

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. AUGUST 3, 2010**

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 Kevin Bugg, Aldermen Dana Caudill Jones, Keith Mason, Tracey Shifflette and Bob Prescott.

Absent: None

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Kenny Gamble, Chief of Police; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks and Recreation Director; Walt Summerville, Fire Chief; Ray Smith, Human Resources Director, and Brian Ulrich, Transportation Engineer.

- CALL TO ORDER
- INVOCATION BY PASTOR DAVID MCGEE, CALVARY CHAPEL OF THE TRIAD
- PLEDGE OF ALLEGIANCE

Mayor Morgan called the meeting to order. Pastor David McGee of Calvary Chapel of the Triad delivered the invocation which was followed by the Pledge of Allegiance.

- PRESENTATION OF THE BADGE AND SERVICE REVOLVER TO CURTIS T. ESCUE, RETIRING MASTER POLICE OFFICER IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUES

Mayor Morgan and Chief Gamble presented Officer Curtis Escue with his service badge and revolver. Chief Gamble highlighted Officer Escue's career as a member of the Kernersville Police Department.

PUBLIC HEARINGS

- 1 a. **PUBLIC HEARING: on a voluntary annexation petition by Stock Building Supply, LLC for property located at 5599 Kerwin Circle, 17.59 acres more or less.**
- 1 b. **Consideration of an ordinance annexing said property.**

Mayor Morgan reported that we have received a request from Stock Building Supply, LLC to withdraw their annexation petition.

Mayor Pro Tem Kevin Bugg made a **Motion** to withdraw this annexation petition as requested by the petitioner. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

2 a. PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville for a proposed Zoning Text Amendment to the Unified Development Ordinance (UDO) by amending Chapter B, Article II and Table 2.6; adding Recreation Service, Indoor as a permitted use within the GI (General Industrial) zoning district; amending Chapter A, Article II – Definitions; adding Institutional Vocational Training Facility; amending Chapter B, Article VI – Administration and Amendments 6-2.1(D); adding Electronic Submittal Requirements. Zoning Docket KT-195

2 b. Consideration of an ordinance for text amendment.

Mr. Jeff Hatling presented the Planning Board Report for this text amendment. Staff and PB recommend approval.

Mayor Morgan declared the Public Hearing open.

In Favor

None presented.

In Opposition

None presented.

Being no speakers either in favor or opposed to this text amendment, Mayor Morgan declared the public hearing closed.

Alderman Tracey Shifflette made a **Motion** for the approval of the following ordinance amending the Unified Development Ordinance by amending Chapter B, Article II and Table 2.6; adding Recreation Service, Indoor as a permitted use within the GI (General Industrial) zoning district; amending Chapter A, Article II – Definitions; adding Institutional Vocational Training Facility; amending Chapter B, Article VI – Administration and Amendments 6-2.1 (D); adding Electronic Submittal Requirements. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

**Town Ordinance
Zoning Docket KT-195**

**ORDINANCE No. O-2010-24
AMENDING
THE ZONING ORDINANCE AND SUBDIVISION**

**REGULATIONS OF THE UNIFIED DEVELOPMENT ORDINANCES
TO REFLECT CHANGES MADE IN THE PLANNING LEGISLATION OF THE
NORTH CAROLINA GENERAL STATUTES**

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows (Underline = Additions / Strikeout = ~~Deletions~~):

Section 1. Chapter B - Zoning Ordinance; Article II - Zoning Districts, Official Zoning Maps, and Uses is amended as follows:

**2-4 PERMITTED USES
PERMITTED USES TABLE (2.6)**

Add Recreation Services, Indoor as a permitted use (with conditions) to the GI zoning district.

USE TYPE Note: See Overlay Zoning Districts for prohibited uses within specific districts.	PB	LB	NSB	HB	GB	CB	MBP	LI	CPI	GI	CI	BI	IP	C	MU-S	CONDS
Recreation Services, Indoor	Z	Z	Z	Z	Z	Z	Z	Z		<u>Z</u>		Z	Z		Z	58

Section 2. Chapter A – Definitions Ordinance; Article II – Definitions is amended as follows:

INSTITUTIONAL VOCATIONAL TRAINING FACILITY. A facility for the vocational training of individuals who are economically disadvantaged or have physical or mental disabilities. The facility may contain uses to support training activities such as offices, classrooms, retail sales, and light manufacturing activities.

Section 3. Chapter B – Zoning Ordinance; Article VI – Administration and Amendments 6-2.1(D) Application and Fee is amended as follows:

6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS

6-2.1 GENERAL USE DISTRICTS

(D) APPLICATION AND FEE

Each petition shall be accompanied by a completed application form and a fee as specified by the Planning Board. Proposals to change the zoning of property to more than one new zoning district may be processed as a single application, including the

application and fee requirements of this Section 6-2.1(D), if all proposed zoning districts are contiguous and together constitute a unified development proposal. For amendments to the zoning text, the sections of the Ordinance to be amended and the new or revised language of the Ordinance proposed shall be submitted.

All rezoning applicants must submit a copy of the application and all supplemental information in a digital format. Acceptable formats include WORD (.doc) for text information; PDF and JPEG for site plans, elevations, and aerials; and CAD (.dwg) for legal descriptions which must use the North American Datum (NAD 1983 HARN StatePlane North Carolina FIPS 3200 feet) so that the file displays in the correct location within the Town of Kernersville. A text version of the legal description is also required. Files should be placed on CD's and will not be returned to the applicant. If there are changes in a rezoning application where the change alters the legal description or zoning boundaries in any way, a new electronic file must be submitted immediately. Any delay in submitting the changes may result in a delay in processing the application.

Section 4. This ordinance shall become effective upon adoption.

PUBLIC SESSION

3. SPEAKERS FROM THE FLOOR.

None

4. Quarterly Report by the Kernersville Downtown Preservation & Development Council as required by the Funding Agreement.

Mr. Duane Long, President of KDPDC presented the quarterly report which includes an organizational chart, approved FY 2010-2011 budget and a list of Council members. He thanked the Board, Town Manager, Town Attorney and Town Employees for their support of the KDPDC. He introduced Larissa Hess, Executive Director, Board members Bob Reed, Bruce Boyer, Jim Kelly, Curtis Swisher and Alderman Dana Jones. Mr. Long highlighted the funding agreement with the Town of Kernersville and reported that the KDPDC is in compliance with this agreement.

Mr. Long referred to the branding service mark and reported that the slogans have been registered with the State of North Carolina. Trademarks registered are:

Ourville is Kernersville
Discover Yourville in Kernersville
Myville is Kernersville

Mr. Long then introduced Pat Coyne for further discussion and explanation. Mr. Coyne presented a power point presentation demonstrating each of these slogans and the impression we hope to make with each one.

Mr. Long stated that we are ready to roll this out to the public. He reported that these slogans are owned by the KDPDC and that the Council will work with other groups involved in Downtown to promote them successfully. He then made himself available for questions.

5. Consideration of a Recommendation to designate a Chairman for the Sister Cities Commission.

Mr. Swisher stated that according to the ordinance establishing the Sister City Commission, the Board of Aldermen is to designate a Chairman. The Commission would like to recommend Duane Long as Chairman.

Alderman Dana Caudill Jones made a **Motion** to accept the recommendation of the Sister City Commission to appoint Duane Long as Chairman of the Commission. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

6. Consideration of Resolutions Awarding Installment Purchase Financing.

Mr. Swisher stated that RFP's were solicited for financing of various pieces town equipment. We received nine proposals with Sun Trust Bank providing the lowest proposal.

SunTrust Bank (Loan A)	2.085%
SunTrust Bank (Loan B)	2.285%
BB&T	2.46%
RBC Bank	2.67%
Bank of America	2.74%
Wells Fargo	2.75%
High Point Bank	2.95%
Southern Community	3.49%
Fidelity Bank	4.00%
NewBridge Bank	4.25%

Staff recommends adoption of the following resolutions awarding this finance package to Sun Trust Bank in the amount of \$646,200.

Alderman Bob Prescott made a **Motion** to approve the following resolutions authorizing the installment purchase financing to acquire capital equipment for the Town of Kernersville. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2010-24

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF «ORIGINAL_LOAN_AMOUNT» WITH SUNTRUST TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE «NAME_OF_PURCHASER_BORROWER1», 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 «Name_of_Purchaser_Borrower», North Carolina (the “Unit”):

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

The «Name of Purchaser Borrower» proposes the acquisition of certain equipment (collectively, the “Equipment”);

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;

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

SUNTRUST has proposed that SUNTRUST enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which SUNTRUST will lend the Unit the amount of «Original Loan Amount» (the “Contract”) and a related Escrow Agreement between the Unit and SUNTRUST (the “Escrow Agreement”).

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 «Name_of_Purchaser_Borrower» to the Contract and the Escrow Agreement and attest the same.

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.

Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not

be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for SUNTRUST in such instance.

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

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 \$30,000,000 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 2010. 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.

This Resolution shall take effect immediately upon its passage.

Adopted this the 3rd day of August, 2010.

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**RESOLUTION NO. R-2010-25
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 1.103-18 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

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

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

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

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

3. **Maximum amount to be financed.** The maximum amount to be financed by the

Town to complete the Project is \$646,200.00.

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 3rd day of August, 2010.

7. Demonstration of P2C Website and Mobile Data Computers.

Chief Gamble thanked former Police Chief Neal Stockton and Mr. Swisher for their vision and support of this project.

Chief Gamble along with the assistance of Officer Marotz gave a presentation on the Police Department's new P2C web site and the mobile data computers in our police cars. Chief Gamble demonstrated the different types of information available through this website. He demonstrated the information readily available to our officers through the mobile data computers in our police cars. He then made himself available for questions.

Mayor Pro Tem Bugg stated that this website is well worth the wait. It is a far superior program to any other program used in this area.

8. Presentation on Crime Statistics by Police Chief Ken Gamble.

Chief Gamble presented the 2009 statistics which compared the Town to stats across the State. These statistics show that crime in Kernersville is below the State average for most types of crime with the exception of "Breaking and Entering". He also presented the Department's projections for 2010 which showed a reduction in crime in all categories except for "Aggravated Assault" and "Motor Vehicle Theft."

9. Discussion on Speed Survey on Gordon Street.

Mr. Swisher stated that the Town received a request to look into the speed limit for Gordon St. After research, Staff recommends the speed limit be reduced to 25 mph as is the case for other residential streets within town limits.

Alderman Tracey Shifflette made a **Motion** to approve the following ordinance setting the speed limit at 25 mph for Gordon Street. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2010-25

AN ORDINANCE AMENDING SECTION 9-257

OF THE CODE OF ORDINANCES
OF THE TOWN OF KERNERSVILLE
TWENTY-FIVE MILE SPEED ZONE

WHEREAS, it is in the interest of the public health, safety and welfare to regulate the speed limit in residential areas.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville that Section 9-257 of the Code of Ordinances of the Town of Kernersville be amended by adding the following:

“ Gordon Street”

Adopted this the 3rd day of August, 2010.

10. CONSENT AGENDA: All of the following matters are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion unless a Board member or citizen so requests, in which event the matter will be removed from the Consent Agenda and considered under the following item.

**C-1 Approval of Minutes for June 23, 2010 Briefing Session
Approval of Minutes for July 6, 2010 Regular Session
Approval of Minutes for July 6, 2010 Closed Session**

C-2 Forsyth County Tax Refunds

C-3 Consideration of a Resolution of Adoption of the Forsyth County Multi-Jurisdictional Hazardous Mitigation Plan.

Alderman Dana Caudill Jones made a **Motion** to approve the Consent Agenda as presented. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

11. ITEMS REMOVED FROM CONSENT AGENDA.

None

12. SPEAKERS FROM THE FLOOR.

None

13. TOWN MANAGER’S REPORT AND MISCELLANEOUS.

Mr. Swisher introduced the 2010 Energy Conservation and Management Resolution and the Strategic Energy Management Plan. He explained that this plan will lead to a reduction in greenhouse gas emissions and energy consumption by 2% per year until we reach our goal of 30%. He stated that this goes along with the NCLM Green Challenge program that we have adopted.

Alderman Bob Prescott made a **Motion** to adopt resolution. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

Resolution No. R-2010-27

2010 ENERGY CONSERVATION AND MANAGEMENT RESOLUTION

WHEREAS, the price of fuel, oil, electricity, and other forms of energy has increased significantly within the last decade; and

WHEREAS, government and academic forecasts indicate the trend of increasing energy costs is expected to continue into the foreseeable future as demand increases while supply continues to decline; and

WHEREAS, energy consumption, specifically the burning of fossil fuels, accounts for more than 80% of US “greenhouse gas” emissions; and

WHEREAS, the Town of Kernersville recognizes it has a fiscal and social responsibility to conserve natural resources and understands the direct connection between environmental protection, economic development and local/regional quality of life; and

WHEREAS, energy costs of the Town of Kernersville continue to rise on an annual basis; and the reduction of fuel, electricity and other energy consumption will reduce costs, ensure future availability, and provide beneficial improvements to both Kernersville’s environmental quality and the global environment; and

WHEREAS, good planning leads to controlled results.

NOW, THEREFORE BE IT RESOLVED, the Town of Kernersville Board of Alderman adopt a policy goal of reducing Energy (i.e. electricity, water, and natural gas) consumption and fuel consumption by thirty (30) percent from FYE 2008 baseline levels by July 1, 2020; and

THEREFORE BE IT FURTHER RESOLVED BY THE BOARD OF ALDERMAN OF THE TOWN OF KERNERSVILLE THAT:

1. The Town of Kernersville shall develop an energy conservation policy and a strategic energy management plan that will lead to a reduction in greenhouse gas emissions and energy consumption by 2% per year from FYE 2010 until we have achieved our target goal of thirty (30) percent.

2. It will be incumbent on each and every employee of the Town of Kernersville to make the commitment to participate in reaching this vital goal.

Adopted by the Board of Alderman of the Town of Kernersville this 3rd day of August, 2010.

Alderman Keith Mason made a **Motion** to adopt the Strategic Energy Management Plan and authorize Staff to make minor changes as necessary. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

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

Town Attorney John Wolfe requested the Board go into Closed Session to discuss attorney-client matters.

Mayor Morgan stated that she appreciated the Police Department and community's participation in the National Night Out event tonight.

Alderman Keith Mason made a **Motion** to go into Closed Session for the purpose of discussing matters about which our Town Attorney needs to advise us, and which fall within the Attorney-Client privilege for discussion in Closed Session. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

15. ADJOURNMENT.

Being no further business to come before the Board, the meeting was adjourned immediately following the Closed Session at 9:02 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 August 3, 2010.

This the ____ day of _____, 2010.

Dale F. Martin, MMC, Town Clerk