consideration of an Ordinance to rezone above property.

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance to amend the Unified Development Ordinance of the Town by rezoning the property in case K-726 from AG to RM12-S 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. There is demand for multi-family housing to meet the demands of the growing employment of the area.
2. Special Use District rezoning is used to assure a high quality product is built.

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

Town Ordinance

Zoning Petition of Hackett Properties, Agent for Others

Zoning Docket K-726

ORDINANCE O-2014-12
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 Guilford County AG (Agricultural) to Kernersville RM12-S ((Residential Multifamily, maximum 18 units/acre – Special Use District). Approved for properties located at 780 Macy Grove Road being all of PIN # 6895-44-4614 containing 17.96 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 780 Macy Grove Road being all of PIN # 6895-44-4614 containing 17.96 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 *Macy Grove Development*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 24th day of June, 2014 to Hackett Properties, Inc., Agent for Others.

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 Macy Grove Development. 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 24th 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 Hackett Properties, Inc., 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 Macy Grove Apartments approved by the Board of Aldermen the 24th day of June, 2014 and signed, provided the property is developed in accordance with requirements of the zoning district to Kernersville RM12-S (Residential Multi-family, maximum 18 units/acre - Special Use District) Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the uses of: Residential Multi-family, maximum 18 units/acre - Special Use District.

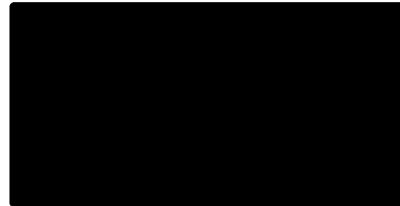
Bold and underlined represent Planning Board recommended additions.

SITE PLAN: Approval with the following conditions:

*denotes standard conditions

Architectural and Amenities

1. The architectural features shall consist of brick façade, decorative brick window lintels, hip and gable roof, enhanced arch entrance way with metal stairways as shown in photo to the right.
2. The amenities of the apartment complex shall include but not limited to pool, fitness center, club house, dog parks, garages, granite counter tops, camera security system, brick billiard fences and a security gate system.



Transportation

3. *Town of Kernersville Driveway Permit required.
4. *An NCDOT Commercial Driveway Permit Application is required (*with plan attached, a minimum of five sets*) submitted to, Assistant District Engineer, NCDOT Greensboro District Office, Division 7-District 2
5. *All NCDOT improvements required as part of the Driveway Permit Approval process shall be constructed as part of this project.
6. Resurfacing of Grays Land Road shall be coordinated with NCDOT and be in accordance with NCDOT requirements.

Public Infrastructure

7. *All water and sanitary sewer plans and easements shall be submitted to and approved by the City of High Point.

8. *Any utilities (water, sewer, etc.) within NCDOT right-of-way shall be reviewed, inspected and approved under a separate NCDOT encroachment agreement.
9. *The developer shall design and construct all public infrastructures in accordance with the *Town of Kernersville Design and Construction Specifications* manual.
10. *All detailed construction plans for infrastructure must be submitted to and approved by the Engineering Division prior to construction.

Fire and Rescue

11. *The turning radius requirements for the fire apparatus shall be met.
12. *The gate at the entrance/exit shall comply with Town of Kernersville Code, Article V, Section 7-101.
13. *Fire hydrant shall comply with NC Fire Code.
14. *Fire apparatus access standards of Section 503.1.1 of the NC Fire Code shall be met.
15. *All Fire Department requirements shall be met during and after the construction process. The Fire Marshal shall approve any changes to the interior turning radiuses and all public access points.

Environmental and Stormwater Management

16. *The storm drain outfalls from the site should be designed to discharge the runoff following the existing natural drainage paths, or obtain private drainage easement to insure discharge of concentrated runoff into a natural water course
17. *The project is located within the West Fork Deep River that falls within the Randleman Lake watershed; therefore, in addition to the Town of Kernersville Watershed Protection and Stormwater Runoff regulations, the project shall meet the Riparian Buffer Protection rules for lands within the Randleman Lake Watershed, including the Diffuse Flow requirement.
18. *Developer shall adhere to all State, Federal, and Local Government environmental regulations.
19. *A detailed grading plan, with finished grades, shall be submitted with construction plans.
20. *Drainage design calculations shall be submitted with the submittal of the grading plan.
21. *A Stormwater Management Plan shall be submitted to the Town Engineering Division for review and approval prior to final plat submittal.
22. *Any required permanent stormwater management devices shall be installed prior to the issuance of a Certificate of Occupancy.
23. *The developer shall have a certified consultant determine, in the field, the type of any regulated waters on the site.
24. *A Watershed/Stormwater Permit approved by the Town is required.
25. *All storm drainage easements meeting the Town's requirements as outlined in the Town of Kernersville Design and Construction Specifications manual shall be shown on the Final Plat.
26. *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).

Others

27. *The location, design and construction of the dumpster pad(s) 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.
28. *The design and construction of the retaining walls shall be certified, signed and sealed by a qualified Professional Engineer licensed in the State of North Carolina.
29. Address shall be off Grays Land Road.
30. Dumpster screening and garages shall incorporate the same material as the buildings.
31. *Developer shall submit, a detailed landscape plan with construction plan submittals for the bufferyard, streetyard, and interior parking lot that identifies plant quantities, selections, sizes.
32. *The lighting for the project shall be required with “cut-off lighting fixtures” that cast light downward. Pedestrian scale lighting should illuminate so that lighting dissolves at the roof lines of buildings or top of light pole. Pole heights shall be a maximum of 26 feet or less. Security lighting for the building (*if needed*) shall be a cut-off lighting fixture mounted to a pole or wall.

Mayor Morgan asked for the time frame on this project. Mr. Hackett stated that he hopes to get the plans finalized and approved in 45 to 60 days and started by August or September.

PUBLIC SESSION

Mayor Morgan called a recess at 8:56 PM. The meeting was reconvened at 9:11 PM.

4. SPEAKERS FROM THE FLOOR.

Bill Royal, 436 Thomas Ross Court, Kernersville, NC – complained about events at Bucked Up Saloon on Hwy. 66. He stated that the noise can be heard at 10 AM and goes on all day long. He stated that he called the Police Department but nothing happens. He asked that the Board do something regarding the noise. He stated that he understands the laws doesn't say how loud it can be and that needs to be changed. He stated that he could hear curse words on the loud speaker and that his grandchild was with him. He stated that he understands that three officers were there working off-duty and asked if that was not a conflict of interest. He added that he doesn't appreciate the language used or music they play and wants something done about it.

Mayor Morgan asked Mr. Wolfe to address the noise ordinance and the conflict of interest question.

Mr. Wolfe stated that the Town does have a noise ordinance which has been discussed before at length. He stated that this noise is coming from a commercial area and from an outdoor event. He stated that he learned about this earlier today and that the Police Department did react and go to the business. The officers did not find any violations at that time.

Mr. Wolfe stated that previous discussions did not go into specific decibel levels but rather at the volume and intensity of the noise, the time of day or night and whether or not it was continuous. Mr. Wolfe stated that any citizen has the right to file a civil complaint against someone that violates an ordinance.

Mr. Wolfe stated that as far as Officers working an event being a conflict of interest, he explained that every Officer takes an oath to uphold the law regardless of where they are. He stated that Officers are hired routinely to work at facilities for that very purpose and it is not a conflict of interest.

Mr. Wolfe further explained that we all have differences of opinion and it becomes very difficult when it comes to likes, dislikes among individuals. He stated that he lives on S. Main St. and can hear loud speakers for the festivals, our schools, etc. The Town has had from time to time complaints from individuals about this facility. He believes there is a hollow area between Salisbury Street area and Hwy. 66 that allows the noise to travel and there is not anything the Town can do about that.

Mr. Swisher stated that we can address the profanity and was addressed at Bucked Up once the Officer was made aware of that.

Marilyn Ingram, 116 NC. Hwy. 66, Kernersville, NC – thanked the Mayor and Board members for their research on this issue. She stated that there were Officers on site that did investigate the complaints. She stated that she is the Talent buyer for Bucked UP and the sound provider at their event is outsourced and noted that it is also the provider for sound at Spring Folly. The decibel levels were within an acceptable range. She stated that testing of the system is conducted by the provider. She did not hear the profanity but understands that is not acceptable and will address this at any future event.

5. Consideration of an Ordinance to lower Speed Limit for Kentland Ridge Subdivision.

Mr. Swisher stated that he received a request from residents of Kentland Ridge to reduce the speed limit to 25 mph. He pointed out that there are no connector streets within this subdivision and this request is in line with the other subdivisions in Kernersville.

Alderman Irving Neal made a **Motion** to approve the following ordinance to lower the speed limit to 25 mph to be consistent with other neighborhood speed limits. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2014-13

AN ORDINANCE AMENDING TRAFFIC SCHEDULE 2 OF CHAPTER 9
OF THE TOWN OF KERNERSVILLE CODE OF ORDINANCES
BY ADDING CERTAIN STREETS TO THE
TWENTY FIVE MILE SPEED ZONE

WHEREAS, it is in the interest of the public health, safety and welfare to regulate the speed limit in residential area; and

WHEREAS, the Board of Aldermen has received a request from residents of the Kentland Ridge subdivision asking that the speed limits within the subdivision be reduced and agrees that the speed limit on certain streets should be reduced from thirty-five miles per hour to twenty-five miles per hour.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville that Chapter 9: Motor Vehicles and Traffic, Section 9-56(b) is amended by adding all streets in Kentland Ridge Subdivision, namely Kentland Ridge Drive, Joyceland Road, Tysonridge Court, and Stephenshire Court to that subdivision of Traffic Schedule 2 denoting streets on which the speed limit is twenty-five miles per hour.

This ordinance shall be effective upon adoption of this amendment.

Adopted this the 24th day of June, 2014.

6. Consideration of an Ordinance for FY 13-14 Final Budget Amendment.

Mr. Swisher presented the following explanation regarding the budget amendment:

General Fund – Expenditures

1. To increase the Governing Body Department expenditures in the net amount of \$76,434 to cover several expenditures, the bulk of which are the following: property tax on Teague Lane (\$664), YMCA expenses approved by the Board of Aldermen (\$3,500) and legal fees (\$70,000).
2. To increase the Administration Department expenditures in the net amount of \$132,652 primarily to cover expenses associated with improvements to the Town Hall HVAC system.
3. To decrease the Inspection Department expenditures in a net amount of \$4,486 to reflect the vacancy of inspector personnel.

4. To increase the Information Technology expenditures in the net amount of \$1,574 to cover equipment cost increases.
5. To increase the Planning and Zoning Department expenditures in a net amount of \$6,586 to primarily cover retirement expenses and an Inspector III position moved from the Inspections Department.
6. To increase the Human Resources Department expenditures in the net amount of \$5,946 to primarily cover supervisor training, a part-time position being moved to full-time and group insurance expenses.
7. To increase the Police Department expenditures in the net amount of \$96,781 to cover the following: unexpected worker's compensation claims, lidars and tasers (grants), radios, unemployment insurance, overtime for Communication personnel and straight time pay allowances for sworn officers.
8. To increase the Fire Department expenditures in the net amount of \$68,657 to cover the following: building and apparatus repairs, temporary firefighters, unemployment insurance and departmental supplies.
9. To decrease the Engineering Department expenditures in the net amount of \$6,491 primarily to cover unemployment insurance increases and salary savings.
10. To increase the Street Department expenditures in the net amount of \$226,932 to cover expenditures, the bulk of which are the following: unemployment insurance (\$5,176), swap body truck (\$196,880), street lighting (\$12,000), snow events (\$4,235) and street maintenance supplies (\$5,000).
11. To increase the Solid Waste Department expenditures in the amount of \$38,930 to cover landfill tipping fees and boom truck rental for storm debris pickup.
12. To decrease the Transportation Department expenditures in the net amount of \$33,395 to reflect actual salaries and unemployment insurance.
13. To increase the Library Department expenditures in the amount of \$187 to correct insurance and bonds.
14. To increase the Recreation Department expenditures in the net amount of \$20,295 to cover expenses associated with the following: departmental supplies, unemployment insurance and track meet expenses.
15. To increase the Special Appropriations Department expenditures in the amount of \$51,693 to cover transfers to the Capital Reserve Fund for the following: future group insurance, future Durham Street project and future development fee projects.
16. To increase the Public Services – General Services Department expenditures in the net amount of \$4,156 to cover unemployment insurance and a budget correction.

17. To increase the Public Services – Administration Department expenditures in the amount of \$2,041 to cover unemployment insurance and a budget correction.

18. To increase the Public Services – Central Maintenance Department expenditures in the amount of \$7,966 to cover unemployment insurance and a budget correction.

General Fund – Revenues

1. To increase the Alcoholic Beverage Tax revenues in the amount of \$35,615 to reflect actual revenues.

2. To decrease the installment purchase loan proceeds in the amount of \$500,000 to reflect not receiving a loan for the HVAC repairs at Town Hall.

3. To increase the Governor’s Highway Safety Program Grant (Operation Slow Down) revenues in the amount of \$15,278 to reflect funds received.

4. To increase the Governor’s Crime Commission Grant (Non-Lethal Weapons) revenues in the amount of \$9,570 to reflect funds received.

5. To increase the Building Inspection Fees in the amount of \$156,400 to reflect actual revenues.

6. To increase the investment interest income transferred the Capital Reserve Fund in the amount of \$100 to reflect actual revenues.

7. To increase the fund balance appropriated in the amount of \$979,495 to balance the general fund revenues with the general fund expenditures.

Law Enforcement Forfeiture Fund (Federal Justice) – Expenditures

To increase the Law Enforcement Forfeiture – Federal Justice Fund expenditures in the amount of \$37,129 to cover professional services, information, ammo and the disposal of illegal drugs.

Law Enforcement Fund – (Federal Justice) – Revenues

To increase the Federal Justice Fund revenues in the net amount of \$37,129 to reflect actual revenues received.

Contributions Fund – Expenditures

To increase the Contributions Fund expenditures in the amount of \$2,500 to reflect current year expenses.

Contributions Fund – Revenues

To increase the Contributions Fund revenues in the amount of \$2,500 to reflect current year revenues received.

Law Enforcement Forfeiture (State/Local) – Expenses

To increase the Law Enforcement Forfeiture – State & Local fund expenditures in the amount of \$13,015 to cover departmental supplies and materials.

Law Enforcement Forfeiture (State/Local) – Revenues

To increase the Law Enforcement Forfeiture – State & Local fund revenues in the net amount of \$13,015 to reflect an increase in revenue and decrease in fund balance appropriated.

Worker’s Compensation Self Insurance Fund – Expenditures

To increase the expenditures in the amount of \$33,070 to cover professional services and increases in claims.

Worker’s Compensation Self Insurance Fund – Revenues

To increase the revenues in the amount of \$33,070 to reflect charges for services.

Stormwater Fund – Expenditures

To increase the Stormwater Fund Expenditures in the amount of \$1,921 to cover unexpected expenditures.

Stormwater Fund – Revenues

To increase the Fund Balance Appropriated in the amount of \$1,921 to balance the expenses.

Capital Reserve Fund – Expenditures

To increase the Reserve for Future Community Development Projects in the amount of \$4,978.

To increase the Reserve for the future Durham Street Project in the amount of \$21,059.

To increase the Reserve for the future group insurance expense from the General Fund in the amount of \$26,180 for the Medical Loss Rebate.

To increase the transfer to the General Fund interest on investments in the amount of \$65 to reflect the actual budget.

Capital Reserve Fund – Revenue

To increase the transfer from the General Fund for Future Community Development Projects in the amount of \$4,978 to reflect revenues collected.

To increase the transfer reserve from the General Fund for the future Durham Street Project in the amount of \$21,059.

To increase the revenue for the future group insurance expense from the General Fund in the amount of \$25,656 for the Medical Loss Rebate.

To increase the revenue for the future group insurance expense from the Stormwater Fund in the amount of \$524 for the Medical Loss Rebate.

To increase the interest on investment revenue in the amount of \$65 to reflect actual revenues.

Alderman Keith Hooker made a **Motion** to approve the following ordinance for a Budget Amendment to FY 13-14. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**ORDINANCE NO. O-2014-14
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 25th day of June, 2013 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		76,434	563,085
Administration Department		132,652	959,674
Inspections Department	4,486		303,743
Information Technology Department		1,574	480,039
Planning and Zoning		6,586	354,102
Human Resources Department		5,946	622,620

Police Department		96,781	6,643,534
Fire Department		68,657	6,125,395
Engineering Department	6,491		912,684
Street Department		226,932	2,179,366
Solid Waste		38,930	1,870,753
Transportation Department	33,395		1,949,784
Library Expenditures		187	61,027
Recreation Department		20,295	1,281,379
Trans. to Capital Reserve -Future Group Insurance Expenses		25,656	25,656
Trans to Capital Reserve-Future Development Fee Projects		26,037	26,037
General Services Department		4,156	513,177
Public Services Administration Department		2,041	338,059
Central Maintenance (Division of Public Services)		7,966	1,470,414
Total	44,372	740,830	

This will result in a net increase of \$696,458. 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>
Unrestricted Revenues		35,615	6,122,074
I P Loan Proceeds	500,000		1,372,750
GHSP Grant (Operation Slow Down)		15,278	15,278

GCC Grant (Non-Lethal Weapons)		9,570	9,570
Functionally Related Revenues		156,400	2,306,104
Transfer from Capital Reserve Fund I.O.I.		100	100
Fund Balance Approp.		979,495	1,680,227
Total	500,000	1,196,458	

Section 2. To amend the Capital Reserve Fund, the expenditures are to be changed as follows:

Capital Reserve Fund- Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Reserve for Future Development Fee Funds		4,978	89,773
Reserve for Future Durham St Project		21,059	21,059
Reserve for Future Group Insurance Expenses		26,180	81,560
Transfer to General Fund Interest on Investments		65	100
Total	0	52,282	

This will result in a net increase of \$52,282 in the reserves for the Capital Reserve Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Capital Reserve Fund- Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Trans. fr Gen. Fund -Future Development Fee Projects		26,037	26,037
Transfer fr Gen.Fund-Future Group Ins. Expense		25,656	25,656
Transfer fr Stormwater Fund-Future Group Ins. Expense		524	524
Interest on Investments		65	100
Total	0	52,282	

Section 3. 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		33,070	230,832
Total	0	33,070	

This will result in a net increase of \$33,070 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		33,070	230,832
Total	0	33,070	

Section 4. 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 Expenses		1,397	1,849,196
Transfer to Capital Reserve Fund- Future Group Insurance Expense		524	524
Total	0	524	

This will result in a net decrease of \$1,921. 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.		1,921	631,098
Total	0	1,921	

Section 5. To amend the Local Law Enforcement Forfeiture - Federal Justice Fund, the revenues are to be changed as follows:

LLEF-Federal Justice Fund- Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
--	-----------------	-----------------	--------------------

LLEF-Federal Justice Expenditures		37,129	77,629
Total	0	37,129	

This will result in a net increase of \$37,129 in the expenditures of the LLEF-Federal Justice Fund.

L L E F- Federal Justice Fund-Revenues	Decrease	Increase	New Approp.
Forfeiture - Federal Justice		50,779	50,779
Restitution Payments		26,850	26,850
Fund Balance Approp.	40,500		0
Total	40,500	77,629	

Section 6. To amend the Contribution Fund, the expenditures are to be changed as follows:

Contribution Fund-Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Contributions Fund Expenditures		2,500	9,000
Total	0	2,500	

This will result in a net increase of \$2,500 in the expenditures of the Contributions Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Contributions Fund-Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Contributions Fund Revenues		2,500	9,000
Total	0	2,500	

Section 7. To amend the Local Law Enforcement Forfeiture - U S Treasury Fund, the revenues are to be changed as follows:

LLEF-U S Treasury Fund- Revenues	Decrease	Increase	New Approp.
Forfeiture Funds - U S Treasury		6,840	6,840
Fund Balance Approp	6,840		109,230
Total	6,840	6,840	

Section 8. To amend the Local Law Enforcement Forfeiture -State/Local Fund, the revenues are to be changed as follows:

LLEF-State/Local Fund- Expenditures	Decrease	Increase	New Approp.
LLEF-State/Local Expenditures		13,015	49,765
Total	0	13,015	

This will result in a net increase of \$13,015 in the expenditures of the LLEF-State/Local Fund. The above changes in expenditures will require an adjustment to revenues as follows:

LLEF-State/Local Fund Revenues	Decrease	Increase	New Approp.
State Unauthorized -Substance Tax		20,430	20,430
Fund Balance Approp	7,415		29,310
Total	7,415	20,430	

Section 9. To amend the Occupancy Tax Fund, the expenditures are to be changed as follows:

Occupancy Tax Fund- Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Kerners Folly Grant		23,000	53,000
Total	0	23,000	

This will result in a net decrease of \$15,500. in the expenditures of the Occupancy Tax Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Occupancy Tax Fund- Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Fund Balance Approp.		23,000	31,493
Total	0	23,000	

Section 10. 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 24 day of June, 2014.

7. Consideration of an Ordinance establishing the Town Manager's Compensation.

Mr. John Wolfe reported that the following ordinance was requested by the Board following the annual performance review of the Town Manager. He read the proposed ordinance.

Alderman Irving Neal made a **Motion** to approve the following ordinance setting the Town Manager's Compensation. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

**ORDINANCE NO. 0-2014-15
AN ORDINANCE SETTING ANNUAL COMPENSATION FOR THE
KERNERSVILLE TOWN MANAGER**

WHEREAS, Curtis L. Swisher, has been employed with the Town of Kernersville for a period in excess of six (6) years with his anniversary date being February 18th; and

WHEREAS, the Board of Aldermen has, as it does from time to time, reviewed compensation paid Town Managers of other communities, as well as reviewed the Town Manager's performance during the past year; and

WHEREAS, the Board of Aldermen has found that the Town Manager continues to perform satisfactorily and commendably in his position;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF ALDERMEN that the Town Manager's (Curtis L. Swisher) compensation be set in the following manner effective July 1, 2014:

1. An annual salary of One Hundred Ten Thousand and no/100 Dollars (\$110,000.00) paid in accordance with the Town of Kernersville Employee Payment Plan.

2. An annual allowance equal to the Membership Dues of a Civic Club of the Town Manager's choice up to Nine Hundred and no/100 Dollars (\$900.00);

3. A monthly automobile allowance of Five Hundred and no/100 Dollars (\$500.00);

4. One (1) week of paid vacation annually in addition to that which the Town Manager is entitled, and accrues, as an employee of the Town.

5. All other usual benefits afforded other Town employees as defined by the Personnel Policy of the Town such as relate to health and life insurance, sick leave, and so forth; and

6. By contract, that he is guaranteed severance compensation of six (6) months' salary (representing one month granted at the time of his Appointment and one month for each year of service to date) should the said Town Manager's employment be terminated during the current year of employment other than by himself voluntarily terminating his employment, or for misconduct on his part in his employment.

This Ordinance is effective upon its adoption.

This 24th day of June, 2014.

8. Consideration of an Ordinance adopting the Operating Budget for FY 2014-15.

Mr. Swisher stated that the Board has a packet containing copies of five (5) proposed ordinances for the adoption of the annual budget.

Alderman Tracey Shifflette asked if we appropriated \$350,000 from the fund balance in the previous year. Mr. Swisher stated that it was approximately \$340,000 to \$350,000. She then asked when everything has been posted what do we expect to spend from the Fund Balance this year. Mr. Swisher mentioned several projects still being worked on and that when all said and done in September we hope to have only spent approximately \$800,000.

Alderman Hooker asked for the increase in workers comp, liability and unemployment insurance. Mr. Swisher stated that the increase is approximately \$150,000 but when you add the portion that we are absorbing on the health insurance it goes to about \$240,000.

Alderman Hooker stated that no one is happy about raising taxes however; we have to make up approximately \$586,718. Mr. Swisher concurred. Alderman Hooker added that we would have to raise taxes 2 ½ cents if we don't appropriate any money out of the fund balance, however we can't raise taxes that much.

Alderman Hooker stated that we can't pass this along to the citizens and can't take all the money from the fund balance. The 1 ¼ cent increase is his suggestion to share the burden with the taxpayers.

Alderman Keith Hooker made a **Motion** to approve the following ordinance adopting the Operating Budget for FY 2014-15 @ 1 ¼ cents.

Alderman Neal stated that he wanted to offer a substitute motion.

Alderman Tracey Shifflette seconded the motion.

Alderman Irving Neal made a **Motion** to adopt the ordinance with a 1.5 cent tax increase. Alderman Tracey Shifflette seconded the motion.

Alderman Neal stated that he is not in favor of taking that much out of the fund balance. Staff has been working on the budget for a long time. Cuts have been made in all areas. The Town's

fixed cost have increased again this year that we have to deal with. He did not want to raise taxes either but feels that we have no choice this year.

Alderman Kenny Crews stated that he does not want to raise taxes either. He questioned our contributions to various groups and stated that our taxpayers are paying for this. He stated that we have to tighten our belts all the way down the line and believes we don't have much choice this year. We need to protect what we have and don't see any other way than to raise taxes.

Alderman Shifflette stated that she is leaning more towards the 1½ to keep from taking so much from the fund balance.

Mayor Pro Tem Joe Pinnix stated that the difference in difference in fund balance between 1.5 and 1.25 is \$60,000. He asked what is the required amount for our fund balance. Mr. Swisher stated that the State requires municipalities to keep 8% percent in their fund balance. We have a fund balance policy that was adopted by the Board that requires us to have 20% of our operating budget in the fund balance which is approximately \$5.2 million. We currently have about \$6.8 million in the fund balance.

Alderman Neal stated that the \$60,000 could make a difference if we need to borrow money or need to take money from the fund balance to help buy the land for the library. He's not in favor of raising taxes either but we don't have much of a choice this year.

Mr. Swisher reminded the Board that no money was put in the budget for this land. It would have to come out of the fund balance until we go through a financing process.

Alderman Hooker stated that the tax rate will affect our businesses also and believes that 1.25% is more equitable.

Mayor Morgan called the question. The vote in favor of the ordinance with a 1.5 cents tax increase was all for and motion carried.

Alderman Shifflette thanked Curtis and the Staff for all their work on this budget.

9. Consideration of an Amendment to the Kernersville Code of Ordinance Traffic Schedule 2 and Setting the Speed Limit for Kernersville Medical Parkway.

Mr. Swisher stated that we currently don't have a 40 mph schedule in our Code Book. This is the speed limit recommended for Kernersville Medical Parkway.

Alderman Irving Neal made a **Motion** to approve the following Ordinance amending the Kernersville Code of Ordinance Traffic Schedule 2 and setting the speed limit for Kernersville Medical Parkway. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2014-17
ORDINANCE AMENDING SCHEDULE 2 OF THE TRAFFIC SCHEDULES
TO ESTABLISH A FORTY MILE PER HOUR SPEED ZONE AND TO SET
THE MAXIMUM SPEED ON KERNERSVILLE MEDICAL PARKWAY

WHEREAS, Section 9-56 of the Kernersville Code of Ordinances establishes the speed limit within the Town corporate limits as thirty-five (35) miles per hour unless a different speed is provided in Schedule 2 of the Traffic Schedules adopted as part of the Code of Ordinances; and

WHEREAS, Town staff has recommended that the recently completed Kernersville Medical Parkway have a speed limit of forty (40) miles per hour; and

WHEREAS, the existing Traffic Schedules do not authorize that speed limit within the Town limits; and

WHEREAS, the Board of Aldermen concurs with the recommendation of staff regarding the proper speed limit for this new street.

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

1. The Code of Ordinances is amended to add the forty (40) mile per hour speed zone to Schedule 2 of the Traffic Schedules.
2. The Code of Ordinances is amended to add Kernersville Medical Parkway to Traffic Schedule 2 as a street having a forty (40) mile per hour speed limit.
3. This Ordinance shall be effective upon passage.

This the 24th day of June, 2014.

10. Consideration and Adoption of Bond Issuance and Sale Resolution.

Mr. Wolfe noted that this has been discussed at previous meeting with the Board taking action last month. He stated that this will save the Town a lot of money and commended Mr. Ader for bringing this to the Board.

Alderman Irving Neal made a **Motion** to approve the following Resolution providing for the sale and issuance of General Obligation Refunding Bonds, Series 2014 as presented and a Bond Purchasing Agreement with Carter Bank & Trust. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2014-17

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 24, 2014.

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

Absent: None

Also Present: Town Attorney John Wolfe and Finance Director Franz Ader

* * * * *

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

**RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF A TOWN OF
KERNERSVILLE, NORTH CAROLINA GENERAL OBLIGATION REFUNDING
BOND, SERIES 2014**

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

Section 1. The Board has determined and does hereby find and declare as follows:

(a) An order authorizing \$4,125,000 General Obligation Refunding Bonds was adopted by the Board on June 3, 2014, which order will take effect on July 7, 2014.

(b) None of said bonds have been issued, no notes have been issued in anticipation of the receipt of the proceeds of the sale of said bonds and it is necessary to issue \$4,065,000 of said bonds at this time.

(c) The shortest period of time in which the outstanding General Obligation Street Bonds, Series 2004, dated May 1, 2004, of the Town to be refunded by said bonds can be finally paid without making it unduly burdensome on the taxpayers of the Town as determined by the Commission is a period which expires on May 1, 2024, and the end of the unexpired period of usefulness of the projects financed by said outstanding bonds is estimated as a period of twenty (20) years from May 1, 2004, the date of said outstanding bonds, and such period expires on May 1, 2024.

Section 2. Pursuant to said order there shall be issued a bond in the aggregate principal amount of \$4,065,000 designated "Town of Kernersville, North Carolina General Obligation Refunding Bond, Series 2014" (the "Bond") and dated the date of delivery thereof, to (a) refund the Town's outstanding General Obligation Street Bonds, Series 2004, dated May 1, 2004, maturing on May 1 of the years 2015 through 2024 (the "Refunded Bonds") and (b) pay certain fees and expenses incurred in connection with the sale and issuance of the Bond. Subject to the provisions of this resolution, the Bond shall (a) mature in annual principal installments of \$405,000 on May 1 in the years 2015 through 2023, inclusive, and \$420,000 on May 1, 2024 and (b) bear interest on the outstanding principal amount (computed on the basis of a 360-day year consisting of twelve 30-day months) at a rate of 2.15% per annum, which interest shall be payable on each May 1 and November 1, beginning November 1, 2014, until payment of such principal sum, all as shall be set forth in the Bond Purchase Agreement (hereinafter defined).

The Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless it is (a) authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and interest on the Bond shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The definitive Bond shall be initially issued as one fully-registered bond, without coupons, numbered R-1 and shall be initially registered in the name of "Carter Bank & Trust," as the initial purchaser of the Bond (the "Purchaser").

Section 3. The Bond shall bear the manual or facsimile signatures of the Mayor and the Town Clerk of the Town and the official seal or a facsimile of the official seal of the Town shall be impressed or imprinted, as the case may be, on the Bond.

The certificate of the Local Government Commission of North Carolina to be endorsed on the Bond shall bear the manual or facsimile signature of the Secretary of said Commission and the

certificate of authentication of the Bond Registrar (hereinafter defined) to be endorsed on the Bond shall be executed as provided hereinafter.

In case any officer of the Town or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on the Bond shall cease to be such officer before the delivery of the Bond, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and the Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of the Bond shall be the proper officers to sign the Bond although at the date of the Bond such persons may not have been such officers.

The Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bond and the endorsements thereon shall be in substantially the following form:

No. R-1

\$ _____

United States of America

State of North Carolina

TOWN OF KERNERSVILLE, NORTH CAROLINA

GENERAL OBLIGATION REFUNDING BOND

SERIES 2014

Final Maturity Date

May 1, 2024

Interest Rate

2.15%

The Town of Kernersville, a municipal corporation in the State of North Carolina (the "Town"), is justly indebted and for value received hereby promises to pay to

CARTER BANK & TRUST

or registered assigns or legal representative the principal sum of _____ Dollars (\$ _____) in annual principal installments as set forth in Exhibit A attached hereto and made a part hereof (each, a "Principal Payment Date"), with a Final Maturity Date as specified above, and to pay interest from the date hereof on the unpaid portion of said principal sum until payment thereof (computed on the basis of a 360-day year consisting of twelve 30-day months) at the Interest Rate specified above, such interest being payable as set forth in Exhibit A attached hereto (each, an "Interest Payment Date").

This Bond shall bear interest from the Interest Payment Date next preceding the date on which it is authenticated, unless it is (a) authenticated upon an Interest Payment Date, in which event it shall bear interest from such Interest Payment Date or (b) authenticated prior to the first Interest Payment Date, in which event it shall bear interest from the date hereof; provided, however, that if at the time of authentication interest is in default, this Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on this Bond shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof. Payment of the final installment of principal of this Bond shall be made only upon the presentation and surrender hereof at the office of the Finance Director of the Town in Kernersville, North Carolina (the "Bond Registrar"). For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of the Town are hereby irrevocably pledged.

This Bond is being issued by the Town for the purpose of providing funds, together with any other available funds, to refund the Town's outstanding General Obligation Street Bonds, Series 2004, dated May 1, 2004 maturing on May 1 of the years 2015 through 2024, and paying certain fees and expenses relating to the sale and issuance of this Bond. This Bond is being issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order adopted by the Board of Aldermen of said Town, which order has taken effect, and a resolution duly adopted by said Board of Aldermen (the "Resolution").

The principal installments of this Bond are subject to redemption prior to their stated Principal Payment Dates, at the option of the Town, from any moneys that may be available for such purpose, either in whole or in part on any date, at a redemption price equal to 100% of the principal amount of this Bond to be so redeemed, plus accrued interest, if any, thereon to the redemption date.

At least ten (10) days but not more than sixty (60) days prior to the redemption date of any principal amount of this Bond to be redeemed, the Bond Registrar shall cause a notice of any such redemption to be mailed, first class, postage prepaid, to the registered owner of this Bond.

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and interest on the principal installments of this Bond to be redeemed and that if such moneys are not so received, such notice shall be of no force or effect and such principal installments shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the principal of and interest on such principal installments of this Bond to be redeemed are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made, and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

On the date designated for redemption, notice having been given as aforesaid, the portion of the principal installment of this Bond so called for redemption shall become due and payable at

the redemption price provided for redemption of such principal installments on such date plus accrued interest to such date.

The principal installments of this Bond shall be redeemed only in whole multiples of \$5,000. If less than all of the principal installments of this Bond are called for redemption, the principal installments of this Bond to be so redeemed shall be determined by the Town in the manner set forth in a certificate filed with the Bond Registrar for such purpose.

The Bond Registrar shall keep at his office the books of the Town for the registration of transfer of this Bond. The transfer of this Bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar, together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this Bond a new Bond registered in the name of the transferee in an aggregate principal amount equal to the principal amount of this Bond, containing the same principal installments and bearing interest at the same rate. This Bond may not be exchanged for any denomination other than the outstanding principal amount thereof. Notwithstanding the foregoing, the Bond Registrar shall not register the transfer of this Bond to any person or entity other than a bank, insurance company or similar financial institution unless such transfer has been approved by the Local Government Commission of North Carolina.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within the Town sufficient to pay the principal of and the interest on this Bond as the same shall become due; and that the total indebtedness of the Town, including this Bond, does not exceed any constitutional or statutory limitation thereon.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this Bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the Town of Kernersville, North Carolina, by resolution duly adopted by its Board of Aldermen, has caused this Bond to be signed by its Mayor and Town Clerk and its official seal to be impressed hereon,

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within Bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This Bond is the Bond of the series designated herein and issued under the provisions of the within-mentioned Resolution.

Finance Director, as Bond Registrar

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto _____

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____,

attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

NOTICE: The signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration of enlargement or any change whatever.

EXHIBIT A

DEBT SERVICE SCHEDULE

<u>Payment Date</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
---------------------	------------------	-----------------	--------------

November 1, 2014	-0-
May 1, 2015	\$405,000.00
November 1, 2015	-0-
May 1, 2016	405,000.00
November 1, 2016	-0-
May 1, 2017	405,000.00
November 1, 2017	-0-
May 1, 2018	405,000.00
November 1, 2018	-0-
May 1, 2019	405,000.00
November 1, 2019	-0-
May 1, 2020	405,000.00
November 1, 2020	-0-
May 1, 2021	405,000.00
November 1, 2021	-0-
May 1, 2022	405,000.00
November 1, 2022	-0-
May 1, 2023	405,000.00
November 1, 2023	-0-
May 1, 2024	420,000.00

Section 4. (a) The principal installments of the Bond are subject to redemption prior to their stated principal payment dates, at the option of the Town, from any moneys that may be available for such purpose, either in whole or in part on any date, at a redemption price equal to 100% of the principal amount of the Bond to be so redeemed, plus accrued interest, if any, thereon to the redemption date.

(b) The principal installments of the Bond shall be redeemed only in whole multiples of \$5,000. If less than all of the principal installments of the Bond are called for redemption, the

principal installments of the Bond to be so redeemed shall be determined by the Town in the manner set forth in a certificate filed with the Bond Registrar for such purpose.

If the principal installments of the Bond are redeemed in part only, then on or after the redemption date, upon surrender of such Bond, a new Bond in principal amount equal to the unredeemed portion of such Bond and reflecting a new principal installment schedule reflecting the principal installments so redeemed shall be issued to the registered owner of the Bond. In lieu of issuing a new Bond, the Bond Register may direct the registered owner of the Bond to evidence such redemption by appropriate notation on the Bond.

(c) At least ten (10) days but not more than sixty (60) days prior to the redemption date of any principal amount of the Bond to be redeemed, the Bond Registrar shall cause a notice of any such redemption to be mailed, first class, postage prepaid, to the registered owner of the Bond. A copy of such notice shall also be given by first class mail, postage prepaid, to the Local Government Commission; provided, however, that failure to give such notice to the Local Government Commission or any defect therein shall not affect the sufficiency of the proceedings for redemption.

Each such notice shall set forth the designation and date of the Bond, the date fixed for redemption, the principal amount of the Bond to be redeemed, the redemption price to be paid, the address and phone number of the Bond Registrar and the date of the redemption notice. If the principal installments of the Bond are redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond in principal amount equal to the unredeemed portion of such Bond and reflecting a new principal installment schedule reflecting the principal installments so redeemed shall be issued to the registered owner of the Bond (or in lieu thereof an appropriate notation shall be appended to the Bond evidencing such redemption).

Any notice of redemption may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the principal of and interest on the principal installments of the Bond to be redeemed and that if such moneys are not so received, such notice shall be of no force or effect and such principal installments shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the principal of and interest on such principal installments of the Bond to be redeemed are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made, and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

Section 5. The Bond Registrar shall keep at his or her office the books of the Town for the registration of transfer of the Bond. The transfer of the Bond may be registered only upon such books and as otherwise provided in this resolution upon the surrender hereof to the Bond Registrar, together with an assignment duly executed by the registered owner thereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for the Bond a new Bond registered in the name of the transferee in an aggregate principal amount equal to the principal amount of the Bond, containing the same principal installments and bearing interest at the same rate. The Bond may not be exchanged for any denomination other than the outstanding principal

amount thereof. Notwithstanding the foregoing, the Bond Registrar shall not register the transfer of the Bond to any person or entity other than a bank, insurance company or similar financial institution unless such transfer has been approved by the Local Government Commission of North Carolina.

In all cases in which the transfer of the Bond shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time a new Bond in accordance with the provisions of this resolution. Any Bond surrendered in any such registration of transfer shall forthwith be canceled by the Bond Registrar. The Town or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such registration of transfer of the Bond sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such registration of transfer, but no other charge shall be made by the Town or the Bond Registrar for registering the transfer of the Bond under this resolution.

The person or entity in whose name the Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal or interest on the Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Bond and interest thereon, to the extent of the sum or sums so paid.

The Town shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration and registration of transfer of the Bond within a reasonable time according to then current commercial standards and for the timely payment of principal and interest with respect to the Bond. The Finance Director of the Town, or any person at any time acting in such capacity is hereby appointed the registrar, transfer agent and paying agent for the Bond (collectively the "Bond Registrar"), subject to the right of the Board of the Town to appoint another Bond Registrar, and as such shall keep at his or her office in the Town, the books of the Town for the registration, registration of transfer and payment of the Bond as provided in this resolution.

Section 6. The Town 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 or as may be amended from time to time (the "Code"), and any Treasury regulations now or hereafter promulgated thereunder, to the extent necessary so that interest on the Bond will not be included in gross income of the owner thereof for purposes of federal income taxation.

Section 7. The Town hereby represents that it reasonably expects that it, all subordinate entities thereof and all issuers issuing obligations on behalf of the Town will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2014. In addition, the Town hereby designates the Bond as a "qualified tax-exempt obligation" for the purposes of Section 265(b)(3) the Code.

Section 8. The proposal set forth in the Bond Purchase Agreement, to be dated as of the date of delivery thereof (the "Bond Purchase Agreement"), among the Local Government Commission of North Carolina, the Town and the Purchaser, the form of which is presented at this meeting, providing for the purchase of the Bond by the Purchaser at a purchase price equal to 100% of the principal amount of the Bond, subject to the approval thereof by the Commission, is hereby approved. The Local Government

Commission is hereby requested to sell and award the Bond to the Purchaser on behalf of the Town, subject to the approval of the Town, in accordance with the terms of the Bond Purchase Agreement. The Mayor, the Town Manager and the Finance Director of the Town are each hereby individually designated to approve on behalf of the Town the sale of the Bond to the Purchaser for such purchase price and upon such terms and conditions as the officer approving the sale shall determine, subject to the provisions of this resolution. The Mayor, the Town Manager and the Finance Director of the Town are each hereby individually authorized and directed in the name and on behalf of the Town to execute and deliver the Bond Purchase Agreement in substantially the form presented, together with such changes, additions and deletions as the officer executing and delivering the Bond Purchase Agreement, with the advice of counsel, may deem necessary and appropriate, such execution and delivery to be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

Section 9. The Refunded Bonds, are hereby called for redemption in accordance with the provisions of the Refunded Bonds, the resolution authorizing the issuance of the Refunded Bonds and this resolution. The Finance Director of the Town, as the bond registrar for the Refunded Bonds is hereby directed to provide notice of such redemption at the time and in the manner set forth in the resolution authorizing the issuance of the Refunded Bonds.

Section 10. The Mayor, the Town Manager, the Finance Director and the Town Clerk of the Town are hereby authorized and directed to execute and delivery such closing and other documents necessary for the purpose of facilitating the sale and issuance of the Bond in a manner consistent with the terms of this resolution. All actions heretofore taken by the Mayor, the Town Manager, the Finance Director or the Town Clerk of the Town for the purpose of facilitating the sale and issuance of the Bond in a manner consistent with the terms of this resolution is hereby authorized, ratified and approved.

The officers of the Town and the agents and employees of the Town are hereby authorized and directed to do all acts and things required of them by the provisions of this resolution and the Bond for the full, punctual and complete performance of the terms, covenants, provisions and agreements of the same.

Section 11. This resolution shall take effect upon its passage, except that the provisions in Section 9 of this resolution calling the Refunded Bonds for redemption shall only become effective upon the issuance of the Bond.

Upon motion of Alderman Irving Neal, seconded by Alderman Kenny Crews, the foregoing resolution entitled "RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF A TOWN OF KERNERSVILLE, NORTH CAROLINA GENERAL OBLIGATION REFUNDING BOND, SERIES 2014" was passed by the following vote:

Ayes: Aldermen Irving Neal, Kenny Crews, Tracey Shifflette, Joe Pinnix and Keith Hooker

Noes: NONE

* * * * *

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 24, 2014, as relates in any way to the adoption of the foregoing resolution authorizing the sale and issuance a general obligation refunding bond 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 24th day of June, 2014.

11. Approval of a Resolution to provide Senior Transit Services.

Mr. Swisher stated that we have some questions regarding the amount of time on this grant and asked that the item be tabled until the August Briefing.

Alderman Irving Neal made a **Motion** to table this issue until the August Briefing session. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

12. Consideration of a Fire Protection Agreement with the Town of Walkertown.

Mr. Swisher stated that the Board has a question regarding the number of calls that could be generated. He stated that this area had 26 calls last year with 19 being medical calls. He stated that the contract rate was calculated using the fire tax rate. Staff recommends approval as presented.

Alderman Tracey Shifflette made a **Motion** to approve a Fire Protection Agreement with the Town of Walkertown as presented. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

13. 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 6, 2014 Regular Session
Approval of Minutes for May 28, 2014 Briefing Session**

C-2 Consideration of Ordinance by Forsyth County to Collect Town of Kernersville Taxes for Prior Years.

NORTH CAROLINA

FORSYTH COUNTY

ORDINANCE NO. O-2014-18
ORDER OF THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE
IN ACCORDANCE WITH G.S.105-373, G.S.105-321, AND G.S.105-330.3
FOR THE COLLECTION OF 2013 AND PRIOR YEARS' TAXES

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

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in the 2005 through 2013 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2005 through 2013 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobacoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any real or personal property, and attach wages and/or other funds, of such taxpayers, for and on account thereof, in accordance with law.

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

Taxes on classified Motor Vehicles for 2010 and prior years are deemed uncollectible; therefore, the Forsyth County Commissioners, pursuant to G.S. 105-373(h) do hereby relieve the tax collector of the charge of collecting taxes on classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) for 2010 and prior years.

WITNESS my hand and official seal, this the 24th day of June, 2014.

C-3 Consideration of Ordinance by Forsyth County to Collect Town of Kernersville Taxes for 2014.

NORTH CAROLINA

FORSYTH COUNTY

**ORDINANCE NO. O-2014-19
ORDER OF THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE
IN ACCORDANCE WITH G.S.105-321 AND G.S. 153A-156
FOR THE COLLECTION OF 2014 TAXES**

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

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2014 tax records filed in the Office of the Forsyth County Tax Collector, and in the tax receipts herewith delivered to you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2014 taxes charged and assessed as provided by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Forsyth County, City of Winston-Salem, Town of Rural Hall, Town of Walkertown, Village of Clemmons, Village of Tobaccoville, Town of Bethania, Town of Lewisville, City of King, Town of Kernersville, City of High Point, Beeson's Cross Roads Fire Protection District, Belews Creek Fire and Rescue Protection District, City View Fire Protection District, Clemmons Fire and Rescue Protection District, Forest Hill Fire and Rescue Protection District, Griffith Fire Protection District, Gumtree Fire and Rescue Protection District, Horneytown Fire and Rescue Protection District, King of Forsyth County Fire and Rescue Protection District, Lewisville Fire and Rescue Protection District, Mineral Springs Fire Protection District, Mineral Springs Service District, Mount Tabor Fire and Rescue Protection District, Northeast Fire and Rescue Protection District, Old Richmond Fire and Rescue Protection District, Piney Grove Fire Protection District, Suburban Fire and Rescue Protection District, Salem Chapel Fire and Rescue Protection District, South Fork Fire Protection District, Talley's Crossing Fire and Rescue Protection District, Triangle Fire Protection District, Union Cross Fire and Rescue Protection District, Vienna Fire Protection District and West Bend Service District, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell, any

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

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

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

WITNESS my hand and official seal, this the 24th day of June, 2014.

C-4 Presentation of the "Growth and Traffic Data 2013 Annual Report.

Mayor Morgan asked if the Board would like to add the approval of the Closed Session minutes from the June 18, 2014 meeting to the Consent Agenda since they have been received by the Board.

Alderman Tracey Shifflette made a **Motion** to add the closed session minutes for June 18, 2014 to the Consent Agenda C-1. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

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

14. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

15. SPEAKERS FROM THE FLOOR.

None presented.

16. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

None presented

Mayor Morgan stated that she received a letter regarding an apartment complex request for grant funding. Mr. Hatling was recognized and reported that a representative from the Housing Finance Agency came to the Planning Board meeting on a tract of land owned by Larry Callahan on Chaucer Manor. He described the building and added that the property is already rezoned. He explained that when you have a complex with 6 or more units a Planning Board review is required and was approved. The purpose of the letter was to ask for any comments the Town may have in regard to this project.

17. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

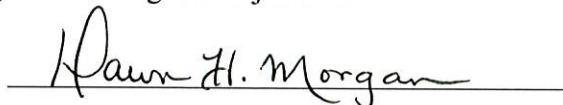
None presented.

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

Mayor Morgan wished everyone a Happy Fourth of July.

19. ADJOURNMENT.

Alderman Tracey Shifflette made a Motion to adjourn the meeting at 10:17 PM. Alderman Keith Hooker seconded the motion and the vote was all for and motion. 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 24, 2014.

This the 12 day of August, 2014.


Dale F. Martin, MMC, Town Clerk