

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION DECEMBER 29, 2009**

The Board of Aldermen of the Town of Kernersville met in a briefing session at 6:30 P.M. on the above date in the Town Hall Executive Conference Room at the Municipal Building at 134 East Mountain Street.

Present: Mayor Dawn Morgan, Mayor Pro Tem Kevin Bugg, Aldermen Dana Caudill Jones, Keith Mason, and Tracey Shifflette.

Absent: Alderman Bob Prescott.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe III, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Franz Ader, Finance Director; Ray Smith, Human Director; Walt Summerville, Fire Chief; Kenny Gamble, Police Chief and Ernie Pages, Parks & Recreation Director.

Call to Order

Mayor Dawn Morgan called the meeting to order and Alderman Dana Caudill Jones delivered the invocation.

1. Briefing on the January 5, Regular Meeting Agenda.

- PLEDGE OF ALLEGIANCE
LED BY CUB SCOUTS PACK 943
- RECOGNITION OF KERNERSVILLE RAIDERS PEE WEE FOOTBALL TEAM
- RECOGNITION OF THE 2009 EMPLOYEE OF THE YEAR
- PRESENTATION OF RESOLUTION OF APPRECIATION FOR EMPLOYEES
RETIRING IN 2009
- PRESENTATION OF MEMORAL RESOLUTIONS OF APPRECIATION FOR 2009

Mayor Morgan noted that Cub Scouts would be leading the pledge at the meeting. She noted that we would be recognizing the Kernersville Raiders Football team that recently made it to the 2009 Pop Warner National Championships game in Orlando, Florida.

Mayor Morgan also noted that we would be recognizing the 2009 Employee of the Year, employees that have retired in 2009 and employees and past Board members that passed away in 2009.

ITEM #1. PUBLIC HEARING: on a voluntary Annexation Petition by PM Development, LLC for property located at Old Salem Road and off of Highway 66, 113.209 acres.

Jeff Hatling, Community Development Director briefed the Board on this annexation request with a rezoning request to follow.

ITEM #2. PUBLIC HEARING: PM Development LLC, Owner for property located adjacent to the existing NC Highway 66 South/Old Salem Road Metro Activity Center and NC Highway 66 South and Indian School Road, being all of Forsyth County PIN #6884-66-0575, PIN #6884-66-6626, PIN #6884-66-4493, PIN#6884-25-8653, PIN #6884-25-8144, PIN #6884-24-8655, and PIN #6884-34-9844, containing 81.03 acres more or less. Petitioner requests to rezone from Forsyth County Zoning District AG (Agricultural) and Kernersville Zoning District AG (Agricultural) to Kernersville Zoning District MU-S (Mixed Use – Special Use District). Requested Uses: *Uses as listed in original approved rezoning case K-641. Zoning Docket K-641.A3 (Two Phase)*

Mr. Hatling briefed the board on the rezoning request noting surrounding property owners located in the middle of the development. Additional bufferyard was discussed to protect this property owner.

ITEM #3. PUBLIC HEARING: PM Development LLC, Owner for property located on Ogden School Road, being all of Forsyth County PIN #6884-13-1872 and PIN #6884-13-5179, containing 32.36 acres more or less. Petitioner requests to rezone from Forsyth County Zoning District AG (Agricultural) to Kernersville Zoning District AG (Agricultural). Zoning Docket K-641.A4

Mr. Hatling briefed the board on this rezoning request.

Mayor Morgan questioned the property being annexed. Mr. Hatling and the Town Attorney explained the different parcels and stated that he would provide digital maps of the property.

ITEM #4. PUBLIC HEARING: Curtis Swisher, Town Manager, Agent for the Town of Kernersville for a proposed zoning text amendment to the Unified Development Ordinance by amending specific sections of Chapter B, Article III, 3-2 Sign Regulations. Zoning Docket KT-193

Jeff Hatling briefed the board on this text amendment.

PUBLIC SESSION

ITEM #6. Presentation by Dixon Hughes on the FY 2008-2009 Annual Audit.

Curtis Swisher, Town Manager stated that a Representative for Dixon Hughes will be at the meeting to present the audit report. He addressed issues noted in the Management Letter: payroll issues and a reserve to offset debt that has not been collected.

Mr. Swisher referred to a copy of a letter written by Mr. Ader, Finance Director in response to the management letter.

ITEM #7. Semi-annual Report by the Chamber of Commerce for In-kind Services.

The Town Manager stated that this is required in the contract with the Chamber of Commerce.

ITEM #8. Discussion and Consideration of an Ordinance to Permit the Consumption of Alcoholic Beverages on Public Property.

Town Attorney John Wolfe presented a draft ordinance for discussion based upon previous discussion the Board had in December. Mr. Wolfe then highlighted various sections throughout the ordinance.

The Town Manager asked for a clarification on Sec. 12-78 (d). He asked if the KDPDC could only get one permit per calendar year. Mr. Wolfe explained that this would be for a “particular” event and to prevent the same event from being held in a calendar year. Mr. Swisher asked if they could have a spring event and a fall event. Mr. Wolfe suggested calling it a Spring Arts D’vine and a Fall Arts D’vine. The purpose was to prevent an event every couple of weeks by the same organization.

Mayor Pro Tem Kevin Bugg asked about the public process to be followed and at what point do we adopt this ordinance. Mr. Wolfe stated that the Board can adopt an ordinance like this whenever the Board decides. We can call for a public process at any time as well.

Alderman Tracey Shifflette asked about the signage requirements. Mr. Wolfe stated that the intent was to place signage in the designated area where alcohol is allowed.

Mr. Wolfe stated that should the Board want to adopt this ordinance Tuesday night, he would need to know if this is close to what you want to adopt and reminded the Board that in order for an ordinance to be adopted in must be in writing.

ITEM #9. Consideration of a Funding Agreement with the Kernersville Downtown Preservation & Development Council.

Mr. Wolfe presented a draft Funding Agreement with KDPDC and explained the process the Board used to establishing this draft.

Alderman Dana Caudill Jones, the Board’s representative on the KDPDC Board stated that this draft was shared with the KDPDC Board at their December meeting and they were fine with this agreement.

ITEM #10. Police Department Update on Implementation of G.R.E.A.T Program at Kernersville Elementary and Kernersville Middle Schools.

Chief Gamble briefed the Board on this new program established with grant funds.

ITEM #11. Police Department Update on new program at East Forsyth High School – “Jump Start.”

Chief Gamble then briefed the Board on this new program.

ITEM #12. Consideration of an Ordinance Amending the Kernersville Code of Ordinance Book:

- a. Chapter 3, Animal Control
- b. Chapter 6, Civil Emergencies
- c. Chapter 6.5, Emergency Public Safety Telephone Service (E911)
- d. Chapter 15, Sewer
- e. Chapter 18, Water

The Town Attorney reminded the Board of the on-going process to update the Town’s Code book. He briefed the Board on the changes to these chapters of the Town’s Code of Ordinances.

ITEM #13. Consideration of a No Parking Ordinance for portions of Donnell and Graves Streets.

The Town Manager explained that we received a request from a resident regarding a problem with parking on both sides of the street. After review by the Town Staff, we recommend no parking as per the enclosed ordinance.

ITEM #14. CONSENT AGENDA:

**C-1 Approval of Minutes for November 23, 2009, Briefing Session
Approval of Minutes for December 1, 2009 Regular Session**

C-2 Forsyth County Tax Refunds

Mayor Morgan noted each consent agenda item.

ITEM #18. MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN AND TOWN ATTORNEY.

Mayor Morgan stated that she received a letter from the Mayor of High Point and that she plans to bring up a resolution in support of evaluating and revising the NC Transportation Equity Formula. Mayor Morgan then read the resolution. A brief discussion of transportation issues followed.

Alderman Caudill Jones commented on the Board's discussion regarding the ordinance permitting the consumption of alcohol and the Board's desire to get public input prior to making any decisions on this issue. She encouraged the newspaper to advise the public on this discussion at the Board meeting Tuesday night and explained how to sign up and to be heard on this issue.

Mayor Morgan explained that the Board has not seen this ordinance prior to this meeting and it appears to be the consensus of the Board to gather public comments and then to read the ordinance closely and that you may not act on it Tuesday night. Board members agreed.

Mr. Wolfe updated the Board on the Glen Hart issue with the stoplight on N. Main Street at Gralin Street.

Mr. Swisher noted a project on Old Winston Road by Jeff Dickerson for a pharmacy. The pharmacy is an allowed use however, he wants a pick-up window which is not allowed. Mr. Hatling is bringing this to the Board as an accessory use.

Mr. Hatling explained the special use district process and the minor staff change process authority. He explained the request for a pick-up window.

Mr. Swisher stated that the second item is for Gateway Place. Gateway Place is requesting an additional 2- bay garage (accessory to the primary use.) Mr. Hatling noted the Staff's lack of authority for this change and it requires the property owner to go back through the whole rezoning process. He stated that staff would propose an amendment so that they would not have to go through the whole rezoning process to add this accessory use. Staff envisions more and

more of these types of changes for property that went through the special use district rezoning process in 1987-88. Staff will bring back a draft for consideration.

The Town Manager and Town Attorney suggested that we allow changes under a certain percentage of the development that are minor in many cases however; the authority must be specific as to what is allowed.

2. Adjournment.

Alderman Dana Caudill Jones made a **Motion** to adjourn the meeting at 7:39 pm. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

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 29, 2009.

This the _____ day of _____, 2009.

Dale F. Martin, Town Clerk