

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION NOVEMBER 24, 2014**

The Board of Aldermen of the Town of Kernersville met in a briefing session at 6:39 P.M. on the above date in the Town Hall Executive Conference Room at the Municipal Building at 134 East Mountain Street.

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

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; Jayne Danner, Deputy Town Clerk; John Wolfe, Town Attorney; Jeff Hatling, Community Development Director; Scott Cunningham, Police Chief; Terry Crouse, Fire Rescue Chief; Doran Maltba, Public Services Director; Heather Wood, Marketing & Community Relations Specialist; Gray Cassell, Chief Information Officer; Franz Ader, Finance Director and Crystal Tanner, Human Resources Manager.

Call to order and invocation.

Mayor Dawn Morgan called the meeting to order and Alderman Tracey Shifflette shared a poem of Thanksgiving.

Mayor Morgan explained the procedures of the briefing meeting and noted the delivery of the new swap body truck. The Board briefly discussed how this truck has assisted in the successful collection of leaves this season.

1. Briefing on the December 2, Regular Meeting Agenda.

Item #1 PUBLIC HEARING: Dino Hackett, Agent for Grays Land Apartments, LLC, for properties located at 780 Macy Grove Road, being all of PIN # 6895-44-4614 containing 19.03 acres more or less. Petitioner requests a Special Use Rezoning from RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) to RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) to allow for modifications to the building architecture. Requested Use(s): Multifamily Residential Zoning Docket K-726.A1

Mr. Jeff Hatling, Community Development Director briefed the Board on this rezoning request. He reported that the Planning Board and Staff recommend approval of the rezoning and site plan as presented to modify the exterior design standards of the buildings for a more typical residential appearance. He noted that no opposition was received.

Item #2 PUBLIC HEARING: Consideration an Ordinance for a Voluntary Annexation (Satellite) petition by DTRT Colfax Pipe, LLC for property located at 9609 West Market Street.

Item #3 PUBLIC HEARING: Lillian Levy, Agent for DTRT Colfax Pipe, LLC for properties located at 9609 West Market Street, being all of Guilford County PIN# 6896811024 containing a total of 41.028 acres more or less. Petitioner requests a General Use District Rezoning from Guilford County - Highway Industrial (HI) to Kernersville - General Industrial (GI). Zoning Docket K-732

Mr. Hatling briefed the Board on this annexation and rezoning request. He stated that Staff recommend approval of the annexation request and the Planning Board and Staff recommend approval of the rezoning request as presented. He noted that no opposition was received.

Alderman Irving Neal asked if Colfax Pipe expanded their facility would they be required to come back before the Board with a rezoning request or adhere to any additional requirements or conditions.

Mr. Hatling advised that they would not if the expansion was within this 41 acre parcel.

Alderman Hooker noted that in some areas of the documentation the definition of “HI” is Heavy Industrial and in other areas the definition of “HI” is Highway Industrial.

Mr. Hatling advised that all of the definitions of “HI” in the documentation should be “Heavy Industrial” and that this would be corrected prior to the meeting on Tuesday.

Item #4 PUBLIC HEARING: Doug Stimmel, Agent for Others for multiple properties located at 716 South Main St., 715 South Cherry St., 803 South Cherry St., and additional properties bordering South Cherry Street, South Main Street, and Old Winston Road, being all of PIN#(S) (Greenfield Property) 6876-91-0614, 6876-81-7817, 6876-71-8866, 6876-81-7693 and part of 6876-82-5300; and (Slade Property) 6876-91-2626, and 6876-91-1666 containing a total of 34.68 acres more or less. Petitioner requests a Single & Two Phase Special Use District Rezoning from Single Family Residential and Highway Business (RS7, RS12, HB, and HB-S) to General Business–Special Use District (GB-S). Requested Use(s): Multiple Uses Requested Zoning Docket K-729 (Valid Protest Petition Filed)

Mr. Hatling briefed the Board on this rezoning request. He reported that the Planning Board and Staff recommend approval of the rezoning request and site plan with conditions as presented. He noted that at the Planning Board meeting people spoke both in favor and opposition and that a valid protest petition has been filed. He further noted that due to the valid protest petition a Board vote of at least 4-1 would be required for approval of the rezoning request. Mr. Hatling advised that if the Board recommends approval with additional conditions or changes to the conditions presented, the Board will need to ask the developer if they accept the conditions since it is a special use rezoning. He further advised if the developer doesn't accept the conditions presented by the Board then the Board can make a motion to deny or postpone the request. Mr. Hatling noted several uses the Planning Board had removed: night club, one of two fast food restaurants, convenience store, and that they had recommended limited delivery hours for a grocery store similar to those recommended for the new Walmart neighborhood market.

The Board members asked Staff several questions relating to the conditions recommended by the Planning Board.

Mr. Hatling advised that the Board of Aldermen can make any modifications they chose to the conditions recommended by the Planning Board.

Alderman Tracey Shifflette asked if the Board could approve Phase I now and request that the developer come back to the Board of Aldermen for approval of Phase II.

Mr. Hatling advised that he would have to review the Town's Unified Development Ordinance (UDO).

Alderman Neal asked for a definition of cluster homes and town homes. Alderman Shifflette asked for a definition of Group Homes A and Group Homes B.

Mr. Hatling advised that based on the UDO *a townhouse is a residential building which contains three (3) or more dwelling units; each unit occupies one zoning lot. A Multi family residential building is one which contains three (3) or more dwelling units and which occupies one zoning lot. This term includes single room occupancy (SRO) facilities*, a Group Home A can have up to 6 residents and a Group Home B can have up to 12 residents.

Mayor Morgan asked the Board members if they had any questions about the road.

Mr. Hatling advised that based on a traffic impact analysis conducted in 2012 a double left from Old Winston Road on to South Main will be required. Mr. Hatling further advised that a municipal agreement with NCDOT is on the Consent Agenda for the Board's consideration.

Mr. Swisher stated that NCDOT representatives have implied they can accommodate the road construction within the timeframe of the proposed development.

Mr. Hatling also advised that the developer will have to enter an agreement with NCDOT regarding any road construction costs necessitated to accommodate the proposed development.

Alderman Irving Neal asked if the project can pass without a road being built and if the Town can require a developer to build a road design that encroaches on another person's property.

Mr. Hatling advised that the Town can determine when the road is built.

Mr. Wolfe advised that the Town can condemn a person's property for the construction of a road, as they did with the Kernersville Medical Parkway.

Mr. Hatling noted that Staff is working on some clarifications to a few of the conditions that will be finalized prior to the meeting on Tuesday.

Mayor Morgan asked Attorney Wolfe if it was advisable for the Board to extend the public hearing time limits, due to this being a large two phase case with a 57 page staff report, in order to allow adequate time for community input.

Mr. Wolfe strongly advised the Board not to extend the public hearing time limits. He stated that this could run the risk of appearing prejudicial to this case. He advised the Board to use the time this evening to ask staff questions and recommended that the Board not ask questions of speakers in an effort to extend the time limits at the Public Hearing. He strongly encouraged the Mayor to hold speakers to the questions presented by the Board members and not allow the speakers to use this as an opportunity to expand on their discussion. Mr. Wolfe further recommended that the Board rely on information gathered at the Planning Board public hearing, included in the planning board report rather than repeat the same questions, as a tool to assist them in using the time wisely.

Mayor Morgan noted that the Planning Board extended the public hearing time limits to allow for citizen input.

Mr. Jeff Hatling responded that the Planning Board consistently allows for time limit extensions when they are requested.

Item #6 Stormwater Strategic Plan Presentation.

Mr. Doran Maltba, Public Services Director stated that a consultant with Raftelis will give a report on a recommended 10 year strategic Stormwater Plan for the Town on Tuesday.

Item #7 Consideration of granting a Special Intensive Development Allocation (SIDA) allocation of 34.58 acres for the rezoning project K-729

Mr. Hatling advised that Staff is recommending that the Board approve this request for a SIDA for this property, increasing the watershed coverage from 50% to 70%, if the Board approves the rezoning request K729. He further advised that if the Board does not approve the rezoning request K729 the SIDA will not be required.

Item #8 Consideration of the Town becoming a member of NC 811 Notification Center.

Mayor Morgan stated that Louis Panzer, NC 811 representative will give a presentation on this matter and answer any questions presented by the Board.

Item #9 Consideration of an Interlocal Agreement with Forsyth County donating the site for a future library in Kernersville.

Mr. Swisher reported that the Town has been in negotiations with Forsyth County regarding a donation of 3 acres of land for a future library in Kernersville. He advised that an interlocal agreement has been prepared for the Board's consideration, if it is approved, the Town will finalize the contract for the purchase of 11 acres of land from Novant Health.

Item #10 Consideration of High Bid from Auction of Town Property located at 409 Church Street.

Mr. Wolfe advised that as directed by the Board this property was auctioned off on November 11, 2014 and a bid of \$55K was received. He reminded the Board that they can vote to accept or decline the bid at the meeting on Tuesday depending on whether they determine this is a good offer or not for the property.

Item #11 Election of the Mayor Pro Tem as required by the Town Charter.

Mayor Morgan advised that this is an annual requirement of the Town Charter.

Item #12 Consideration of CIP for FY 2016-2020.

Mr. Swisher briefed the Board on the CIP. He reported that the installment purchase costs reflect across the columns for all the periods financed. He emphasized that the Town's annual operating budget cannot finance the infrastructure needs of the Town without a tax increase.

Item #13 Consideration of Appointments to Nominations Committee.

Mayor Morgan asked the Board members to contact her if they would like to or no longer wish to serve on this committee.

Item #14 Consideration of the 2015 Board of Aldermen Meeting Schedule.

Mayor Morgan asked the Board members to carefully look at the proposed meeting schedule for any potential scheduling conflicts prior to its adoption on Tuesday.

Alderman Hooker noted that the proposed dates for the April meetings may conflict with the Winston Salem Forsyth County School systems Spring Break.

Item #15 Consideration of Budget Amendment No. 2 for FY 2014-15.

Mr. Swisher noted the items on the Budget Amendment: the newly adopted lighting agreements for Bagley Field and Kernersville Little League, and repairs to the 133 South Main Street property are the majority of the amendment.

Mayor Morgan suggested that the exterior of the 133 South Main Street property be improved, i.e. parking lot and landscaping, at the same time as the interior repairs.

Item #16 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 October 29, 2014 Briefing Session

Approval of Minutes for October 29, 2014 Closed Session
Approval of Minutes for November 4, Closed Session

**C-2 Consideration of an NCDOT Transportation Improvement Project
Municipal Agreement for a Portion of South Main Street.**

Mr. Swisher reported that Item C-2 is for South Main/Cherry Street and Old Winston Road improvements including the relocation of the traffic signals and installation of a roundabout.

**C-3 Consideration of an Ordinance to make Technical Amendments to the Final
Recodification**

Mr. Wolfe reported that Item C-3 is for a few minor grammar changes for the final recodification of the Town's Code of Ordinance Book.

C-4 Consideration of matters involving the purchase of budgeted equipment:

- a. **Resolution authorizing the execution and delivery of an installment purchase contract.**
- b. **Declaration of Notice of Intent to reimburse equipment costs.**

Mr. Swisher reported that for Item C-4 Staff recommends a \$518,432.40 financing contract with Capital Bank @ 2% over 10 years, for ten equal annual payments of \$51,843.24, for a fire pumper truck approved for purchase in the FY14-15 Budget.

2. Matters to be presented by the Town Manager and Town Attorney.

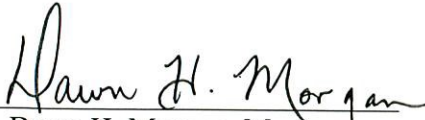
Alderman Tracey Shifflette made a **Motion** to go into Closed Session at 8:22 p.m. to discuss certain matters which fall within the Attorney Client privilege as permitted by NCGS 143-318.11(a)(3). Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

The Board returned to Open Session at 8:50 p.m.

3. Adjournment

Alderman Irving Neal made a **Motion** to adjourn the meeting at 8:51 p.m. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Being no further business to come before the Board the meeting adjourned immediately following the closed session.


Dawn H. Morgan, Mayor

Attest:

Jayne Danner

Jayne Danner, MMC, NCCMC Deputy Clerk

I, Jayne Danner, Deputy 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 November 24, 2014.

This the 19th day of January, 2014.

Jayne Danner

Jayne Danner, MMC, NCCMC Deputy Clerk