

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. FEBRUARY 5, 2013**

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 Dana Caudill Jones, Aldermen Keith Hooker, Tracey Shifflette, Irving Neal and Neal Stockton.

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 Ken Gamble; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Terry Crouse, Fire Chief; Ray Smith, Human Resources Director; Gray Cassell, Information Services Director; and Russell Radford, Engineering Director; and Brian Ulrich, Transportation Manager.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND RICK CARTER, MAIN STREET UNITED METHODIST CHURCH**
- **PLEDGE OF ALLEGIANCE**

Mayor Dawn Morgan called the meeting to order and Reverend Rick Carter of Main Street United Methodist Church delivered the invocation which was followed by the Pledge of Allegiance.

- **PRESENTATION OF PROCLAMATION TO EAST FORSYTH HIGH SCHOOL CHEERLEADING SQUAD**

Mayor Morgan recognized Mayor Pro Tem Dana Caudill Jones who stated that she is very proud of these cheerleaders. She noted that she was a cheerleader in high school and knows the dedication and hard work it takes for the girls as well as the parents.

Mayor Morgan recognized Courtney Hayes, Coach and Brianna Bell, Asst. Coach and presented them with a Proclamation for their efforts.

Ms. Courtney Hayes stated that this is their first year as Coaches at East Forsyth and it has been an amazing year. She stated that she is very proud of these girls and men on the squad. They do spend many hours of practice, conditioning and effort beginning in May. They have come together as a team and we are very proud of them.

Mayor Morgan then presented each member of the Squad with a certificate: Seniors - Kelsey Dickerson-captain, Carlyn Brock-captain, Erin O'brien, Jhade Mckinnie, Jordan Zelrick, Kristi Spruill, Giselle Hardy, Rebecca Rouse, Kenneth Latimer. Juniors - Kilby Young, Kayla Barnett, Shannon Wolfe, Brooke Wright, Emily Blankenship, Brianna Goode, Kayla Bailey, Asia Parker. Sophmores - Ivy Pickard, Kyleigh Kurth. Freshmen- Marlee Young, Hannah Mize, Maggie Miller, and Brandon Latimer.

PUBLIC HEARINGS

1a. PUBLIC HEARING: Curtis Swisher, Town Manager, for consideration of an amendment to the *Kernersville Development Plan*. This amendment proposes adoption of the Forsyth County Comprehensive Plan *Legacy 2030*. Docket KDP-38

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for the Forsyth County Comprehensive Plan Legacy 2030. He stated that the Planning Board and Staff recommend approval of the resolution as presented. He added that Legacy comes in every 10+ years to coordinate development efforts throughout the county.

Mayor Morgan declared the Public Hearing open.

In Favor

Glenn Simmons, Planner for the City/County Planning Board highlighted the 2030 Legacy Plan and added that most action items from the previous plan have been completed however; new trends and issues have been addressed in this plan. He noted the public input gathered by different means throughout the county. Three themes have been adopted: Fiscal Responsibility, Sustainable Growth and Livable Design. Mr. Simmons presented an outline of the report and the new trends identified by the community. He pointed out that land is being developed faster than the growth in population. He presented some residential preferences that have been identified. He presented a chart illustrating public infrastructure improvements that are expected to promote new private investments.

Mr. Simmons then presented the Legacy Plan adoption process throughout all municipalities in Forsyth County. He made himself available for questions.

Opposed

None presented.

1b. Consideration of a resolution adopting said plan.

Alderman Tracey Shifflette made a **Motion** to approve the following resolution amending the Kernersville Development Plan adopting the Forsyth County Comprehensive Plan Legacy 2030. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2013-02

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, *The Legacy 2030* is the comprehensive plan for Forsyth County; and

WHEREAS, the majority of Kernersville is located with Forsyth County; and

WHEREAS, after a lengthy public participation process all the jurisdictions of Forsyth County are considering adopting *The Legacy 2030*.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Kernersville Development Plan* by adopting the *The Legacy 2030* (Exhibit “A”) and incorporated as is fully set out herein.

BE IT FUTHER RESOLVED, *The Legacy 2030* is adopted as the county-wide comprehensive plan and as a coordinating planning document for the Town of Kernersville and other municipalities in Forsyth County. Intergovernmental coordination and/or support shall be supported as fully as reasonably feasible, not inconsistent with the *Kernersville Development Plan*. *The Legacy 2030* complements, but does not replace, the *Kernersville Development Plan*. To the extent that any provisions of *The Legacy 2030* and the *Kernersville Development Plan* differ, the specific provisions of the *Kernersville Development Plan* shall be considered the controlling provisions. The *Kernersville Development Plan* is the final authority in Town of Kernersville planning and zoning matters.

Adopted this the 5th day of February, 2013.

PUBLIC SESSION

2. SPEAKERS FROM THE FLOOR.

None

3. Presentation by John Burgiss, Forsyth County Tax Administration on 2013 Reappraisal Process.

Mr. John Burgiss from the Forsyth County Tax Office commended his Staff for providing a high quality service to citizens of Forsyth County. He stated that informational sessions were held throughout the county explaining this process. He noted the different types of property and added that real estate property has been reevaluated every four years since 1993. He stated that state law requires property to be reevaluated at least every 8 years. He stated that there are 157,000 properties in Forsyth County. He explained the methods used by Staff to determine property values using fair market values, real estate sales, and judgment to estimate value. He noted that distressed and forced sales have played a role in the market in recent years.

Mr. Burgiss highlighted the Tax Office's qualifications and experience and then noted the process they go through to evaluate each tract. He concluded with an explanation of the appeal process which is available to all property owners. He made himself available for questions.

Mr. Swisher thanked Mr. Burgiss for attending the County Managers meeting. He reminded the Board that in a reevaluation year, we are required to calculate a revenue neutral tax rate. He explained how that rate is determined based on property values and that it is the rate that will bring in the same amount of tax revenues as last year. He noted that when values go down, the revenue neutral tax rate will increase. He assured the Board that he would bring a revenue neutral tax rate to the Board during budget time. He explained how that would impact property owners for homes valued at \$200,000. Property owners are likely to pay the same amount however; if a particular piece of property did increase in value that property owner could see an increase.

Mayor Prop Tem Caudill Jones asked if the Town will know the average change for Kernersville. Mr. Burgiss stated this is an unusual situation and his office will work diligently with all the Managers across the County to provide them as much information as possible. He added that once values are determined we can provide more accurate information on revenues, etc. The information may not be available as early as in the past because we know it will change.

Mr. Swisher stated that Board members may get calls from citizens which are upset during this process if they are trying refinance or sale their house. He reminded the Board of the appeal process which would be available to all citizens.

Mr. Burgiss stated that Forsyth County has a good appeal process and encouraged citizens, if they have issues, to use that process.

4. Consideration of a Governor's Highway Safety Grant for Radar Equipment.

Mr. Swisher stated that this is a grant for radar units as they must be replaced every so often. He explained that through this 75/25 grant the Town can replace 10 radars valued at \$20,000. The

grant would cover \$15,000 of the cost with the Town responsible for the remaining \$5,000. Staff feels this is the most effective way to replace this equipment.

Alderman Neal Stockton made a **Motion** to approve a Governor's Highway Safety Program Grant for radar equipment and authorize matching funds of \$5,000. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

5. Presentation of 2012 Thoroughfare and Street Plan Annual Report.

Mr. Hatling presented the Thoroughfare & Street Plan Annual Report as required by the Board of Aldermen. He stated that the plan has been reviewed and revised by the Thoroughfare and Street Plan Advisory Committee. He presented highlights of the report and noted the public participation process. He then presented the Committee's Plan recommendations to be used in the future. He made himself available for questions.

Mayor Morgan spoke of numerous improvements made to our streets, sidewalks and greenways since the plan was adopted.

6. 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 December 4, 2012 Regular Session
Approval of Minutes for January 2, 2013 Briefing Session
Approval of Minutes for January 2, 2013 Closed Session
Approval of Minutes for January 8, 2013 Regular Session
Approval of Minutes for January 8, 2013 Closed Session**

C-2 Consideration of Forsyth County Tax Refunds

Osborne, Sharon Stockton	\$11.44	Value Change
Simmons Sherman	\$142.78	Value Change
Wade Todd A	\$109.05	Value Change
Watson Meadows Betty	\$16.42	Value Change
Moses H. Cone Memorial Hospital	\$10,794.14	Exemption
Moses H. Cone Memorial Hospital	\$10,794.14	Exemption

C-3 Consideration of a Resolution of Intent to Annex property owned by the Town of Kernersville located on Smith Edwards Road.

RESOLUTION NO. R-2013-03

**RESOLUTION OF INTENT TO ANNEX A 26.159 ACRE TRACT KNOWN AS
THE SMITH EDWARDS ROAD MOUNTAIN BIKE PARK PROPERTY**

LOCATED OFF SMITH EDWARDS ROAD

WHEREAS, by deed recorded on October 25, 1972 in Deed Book 1038, Page 1727 of the Register of Deeds of Forsyth County, the Board of Aldermen of the Town of Kernersville acquired approximately 26.159 acres of property located off Smith Edwards Road; and

WHEREAS, that property is more fully described on the attached Exhibit A, which Exhibit is incorporated herein as if fully set out within this Resolution; and presently planned for use and known as the Smith Edwards Road Mountain Bike Park Property; and

WHEREAS, said property is not contiguous to the existing corporate limits of the Town but does satisfy the requirements for annexation by the Town of Kernersville established by North Carolina General Statute (NCGS) §160A-58.1 in that:

- (1) The nearest point on the proposed satellite corporate limits is closer than three miles to the primary corporate limits of Kernersville;
- (2) No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Kernersville;
- (3) The area to be annexed is situated so that the Town of Kernersville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- (4) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten per cent (10%) of the area within the primary corporate limits of the Town; and

WHEREAS, the Board of Aldermen has determined that it is in the best interest of the Town to annex this property into the corporate limits of the Town in accordance with the requirements of NCGS §160A-58.7.

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

1. The Board of Aldermen hereby states its intention to annex the Smith Edwards Road Mountain Bike Park Property, that is more particularly described in the attached Exhibits A and B, in accordance with North Carolina General Statute 160A-58.7(a).

2. The Public Hearing on the question of Annexation of the herein set forth property by The Town of Kernersville, is hereby set at 7:00 p.m. in the Kernersville Council Chambers/District Courtroom, Town Hall, Kernersville, Forsyth County, North Carolina, on the 5th day of March, 2013, and that Notice therefore be given according to North Carolina General Statute 160A-58.7(a).

This the 5th day of February, 2013.

C-4 Consideration of a Resolution to Support the 2013-2015 Funding for Clean Water Management Trust Fund.

Alderman Keith Hooker requested that item C-4 be removed from the Consent Agenda and considered separately.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the Consent Agenda items C-1, C-2 and C-3 as presented. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

7. ITEMS REMOVED FROM CONSENT AGENDA.

C-4 Consideration of a Resolution to Support the 2013-2015 Funding for Clean Water Management Trust Fund.

Alderman Keith Hooker made a **Motion** to take no action on this item. Mayor Pro Tem Dana Caudill Jones seconded the motion.

Mayor Pro Tem Caudill Jones agreed with Alderman Hooker that we should take no action on this resolution since we know that some of the expenditures from this fund are questionable and not used as the fund was originally intended. She commended Mr. Swisher for drafting the resolution with our intentions but felt we should not support this at the present time.

The vote was all for and motion carried.

8. SPEAKERS FROM THE FLOOR. (Taken out of order)

Louse Thibodeaux, 280 Post Oak Road, Kernersville, NC – stated that the land swap with NCDOT is a good idea. He asked that since the property will be purchased on both sides, where will the money go that we receive from NCDOT? Mr. Swisher stated that the money will most likely go into the Town's general fund.

9. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented a request by NCDOT to purchase a piece of property they need for the Macy Grove Road interchange. He stated that the Town had discussed a property swap with DOT however; due to regulations the properties involved can't be swapped. He stated that the Town will sell this property to NCDOT now and then purchase property that the Town will need in the future. He stated that this tract is approximately 1.070 acres and appraised for \$158,475. He asked for authorization to proceed with the sale of this property.

An aerial photograph of the areas was displayed and the property owned by the Town was pointed out. Mr. Swisher pointed out the property in question and noted land the Town may be interested in purchasing for the greenway from NCDOT.

Alderman Tracey Shifflette made a **Motion** to proceed with the sale of property on Macy Grove Road to NCDOT for right-of-way. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

Mr. Swisher updated that Board on the removal of the trees on S. Main Street. He stated that some of the trees have been removed and the one at First Citizens bank will be taken out on February 13th. He stated that the road will have to be closed at some point during the time it's removed.

Alderman Shifflette stated that at one time, there was consideration that this tree trunk be made into a bench and asked if this is still being considered. Mr. Swisher stated that a majority of the trees that have been removed were rotten. We expect this one to be as well and therefore could not be used. He stated once the trees are removed the Town will grind out the stumps.

Mayor Morgan asked about the replanting of trees on Salisbury Street and Main Street. Mr. Swisher stated that he has worked with Sharon Richmond and John Edwards and that the residents are interested in planting trees back in the area. He added that staff will work the residents.

10. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

Town Attorney John Wolfe presented a contract for the Mountain Bike Park on Smith Edwards Road. He stated that it has been reviewed by Town Staff and the Kernersville Cycling Club. He made himself available for questions.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to enter into a contract with the Kernersville Cycling Club to assist the Town in the development, maintenance and operation of mountain bike trails on a portion of the Smith Edwards Road Park property. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

11. MATTERS TO BE PRESENTED BY THE MAYOR AND BOARD OF ALDERMEN.

Alderman Keith Hooker asked for an update on the monitoring of traffic in the Lowergate Lane neighborhood.

Mayor Morgan asked Mr. Brian Ulrich to address Alderman Hooker's request. Mr. Ulrich stated that the radar was put in place by the Police Department and he couldn't address that situation.

Mr. Ulrich then stated that he did have a public meeting to discuss traffic control devices for the Old Orchard Road neighborhood and received some positive feedback on that situation.

Police Chief Ken Gamble addressed Alderman Hooker's issue by stating that this equipment is used on a rotating basis and that he would follow up with Captain Bowman on the data.

Alderman Hooker asked if he could include the data from the Timberwood Trails monitoring a

couple of weeks ago. Chief Gamble stated that we may not have that data but would check on it as well.

Mayor Pro Tem Dana Caudill Jones asked the Town Manager about the timeline established for the budget process. She asked if the Board could start that process earlier due to a number of pending issues. Mr. Swisher explained that good revenue projections are not available until about April and he expects to have the budget out to the Board by May as usual. He explained the process and added that he would forward information as soon as it's available to the Board.

Mayor Morgan commended Bruce Boyer on the successful State of the Community event held this morning and that she is looking forward to future events such as the Spring Folly.

Mayor Morgan stated that the podium here in the Chambers is large and obstructs the view between the audience and the Board and asked for a shorter podium or if it could be moved. After a brief discussion, the Town Manager stated that Staff would look into the matter.

Alderman Tracey Shifflette made a **Motion** to enter into Closed Session at 8:49PM to discuss certain matters about which the Board needs to be advised regarding land acquisition as permitted by NC General Statutes 143-318.11(4). Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

12. ADJOURNMENT.

Being no further business to come before the Board, the meeting was adjourned immediate following the Closed Session at 9:29 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 February 5, 2013.

This the ____ day of _____, 2013.

Dale F. Martin, MMC, Town Clerk