

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. JANUARY 13, 2015**

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. STEVE MARTIN, FIRST BAPTIST CHURCH OF KERNERSVILLE
- PLEDGE OF ALLEGIANCE

Mayor Dawn Morgan called the meeting to order at 7:05 PM. Dr. Steve Martin of First Baptist Church of Kernersville delivered the invocation which was followed by the Pledge of Allegiance.

Mayor Morgan explained the procedures for conducting our meetings and noted an increase in the time allowed for speakers both in favor and opposed during a public hearing. She reported that the Board approved the change to allow speakers twenty (20) minutes for each side at the Briefing meeting last week.

PUBLIC HEARINGS

- 1a. **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) (Continued from December 2, 2014)

1b. Consideration of ordinance rezoning above property.

Mayor Morgan announced the receipt of a request by Raymond D. Thomas, Attorney for one of the adjoining property owners and the petitioner to continue this matter until the February 3, 2015 meeting.

Alderman Tracey Shifflette made a **Motion** to continue this matter to the February 3, 2015 Board of Aldermen meeting as requested. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

2a. PUBLIC HEARING: Mark Smith, Agent for Others for property located at 422 Mountain View Drive being all of PIN #(s) 6876-84-8470 containing 6.78 acres more or less. Petitioner requests to rezone from RM12-S (Residential Multifamily, maximum 12 units/acre – Special Use District) to RM18-S (Residential Multifamily, maximum 18 units/acre – Special Use District). Requested Use(s): Residential Building, Multifamily. Zoning Docket K-724.A2

Mr. Jeff Hatling presented the Planning Board Report for this request to increase the total number of units from 81 to 86 units for a density of 12.7 per acre and to finalize the total square footage of the building not to exceed 89,808 square feet. He noted the project was previously approved for an apartment complex.

Mr. Hatling noted the concern by the adjacent property owner, Inez Davis. The Davis property is to the west of this site. He explained that this complex is the first major complex that follows low intensity development which means that they are developing under 24% of the property and utilizing no curb & gutter which will allow the water to disperse off the site. He noted that there is an existing culvert that carries water underneath the western driveway which flows to the farm road. Fortunately, there is a low area beyond that road that will capture the water. The Developer will erect sediment and erosion control ponds on the site. As this project develops, Staff will make sure that permits are acquired and the ponds removed when the project is complete. He stated that the Planning Board and Staff recommend approval of the rezoning and site plan with conditions as approved in the previous case.

Alderman Irving Neal expressed a concern with potential water problems this area may have in the future. He asked what conditions can be placed on this site to ensure any problems are resolved. Mr. Hatling stated that this would be an off-site improvement and the Board can't place a condition on another property that is not under the petitioner's control.

Mayor Morgan stated that Alderman Neal has a good point because you can see where the parking lot is already eroding without any buildings. It doesn't look like it's going to work.

Alderman Neal stated that prior to this it was agricultural property. We don't know how much water is coming off these apartments. He is not against the project. However, some people want to restore their old barns and having water through here now where it didn't before, that's not right.

Alderman Neal stated that this area might need to be piped. He stated that Mrs. Davis needs to be protected.

Mr. Hatling explained that this is winter and therefore, we don't have grass growing in the area. He noted the sediment and erosion control ponds will be removed allowing the water to flow across the grass vs going to curb and gutter. He further explained that placing curb and gutter here would allow the water to be discharged at a faster pace than allowing it to flow across the grass.

Alderman Neal stated that he understands what Staff is saying and asked that if it doesn't work that way, who is responsible for correcting it.

Mr. Wolfe, Town Attorney stated that it depends upon the natural flow of the water and has it been changed. If the normal flow has been changed then that property owner has to bear the brunt of taking care of problem.

Alderman Neal asked what the Board can do to prevent the innocent person from bearing legal costs, etc. to correct the problem that was caused upstream.

Alderman Crews asked if the petitioner has any solutions to recommend.

Mayor Morgan recognized Mark Smith, Petitioner of this project.

Mark Smith, 8309 Linville Drive, Oak Ridge, NC – explained that we are dealing with two things here. He stated that they have a rain gauge on site, an erosion control plan approved by the State and we have a DENR inspector that comes out weekly. We are dealing with a construction site and rain, which is an act of God. I can't help if it has rained several inches over the last few days. We are not in violation of anything and have zero sediment leaving the site. We have had a lot rain in the last few days and that pipe is a collection point. When the site is finished it will have river-rock and grass and natural vegetation that will filter the water as it runs off the site.

Mr. Smith noted that during the construction phase we will maintain all the sediment on site. We are not required or know of any way to keep water from running off the site. We are the ideal project for water runoff, by using 23% percent of the site and when finished should have substantially less water runoff.

The Board continued to discuss the possibility of a water problem downhill in the future as a result of this development being built. The concern specifically is that Mrs. Davis may not be able to access the barn by way of the existing farm road. The existing culvert was noted on the site. Mr. Smith noted the substantial landscaping that will be placed near this site as part of the finished project which will absorb the water flow. Mr. Smith stated that he can't build a structure to impede the water flow but is open to any suggestions that the Board members have to restrict the flow. It is a natural progression, it rains, it flows downstream and goes through the vegetation to clean it and it ends up in a pond.

Alderman Neal asked if in the future Mrs. Davis cannot access her barn by this road, are you willing to put in a culvert to allow her access. Mr. Smith stated that he is not sure there will be a problem but he would be willing to put in a culvert to make it serviceable. He added that the barn sits in a very low area with a natural streamflow. He added that DENR would not allow him to stop the water flow on his site.

Mr. Swisher stated that he has been out to the site on several occasions over the last several months. He noted that the barn is in a low area and is going to have standing water if there is a lot of rain. He stated that there has been standing water in the past. He speculated that a culvert may cause more problems than it helps by redirecting the water. Mr. Swisher noted that the site will only be developed to 24%.

Alderman Neal again expressed his concern that the family have access to the barn. He stated that he is in favor of growth but we need to protect our property owners too.

Mark Smith again stated that he was willing to help as long as it complies with requirements imposed by DENR. He added that this is the first he has heard about this issue and stated that he is very approachable and will be glad to discuss this with anyone.

Alderman Shifflette asked if the increase is changing the foot print. Mr. Smith said there is no change to the footprint. He explained that at the last meeting, he asked for 89 units because we could not figure out the mix between the bedrooms.

Mayor Morgan declared the Public Hearing open.

In Favor

Inez Davis, 735 Lake Drive, Kernersville, NC – wished everyone a Happy New Year. She added that from day one, her husband and her sold land for the future senior apartments and never dreamed he would put 85 units on this 3 acre tract. My husband and I were concerned with run off before they knew how many apartments were going to be built. She described the lay of the land and how it is all connected to her property.

Mrs. Davis thanked Mr. Hatling for keeping in touch with her and for the care given to her by the Board after her husband died. She stated that she has never had to face any decisions like this before. There have been springs on this farm and we did not know about the tile that has been put in there. No apartments have been started, no cement installed and there is a sediment pond.

We thought it was a holding pond. She noted that it recently had water knee deep in it which caused some concern. She stated that there is water standing by her barn now but there has never been any before.

Mrs. Davis thanked the Board for their concern and for the Staff's help and Mr. Smith's concern. She is not against the apartments, just 85+ on 3-4 acres of land when they have 6 or 7. Anything you can do to help is appreciated. She stated that her farm is exempt and had soy beans grown on it last year. She stated that they have to access the barn and keep it mowed when it's not planted.

Opposed

None presented.

Being no further speakers either in favor or opposed, Mayor Morgan closed the public hearing.

2b. Consideration of ordinance rezoning above property.

Mayor Morgan stated that we have a lot of expertise on Staff and didn't think the Town would want to create a problem. She asked Mr. Smith when he plans to begin construction. Mr. Smith said he has already started and needed to get permits for the units. He again stated that this is the first time he has heard of this problem and is willing to meet with Mrs. Davis or anyone else on this issue. We have a stormwater plan in place and will be glad to amend it if needed but would ask the Board not hold up his permit as they are already a couple of months behind.

Mr. Wolfe stated that he has not seen the property and he is hearing things that are of concern generally. He advised that usually matters of water issues are between property owners and not the Town. If someone is taking water and putting it upon another piece of property, then it would be appropriate for the Board to place a condition on the property that will ensure the adjoining property owner not be harmed. In this case, I am hearing about springs and the natural flow of the water and I don't know how you can protect someone from those. He stated that you can place appropriate conditions here and the Petitioner can accept it or not.

The Board and Staff continued to discuss the water flow, the springs in the area and possible control methods. It was suggested that a bond be placed with the Town in the event a problem occurs, however, it was noted that you can't place a bond on something you don't know will happen in the future. It was noted that there may not be a problem and that you can't hold a property owner responsible in perpetuity. The Board was reminded that the sediment control pond would be removed when the project is complete and that significant landscaping and grasses will be planted along the property line.

Mr. Smith stated that he would agree to that and asked if anyone has walked passed the barn to see the large drainage ditch behind it. No matter what we do upstream, the water is all going to run downhill from all directions and end up in her farm pond. We have checked the pond for sediment and there has not been any. He stated that once they get the site stabilized and there

continues to be a problem he would be glad to help, however he believes the problem will take care of itself.

Alderman Neal stated that the Petitioner has agreed to talk with Mrs. Davis and would do whatever he needed to do and he would take him at his word.

Alderman Irving Neal then made a **Motion** to approve Item 2a and site plan as noted in the following ordinance to amend the Unified Development Ordinance of the Town by rezoning the property in case K-725 from RM12 to RM18-S to the said rezoning being consistent with the Town's Comprehensive Plan, Kernersville Development Plan, and further being consistent with the public interest due to the following facts:

1. The project has been approved in February of this year (2014) and this request is a modification of the building and parking. A mixture of multi-family housing has been established with this neighborhood.
2. The proximity of this proposed housing to Kernersville's downtown could bring growth in economic viability and retail services in the downtown area. Increasing the residential population in this area contributes toward marketing and redeveloping Kernersville downtown.

And prior to a certificate of occupancy, Town Staff shall inspect and ensure that the water runoff is operating as presented that the draining area that was used as a sediment and erosion control pond(s) are removed, the required bufferyard plants have been planted, rock riprap installed and grass has been established.

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

Town Ordinance
Zoning Petition of Mark Smith, Applicant
Zoning Docket K-724.A2

ORDINANCE NO. O-2015-01
AN ORDINANCE AMENDING THE
KERNERSVILLE ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
TOWN OF KERNERSVILLE, NC

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville as follows:

SECTION 1. The Kernersville Zoning Map be amended by changing from RM12-S (Residential Multi-family, maximum 12 units/acre - Special Use District) to RM18-S (Residential Multi-family, maximum 18 units/acre - Special Use District) for properties located at 422 Mountain View Drive being all of PIN #(s) 6876-84-8470 containing 6.78 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina and being further described as follows:

BEING KNOWN AND DESIGNATED as 422 Mountain View Drive being all of PIN #(s) 6876-84-8470 containing 6.78 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This ordinance is adopted after approval of and upon condition of compliance with the site plan entitled *Davis Gardens*, identified as "Attachment A of the Special Use District Permit" issued by the Board of Aldermen the 6th day of January, 2015 to Mark Smith, Applicant.

SECTION 3. The Board of Aldermen hereby directs the issuance of a Special Use District Permit pursuant to Chapter 19 of the Town code for Davis Gardens. Said Special Use District Permit and site plan with associated documents attached hereto and incorporated herein.

SECTION 4. This Ordinance shall be effective from and after its adoption.

Adopted this the 13th day of January, 2015.

SPECIAL USE DISTRICT PERMIT

Issued by
Board of Aldermen of the Town of Kernersville

The Board of Aldermen of the Town of Kernersville has issued a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Mark Smith, Agent for Others. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for Davis Gardens approved by the Board of Aldermen the 6th day of January, 2015 and signed, provided the property is developed in accordance with requirements of the RM18-S (Residential Multi-family, maximum 18 units/acre - Special Use District) zoning district to Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the approved uses of: *Residential Multi-family, maximum 18 units/acre - Special Use District*.

Bold and underlined represent Planning Board recommended additions.

SITE PLAN: Approval with the following conditions:

**denotes standard conditions*

Road Improvement Conditions:

1. Transportation

- a. *A Town of Kernersville driveway permit is required to access Mountain View Drive.
- b. Developer shall contribute \$36,221.30 to the Town upon issuing the building permit to address off-site road improvement needs to serve this development.

2. Infrastructure

- a. *The developer shall design and construct all public infrastructures in accordance with the Town's *Design and Construction Specifications Manual*.
- b. *All water and sanitary sewer drawings with appropriate easements shall be approved by the City-County Utilities Commission.

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

3. Environmental

- a. Prior to a certificate of occupancy, Town Staff shall inspect the draining area that was used as a sediment and erosion control pond(s) to verify the pond(s) has been removed, the required bufferyard plants have been planted, rock riprap installed and grass has been established.
- b. *Developer shall adhere to all State, Federal and Local Government environmental regulations.
- c. *A detailed grading plan, with finished grades, shall be submitted with construction plans.
- d. *An Engineered stormwater management plan shall be submitted to the Watershed Administrator and Stormwater Division of the Town of Kernersville for review and approval prior to final plat.
- e. *The developer shall provide for a sufficient storm drainage system to prevent stormwater runoff from entering Mountain View Drive, and to intercept and convey all runoff from impervious surfaces to the proposed best management practices.
- f. The developer shall determine in the field, the type of any regulated waters on the site.
- g. *The developer shall adhere to all State, Federal and Local Government environmental regulations

4. Emergency Services

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

5. Landscape, Signage, Lighting, Requirements

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

lighting on Lake Way.

6. Other Conditions Required:

- a. The developer shall submit with the building permit request, architectural construction drawings and elevations of a building designed to follow EXHIBIT 1 Conceptual Plan. EXHIBIT 1 shows a 3 story Tudor revival styled building with a front façade that include timber framing accents on the top third of the building with a mix of brick and stone for the remaining façade, accent dormers, and a low pitch roof.
- b. *Building plans are to be sealed by a design professional and shall meet the current edition of the applicable North Carolina State Building Codes and ADA requirements.
- c. This development shall remain designated as “Elderly Housing” (as defined by the Town of Kernersville Unified Development Ordinance) for the life of the development. Any change in use or status shall require rezoning. Elderly housing is defined as a multifamily residential development or facility occupied by persons aged fifty-five (55) years or older or handicapped, their spouses and/or surviving spouses, and resident staff personnel.

Mayor Morgan encouraged the property owner and petitioner to continue working together on this project.

Mayor Morgan requested a Motion to excuse Mr. Swisher as he is the petitioner on items #3 and #4.

Alderman Irving Neal made a **Motion** to excuse Curtis Swisher, Town Manager as the next zoning case is property he owns. Mr. Swisher will be speaking from the audience as the Petitioner. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mayor Morgan noted that item #3 and #4 would be presented together as they are related.

3a. PUBLIC HEARING: Jeff Hatling, Community Development Director, for consideration of an amendment to the Kernersville Development Plan to amend the Land Use Plan from “Medium Density Residential” to “Mixed Use”, for property along Trent Street with Pin numbers 6886-53-4466 and a portion of 6886-53-4412 a total of .26 acres more or less. Plan Docket KDP-43

Mr. Hatling presented the Planning Board Report for this amendment to the Land Use Plan and rezoning of the property noting that the request is to rezone from medium density to a mixed use. He presented the surrounding land uses that consist of mixed uses in the area around this property. He stated that this property is split in half for both zoning and the Land Use Plan and noted that the site is too small for some of the uses allowed in this district. The Planning Board and Staff recommends approval as presented. He noted that there was no opposition at the Planning Board meeting.

Mayor Morgan declared the Public Hearing open.

In Favor

None presented.

Opposed

None presented.

Being no further speakers either in favor or opposed, Mayor Morgan closed the public hearing.

3b. Consideration of resolution to amend the Kernersville Development Plan.

Alderman Irving Neal made a **Motion** to approve the following resolution amending the Kernersville Development Plan. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

Resolution No. R-2015-01

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

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

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

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

WHEREAS, Ogburn Investments Inc. and Curtis L. Swisher owners of the property located along Trent Street with Pin numbers 6886-53-4466 and a portion of 6886-53-4412 requested a Special Use District rezoning from GI (General Industrial) and RS-7 (Residential, Single Family) to GB-S (General Business – Special Use District), rezoning case K-733, which requires consideration of amending the *Land Use Plan* from an industrial and residential to a commercial designation; and

WHEREAS, one of the current lots proposed for rezoning, lot 6886-53-4412, is split by an industrial zoning district and residential zoning district; and

WHEREAS, the said lot has a current *Land Use Plan* designations of “Mixed Use” and “Medium Density Residential”; and

WHEREAS, the said lot and adjacent lot are seeking General Business - Special Use District rezoning to create a reasonable transition between industrial and residential; and

WHEREAS, to address the *Land Use Plan* goal of redeveloping Bodenhamer Street.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Land Use Plan*, contingent upon the approval of the rezoning case K-733, by changing the land use designations of tax parcels, PIN numbers 6886-53-4466 and a portion of 6886-53-4412 from “Medium Density Residential” to “Mixed Use”.

Adopted the 13th day of January, 2015.

- 4a. PUBLIC HEARING: Curtis L. Swisher Owner/Agent for Others for property located in the 200 Block of Trent Street, being all of PIN# 6886-53-4412 containing .22 acres more or less and all of PIN # 6886-53-4466 containing .13 acres more or less. Petitioner requests a Special Use District Rezoning – Two-Phase from GI (General Industrial) and RS-7 (Residential, Single Family) to GB-S (General Business – Special Use District). Requested Use(s): Multiple Uses Requested. Zoning Docket K-733**

Report given with item #3.

- 4b. Consideration of ordinance rezoning above property.**

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance rezoning the property in case K-733 from GI and RS7 to GB-S. The said rezoning being consistent with the Town’s Comprehensive Plan, and further being both reasonable and in the public interest because:

1. Special Use District rezoning is being used to limit the uses and allow for conditions to be placed on the property to assist the site in providing a land use transition between industrial and residential.
2. The rezoning would allow a parcel that is currently zoned partially GI and RS7 to develop and thus assisting in addressing the Land Use Plan goal of redeveloping the Bodenhamer Street area.

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

Town Ordinance

**Zoning Petition of Curtis Swisher, Owner/Agent for Others
Zoning Docket K-733**

**ORDINANCE NO. O-2015-02
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 GI (General Industrial) and RS-7 (Residential, Single Family) to GB-S (General Business – Special Use District – **Two Phase** for properties located in the 200 Block of Trent Street, being all of PIN# 6886-53-4412 containing .22 acres more or less and all of PIN # 6886-53-4466 containing .13 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 that property located in the 200 Block of Trent Street, being all of PIN# 6886-53-4412 containing .22 acres more or less and all of PIN # 6886-53-4466 containing .13 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. That this Ordinance be placed in the file of unpublished ordinances.

SECTION 3. This Ordinance shall be effective from and after its adoption.

Adopted this the 13th day of January, 2015.

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 zoning petition of Curtis Swisher, Owner/Agent for Others. The site shall be developed in accordance with the conditions approved by the Board for K-733 approved by the Board of Aldermen the 13th day of January, 2015 and signed, provided the property is developed in accordance with requirements of the GB-S (General Business – Special Use District) **Two-Phase** zoning district to Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the approved uses of: *Access Easement, Private Off-Site; Adult Day Care Center; Arts & Crafts Studio; Broadcast Studio; Building Contractors, General; Child Care (Drop-In); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Furniture and Home Furnishings Store; General Merchandise Store; Government Offices; Manufacturing A; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Residential Building, Townhouse; Retail Store, Specialty or Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Terminal, Bus or Taxi; Testing and Research Lab; Utilities; Veterinary Services; Warehousing; and Wholesale Trade A.*

Site Plan Conditions

1. Allow Permitted Uses: Access Easement, Private Off-Site; Adult Day Care Center; Arts & Crafts Studio; Broadcast Studio; Building Contractors, General; Child Care (Drop-In); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Furniture and Home Furnishings Store; General Merchandise Store; Government Offices; Manufacturing A; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Residential Building, Townhouse; Retail Store, Specialty or Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Terminal, Bus or Taxi; Testing and Research Lab; Utilities; Veterinary Services; Warehousing; and Wholesale Trade A.
2. A 15' Bufferyard meeting the Unified Development Ordinance standards shall be installed along the public right-of-way adjacent to the RS7 zoning district.
3. 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 24 feet or less. Security lighting for the building (if needed) shall be a cut-off lighting fixture mounted to a pole or wall.

Alderman Tracey Shifflette made a **Motion** authorizing the Town Manager to resume his official duties. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Mayor Morgan declared a recess at 8:06 PM. The meeting was reconvened at 8:14 PM.

5a. PUBLIC HEARING: Jeff Speaks, Agent for Others for property located at 1488 NC Highway 66 South, being all of PIN # 6885-52-8908 and part of PIN # 6885-53-8272 containing a total of 1.51 acres more or less. Petitioner requests a Special Use District Rezoning from HB-S (Highway Business – Special Use) to HB-S (Highway Business – Special Use). Requested Use(s): Multiple Uses Requested. Zoning Docket K-547.A3

Mr. Hatling presented the Planning Board Report for this special use rezoning request. He added that this site is located in the Stafford Business Center and is a request for a restaurant with a drive-thru service. He highlighted features of the site and noted that a slight modification will be required to accommodate turning radiuses for fire trucks. He presented the rezoning history which included denials for similar retail/restaurant/fast food uses based on the fact that the JC Faw proposals were not in conformance with the Kernersville Development Plan and the I-40/66 Development guidelines. The Staff and Planning Board recommend denial of this rezoning based on land use and traffic in the area. He spoke of the recent economic development enhancements to the area such as Kernersville Medical Center, the VA Clinic and Kernersville Medical Boulevard. He suggested that the Town be selective in future land uses and spoke of traffic projections for this area. He noted that fast food type restaurants typically attract other

fast food restaurants. High quality business park/commercial development attracts other high quality developments.

Mr. Hatling reported that traffic is a concern. The 2000 traffic analysis showed Hwy. 66 to be rated F in the future. He presented traffic statistic projections for this area for fast food restaurants vs sit-down restaurants. He suggested high quality development along the front row of the business park will attract high quality development within the park.

Mr. Hatling stated that this intersection is a medical/industrial corridor. Dairio's is proposed for the north side and the gas station on the south side. He noted the plan for this area is for industrial and business park traffic with tractor trailer traffic anticipated. We hope not to duplicate what we have on S. Main Street. He noted that Zaxby's looked at this site and was encouraged to look at other sites.

Mr. Hatling reported that the Planning Board recommended denial with a 7-1 vote and Staff is recommended denial of the rezoning and presented the finding of facts that support that recommendation.

Mayor Morgan declared the Public Hearing open.

In Favor

Luke Dickey, Stimmel Associates, 601 N. Trade Street, Winston-Salem, NC – thanked the Board for this opportunity to speak. He added that working with Mac McCormick, they have looked at 14 sites in the area. It has been a two year process in selecting this site. He pointed out issues with the other sites they considered. Mr. Dickey presented an aerial map and history of this site. He noted the significant changes in the area over the last several years. He presented the characteristics of a Dairi-O restaurant and highlighted the benefits to the Town for locating in this area. He presented a site plan rendering of the project and photos of their other restaurants.

Mr. Dickey stated that they are requesting a three (3) foot screening wall with plantings as opposed to a twenty-two (22) foot landscaped area along Hwy. 66 and then the first 50 feet towards Clayton Forest. He noted that Staff is recommending that the screening extend out to the entrance to Clayton Forest and they feel that this is not necessary given the additional screening proposed and asked that the Board consider that in their decision. He noted the high quality materials being used on the building.

Matt McCormack, 300 S. Stratford Rd., Winston-Salem, NC – confirmed they have looked at 14 locations around Town. He stated that they considered this site because of the traffic, access to I-40 and the proximity to local schools and ball fields. They also did not want the site to be too close to similar restaurants. He added that this is a great site and thanked the Board for their consideration.

Rusty LaRue, 130 Fairhaven Ct., Lewisville, NC – stated that he has been a life-long resident of Kernersville and the future owner and operator of the Kernersville restaurant. He stated that he played ball at Wake Forest and that his parents live across from Beeson Park (Ivey Redmon

Park) and down the road from the proposed restaurant. He noted that he got involved with Dairi-O because of family and community commitments. This is a huge success story locally and it's not just another chain coming in but a local restaurant where people go after games and church to socialize. He thanked the Board for their consideration of this request.

Jeff Speaks, 146 Helsabeck Road., Winston-Salem, NC – stated that he is excited about coming to Kernersville. He stated that we have spent a lot of time and effort in putting together a nice package. He added that they are all about family, getting together for hamburgers, hot dogs and ice cream. He also thanked the Board for their consideration.

Jim Long, 115 Hendrix Dr., Kernersville, NC – stated that this will be an asset to Kernersville for those participating in sports at Ivey Redmon Park, the travelers on I-40 and for the seniors. He noted that this restaurant will also bring tax dollars to Kernersville. He noted the cleanliness of the other Dairi-O restaurants. He noted their contribution to area schools and our seniors and asked the Board to give favorable consideration to this project

Ray Thomas, 500 Big Mill Farm Rd., Kernersville, NC – is speaking on behalf of JC Faw. He noted the on-going issue with watershed ponds. As of today, those documents have been turned into the Town and the Operation and Maintenance Agreement has been signed and filed with the Town. He believes that all of the requirements are now met.

Mr. Thomas noted that comparing this to McDonalds is not the same, as you have a controlled access by Wendy's and the State Employee's Credit Union. He speculated that you will see at this particular facility a "right in-right out" be adopted by the patrons. He stated that there is not much you can go into these days that does not have a drive-through. He suggested the Board give favorable consideration to this project.

Opposed

None presented.

Being no further speakers either in favor or opposed, Mayor Morgan closed the public hearing.

5b. Consideration of ordinance rezoning above property.

Alderman Irving Neal stated that he was on the Board 13 years ago when this project first came before the Board. He agreed that a lot of things have changed. He spoke of the success of Redmon Park, the addition of the two hospitals and believes that Dairi-O will serve the Town well in this location.

Mayor Pro Tem Joe Pinnix also pledged his support for the project. He to agreed that things have changed. He added that KMC and the VA Clinic will employ over 1000 people and the visitors and out-patients will need somewhere to eat. He believes Dairi-O is more of a sit down restaurant than fast-food. He added that this will support Bishop McGuiness, hospitals, and Redmon Park.

Alderman Crews also pledged his support for this project. He stated that everyone he has talked to is in favor and excited about it coming to Kernersville. He stated that times have changed and drive-through's are a big safety factor for parents with kids and the elderly that are not able to get in and out of a car. The hospital visitors and the kids playing at the park will all need a place to eat.

Alderman Crews stated that we have the property in the back of this park for businesses which do not want to be out on the front. He stated that he is against all the trees and a wall built in front of these big buildings that hide them. If we need trees to clean the air then let's put them in the back.

Alderman Shifflette pointed out a concern with the turning radius for a fire truck and asked if that has been addressed. Mr. Hatling explained that condition #4 addresses this concern for emergency services and requires a slight modification to the site plan.

Mr. Hatling noted that the Petitioner is requesting that condition #3 be deleted. He added that Mr. Thomas has addressed condition #2 regarding the watershed regulations which are being finalized.

Mayor Morgan asked Mr. Thomas to confirm that condition #2 has been satisfied. Mr. Thomas confirmed that the required documentation has been submitted. Mr. Hatling further explained that those documents have been submitted to the Town Attorney for review.

Alderman Neal stated that the Petitioner has concerns regarding the screening. Mr. Hatling stated that Wendy's was the first one added to the business park and the requirements were modified due to the road improvements on Hwy. 66. He added that the wall is a modification the Petitioner has requested instead of having a wider street yard such as what's in front of the Credit Union.

Aldermen Hooker asked if the Petitioner is requesting to stop at the screen wall and from that point on do they comply with the buffer yard. Mr. Hatling stated that they do not, the Petitioner is requesting that #3 be deleted and that they add additional plantings like what is being planted along the access road.

The Board, Staff and Petitioner continued to discuss the buffer yard and screening requirements as they compared to what was required by Wendy's. They discussed the brick wall, the screenings and the size of the streetyard.

Alderman Tracey Shifflette made a **Motion** for approval of the site plan and following ordinance to amend the Town Zoning Ordinances by rezoning property in case K-547.A3 from HB-S (Highway Business – Special Use) to HB-S (Highway Business – Special Use) despite the fact that the Staff's presentation notes that such rezoning would not be consistent with the Town's Comprehensive Plan, the rezoning is reasonable and in the public interest because:

1. This will be a good addition and enhancement to our community.

2. Will potentially lead to improvements in the complete parcel
3. This is not an average fast food restaurant due to size of the development and the lot.

Motion to include the site plan conditions as recommended by Staff and Planning Board with the exception of condition #3 which is to be removed.

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

Town Ordinance
Zoning Petition of Jeff Speaks, Agent for Owner
Zoning Docket K-547.A3

ORDINANCE O-2015-03
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 HB-S (Highway Business – Special Use) to HB-S (Highway Business – Special Use) for properties located at 1488 NC Highway 66 South, being all of PIN # 6885-52-8908 and part of PIN # 6885-53-8272 containing a total of 1.51 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 at 1488 NC Highway 66 South, being all of PIN # 6885-52-8908 and part of PIN # 6885-53-8272 containing a total of 1.51 acres more or less and being further described as follows: *Beginning at an existing point being the southeast property corner of Pin # 6885-52-8908 and the intersection of right of way of Clayton Forest Road and NC HWY. 66, thence along the northern right of way of Clayton Forest Road S 74°52'37" W 32.65 feet, thence S 89°42'33" W 159.80 feet to a point being the intersection of the right of way of Clayton Forest Road and Abbotts Trace Drive, thence along the eastern right of way of Abbotts Trace Drive N 44°59'35" W 54.04 feet, thence N 00°14'57" W 166.35 feet, thence along said right-of-way having a chord bearing and distance of N 04°40'23" E 63.25 feet and a radius of 370.00 feet to a point being the former southwest property corner of Pin # 6885-53-8271, thence continuing along Abbotts Trace Drive eastern right of way having a chord bearing and distance of N 11°42'51" E 28.37 feet and a radius of 370.00 feet, thence along a straight line N 13°57'11" E 3.74 feet to a new point, thence leaving said right-of-way on a new line S 72°46' 12" E 285.11 feet to a new point on the western right of way of NC HWY 66, thence following said right of way S 17° 14' 21" W 32.00 feet to the former southeast corner of Pin # 6885-53-82-72, thence S 17°14'21 W 18.86 feet, thence S 13°54'41" W 161.4 feet to the Point and Place of Beginning.*

SECTION 2. This ordinance is adopted after approval of and upon condition of compliance with the site plan entitled *Dairi-O Stafford Centre*, identified as “Attachment A of the Special Use District Permit” issued by the Board of Aldermen the 13th day of January, 2015 to Jeff Speaks, Agent for Owner.

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 *Dairi-O Stafford Centre*. Said Special Use District Permit

and site plan with associated documents attached hereto and incorporated herein.

SECTION 4. This Ordinance shall be effective from and after its adoption.

Adopted this the 13th day of January, 2015.

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 Jeff Speaks, Agent for Others. The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit" for *Dairi-O Stafford Centre* approved by the Board of Aldermen the 13th day of January, 2015 and signed, provided the property is developed in accordance with requirements of the HB-S (Highway Business – Special Use) zoning district to Chapter 19 of the Town Code, the Erosion Control Ordinance, and other applicable laws permitted with the approved uses of: *Arts & Crafts Studio; Banking and Financial Services; Child Day Care Center; Government Offices; Medical or Dental Laboratory; Medical and Surgical Offices; Offices, Miscellaneous; Police or Fire Station; Professional Office; Recreation Services, Indoor; Restaurant (without drive-through service); Restaurant (with drive-through service); and Services, Business A*

Site Plan Conditions

1. The original Special Use District conditions shall apply, unless modified through adoption of this Special Use District rezoning.
2. An applicant for a building permit shall not be allowed to submit any plans for review until Stafford Centre (J.C. Faw, developer) is in compliance with Town Watershed Regulations.
3. A revised site plan shall be submitted and approved by the Fire Marshal prior to the applicant submitting a building permit application.

Alderman Tracey Shifflette made a **Motion** to excuse Alderman Keith Hooker from the meeting as he is not feeling well. Alderman Irving Neal seconded the motion and the vote was all for and motion carried. Alderman Hooker left the meeting at 9:04 PM.

PUBLIC SESSION

6. SPEAKERS FROM THE FLOOR

None presented.

7. Resident to address the Board regarding noise from Omni Source Recycling Center.

Cindy Ambrose, 5056 Jameseast Drive, Kernersville, NC – stated that she represents a group of Forsyth County Citizens regarding the noise from Omni Source (citizens stood to be recognized). Mrs. Ambrose noted that the noise is generated inside the Town limits and radiates through the extraterritorial jurisdiction of the Town. She explained the noise and that it is heard night and day, 7 days a week and is adversely affecting their quality of life.

Ms. Ambrose stated that we need Omni Source in our community and they are not trying to shut them down, we just asked that they be good neighbors. She noted the two major expansions at Omni Source and that it has been two years since they first filed a complaint regarding the noise. She added that no resolution has been implemented.

Ms. Ambrose presented a timeline of the neighborhood's complaints and conversations with Omni Source representatives and the Town/Police Department. In the summer of 2014, a Representative of Omni Source visited her home and has tried several remedies; however, it is seven months later and we have no resolution. She reported that in other cities around the country, there continues to be a clash between businesses and residents and most concerns have been addressed through amendments to their zoning and noise laws.

Ms. Ambrose understands that this is an industrial area but pointed out that numerous residents of the Town are impacted by the noise from Omni Source. The Town's processes have failed these residents. She reported that Omni Source assured her that a building enclosure is a solution for this facility and if this is not an option for Omni Source, they should curtail the operations at night and on weekends.

Ms. Ambrose stated that if we are not taken seriously then the next avenue is through the legal process as we will not go away so that others will not be affected in the future.

Mark Wilson, 2130 Wilson Dairy Rd., Kernersville, NC – stated that he has lived in Kernersville all his life and it was great until 2012. Omni Source noise has rendered about half of our house uninhabitable and presented a recording of the noise in his dining room at his home. He thanked the Board for their attention.

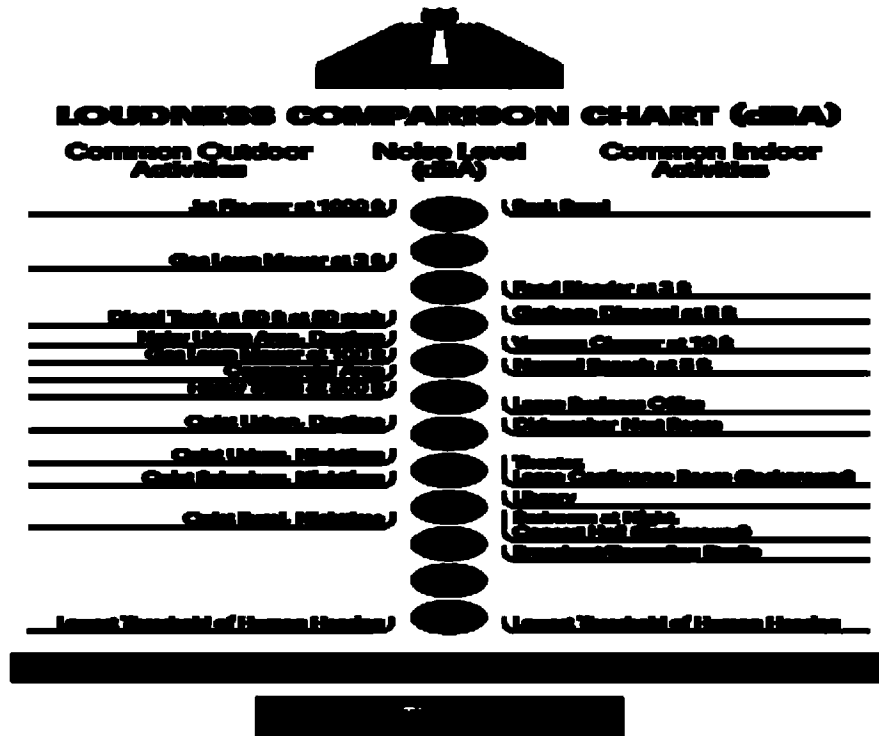
Eric Moser, 206 S. Cherry St., Kernersville, NC – stated that he is representing family that live on Old Valley School Road. He concurs with the other residents that Omni Source is in violation of Section 10-81 and read a portion of the Noise Ordinance. He was a resident of Old Valley School Road until 2010 and it was disturbing then. He stated that he can't imagine what the residents living on Mountain St. are dealing with. He recommended limiting their operations or something proactively be done to alleviate this problem.

Mr. Curtis Swisher stated that Ms. Ambrose contracted him and they had a good conversation about Omni Source. He referred to a complaint a couple of years ago relating to a shredder and explosions.

Mr. Swisher investigated the matter and researched noise ordinances from area communities. He went out and obtained decibel readings at Ms. Ambrose's property, Woodland Trail and other areas in Town and at Omni Source for a comparison.

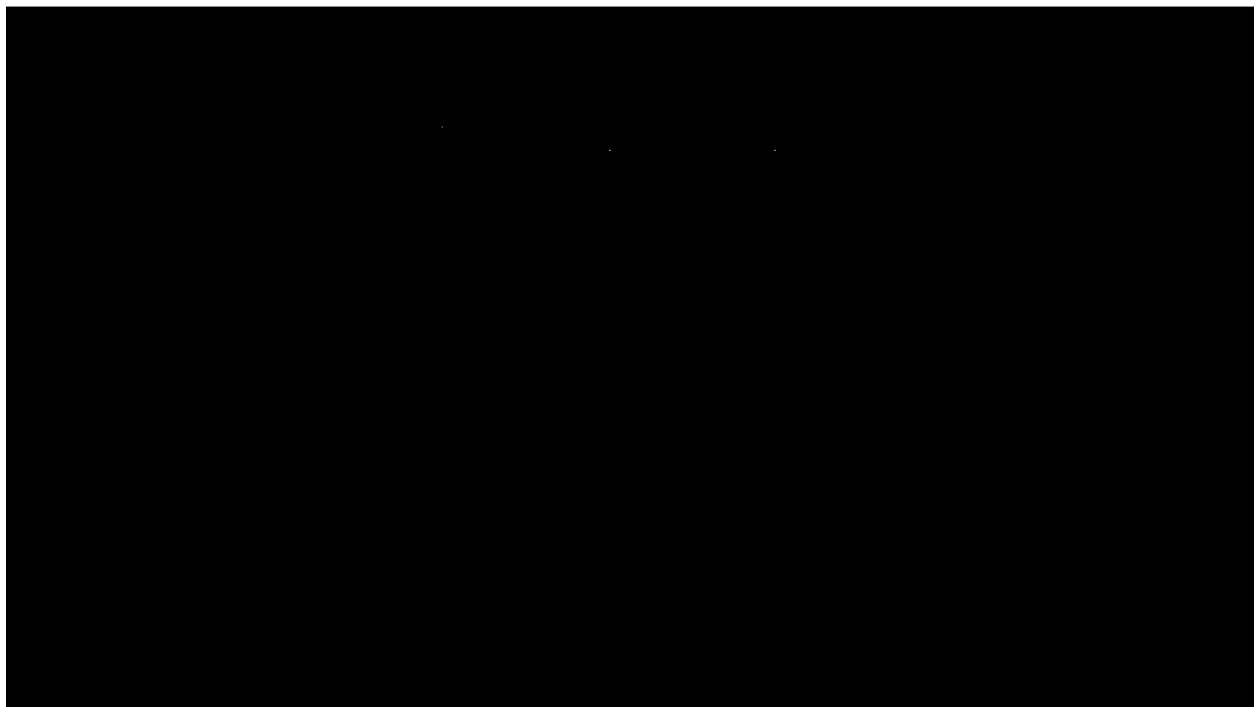
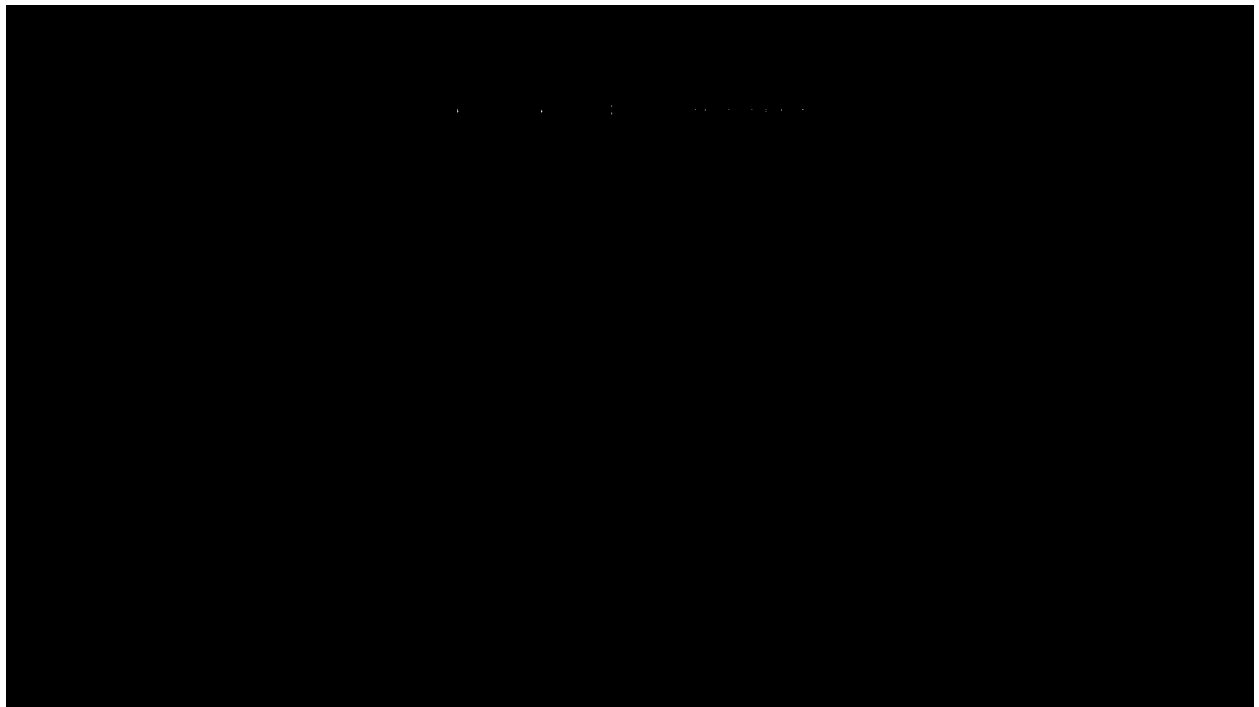
Mr. Swisher presented a topographical map of Omni Source property and Ms. Ambrose's property which is about 1.1 miles away. He also noted property on Woodland Trail from where he took readings. He took readings at each location every time.

Mr. Swisher presented the following comparison chart of common indoor and outdoor sounds:

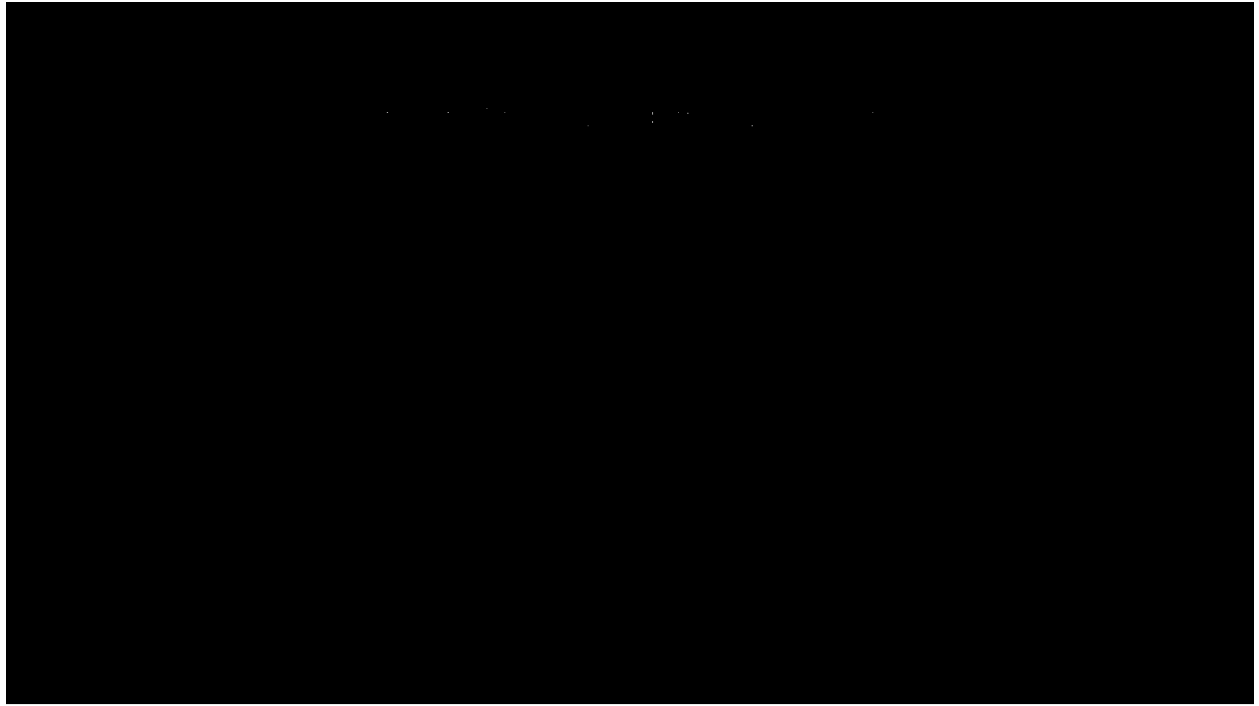


Mr. Swisher noted decibel readings for industrial/commercial areas are approximately 70, heavy traffic at 300 ft.: 60-70, noisy urban area-day time: 80, in door activities-library: 30-40, quiet suburban neighborhood at night: 30-40; urban neighborhood at night:30-50.

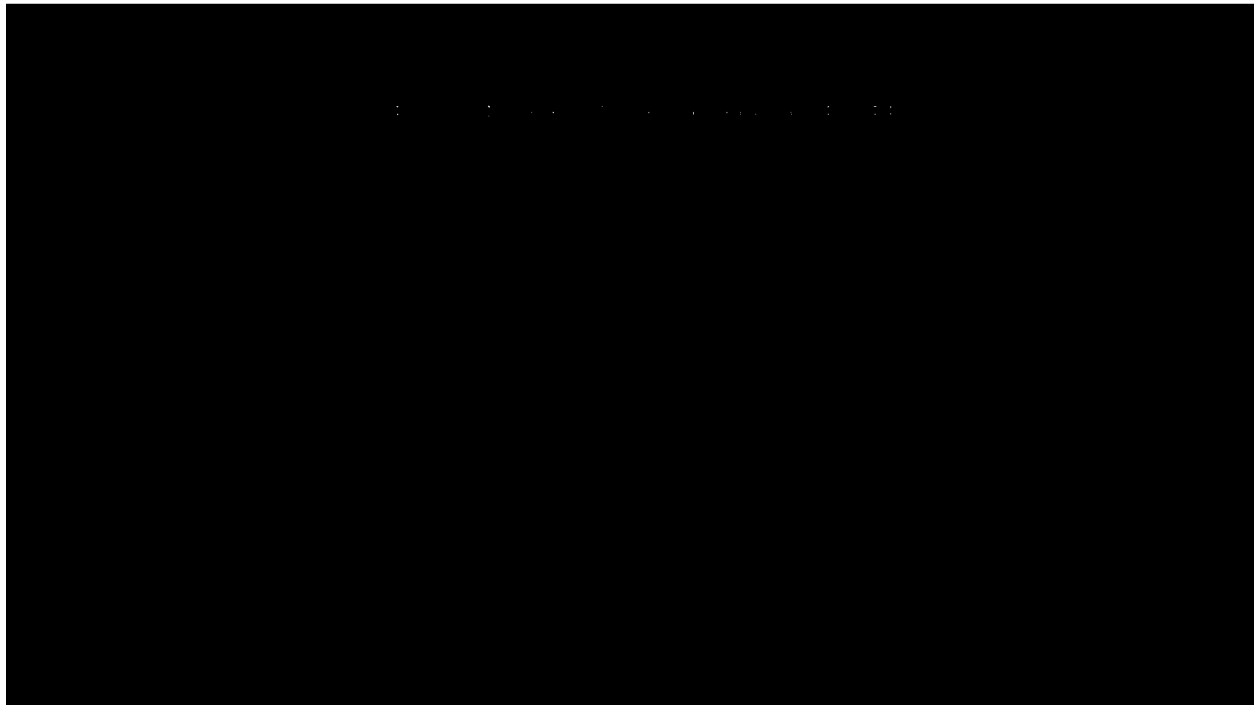
He presented a reading from his first visit on December 18th in his car and outside the car at both Ms. Ambrose's property and Woodland Trail in the afternoon and later at night.



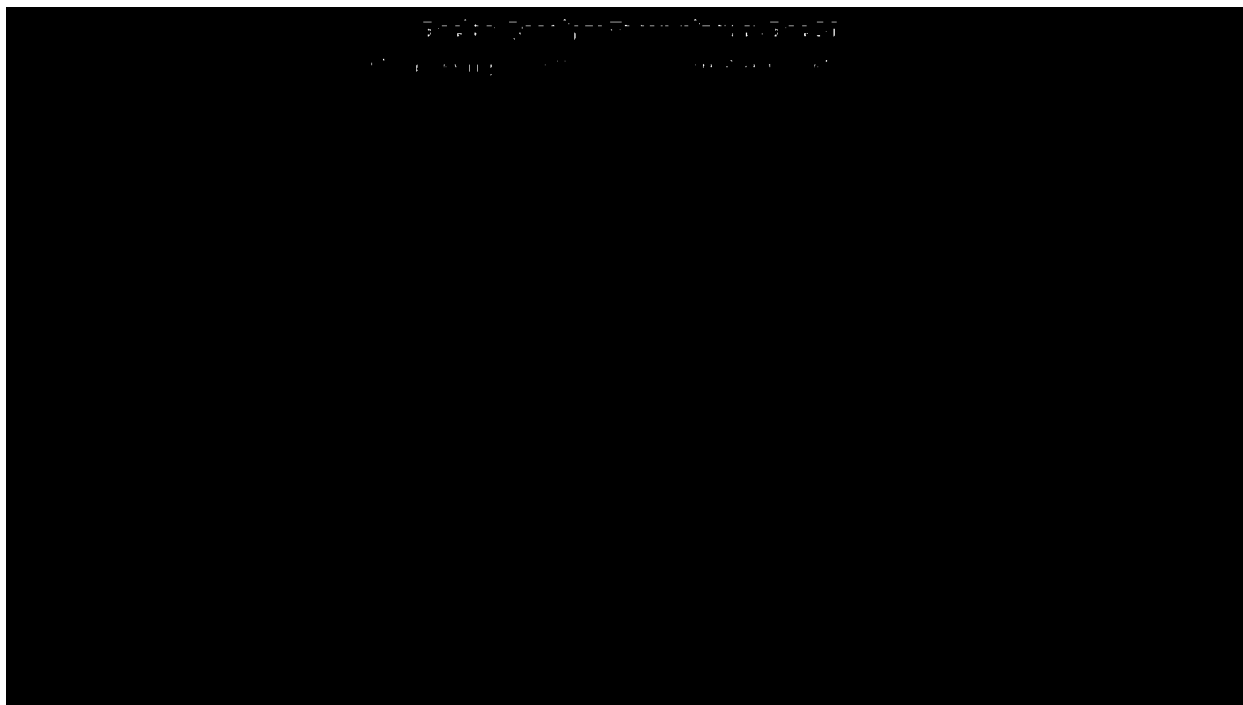
Mr. Swisher stated that I'm not saying you can't hear it but, based on the ordinances that he found, it would not be in violation.



December 30, 2015



Mr. Swisher stated that he went to six different locations on the night of December 30th.



Mr. Swisher reported that his research recommended that readings be taken at the property line closest to the residential property. He reported that he and Jeff Hatling had Omni Source take them to the property line so that they could obtain readings there.



Mr. Swisher stated that he has found ordinances that include decibel readings and a comparison shows that Omni Source would not be in violation of any of these ordinances. He pointed out a

recycling processing center in High Point and it recommends the decibel level not exceed 80 decibels at any point on the property line. He noted a requirement in Winston-Salem for a retail development/trash compactor which says that it can't exceed 65 decibels at the property line.

Mr. Swisher stated that he did not measure at the property line at night but he did at Ms. Ambrose's property and on Woodland Trail and none of those exceeded any of these readings. Mr. Swisher recommends the Board not take any action as none of his research indicates a violation of any of the noise ordinances that he used. Mr. Swisher stated that in the past the Town Attorney has advised that these matters are between the property owners and he feels that this should be the case in this matter. He stated that the zoning is appropriate and therefore, we don't have any restrictions on their hours of operations.

Mayor Morgan asked if the Board had any questions or discussion. She thanked everyone that came out and encouraged them to get in touch with the Board if they have additional questions.

Mayor Pro Tem Pinnix asked if the noise is the same level 24 hours a day or are their peaks that are higher at other times. If so, how long do those peaks last?

Mark Wilson explained the noise as a penetrating noise so loud that you can't sleep in your bed room. He invited any of the Board members to come to his home tonight when it's in operation. He described the noise as penetrating with a wobble.

Alderman Neal asked if it is worse on certain nights or times. Mr. Wilson stated that is worse on the weekends, specifically Sunday mornings.

Alderman Crews asked for the time on Sunday mornings when it is loud. Mr. Wilson stated that it is from day break and actually continues through the night. He further explained that he heard it most when he takes his dogs out.

Mr. Swisher noted that you do not hear the noise at the gate. The noise carries towards these property owners.

Ms. Ambrose invited the Board to come out and sit on her deck when Omni Source is in full operation.

Mayor Morgan stated that the Board members would like to continue the conversation with the residents and asked that they submit their phone numbers and email addresses.

Mr. Wilson stated that it may cost someone some profit to correct this problem but if it makes them a good citizen then it's worth it for everyone.

Ms. Ambrose stated that Scott's (Omni Source Representative) hands are tied as these are capital expenditures needed. We need the industry, however they are ruining our quality of life.

Mr. Swisher clarified that this noise is from the dryer and not the shredder. Ms. Ambrose concurred that it is a gas dryer and they are asking for additional permits to increase their operations.

Mr. Swisher explained what the dryer does and added that he has talked with Omni Source about what they may do and can do to help the situation. He explained that they are installing a noise wall in front of the dryer and looking at a muffler system for the dryer. He stated that they have already built a berm and buffer to help address the problem.

Alderman Neal asked when this dryer was installed. Mr. Swisher stated that the dryer was installed about three years ago. He explained Omni Source's mining operation for copper, silver and gold plating, and other minerals from the landfill area.

Mr. Wilson stated that their neighborhood is down in a holler and speculated that the dryer is aimed towards Old Valley School Road and away from the city.

The Board sympathized with the residents and wanted to hear the noise. Alderman Neal explained that the noise ordinance is not easy to enforce.

Mr. Swisher agreed that the noise ordinance is difficult to enforce and explained the Town's involvement in the complaints regarding noise at Deere Hitachi by the residents of Manorwood Drive. He further explained that this is something that is pursued through the courts. He noted that the situation with the neighborhood that had a go-cart track and that was resolved by the neighbors. He stated that this is the route the Town has taken in the past however, it would be up to the Board to do something differently.

Mayor Morgan thanked the residents for coming out tonight to present this situation to the Board. Ms. Ambrose thanked the Board for listening to their issue.

Mr. Swisher stated that he will continue to monitor the situation. Mr. Eric Moser suggested he take a reading at the bridge. Mr. Swisher stated that he has checked it at the home of Larry Callahan but not to the bridge.

8. Consideration of granting a Special Intensive Development Allocation (SIDA) allocation of 34.58 acres for the rezoning project K-729. (Continued from December 2, 2014)

Alderman Tracey Shifflette made a **Motion** to continue this matter until the February meeting as it pertains to Public Hearing #1. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

9. Presentation of Annual Audit by Dixon Hughes Goodman.

Mr. John Frank, Auditor with Dixon Hughes Goodman presented the 2013-14 Audit Report. He thanked the Board for the opportunity to address the Board on this matter. He noted that the Town has received a clean audit report again this year and will receive The Certificate of

Achievement, Award of Excellence for the 17th consecutive year. He highlighted the report covering the Town's revenue categories and expenditures. He presented the fund balance totals, for this year and presented a summary of comparisons to last year's budget. He pointed out that revenues were down this year but that the Town's fund balance is still strong leaving the Town with a strong financial position. He then made himself available for questions.

Alderman Neal thanked Mr. Frank for the audit report and asked if they conducted an internal audit as part of their work for the Town. Mr. Frank stated that they take a sampling as part of their process but not 100%.

Alderman Neal asked if they saw anything inappropriate. Mr. Frank stated that there have been situations with the Town in the past however, they have been corrected and that in this audit they did not observe any issues that need to be corrected.

Alderman Neal asked if other municipalities process budget amendments as the Town does. Mr. Frank stated that he could not recall any town that didn't amend their budget and that our process is in line with others.

10. Semi-annual Report by the Chamber of Commerce for In-kind Services.

Mrs. Chris Comer, President of the Kernersville Chamber of Commerce presented the Chamber's In-kind Services report and the activities and events covered by the Downtown Marketing program. She thanked the Board for their past and continued support and made herself available for questions.

Harvey Pulliam, 415 Holt Street, Kernersville, NC – expressed his concern with the transparency of the Chamber. He pointed out that they receive a lot of money from the Town and therefore should be transparent. He asked for finance information regarding their fees and salaries for Staff. He added that with budget time coming up they should disclose this information.

11. 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 November 4, 2014 Regular Session
Approval of Minutes for November 24, 2014 Briefing Session
Approval of Minutes for November 24, 2014 Closed Session
Approval of Minutes for December 2, 2014 Regular Session
Approval of Minutes for December 2, 2014 Closed Session**
- C-2 Consideration of Declaring Property in the Police Departments
Surplus and authorizing a trade-in for replacement equipment.**

66 – Model G22 handguns
4 – Model 4G22 handguns
11 – Model G27 handguns

C-3 Consideration of Forsyth County Tax Refunds

Craig, Jeffrey Value Adjustment \$11.93

C-4 Consideration of a Piggy Back purchase of a Street Sweeper

RESOLUTION NO. R-2015-02

RESOLUTION AUTHORIZING THE “PIGGYBACKING” ON A PURCHASE AGREEMENT FROM THE CITY OF VIRGINIA BEACH, VA FOR A RAVO 5 SERIES SWEEPER

WHEREAS, the Town of Kernersville is in need of a **RAVO 5 SWEEPER**; and

WHEREAS, the Town of Kernersville has found that the City of Virginia Beach, Virginia entered into a contract with Atlantic Machinery Inc. on April 14, 2014 for the purchase of Ravo 5 Series Sweeper meeting the Town of Kernersville’s specifications; and

WHEREAS, the City of Virginia Beach found Atlantic Machinery Inc. to be a responsible bidder on such equipment; and

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. §143-129(g), a governing body of a municipality may enter into a contract for the purchase of equipment without regard to formal bid process provided that the provisions of the statutes are met; and

WHEREAS, a public notice of this purchase without competitive bidding was placed on the Town of Kernersville website and in the Kernersville News on December 30, 2014; and

WHEREAS, this Board desires that the Alderman finds the waiver of usual bid process and the purchase of a Ravo 5 Series Sweeper from Atlantic Machinery Inc. pursuant to the same or more favorable terms and conditions as that contract by and between the City of Virginia Beach, Virginia to be in the best interest of the Town.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville as follows:

1. The Board authorizes the “piggyback” purchase of Ravo 5 Series Sweeper from Southern Municipal Equipment Company for the amount of \$224,080.60.
2. The Town’s purchase is in accordance with the terms and conditions of that contract entered into by and between Southern Municipal Equipment Company and the City of Virginia Beach on April 11, 2014.

Adopted by the Board of Alderman of the Town of Kernersville this 13th day of January, 2015.

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

12. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

13. SPEAKERS FROM THE FLOOR.

None presented

14. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher introduced a request for a second Forsyth County DWI Task Force grant by the Police Department. He stated that it would be funded by a Governor's Highway Safety Grant.

Police Chief Scott Cunningham stated that four years ago the Kernersville Police Department was one of the founding members of a regional DWI Task Force. He stated that it was the first in the State. Kernersville had one officer on the Task Force and still participates. It has been so successful that it has been extended to other parts of the State. He explained that the Forsyth County Sheriff's Office, Winston-Salem Police Dept. and Kernersville Police Department all participate in this program. They are offering the same terms of funding as before: in year 1 the grant will pay the full salary and all equipment including the car and then over the next four years they will provide salary on a declining scale. He reported that the Task Force has provided a tremendous service for this area and Staff recommends that we continue to participate and that one additional officer be provided.

Following a brief discussion, Alderman Irving Neal made a **Motion** to approve the Kernersville Police Department's request to participate in this program. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mayor Morgan commended the participation in this program due to its success. Chief Cunningham concurred and provided statistics on DUI arrests made last year. He thanked the Board for their support and pledged to keep them posted.

15. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

16. MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN.

Alderman Kenny Crews thanked everyone for coming out to the meeting tonight.

Mayor Morgan announced a Joint meeting of the Board of Alderman and Planning Board scheduled for March 16, 2015 at 7:00 PM in the Municipal Council Chambers.

Alderman Irving Neal asked about the specs for the Street Sweeper in the Piggy Back purchase approved on the Consent Agenda. Mr. Maltba confirmed that this truck meets Town specifications.

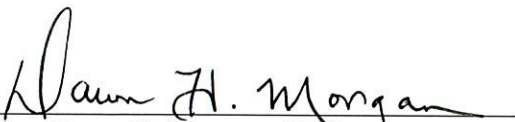
Alderman Neal reported a stopped up storm drain at I-40 and Hwy. 66.

Mayor Morgan reported a drainage problem on Union Cross Road at Biloxi Street.

17. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 10:41 PM. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Being no further business to come before the Board, the meeting was adjourned.


Dawn H. Morgan, Mayor

Attest:


Dale F. Martin, Town Clerk

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on January 13, 2015.

This the 6 day of March, 2015.


Dale F. Martin, MMC, Town Clerk