

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. DECEMBER 2, 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, Kenny Crews and Irving Neal.

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

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

Mayor Morgan called the meeting to order at 7:09 PM and Dr. Reverend Michael Walton of Liberty Community Christian Church delivered the invocation.

- **PLEDGE OF ALLEGIANCE LED BY DAISY/BROWNIE TROOP 2816**

The Pledge of Allegiance was led by Daisy/Brownie Troop 2816.

PUBLIC HEARINGS

Mayor Dawn Morgan introduced Mr. Dan Vietto, Petitioner for Item #4 and added that the Petitioner wishes to make a request to the Board.

Mr. Dan Vietto, 2300 Curlew Road, Suite 100, Palm Harbor, FL – asked to continue this rezoning request.

Alderman Irving Neal made a **Motion** to continue the rezoning in Item #4 Zoning Docket K-729 for one month to the January meeting. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

Mayor Morgan asked the Clerk to give the dates for the January 2015 Meeting. Town Clerk Dale Martin stated that the Board's Briefing is scheduled for January 7th at 6:30 PM and the Regular meeting is scheduled for January 13th at 7:00 PM on the proposed calendar.

Town Attorney John Wolfe asked that the Board consider the proposed calendar so that everyone will know when the January meetings are to be held.

Alderman Keith Hooker made a **Motion** to amend the agenda to consider the Board's 2015 Calendar in Item #14. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

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

Mayor Morgan asked for any revisions to the 2015 Calendar. None were presented.

Alderman Tracey Shifflette made a **Motion** to adopt the 2015 Calendar as presented. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Mayor Morgan then welcomed Boy Scout Troop 990 from Pisgah United Methodist Church who are here working on their Citizenship Badge.

- 1a. 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 presented the Planning Board Report for this rezoning request. Mr. Hatling stated that this is a special use district request and explained the changes being proposed. He stated that the Staff and the Planning Board recommend approval of the request.

1b. Consideration of an ordinance for above rezoning.

Mayor Morgan declared the Public Hearing open.

In Favor

Scott Niebauer, 2460 Alderbrook Drive, High Point, NC – spoke on behalf of the Petitioner. He explained that the changes being requested were recommended by their consultant to provide for more of a residential look and to add color to the project.

Opposed

None presented.

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

Alderman Kenny Crews made a **Motion** to approve the following ordinance to amend the Zoning Ordinances of the Town and the Site Plan for Zoning Docket K-726.A1 from RM12-S 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.
3. The proposed building design would provide the multifamily development a more residential look.

Alderman Keith Hooker second the motion and the vote was all for and motion carried.

Town Ordinance

**Zoning Petition of Dino Hackett, Agent for Grays Land Apartments, LLC
Zoning Docket K-726.A1**

ORDINANCE NO. O-2014-29 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 Ordinance and the Official Zoning Map of the Town of Kernersville, NC are hereby amended by changing from RM12-S to RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) being all of PIN # 6895-44-4614 containing 19.03 acres more or less as recorded in the Office of the Register of Deeds, Guilford 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 19.03 acres more or less as recorded in the Office of the Register of Deeds, Guilford County, North Carolina.

SECTION 2. This ordinance is adopted after approval of and upon condition of compliance with

the site plan entitled ***Grays Land Apartments***, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 2nd day of December, 2014 to Dino Hackett, Agent for Grays Land Apartments, LLC.

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 a development to be known as ***Grays Land Apartments***. Said Special Use District Permit and site plan with associated documents attached hereto and incorporated herein.

SECTION 4. That this Ordinance be placed in the file of unpublished ordinances.

SECTION 5. This Ordinance shall be effective from and after its adoption.

Adopted this the 2nd day of December, 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 Dino Hackett, Agent for Grays Land Apartments (ZONING DOCKET K-726.A1). The site shall be developed in accordance with the plan approved by the Board of Aldermen and bearing the inscription: "Attachment A, Special Use Permit" for Dino Hackett, Agent for Grays Land Apartments approved by the Board of Aldermen the 2nd day of December, 2014 and signed, provided the property is developed in accordance with requirements of the RM12-S (Residential Building, Multifamily - Special Use District) zoning district of Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

Approved Uses: Residential Building, Multifamily

Site Plan: Approval of the site plan with the following conditions.

*Standard Conditions

Architectural and Amenities

1. The architectural features shall consist of brick, rock, horizontal hardie board siding, and shake siding façade, along with decorative window trim; hip and gable roof; and 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 shall incorporate the same material as the buildings.

Landscape, Signage, Pedestrian Access

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, and 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.

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

Mr. Hatling reported on the annexation and rezoning request for DTRT Colfax Pipe, LLC. He noted the property location is in Guilford County. The proposed zoning is a similar zoning to what the property is zoned in Guilford County. Mr. Hatling stated that the Planning Board and Staff recommend approval of the rezoning request. Staff also recommends approval of the annexation request.

Mayor Morgan declared the Public Hearing open for both the annexation and rezoning.

In Favor

None presented.

Opposed

None presented.

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

2b. Consideration of an ordinance for above annexation.

Alderman Irving Neal made a **Motion** at 7:37 PM to approve the following ordinance annexing property as petitioned by DTRT Colfax Pipe, LLC, located at 9609 West Market Street. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

**ANNEXATION ORDINANCE NO. A4-2014-30
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO
INCLUDE A 39.823 ACRE TRACT DESCRIBED HEREIN AND
GENERALLY KNOWN AS TAX PARCEL NO. 0168732 OF GUILFORD COUNTY TAX
MAPS LOCATED AT 9609 WEST MARKET STREET COLFAX, NC 27235 BEING
NON-CONTIGUOUS TO THE CORPORATE LIMITS OF
THE TOWN OF KERNERSVILLE UPON PETITION OF DTRT COLFAX PIPE, LLC.**

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 November 4, 2014, 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 December 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 December, 2014, after due notice by publication on the 20th day of November, 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 DTRT Colfax Pipe, LLC.;
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 City of High Point and the Town of Kernersville, and the City of 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 39.823 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 December 2, 2014, at 7:37 o'clock PM.

Section 2. In accordance with N.C.G.S. 160A-58.3 upon and after December 2, 2014, at 7:37 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 2nd day of December, 2014, at 7:37 PM.

- 3a. **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

3b. Consideration of an ordinance for above rezoning.

Alderman Kenny Crews made a **Motion** to approve the following ordinance amending the Zoning Ordinance of the Town to rezone the property in case K-732 from Guilford County H1 to Town of Kernersville GI. The said rezoning being consistent with the Town's Comprehensive Plan and further being both reasonable and in the public interest because:

1. The proposed annexation and rezoning would assist in achieving the Comprehensive Plan Goal's elements of a diverse economic base, and strong industrial tax base.
2. The Kernersville Development Plan's Land Use Plan recommends this area for industrial uses.
3. The Town would have the ability to undertake future growth management planning and regulations for the area to achieve additional Goals of the Town's Comprehensive Plan.
4. Road improvements are being completed for this area to support economic development.

Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**Town Ordinance
Zoning Petition of National Pipe
Zoning Docket K-732**

**ORDINANCE NO. O-2014-31
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 - Heavy Industrial (HI) to Kernersville - General Industrial (GI). Approved 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 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 9609 West Market Street, being all of Guilford County PIN# 6896811024 containing a total of 41.028 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 December, 2014.

4a. 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)

4b. Consideration of an ordinance for above rezoning.

A motion was made and approved at the beginning of the meeting to continue this request until the January 13, 2015 meeting.

PUBLIC SESSION

5. SPEAKERS FROM THE FLOOR.

None presented.

6. Stormwater Strategic Plan Presentation.

Mr. Doran Maltba, Public Services Director introduced Mr. Keith Readling, PE, VP of Raftelis. He noted that Mr. Readling was a member of the firm that designed the Town's original Stormwater Program and therefore, is very familiar with Kernersville.

Keith Readling, Representative from Raftelis Financial Consultants, Inc. – presented the Strategic Plan project goals and presented the planning process. The Foundation Approach: SOAR was used to identified Strengths, Opportunities, Aspirations, and Results. He stated that this is not a plan to sit on the shelf but one that is usable and once implemented the great leadership of the Town can keep it going. He then made himself available for questions. Mayor Morgan thanked Mr. Readling for his assistance.

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

Alderman Tracey Shifflette made a **Motion** to continue this item to the January 13th meeting as it relates to Zoning Docket K-729 that was continued. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

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

Mr. Louis Panzer 2300 West Meadowview Road, Suite 227, Greensboro, NC – explained the purpose of the NC 811 Notification Center. He explained the process for handling calls from developers, property owners, utility companies, etc. when utility lines are needed to be located for excavation purposes. He noted that Kernersville would fall within a medium operator's category and that the deadline for becoming a member is October 1st, 2015.

Alderman Neal and Alderman Shifflette asked questions about the services provided by the Notification Center and questioned the Town's requirement to become a member due to the low number of underground utilities owned by the Town.

Mr. Panzer explained that everyone with underground utilities is notified when someone is in an area digging and that it is mandated that anyone with underground utilities become members. He noted that the cost is .83 per transmission.

Mr. Gray Cassell, Chief Information Officer came forward to explain the amount of fiber optic cable the Town owns which is located underground. He noted that the cable is located mostly on Town property but not all of it and noted the cable on Harmon Lane. Mr. Swisher stated that the Town does not have the means to locate this cable.

Alderman Neal asked if there is a savings for us becoming a member of this group. Mr. Cassell and Mr. Swisher explained that we are not currently notified of those that may be digging in the area around our cable. If the lines have to be repaired then there could be some expense to the Town. We expect the cost to be very minimal for locating the Town's cable which would protect Town lines and could possible prevent a disruption in service.

Mr. Panzer noted that no more fiber optic cable than the Town owns, the Town could fall within the small group and the deadline for those entities is October 2016. He noted that it makes good sense to protect infrastructure for the Town and the cost is very minimal to do so through the NC 811 Program.

Mr. Swisher asked if NCDOT is exempt. Mr. Panzer stated that NCDOT is exempt. Mr. Swisher noted that DOT digs more in the right-of-ways than anyone else and that it does not make sense that the State would be exempt.

Mayor Morgan thanked Mr. Panzer for coming tonight.

Mr. Swisher and Mr. Wolfe recommended the Town join NC 811 Notification Center.

Alderman Irving Neal made a **Motion** authorizing the Town to become a member of the NC 811 Notification Center as recommended. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

Mayor Morgan called a recess at 8:30 PM. The meeting was reconvened at 8:46 PM.

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

Mr. Swisher presented an interlocal agreement in regard to the donation of land on Pineview Drive for a library. The Town is considering a purchase of this property from Novant Health. He stated that we received a letter today that Forsyth County has adopted a resolution to approve this agreement as it is being presented tonight.

Alderman Irving Neal asked where we stand with Novant on the purchase of the property. Mr. Wolfe stated that we will go back to Novant to continue our discussions. We will request that Novant drop some of the conditions. Alderman Neal asked if they don't agree to relieve the Town of those conditions will we buy the land as is. Mr. Wolfe stated that the Board did agree to buy the land as is. This would send us back into discussions with Forsyth County if that happens.

Alderman Neal stated that we voted to buy the land with conditions and then went to Forsyth County with an agreement to buy the land and then donate the land needed for a library. Now we are going back to Novant and ask to be relieved of some of the conditions. Mr. Wolfe agreed and added that Forsyth County has asked that these conditions be relieved as we have asked.

Alderman Neal asked if Novant doesn't relieve us of those conditions will the Town move forward with the purchase of the property. Mr. Wolfe explained that Forsyth County wanted relief from the conditions as well and so if the conditions are not removed, then moving forward will be up in the air since that is a part of this agreement.

Mr. Swisher stated that if Novant will not agree to remove those conditions, the Town will need to go back to Forsyth County and advise them of that to see if they still agree to build a library on this site.

Alderman Irving Neal made a **Motion** to approve an Interlocal Agreement with Forsyth County donating the site for a future library in Kernersville. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

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

Town Attorney Wolfe stated that the Board previously authorized a public sale of the property located at 409 Church Street. He stated that a notice was published in the *Kernersville News* in accordance with NC General Statutes. He stated that the highest bid on the property was \$55,000. He explained that the Board has the authority to accept this bid or decline the bid and put the property back up for sale. He noted that the bidder is sincerely interested in the property and believes this is a fair bid.

Mr. Swisher stated that the \$55,000 is more than expected and believes the bid to be a fair price.

Mayor Pro Tem Joe Pinnix made a **Motion** to accept the high Bid of \$55,000 from the auction of Town property located at 409 Church Street. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

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

Alderman Irving Neal nominated Alderman Joe Pinnix as Mayor Pro Tem as required by the Town's Charter. Alderman Kenny Crews seconded the nomination and the vote was all for and motion carried.

Mayor Pro Tem Pinnix thanked the Board for their continued support.

12. Consideration of CIP for FY 2016-2020.

Mr. Swisher presented the Town's Capital Improvement Plan (CIP) for FY's 2016-2020. He further explained that the CIP is a guide for the budget process and is required by law. The Town cannot buy everything in the plan however, this will help the Board and Staff set priorities.

The Board and Staff briefly discussed some of the equipment needs listed in the CIP. Alderman Neal asked at what point do we decide that maintenance costs exceed the value of the equipment and budget to replace the equipment. Mr. Swisher stated that we look at that every year for all of our equipment. It was noted that the Town has a lot of old equipment and at some point the Town will need to play catch up.

Alderman Irving Neal made a **Motion** to adopt the CIP for FY 2016-2020 as presented. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

13. Consideration of Appointments to Nominations Committee.

Mayor Morgan recommended Mayor Pro Tem Joe Pinnix and Aldermen Tracey Shifflette as members of the Nominations Committee and recommended Alderman Keith Hooker as an Alternate should one be needed.

Alderman Irving Neal made a **Motion** to accept the nominations of Mayor Morgan. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

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

This item was approved as submitted at the beginning of the meeting.

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

Mr. Swisher highlighted the following items under consideration:

General Fund – Expenditures

1. To increase the Governing Body Department expenditures in the amount of \$2,500 to cover advertising expenses associated with upcoming annexations.
2. To increase the Police Department expenditures in the amount of \$43,050 to cover the following expenses associated with grant awards: rifle replacements and computer equipment to support crash reconstruction software.
3. To increase the Parks and Recreation Department expenditures in the amount of \$260,000 to cover the following expenses: additional lighting and fencing at Bagley Field, one seasonal employee for the Swaim Field complex, the lighting agreement with the Swaim Complex and the Kernersville Little League, and the soccer and field hockey programs recently started.
4. To increase the General Services Department expenditures in the amount of \$98,308 to cover the following repair expenses at the 133 South Main Street Town property: asbestos and mold abatement, electrical, HVAC, painting, ceiling and roof.

General Fund – Revenues

1. To increase the Governors Highway Safety Program Grant Revenues in the amount of \$6,285 to reflect anticipated revenues.
 2. To increase the Governors Highway Commission – Rifle Replacement Grant Revenues in the amount of \$11,235 to reflect anticipated revenues.
 3. To increase the recreational revenues in the amount of \$29,075 to account for anticipated revenues associated with the Swaim Complex rentals and the new soccer and field hockey programs.
 4. To increase the fund balance appropriated for grant matches in the amount of \$25,530 to balance the General Fund grant revenues with grant expenditures.
 5. To increase the fund balance appropriated in the amount of \$331,733 to balance the General Fund revenues with expenditures.
-

Law Enforcement Forfeiture (Federal Justice) – Expenditures

To increase the expenditures in the amount of \$23,652 to cover handgun and peripheral expenses.

Law Enforcement Forfeiture (Federal Justice) – Revenues

To increase the revenues in the amount of \$23,652 to offset expenditures.

Contribution Fund – Expenditures

To increase the expenditures in the amount of \$1,600 to cover the expenses associated with the Explorer Program.

Contribution Fund – Revenues

To increase the revenues in the amount of \$1,600 to offset the expenditures.

Alderman Keith Hooker made a **Motion** to approve Budget Amendment No. 2 for FY 2014-15 as presented by Staff. Mayor Pro Tem Joe Pinnix seconded the motion and the vote was all for and motion carried.

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

ORDINANCE NO. O-2014-33 ORDINANCE TO MAKE TECHNICAL AMENDMENTS TO THE FINAL RECODIFICATION

WHEREAS, the Board of Aldermen recently completed the process of recodifying the Town Code of Ordinances and those revised Ordinances have been submitted to the printer for publication and posting online; and

WHEREAS, Town staff discovered several errors in the Ordinances as adopted that are not substantive but which should be changed in the final version to ensure internal consistency in the Code of Ordinances while conducting a review of the proofs for the final versions of the Ordinances.

NOW, THEREFORE. BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville that the Code of Ordinances is amended as follows:

1. In Section 2-1(8)(a) and in Section 8-6, the word “Sanitation” shall be replaced by the words “Solid Waste.”
2. In Section 2-80, 5-76(c)(10), 8-37(c), and Section 10-3(b) the words “and Charges” shall be added after the word “Fees.”
3. In Sections 8-38, 8-61, and 20-1(b)(3), the phrase “schedule of fees and charges” shall be changed to “Schedule of Fees and Charges.”
4. In Section 9-41(k), the word “charges” shall be capitalized.
5. In Section 12-21(b)(7), properly capitalize to “Board of Aldermen” and “Schedule of Fees and Charges.”
6. In Sections 1-9, 16-14(a), 16-56, 16-57 and 16-91, eliminate “ , Rates,” from the phrase “Schedule of Fees, Rates, and Charges.”
7. In Sections 20-15(4) and 20-30, add the words “Parks and” in front of “Recreation Department.”
8. In Sections 21-21 and 21-25, capitalize the word “Town.”
9. This Ordinance shall be effective upon adoption.

This the 2nd day of December, 2014.

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

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

RESOLUTION NO. R-2014-35

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT NOT TO EXCEED \$475,000.00 WITH CAPITAL BANK TO FINANCE THE ACQUISITION OF A FIRE PUMPER TRUCK 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) **CAPITAL BANK has proposed that CAPITAL BANK enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which CAPITAL BANK will lend the Unit an amount not to exceed \$475,000.00 (the “Contract”) and a related Escrow Agreement between the Unit and CAPITAL BANK (the “Escrow Agreement”).**

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

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

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

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

Section 6. The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$10,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 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 December, 2014.

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

RESOLUTION R-2014-36

**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 a Fire Pumper Truck 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 \$475,000.00.

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 December, 2014.

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

17. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

18. SPEAKERS FROM THE FLOOR.

None presented.

19. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher wished everyone a Merry Christmas.

20. MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN AND TOWN ATTORNEY.

The Town Attorney John Wolfe requested a Closed Session.

Each of the Aldermen wished everyone a Merry Christmas.


Mayor Morgan also wished everyone a Merry Christmas and encouraged everyone to attend the holiday events this coming weekend. She thanked all those involved in coordinating the parade, Downtown Open House and Christmas Tree lighting events.

Alderman Irving Neal made a **Motion** to enter into closed session at 9:30 PM to discuss matters about which our Town Attorney needs to advise us, and which fall within the Attorney–Client privilege for discussion in closed session. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

21. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting. Alderman Kenny Crews 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 immediately following the Closed Session at 9:51 PM.


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 December 2, 2014.

This the 19 day of January, 2014.⁵


Dale F. Martin, MMC, Town Clerk