

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. SEPTEMBER 2, 2014**

The Board of Aldermen of the Town of Kernersville met in regular session at 7:04 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; Battalion Chief Brian Creason; Doran Maltba, Public Services Director; Gray Cassell, Information Systems Director; Ernie Pages, Parks & Recreation Director; Franz Ader, Finance Director; and Ray Smith, Human Resources Director.

- CALL TO ORDER
- INVOCATION BY DR. STEVE MARTIN, FIRST BAPTIST CHURCH OF KERNERSVILLE
- PLEDGE OF ALLEGIANCE

Mayor Dawn Morgan called the meeting to order and Dr. Steve Martin of First Baptist Church delivered the invocation which was followed by the Pledge of Allegiance.

Mayor Morgan then recognized Sherry Bray and presented her with a Proclamation designating September 1st – 8th as Turn the Town Teal Week to bring awareness to ovarian cancer.

Sherry Bray thanked the Mayor and Board for the Town's support of their effort.

PUBLIC HEARINGS

- 1a. **PUBLIC HEARING:** on a voluntary satellite annexation petition by Suncap Property Group, LLC for property located at Old Greensboro Road in Forsyth and Guilford counties near Forsyth/Guilford county line, 25.033 acres.

Mr. Jeff Hatling, Community Development Director presented the request for voluntary satellite annexation by SunCap Property Group. He noted that this is for the FedEx expansion. Staff recommends approval as presented.

Mayor Dawn Morgan declared the Public Hearing open.

In Favor

Jay DeVaney, Summerfield, Agent for the Petitioner, – thanked the Board for the opportunity to speak. He noted that the adjacent area was previously annexed into the Town. This property has access to Old Greensboro Road and Macy Grove Road and the new interchange. He requested the Board approve the annexation of this property. He then made himself available for questions.

In Opposition

None presented.

Being no additional speakers, the Public Hearing was closed.

1 b. Consideration of an Ordinance annexing said property.

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance annexing property petitioned by SunCap Property Group, LLC, property located at Old Greensboro Road in Forsyth and Guilford counties. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried. The annexation is effective immediately at 7:14 PM

ANNEXATION ORDINANCE NO. A3-2014-23

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF

THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO INCLUDE

APPROXIMATELY 25.033 ACRES DESCRIBED HEREIN AND GENERALLY KNOWN

**AS SUNCAP PROPERTY GROUP, LLC PROPERTY LOCATED AT OLD
GREENSBORO ROAD IN FORSYTH AND GUILFORD COUNTIES NEAR
FORSYTH/GUILFORD COUNTY LINE PETITIONED FOR NON-CONTIGUOUS
ANNEXATION BY TERRY LYNN BALLARD AND BETTY IDOL HOLCOMB,**

JOHN T. BALLARD AND TERRY L. BALLARD, BETTY IDOL HOLCOMB,

AND THE ESTATE OF CHARLOTTE R. BROOKSHIRE BY

MARK H. BROOKSHIRE, EXECUTOR

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 on **Exhibits A and B**; and

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

WHEREAS, on August 5, 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 September 2, 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 2nd day of September, 2014, after due notice by publication on the 14th day of August, 2014; and

WHEREAS, the Board of Aldermen does hereby find as a fact that:

1. The properties are solely owned, according to the tax records of the Forsyth (F) and Guilford (G) County Tax Supervisor's Office, by the following:
 - a. Terry Lynn Ballard and Betty Idol Holcomb
1328 Old Greensboro Road PIN#6895-29-3407(F)
 - b. Betty Idol Holcomb
1400 Old Greensboro Road PIN #6895-29-8806(F)
 - c. John T. Ballard and Terry Lynn Ballard
1326 Old Greensboro Road PIN#6895-29-3910(F)
 - d. Estate of Charlotte R. Brookshire
1404 Old Greensboro Road PIN#6896-20-9078(G)
2. The Petition includes the name and address of the property owner of all of the real property located within the proposed satellite corporate limits;
3. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the Town of Kernersville;
4. The property proposed for satellite annexation by the Town of Kernersville is within the area described for future annexation by the Town of Kernersville in the current Annexation Agreements between the Cities of High Point and Greensboro, and the Town of Kernersville;

5. Neither the area proposed for annexation, nor any part thereof, is a subdivision as defined in N.C.G.S. 160A-376; and
6. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits of the Town of Kernersville, will not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Kernersville; and
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 25.033 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 September 2, 2014, at 7:14 p.m.

Section 2. In accordance with N.C.G.S. 160A-58.3, upon and after September 2, 2014, at 7:14 p.m., the above described territory, and its citizens and property, shall be subject to all debts, laws, ordinances and regulations in force in the Town of Kernersville and shall be entitled to the same privileges and benefits as other parts of the Town of Kernersville.

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

Section 4. A certified copy of this Ordinance shall, together with a map outlining the newly annexed area, 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 Offices of the Register of Deeds of Forsyth and Guilford Counties, North Carolina; and, a copy of this Ordinance, and map outlining the newly annexed area shall be sent to the Forsyth and Guilford Counties Board of Elections as provided for in N.C.G.S. §163-288.1(a), as well as to the Forsyth and Guilford Counties Tax Supervisors' Office.

Adopted this 2nd day of September, 2014.

- 2a. **PUBLIC HEARING:** M. Jay DeVaney, Agent for Suncap Property Group, LLC, for property located at 1404 Old Greensboro Road, 1400 Old Greensboro Road, 1328 Old Greensboro Road, and 1326 Old Greensboro Road, being all of PIN(s) # 6896-20-9078, 6895-29-8806, 6895-29-3407, and 6895- 29-3910 containing 24.61 acres more or less. Petitioner requests a General Use rezoning from Guilford County CU-LI and Kernersville RS-20 (Residential Single-Family) to BI (Business Industrial). Zoning Docket K-660.A3

Mr. Jeff Hatling presented the Planning Board report for this rezoning request. He explained that this is part of the Triad Business Park. This is a general use rezoning therefore no conditions can be attached and all uses must be considered. He added that the Planning Board and Staff recommend approval as submitted.

Mayor Morgan asked why there is a difference between the acreage for the annexation and the rezoning. Mr. Hatling explained that the annexation includes streets and rights-of-way and the rezoning does not.

Mayor Dawn Morgan declared the Public Hearing open.

In Favor

Jay DeVaney, Agent for Suncap Property Group, LLC – explained that his client has a contract to purchase all four (4) parcels included in this petition. He stated that the request is consistent with prior zoning and the surrounding area. He asked for approval of this request. He then commended the Community Development Department Staff for their efforts. He added that it has been a pleasure to work with them on two occasions.

In Opposition

None presented.

Being no additional speakers, the Public Hearing was closed.

2b. Consideration of ordinance rezoning said property.

Alderman Irving Neal made a **Motion** to approve the following ordinance to amend the Zoning Ordinance of the Town by rezoning the property in case K-660.A3 from CU-LI, RS-20 to BI. The said rezoning being consistent with the Town's Comprehensive Plan and further being both reasonable and in the public interest because:

1. The *Kernersville Development Plan's Land Use Plan* recommends this area for businesses.
2. Business Industrial (BI) has enhanced design and site plan standards.
3. Road improvements are being completed for this area to support economic development.

Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

Town Ordinance

Zoning Petition of M. Jay DeVaney, Agent for Suncap Property Group, LLC

Zoning Docket K-660.A3

**ORDINANCE NO. O-2014-24
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 CU-LI and Kernersville RS-20 (Residential Single-Family) to BI (Business Industrial). Approved for properties located at 1404 Old Greensboro Road, 1400 Old Greensboro Road, 1328 Old Greensboro Road, and 1326 Old Greensboro Road, being all of PIN(s) # 6896-20-9078, 6895-29-8806, 6895-29-3407, and 6895-29-3910 containing 24.61 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 1404 Old Greensboro Road, 1400 Old Greensboro Road, 1328 Old Greensboro Road, and 1326 Old Greensboro Road, being all of PIN(s) # 6896-20-9078, 6895-29-8806, 6895-29-3407, and 6895-29-3910 containing 24.61 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This Ordinance shall be effective from and after its adoption.

Adopted this the 2nd day of September, 2014.

PUBLIC SESSION

3. SPEAKERS FROM THE FLOOR.

None presented.

**4. Second Reading of the Taxi Franchise Ordinance Renewal for Oak Ridge Cab
Operated by John H. Pegram.**

Mr. Curtis Swisher, Town Manager presented the second reading of this Taxi Franchise renewal request. He noted that the request is the same as the last renewal. Staff recommends approval as this will be the only taxi franchise in Town.

Alderman Kenny Crews made a **Motion** to approve the following Ordinance authorizing a Taxi Franchise to Oak Ridge Cap Company operated by John H. Pegram. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2014-25

AN ORDINANCE RENEWING A NONEXCLUSIVE TAXI FRANCHISE

**TO JOHN H. PEGRAM, JR., DOING BUSINESS AS
OAK RIDGE CAB COMPANY**

WHEREAS, the Board of Aldermen of the Town of Kernersville finds:

1. That the Board of Aldermen of the Town of Kernersville issued a nonexclusive taxi franchise to John H. Pegram, Jr., doing business as Oak Ridge Cab Company, that will expire on the 3rd day of October, 2014; and
2. That the Board of Aldermen of the Town of Kernersville has reviewed the application for renewal received from the applicant and the applicant has been heard from in open session, if desired; and
3. That the Town of Kernersville and its citizens need a taxi service to provide transportation for those without personal transportation; and
4. That John H. Pegram, Jr. meets the requirements established by the Code of Ordinances for the issuance of a franchise for Vehicles for Hire and the granting of this nonexclusive Taxi Franchise is in the best interest of the citizens of the Town of Kernersville.

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

Section I

That the taxi service herein franchised shall be used solely and operated exclusively for the purposes, and under the provisions, expressed by the Taxi Franchise Ordinance and no other.

Section II

John H. Pegram, Jr., doing business as Oak Ridge Cab Company, is hereby granted the right, privilege and nonexclusive franchise to operate and maintain a taxi service in the Town of Kernersville upon the terms and conditions as set forth herein.

Section III

Definitions.

For the purposes of this Franchise, the following terms, phrases, words and abbreviations and their derivations shall have the meanings given herein:

- A. Board - the Board of Aldermen of the Town of Kernersville, the governing body.
- B. Chief – the Chief of Police of the Town and his or her designee. The Chief is responsible for administration of this Franchise.
- C. Grantee or Franchisee- such individual, partnership, company, corporation, or other entity, which may be granted a franchise hereunder this chapter.
- D. Franchise - authorization granted by the Board to operate and maintain a taxi service within the Town.
- E. Person - shall mean any person, firm, partnership, association, corporation or organization of any kind.
- F. Taxi – a passenger motor vehicle plying for hire for which public patronage is accepted or solicited and which is so designed as to seat comfortably not more than nine (9) passengers but shall not include motor vehicles or motor vehicle carriers as defined in North Carolina Gen. Stat. Ch. 20, Art. 17.
- G. Town or City - the Town of Kernersville.
- H. Taximeter – a mechanical device which is installed in a taxicab for the purpose of computing the fare for a trip upon the basis of distance traveled, waiting time or both.

Section IV

Franchise Required; Application;

Granting of Non-Exclusive Franchise.

- A. It is unlawful for any person to engage in or otherwise participate in the operation of any taxi service unless such person shall first obtain and hold a valid franchise.
- B. John H. Pegram, Jr., doing business as Oak Ridge Cab Company, has filed a written application with the Town containing true and correct statements pertaining to:
- i. The names and addresses of applicants; the names and any partners; the names of any directors of the corporation if the same is the applicant;
 - ii. Any convictions of applicant (a) for any felony; (b) for any violation of law relating to use, possession, or sale of alcoholic beverages or narcotic or barbiturate drugs; (c) for violation of any Federal or State law relating to prostitution; and (4) for habitual violation of traffic laws or ordinances;
 - iii. Whether the applicant is a habitual user of, or addicted to, narcotic or barbiturate drugs or intoxicating liquors and the traffic record of applicant;
 - iv. The motor vehicles which applicant proposes to use in the taxi service.
- C. Franchisee acknowledges that, subsequent to the granting of any franchise hereunder, all drivers who shall become employed by, or any persons who shall perform driving duties for, the Franchisee shall first file with the Town Manager of the Town of Kernersville or his designee, application for permit

to drive a taxi within the Town of Kernersville as required by Section 17-18 of the Town Code of Ordinances.

Upon receipt of such application, the Chief of Police shall issue a Taxi Driver's Permit provided there is no cause shown within the application to deny the same. The driver's permit shall be displayed in such a manner as to be in full view of all passengers at all times while the driver is on duty.

Section V

Acceptance of Franchise.

Within thirty (30) days after the Town has taken final action to approve this franchise, the Grantee shall file a written acceptance of the franchise, acknowledged before a Notary Public, with the Town Clerk. Acceptance shall acknowledge that the Grantee agrees to comply with the provisions of the Town of Kernersville Code of Ordinances, Sections 17-1 through 17-21 (a copy of which is attached hereto), and the provisions of this Franchise, and said written acceptance shall be in such form and content as is satisfactory to and approved by the Town Attorney.

Section VI

Duration of Franchise; Termination; Transfer.

A. The Franchise is nonexclusive and shall be for a three (3) year term from the effective date of the franchise and may be extended and renewed for such additional three (3) year terms as the Board may subsequently approve.

B. The Franchise can not be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by voluntary, involuntary, or forced sale, or by merger or consolidation or otherwise.

C. In the event that the Grantee, for any reason, is no longer able to provide the taxi service as applied for, this Franchise shall immediately terminate.

D. In the event that the Town Board determines that the Franchise hereunder is not being operated or maintained in accordance with the Town Taxi Franchise Ordinance, it may suspend or revoke the Franchise. The Town shall notify the Franchisee in writing of such suspension or revocation and Franchisee shall be entitled to appeal as provided in the Ordinance. Upon suspension or revocation, the Franchise owner must suspend operations until final determination upon appeal. Suspension or revocation can be based on, but is not limited to, any of the following violations:

- a. Failure to operate the vehicle(s) permitted in the Franchise.
- b. Failure to maintain the vehicles in good order and repair.
- c. Failure to maintain the required insurance.
- d. Failure to pay taxes due to the city for the vehicles or their operation.
- e. Repeated and persistent violation of traffic Ordinances by drivers.

- f. Failure to report any accident involving one of the taxis.
- g. Willful failure to comply with the requirements of this Ordinance.
- h. Unauthorized transfer of a driver permit or use of a vehicle not reported in accordance with this Ordinance.
- i. Failure to properly register the vehicles with the State of North Carolina.
- j. Conviction of the owner of a felony, a federal or state statute or municipal Ordinance related to possession or sale of intoxicating liquors, a federal or state statute related to sexual offenses, a federal or state statute related to illegal drugs, or repeated violation of traffic laws or ordinances, or habitual use by the Franchisee of illegal drugs or intoxicating liquors, or violation by the Franchisee of any federal or state statute relating to the illegal use of a firearm.
- k. Permitting any person convicted of the crimes listed in (j) to operate a taxi unless the conviction is reviewed by the Chief of Police or his designee and consent given for that driver.
- l. False or misleading statements in the application for Franchise.

Section VII

Remuneration to City.

Upon acceptance of a franchise as herein granted and in consideration of the rights and privileges granted hereunder this chapter, the Grantee shall pay to the Town of Kernersville an annual fee in an amount set from time to time by the Board of Aldermen in its annual budget.

Section VIII

Rights Reserved to the City.

A. The Town shall have the right to designate the hours during which the taxi service shall be continued during each day, which hours are hereby set according to the attached Exhibit A which is incorporated herein this Franchise.

B. The Town shall have the continued right to fix and establish, from time to time, the fares and rates to be paid by the passengers in the area referred to in this franchise. Until otherwise directed or authorized by the Town, the franchisee shall charge no more for taxi service than those rates as set forth on the attached Exhibit B which is incorporated in this Franchise Agreement as if fully set out herein.

C. The Town shall have the right to approve, or disapprove, of any drivers of the Grantee taxis.

D. The Town shall have the right to inspect, approve, or disapprove the various taxicabs and all equipment thereon operated in connection with the Grantees' taxi business. The Chief of Police or his designee shall have the right to order removal from service of any vehicle deemed to be a safety hazard.

E. Nothing herein shall be deemed to impair the Town from amending any section or part of this chapter and the Town does hereby reserve such right.

Section IX

Duties of Grantee.

A. The Grantee shall be required to, at all times, carry liability insurance for the protection of its passengers and the general public in an amount required by North Carolina Gen. Stat. 20-280(b), with some insurance company doing business in the State of North Carolina and approved by the Board of Aldermen of the Town of Kernersville.

B. Grantee shall indemnify and save harmless the City, its officers and employees from and against any and all claims, demands, actions, suits, and proceedings by others, and against all liability to others arising out of the exercise or enjoyment of its franchise.

C. The Grantee shall, at all times, comply with all such ordinances of the Town of Kernersville including, but not limited to Zoning, Parking and such others that the Town may from time to time adopt with reference to any of the Grantee's activities.

D. Grantee shall require all drivers to maintain a daily manifest as described in Section 17-20 of the Town Ordinance, said manifest to be retained for 90 days as required therein.

THIS FRANCHISE shall expire on the 1st day of September, 2017, having been hereby granted, dated this the 2nd day of September 2014, after two readings and votes of approval by the Board of Aldermen on August 5, 2014, and September 2, 2014.

Exhibit A

Minimum Hours of Operation

Sunday:	6:00 a.m. to 12:00 midnight
Monday:	6:00 a.m. to 12:00 midnight
Tuesday:	6:00 a.m. to 12:00 midnight
Wednesday:	6:00 a.m. to 12:00 midnight
Thursday:	6:00 a.m. to 2:30 a.m.
Friday:	6:00 a.m. to 2:30 a.m.
Saturday:	6:00 a.m. to 2:30 a.m.

Exhibit B

Rates not to exceed those as provided by the Resolution Establishing Minimal Rates for Vehicles for Hire adopted by the Board of Aldermen on August 5, 2008.

5. Consideration of a Request to use Town Hall Parking Lot for Loving Pet Inn Adoption Event, November 1, 2014.

Mr. Swisher presented this request to use the Town Hall parking lot for a pet adoption event and fundraiser. He noted that all the required information has been received.

Ms. Dara Lamberson, President of Loving Pet Inn Adoption, Inc. stated that they intend to make this a family fun event with a pumpkin derby, food trucks and a small pet adoption fair. There is no charge for non-profit groups to participate, however; all vendors will be charged \$25 which goes to the non-profit organization. They plan to have music and dog trainers at the event. She noted that they have held these events in other locations and hope that this event will grow and become a tradition. They have changed the date to November 1st from 11 AM to 4 PM as the October date was a conflict with the Farmer's Market. They plan to rent the shelter and use the Town Hall parking lot and the Allegacy Credit Union parking lot.

Ms. Lamberson asked about signage for the event. She requested that they be allowed to display a banner to announce the event. If allowed, she asked when she would be allowed to install the banner.

Alderman Irving Neal made a **Motion** to approve the request for the use of the Town Hall parking lot as presented. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mayor Morgan asked Mr. Maltba, Public Services Director to explain when the banner for Earth Day is displayed. Mr. Maltba Doran stated that it is usually put up the day before and taken down at the end of the event.

Mayor Morgan suggested Ms. Lamberson meet with the Town Manager to work out the placement of banner and the time allowed.

6. Consideration of a Resolution for Exchange of Real Property on Piney Grove Road.

Mr. Swisher presented this request to exchange real property on Piney Grove Road. He noted that this property is located at the intersection of Piney Grove Road and Nelson Street. He explained that topographic issues that would require the Town to erect a retaining wall if the property exchange was not available. He stated that it was advertised and that no one came in last month to submit an offer. Staff recommends the Board approve the resolution as presented.

Alderman Kenny Crews made a **Motion** to approve the following resolution to exchange property with Obie and Susan Ballard, property located on Piney Grove Road. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2014-23

**RESOLUTION AUTHORIZING THE EXCHANGE OF
REAL PROPERTY**

WHEREAS, the Town of Kernersville owns certain real property located at 501 Piney Grove Road consisting of approximately 0.228 acres which is adjacent to property located at 101 Hamlin Park Drive owned by Obie and Susan Ballard; and

WHEREAS, this Town owned lot on the corner of Piney Grove Road and the northern side of Nelson Street, originally consisted of .325 acres, and was appraised at \$15,000 before the Town then traded approximately .097 acres for certain right of way along the western side of Piney Grove Road for the widening of Piney Grove Road leaving approximately .228 acres in the lot now owned by the Town; and

WHEREAS, this Town owned lot has located thereon both new Duke Energy poles and newly claimed right of way by Duke Energy along the northern side of Nelson Street and at least one guy-wire will be placed on the Town's property and an existing twenty-foot easement to the City/County Utility Commission (CCUC) for sanitary sewer along the entire westernmost property line on the Town's property; and

WHEREAS, the Town needs to acquire a portion of the Ballard property located at 101 Hamlin Park Drive in order to undertake roadway improvements along Piney Grove Road; and

WHEREAS, the proposed exchange of properties by the Town and Ballard will afford the Town a permanent slope easement of approximately 2,240 square feet along the easternmost line of Ballard on the western side of the right of way of Piney Grove Road, eliminating the Town's expenditure of \$12,000 to \$15,000 for construction of a brick retaining wall, to which Ballard will

agree in exchange for the .228 acre parcel of property, restricted by easements for utilities and electrical equipment, from the Town

WHEREAS, the exchange of real property is authorized by North Carolina General Statute 160A-271 and proper notice of the intent of the Town to undertake this exchange was given in the publication of a Notice of Intent to Exchange which was published in The Kernersville News on August 16, 2014.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it hereby authorizes:

1. The Town to exchange a .228 acre lot it owns at 501 Piney Grove Road being further known as PIN 6886-36-8960.00.
2. That in exchange for the .228 acre tract, Obie and Susan Ballard, the Owners of the property located at 101 Hamlin Park Drive, being further known as Pin 6886-37-9000.00 shall convey a permanent slope easement that will eliminate the Town's construction of a brick retaining wall along the western side of the sidewalk on the western side of Piney Grove Road, thus saving the Town from expending the projected cost of \$12,000 to \$15,000.
3. A detailed description of the property to be exchanged is shown on the plat attached and denoted as Exhibit A and incorporated herein by reference.
4. The Town Attorney to prepare the deeds and any other documents necessary to effectuate the exchange.

This the 2nd day of September, 2014.

7. Consideration of a Resolution to Accept Graves Street and Beeson Road into the Town's Transportation system.

Mr. Swisher presented the following request to accept Graves Street and Beeson Road into the Town's transportation system. Mr. Swisher noted that NCDOT will repave the streets prior to the Town accepting them. This will allow the Town to maintain the streets from here forward and to treat and plow them during inclement weather.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution as presented. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2014-24

**RESOLUTION REQUESTING NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION TRANSFER MAINTENANCE AND
RESPONSIBILITY
OF GRAVES STREET (SR2042), AND BEESON ROAD (SR2636)
TO THE TOWN OF KERNERSVILLE**

WHEREAS, the North Carolina Department of Transportation (NCDOT) currently provides maintenance of SR2042 Graves Street, and SR2636 Beeson Road; and

WHEREAS, from time to time maintenance and responsibility for certain streets may be transferred from one system to the other; and

WHEREAS, SR2042 Graves Street is critical to the Town of Kernersville industrial/commercial area, and SR2636 Beeson Road is critical to the Town of Kernersville's Ivey M. Redmon Sports Complex, both of which have major economic impact on the Town of Kernersville; and

WHEREAS, the Town of Kernersville would like to add in their entirety SR2042 Graves Street and SR2636 Beeson Drive to its inventory of Town maintained roads under the Powell Bill program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE, NORTH CAROLINA, THAT: The Town of Kernersville respectfully requests the transfer of maintenance and responsibility of the above referenced state maintained streets and that they be added to the Powell Bill inventory of maintained roads and streets for the Town of Kernersville.

Adopted this 2nd day of September, 2014.

8. Consideration of Budget Amendment No. 1 for Fiscal Year 2014-15.

Mr. Swisher explained that most of the items were budgeted for in last year's budget however, the money has not been spent and the money needs to be carried over into this year's budget. He pointed out that most items are routine items with the only large item being the improvements to Piney Grove Road, Cherry and Salisbury Streets at \$425,580. He made himself available for questions.

Alderman Irving Neal made a **Motion** to approve the following ordinance for Budget Amendment No. 1 for FY 2014-15. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2014-26
TOWN OF KERNERSVILLE
BUDGET AMENDMENT # 1

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 24th day of June, 2014 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		2,900	600,124
Finance Department		6,500	775,762
Planning and Zoning		4,400	366,374
Human Resources Department		16,231	677,583
Police Department		38,126	7,212,253
Fire Department		54,363	5,764,328
Street Department		425,580	2,604,113
Solid Waste		5,000	1,751,973
Recreation Department		157,300	1,399,071
Total	0	710,400	

This will result in a net increase of \$710,400 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>
Due fr NCDOT		630,000	1,000,000

Fund Balance Approp.		80,400	306,526
Total	0	710,400	

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		89,773	89,773
Reserve for Future Transportation Projects		563,501	563,501
Reserve for Future Fire Department Projects		65,000	65,000
Reserve for Future Durham St Project		21,059	21,059
Reserve for Future Group Insurance Expenses		81,560	81,560
Transfer to General Fund Interest on Investments		100	100
Total	0	820,993	

This will result in a net increase of \$820,993 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>
Interest on Investments		100	100
Fund Balance Approp.		820,893	820,893
Total	0	820,993	

Section 3. 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		235,000	1,732,051
Total	0	235,000	

This will result in a net decrease of \$235,000 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.		235,000	1,732,051
Total	0	235,000	

Section 4. 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		5,996	114,806
Total	0	5,996	

This will result in a net increase of \$5,996 in the expenditures of the LLEF-Federal Justice Fund.

L L E F- Federal Justice Fund-Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Fund Balance Approp.		5,996	114,806
Total	0	5,996	

Section 5. 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.

9. **Consideration of Agreement Regarding Little League Ballfield Usage and Lighting.**

Mr. Swisher presented an agreement with the Kernersville Little League (KLL) for the use of five fields at Swaim complex for 24 weekends between March and November. In exchange for the use of the fields by the Town, the Town will spend up to \$185,000 to pay for the cost of lighting three of the existing fields. Mr. Swisher stated that he expects the revenue generated by the tournaments held on these fields to pay for these lights. He noted that this is a good deal for the Town and the KLL. He stated that we are currently losing tournaments to surrounding areas because we don't have enough fields. The Town is not planning to start a baseball program to compete with KLL and put that in this agreement.

Mr. Swisher explained the Reverter Clause for the Swaim family which says that if the KLL ceases to exist the property will revert back to the Swaim Family. The Swaim family also agrees that if this happens, the Swaim family is fully bound by this agreement.

Shawn Cofer, President of Kernersville Little League Baseball, 730 Barrington Park Circle, Kernersville, NC – stated that the two groups have been speaking about this agreement for about a year. He noted that KLL is an all-volunteer organization. The KLL has the facilities and Town has manpower and this agreement will benefit both organizations. He then made himself available for questions. Mr. Cofer offered that the KLL is financially stable with financing in place for these improvements.

Alderman Irving Neal asked for the time frame for the installation of the lights. Mr. Cofer stated that the work will begin at the end of the season in October and hopes to have it completed before next seasons begins.

Mr. Swisher presented an annexation agreement for KLL as this property is located outside the Town limits.

Alderman Keith Hooker referred to the bottom of the first page where it states that KLL will not request public utilities for a period of 50 years after annexation. Do we have a plan for 50 years out and do we have any idea what it would cost us if we had to extend water and sewer out there? Mr. Swisher stated that utilities are already out there in some areas. The Town discussed this with KLL and they know the Town can't extend utilities right now anyway. It is on Forsyth County's plan.

Alderman Crews supported these agreements as it will bring money to the Town and not cost the Town a lot of money.

Alderman Kenny Crews made a **Motion** to approve the annexation agreement with the names corrected. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

Alderman Tracey Shifflette made a **Motion** to approve the Ballfield usage and lighting agreement with the name corrected. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

10. **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 July 30, 2014 Briefing Session
Approval of Minutes for July 30, 2014 Closed Session**

C-2 Consideration of Appointments to Boards/Commissions:

- **Pedestrian and Bicycle Committee**
- **Planning Board**
- **Board of Adjustment**
- **Community Appearance Commission**

Community Appearance Commission: (up to 3 Vacancies)

Chandra Mimms Parker – new appointment to fill unexpired 6/30/2016

Board of Adjustment: (2 ALT ETJ)

Janice Carroll – (ETJ) remove and appoint to the Planning Board to fill unexpired term 6/30/2015

Alton L. Swann – (ETJ Alt member) new appointment to fill unexpired term 6/30/17)

Joseph Orenstein – status to regular member (reg, ETJ)

Karen Caudill – (Alt member) new appointment to fill unexpired term 6/30/2016

(1 vacancy – ETJ Alt member)

Planning Board: (1 ETJ Vacancy)

Janice Carroll – (ETJ) new appointment to fill unexpired term 6/30/2015

Pedestrian and Bicycle Committee (5-10 Members)

Bruce Frankel – reappointment, term to expire 6/30/2017

Wade Hampton – reappointment, term to expire 6/30/2017

Jonathan Cooke – reappointment, term to expire 6/30/2017

John G. Wolfe IV – new appointment, term to expire 6/30/2017

Joel W. Cooper – new appointment, term to expire 6/30/2017

C-3 Consideration of a new Lease with the Kernersville Little Theatre for the Harmon Park Building.

C-4 Consideration of Forsyth County Tax Refunds

Scott Berenice Mcrae Value change \$100.52

C-5 Consideration of a Resolution to declare surplus property and authorize its disposal

RESOLUTION NO. R-2014-25

RESOLUTION DECLARING SURPLUS AND AUTHORIZING THE ELECTRONIC AUCTION OF SURPLUS PERSONAL PROPERTY

WHEREAS, the Board of Aldermen of the Town of Kernersville desires to declare said property surplus and dispose of said property of the Town in accordance with the Town of Kernersville's Finance Policy and the North Carolina General Statutes.

WHEREAS, the Board of Aldermen of the Town of Kernersville hereby declares surplus the following described property:

ASSET#	ASSET DESCRIPTION	DISPOSITION
11565	2004 GRAVELY 260Z MOWER	SURPLUS & DISPOSE E-AUCTION
	1971 JOHN DEERE	SURPLUS & DISPOSE E-AUCTION
1798	1982 JOHN DEERE 301A INDUSTRIAL TRACTOR	SURPLUS & DISPOSE E-AUCTION
10250	1994 JOHN DEERE 710D BACKHOE LOADER	SURPLUS & DISPOSE E-AUCTION
	1995 LONG 1542 TILLER	SURPLUS & SCRAP METAL
11564	2004 JOHN DEERE 4X2 GATOR UTILITY VEHICLE	SURPLUS & DISPOSE E-AUCTION
11508	2001 BOBCAT BACKHOE ATTACHMENT	SURPLUS & DISPOSE E-AUCTION
	OKIDATA PRINTER & STAND	SURPLUS & DISPOSE E-AUCTION
	POLAROID CAMERA	SURPLUS & DISPOSE E-AUCTION

	BROTHER ELECTRIC TYPEWRITER	SURPLUS & DISPOSE E-AUCTION
	TAPE RECORDER	SURPLUS & DISPOSE E-AUCTION
2232	TILT-TOP PLANS REVIEW TABLE	SURPLUS & DISPOSE E-AUCTION
	3' X 6' TABLE	SURPLUS & DISPOSE E-AUCTION
	OFFICE CHAIRS	SURPLUS & DISPOSE E-AUCTION
	PLANS REVIEW ADJUSTABLE CHAIR	SURPLUS & DISPOSE E-AUCTION
11544	2004 FORD CROWN VICTORIA	SURPLUS & DISPOSE E-AUCTION
11543	2004 FORD CROWN VICTORIA	SURPLUS & DISPOSE E-AUCTION
11522	2003 FORD CROWN VICTORIA	SURPLUS & DISPOSE E-AUCTION
11521	2003 FORD CROWN VICTORIA	SURPLUS & DISPOSE E-AUCTION
10950	1999 FORD CROWN VICTORIA	SURPLUS & DISPOSE E-AUCTION
10776	1997 FORD CROWN VICTORIA	SURPLUS & DISPOSE E-AUCTION

Original Case	Serial Number	Disposition	Original Case	Serial Number	Disposition
TOSHIBA M750	79043084H	SURPLUS & DISPOSE E-AUCTION	TOSHIBA M750	79042257H	SURPLUS & DISPOSE E-AUCTION

TOSHIBA M750	79043375H	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79042526H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 745	2MCKGD1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79042513H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 745	1VLGJF1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79042212H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 755	CKYQKH1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	99091906H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 755	CJYQKH1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	99091920H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 755	2JYQKH1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79042528H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 755	7JYQKH1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79042812H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 755	3JYQKH1	SURPLUS & DISPOSE	TOSHIBA M750	99091924H	SURPLUS & DISPOSE

		E- AUCTION			E- AUCTION
DELL OPT 755	FJYQKH1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79043852H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 755	HKYQKH1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79041788H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 755	4LYQKH1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79043068H	SURPLUS & DISPOSE E- AUCTION

Original Case	Serial Number	Disposition	Original Case	Serial Number	Disposition
DELL OPT 755	CT623H1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	99103401H	SURPLUS & DISPOSE E- AUCTION
DELL OPT 755	5DXGNG1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79041496H	SURPLUS & DISPOSE E- AUCTION
DELL OPT GX270	HV75R31	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79043076H	SURPLUS & DISPOSE E- AUCTION

DELL OPT GX280	GWG8V51	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	99091907H	SURPLUS & DISPOSE E- AUCTION
DELL OPT GX520	H9GPK91	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79042215H	SURPLUS & DISPOSE E- AUCTION
DELL OPT GX620	HM0V2C1	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	29090984H	SURPLUS & DISPOSE E- AUCTION
TOSHIBA M750	79043717H	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	29090990H	SURPLUS & DISPOSE E- AUCTION
TOSHIBA M750	79042221H	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	29090499H	SURPLUS & DISPOSE E- AUCTION
TOSHIBA M750	79043379H	SURPLUS & DISPOSE E- AUCTION	TOSHIBA M750	79040945H	SURPLUS & DISPOSE E- AUCTION

WHEREAS, North Carolina G.S. 160A-270(b) allows the Town to sell surplus personal property at public auction upon adoption of a resolution or order authorizing the appropriate official to dispose of the surplus property at public auction.

NOW, THEREFORE, BE IT RESOLVED, by the Kernersville Board of Alderman that the Town Manager or his designee is authorized to sell the surplus property described below by electronic auction beginning on September 26, 2014 at www.GovDeals.com, as per the terms and conditions and in accordance with North Carolina G.S. 160A-270(c) and in compliance with the Finance policy. The Town Manager or his designee is directed to publish at least once and not less than ten (10) days before the date

of the auction, a copy of this Resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270.

Adopted by the Board of Alderman of the Town of Kernersville this 2nd day of September, 2014.

C-6 Consideration of matters involving the purchase of budgeted equipment:

a. Resolution authorizing the execution and delivery of an installment purchase contract.

RESOLUTION NO. R-2014-26

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT NOT TO EXCEED \$704,650.00 WITH SUNTRUST TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE TOWN OF KERNERSVILLE, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

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

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

- a) The Town of Kernersville proposes the acquisition of certain equipment (collectively, the “Equipment”);
- b) After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;
- c) Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property by installment contracts that create a security interest in the property financed to secure repayment of the financing; and
- d) SUNTRUST has proposed that SUNTRUST enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which SUNTRUST will lend the Unit an amount not to exceed \$704,650.00 (the “Contract”) and a related Escrow Agreement between the Unit and SUNTRUST (the “Escrow Agreement”).

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

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

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

Section 5. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of SUNTRUST.

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2013. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a "qualified tax-exempt obligation" for the purposes of the Code.

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

Adopted this the 2nd day of September, 2014.

b. Declaration of Notice of Intent to reimburse equipment costs.

RESOLUTION NO. R-2014-27

**DECLARATION OF THE BOARD OF ALDERMEN
OF THE TOWN OF KERNERSVILLE OF OFFICIAL INTENT
TO REIMBURSE**

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

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

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

OF KERNERSVILLE THAT:

1. Expenditures to be incurred. The Town anticipates incurring expenditures (the "Expenditures") for the purchase of Equipment for use solely by the Town of Kernersville (the "Project").

2. Plan of Finance. The Town intends to finance the cost of the Project described above with the proceeds of debt to be incurred by the Town in accordance with the contract method of financing under the authority of North Carolina General Statutes Section 160A-20 as amended by Chapter 708 of the 1989 Session Laws.

3. Maximum amount to be financed. The maximum amount to be financed by the Town to complete the Project is \$704,650.00.

4. Declaration of Official Intent to Reimburse. The Town hereby declares its official intent to reimburse itself with the proceeds of the debt for any of the Expenditures incurred by it prior to financing of the Project.

Adopted this the 2nd day of September, 2014.

**C-7 Consideration of a Lease with PNC Equipment Finance for use of
Lawnmowers in the Parks & Recreation Department as approved in
FY 2014-15 Annual Budget**

RESOLUTION AND CERTIFICATE OF INCUMBENCY
Lease Number 184085000

Lessee: Town of Kernersville

Amount \$76,187.52 (Payment x Term)

WHEREAS, Lessee, a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State or Commonwealth ("the State") is authorized by the laws of the State to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, pursuant to applicable law, the governing body of the Lessee ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Lessee.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Lease Agreements or lease schedules ("Leases") in the amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases is appropriate and necessary to the functions and operations of the Lessee.

WHEREAS, PNC Equipment Finance, LLC ("Lessor") shall act as Lessor under said Leases.

NOW, THEREFORE, Be It Ordained by the Governing Body of the Lessee:

Section 1. Either one of the _____ OR _____ (each an "Authorized Representative") acting on behalf of the Lessee, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Lessee. Each Authorized Representative acting on behalf of the Lessee is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Lessee to execute and deliver agreements and documents relating to the Leases on behalf of the Lessee.

Section 3. The Lessee's obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Lessee's obligations under the Leases shall not constitute general obligations of the Lessee or indebtedness under the Constitution or laws of the State.

Section 4. This resolution shall take effect immediately upon its adoption and approval.

SIGNATURES AND TITLES OF AUTHORIZED REPRESENTATIVES : AUTHORIZED LEASE SIGNORS ONLY

Dawn H. Morgan
 Name Dawn H. Morgan
Curtis Swisher
 Name

MAYOR
 Title
Town Manager
 Title

Dawn H. Morgan
 Signature
Curtis Swisher
 Signature

ADOPTED AND APPROVED on this 9/2, 2014

Section 5. I, the undersigned Secretary/Clerk identified below, does hereby certify that I am the duly elected or appointed and acting Secretary/Clerk of the above Lessee, a political subdivision duly organized and existing under the laws of the State where Lessee is located, that I have the title stated below, and that, as of the date hereof, the Individuals named below are the duly elected or appointed officers of the Lessee holding the offices set forth opposite their respective names. The undersigned Secretary/Clerk of the above-named Lessee hereby certifies and attests that the undersigned has access to the official records of the Governing Body of the Lessee, that the foregoing resolutions were duly adopted by said Governing Body of the Lessee at a meeting of said Governing Body and that such resolutions have not been amended or altered and are in full force and effect on the date stated below.

LESSEE: Town of Kernersville

Dale F. Martin
 Signature of Secretary/Clerk of Lessee

Print Name: Dale F. Martin
 Official Title: Town Clerk
 Date: 9-8-14

[SEAL]



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

11. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

12. SPEAKERS FROM THE FLOOR.

None presented.

13. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented a request for a Traffic Safety Equipment Grant by the Police Department in the amount of \$12,570. A 50% match by the Town is required in the amount of \$6,285. Mr. Swisher reported that the grant is for reconstruction software, camera and a computer.

Alderman Hooker asked if the matching funds would be taken from the general fund or forfeiture fund. Chief Cunningham stated that this purchase could be made from forfeiture funds if there is enough in that account.

Alderman Irving Neal made a **Motion** to approve the grant as requested. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mr. Swisher reported that he would be on vacation next week and returning Friday before leaving for the ICMA Conference in Charlotte on Monday until Wednesday.

14. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

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

Mayor Morgan asked for an update on the Folly's roof construction. Mr. Wolfe reported that the upper roofs are mostly completed and construction on the lower roofs has begun.

Alderman Kenny Crews thanked the Police Chief for addressing the school bus problems on N. Main Street.

Alderman Irving Neal asked if a sealer could be put on the Town Parking lot to preserve it for a little while longer. Mr. Maltba stated that it may be too late for that but would look at it again.

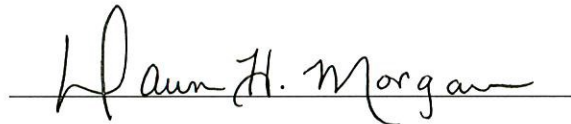
Mayor Morgan commended the Parks & Recreation Staff on the success of this year's Honeybee Festival.

Alderman Keith Hooker invited everyone to come out to the Kernersville Exchange Club's "Battle of the Bowls" fundraiser for SCAN on October 19th.

16. ADJOURNMENT.

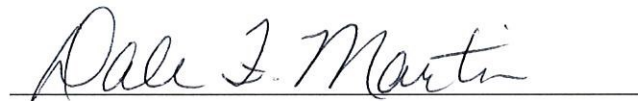
Alderman Tracey Shifflette made a **Motion** to adjourn the meeting. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Being no further business to come before the Board, the meeting was adjourned at 8:03PM.



Dawn H. Morgan, Mayor

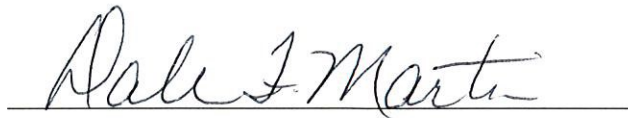
Attest:



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 September 2, 2014.

This the 13 day of October, 2014.



Dale F. Martin, MMC, Town Clerk