

MINUTES
King City Council
Regular Session
November 5, 2018

The King City Council met at King City Hall on Monday, November 5, 2018, at 7:00 p.m. Present were: Councilman Charles Allen, Councilman Brian Carico, Councilman Wesley Carter, Mayor Pro Tempore Rick McCraw, Mayor Jack Warren, City Manager Homer Dearmin, City Clerk Tammy Hatley, Director of Finance and Personnel Susan O'Brien, Director of Planning and Inspections Todd Cox, Public Utilities Superintendent Robert Pettitt, Public Works Superintendent Ricky Lewis, Water Plant Superintendent Ben Marion, City Engineer Scott Barrow, Fire Chief Steven Roberson, Chief of Police Paula May, Senior Center Director Suzan Garner, Lt. Jordan Boyette, First Sergeant Dallas Hale, and Chaplain Paul Norman.

Mayor Warren called the meeting to order and led the *Pledge of Allegiance*.

The invocation was offered.

ANNOUNCEMENTS

Mayor Warren noted the following announcements were listed on the agenda:

- Election Day: Tuesday, November 6, 2018, Polls open 6:30-7:30 p.m.- East King @ Poplar Springs Church of Christ, West King @ King Public Library
- Parks & Recreation Advisory Board, Regular Meeting: Thursday, November 8, 2018, 7:00 p.m., King Recreation Acres Community Building
- NC Deaf Blind Association 5-k: Saturday, November 10, 2018, 9:00 a.m., King Central Park
- Veteran's Day Ceremony: Sunday, November 11, 2018, 2:00 p.m., King Veteran's Memorial, hosted by Carl Calloway American Legion Post #290 & Stokes County Arts Council
- City Hall Closed: Monday, November 12, 2018, in observance of the Veterans Day Holiday
- Community Appearance Commission, Regular Meeting: Thursday, November 15, 2018, 3:30 p.m., King City Hall
- City Hall Closed: Thursday and Friday, November 22 & 23, 2018, in observance of the Thanksgiving Day Holiday
- King Planning Board, Regular Meeting: Monday, November 26, 2018, 7:00 p.m., King City Hall
- Community Christmas Tree Lighting Ceremony: Friday, November 30, 2018, Band begins playing at 6:30 p.m., tree lighting is at 7:00 p.m., King Central Park at the Spainhour Cabin
- King Christmas Parade, Saturday, December 1, 2018, 2:00 p.m., lineup at King Elementary School

City Clerk Hatley stated that the Parks and Recreation Advisory Board meeting scheduled for Thursday, November 8, 2018, had been cancelled due to a lack of agenda items.

ADJUSTMENTS TO AGENDA

There were no adjustments to the agenda.

PUBLIC COMMENT

Mayor Warren opened the floor to receive public comment.

Mrs. Cathy Loveday, Executive Director of the King Chamber of Commerce addressed the board.

Being no one else present wishing to speak, Mayor Warren closed the public comment portion of the meeting.

CONSENT AGENDA

Councilman Allen moved to approve the consent agenda as read. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0. Items approved were: (1) October 1, 2018, regular meeting minutes; (2) October 11, 2018, called meeting minutes; and (3) Resolution 2018-20 for the 2017 Local Water Supply Plan (LWSP)

PRESENTATION OF GOVERNMENT FINANCE OFFICERS ASSOCIATION BUDGET AWARD

Manager Dearmin presented the Government Finance Officers Association *Distinguished Budget Presentation* Award to Finance Director, Susan O'Brien. This is the 6th consecutive year that Mrs. O'Brien has received this award, which is the highest award in government financial budgeting and represents a significant achievement by our City.

EVIDENTIARY HEARING – REZONING REQUEST CU-RMF-T-039 BY KINGSTONE INVESTMENTS, LLC.

Mayor Warren opened the evidentiary hearing for Rezoning Request CU-RMF-T-039 by Kingstone Investments, LLC and read the following statement: "This is a quasi-judicial hearing which means that the Council must take sworn testimony from anyone wishing to offer factual information that pertains to the case. Testimony is subject to cross examination. Personal opinions and hearsay are not accepted forms of testimony during a quasi-judicial procedure. Council then must take evidence as submitted by the developer, staff and citizens, compare it to the ordinance requirements and make a determination as to whether the project is so designed to meet or exceed those requirements. Council may approve, approve with conditions or deny the request based on the Findings of Fact during the hearing."

Director of Planning and Inspections Cox was sworn and offered the following testimony: "Okay Mayor and Council, we have a request tonight to rezone a tract of land on Kirby Road by Kingstone Investments, LLC. of King and you have the, in your packet there you have the notifications for the zoning packet and the proposed conditions of the rezoning, the paper notification, your abutting property notices and of course the notice to the paper and then of course the maps and supporting documentation. This tract is familiar or should be familiar with you. We looked at this tract back in April as a rezoning request by an apartment builder and the particular rezoning hearing was denied by Council for different reasons but tonight the developer is coming back with a different request for townhomes as opposed to apartments and as you see there; we're looking at scaling that back even on the total acreage from 3.63 acres to 2.6 acres. If you recall, Mr. Nance lived behind the property and was against the rezoning and after was said and done, he purchased the property from the Parrishs and he is now working with Kingstone Development Group to develop the property and has no problem with selling off the 2.6 acres for townhomes and then he wants to keep an acre in the rear for a buffer. So, given that fact we have 2.6 acres and that yielded about eleven townhomes as you can see on your site plan and then we have the statement of intent for the district, R-15 and what that stands for and then the townhomes and I'll read that. It says the intent of multi-family townhome residential district is to provide areas of high residential development for one or more buildings containing not more than eight dwelling units per building intended for owner occupancy and says where the ownership of the land beneath each unit runs with the unit and where the walls between the units are constructed according to state building code, public water and sewer shall be available, which it would be for this tract and it says this district shall be located near employment centers, shopping facilities and roads that are capable of handling the traffic generated by such development and of course, in this particular area we

meet that requirement. On the next page you have the conditional use districts and the things that are required on the plan one through eleven and the applicant has of course addressed those and then as we adopted our comp plan a couple of years ago we addressed the various areas around town and this area falls within a G-3 area which is described as mixed used center and in that a higher density of residential development is allowed and so the rezoning request would fit that and then under our comments it says Park Place which is what the townhome subdivision is being referred to probably would be the best bet or best use of this property aside from maybe office use so the particular use would have minimal impact on the surrounding properties. We also, in looking at this, found that the property is within our watershed so, depending on which motion you make, if you move to approve it we'll also need to approve the 10/70 provision for this and allow up to 45% coverage for the watershed or consideration of the watershed but I gave you a copy of the, or submitted to you some of our standard conditions on page 25 and most of those are ones you've seen before. The only one I'd point out was number 18 and the developer in designing the project to meet the recreational requirements for the property had put in a sidewalk around the whole street and also wanted to tie in the sidewalk to Central Park and in doing so of course, you guys would have to give permission to do so and I put a condition in there, if Council approves, that would cover that and making that connection to the parking lot there where the cabin is and that would allow for the tenants of that live over there to make, you know, a trek over to the park and do it on a sidewalk as opposed to cutting through and wearing out a path in the grass so that would make for a nice resident or recreational use for them. If you have any questions, I'll be glad to answer those. You've got your plan like I say there, a general layout of the townhomes. You've got a proposed elevation and it's got the buffer design they want to use is the berm type 2-c, which would be a berm around the perimeter and the plantings on top of the berm. It appears to be a good project. A good use for the tract."

Mayor Warren: "Anyone here representing the property owner?"

Mr. Cox: "Yes, we've got the developer is here, Scott Tedder, if you have any questions for him."

Mayor Warren: "Questions council for Mr. Cox?"

Councilman Carico: "I have two questions."

Mayor Warren: "Go ahead sir."

Councilman Carico: "The project that was proposed in the spring of this year, one of the things if my memory serves me correct that Mr. Nance as well as other residents or property owners had concern with was the water runoff and drainage. Now, I understand in this situation Mr. Nance has kept an acre buffer of land between the end of this property and the connection to his; is there not any concern that this property with the drainage basin being sufficient enough?"

Mr. Cox: "Most of the water that they're going to have off this project is gonna be captured in the, theres a..."

Councilman Carico: "The retention pond?"

Mr. Cox: "Yeah, the small retention pond there and then the way it drains, instead of going to Mr. Nance's it goes to another little detention pond that's in Central Park that eventually makes it down to

our pond in Central Park so the water, there's a little bit of a crest there where the division of land is so the water really doesn't break towards him anyway."

Councilman Carico: "So, in this situation Mr. Nance is not worried."

Mr. Cox: "Right, yeah it wouldn't make it back there anyway, so yeah."

Councilman Carico: "Secondly, just to confirm the sidewalks. Now, are we asking just approval from the City for the developer to place the sidewalks through the City property or for the City to pay for the sidewalk?"

Mr. Cox: "This would be, the way I put the condition is the developer would install it. Of course, anything on their property, they maintain, but the little portion which is about twenty to twenty-five feet would be installed by the developer but become the ownership of the City."

Mayor Warren: "Other questions for Mr. Cox?"

Councilman Carter: "Just a couple questions just to make sure. The sidewalk and the street would become our after?"

Mr. Cox: "Correct"

Councilman Carter: "So we would maintain it obviously in the future."

Mr. Cox: "Yes, the standard situation there with us picking up utilities, the streets and the sidewalk."

Councilman Carter: "Right, unit seven obviously is just a single-family home. You didn't have enough room."

Mr. Cox: "Yeah, to do a duplex, right."

Councilman Carter: "Okay"

Mr. Cox: "It would just be a stand alone."

Mayor Pro Tempore McCraw: "I have one question that may not be to, maybe to Mr. Tedder. What's the average price range?"

Mr. Scott Tedder was sworn and offered the following testimony: "We are targeting around \$240,000."

Mayor Warren: "What the total number you got on there Mr. Tedder? Ten?"

Mr. Tedder: "Eleven"

Mayor Warren: "Any other questions? Thank you, sir," Any other questions for Mr. Cox?"

Being no other questions from the Council, Mayor Warren closed the evidentiary hearing for Rezoning Request CU-RMF-T-039 by Kingstone Investments, LLC.

Mayor Warren instructed Mr. Cox to poll the Council on City Ordinance Article 13, Section 32-178 (d) *Action by the responsible body*. The responses were as follows:

- (1) The use requested is listed among the conditional or special exception uses in the district for which application is made. Answer – **Yes 4-0**
- (2) The requested use is essential or desirable to the public convenience or welfare. Answer – **Yes 4-0**
- (3) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals or welfare. Answer – **Yes 4-0**
- (4) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational areas, conservation of natural resources, preservation of floodplains and encouraging the most appropriate use of the land. Answer – **Yes 4-0**
- (5) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Answer – **Yes 4-0**
- (6) Adequate measures have been or will be taken to provide ingress and egress, so designed as to minimize traffic congestion in the public streets. Answer – **Yes 4-0**

As it relates to NCGS 160A-383, Compliance with adopted comprehensive plans

- (1) The proposed use will be in keeping with the spirit of the Stokes 2035 Comprehensive Plan. Answer – **Yes 4-0**

Action

Councilman Carter moved to approve rezoning request CU-R-MF-T-039 by Kingstone Investments, LLD of King, NC from R-15 (Residential-Medium Density) to CU-R-MF-T (Conditional Use – Residential – Multifamily – Townhomes), the 10/70 provision request to develop up to 45% of the site as impervious, and to tie a sidewalk into Central Park as shown on the site plan map. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

FINDINGS OF FACT CONDITIONAL USE REZONING REQUEST CU-R-MF-T-039

1. LaRonald Nance is the owner of a property located at 414 Kirby Road, King, NC which is located within the corporate limits of the City of King, NC and identified as SCTM# 6902-01-2408.
2. On September 20, 2018, LaRonald Nance, Patricia S. Nance, and Scott Tedder, representing Kingstone Investments, LLC. submitted a complete petition for a conditional use permit to construct 48 apartment units
3. An advertisement for the public hearing and evidentiary hearing on CU-R-MF-T was published in *The Stokes News*.
4. On October 22, 2018, the City of King Planning Board conducted a duly advertised and noticed hearing on the Kingstone Investments, LLC Conditional Use Permit request.
5. On October 22, 2018, The City of King Planning Board made a unanimous recommendation for approval of the Kingstone Investments, LLC Conditional Use Permit Request.
6. On November 5, 2018, the King City Council conducted a duly advertised and noticed evidentiary hearing on the Kingstone Investments, LLC Conditional Use Permit Request.
7. The tract at 414 Kirby Road contains a total of approximately 2.6 acres which is a portion of a larger tract that contains 3.63 acres.

8. The applicant has submitted a site plan.
9. The tract at 414 Kirby Road is currently zoned R-15, which is Residential Medium Density with required front setbacks of 30 feet, rear setbacks of 30 feet, and side setbacks of 10 feet.
10. The tract at 414 Kirby Road has access to both water and sewer.
11. Section 32-206 of the City Code of Ordinances requires that a conditional use permit be issued for the construction of a multi-family unit in the City of King.
12. The tract is in a watershed designated area WS-4.

PAY STUDY PRESENTATION – MR. DAVID HILL, PIEDMONT TRIAD REGIONAL COUNCIL OF GOVERNMENTS AND CONSIDERATION OF ADOPTION OF RESOLUTION 2018-19

Mr. David Hill, Management Analyst for the Piedmont Triad Regional Council of Governments (PTRCOG) presented copies of the pay study prepared by the PTRCOG. Mr. Hill reviewed the process of the study with the Mayor and Council and then answered questions members of the Council had concerning the study.

Mayor Warren called for a five-minute recess.

Mayor Warren reconvened the meeting.

Action

Mayor Pro Tempore McCraw moved to approve Resolution 2018-19 as presented, which is included within the body of the minutes below; along with the suggested reorganization of the Police Department and the pay raise effective March 1, 2019. Councilman Carter seconded the motion which carried by a vote of 3-1. Allen-yea, Carico-nay, Carter-yea, McCraw-yea

**CITY OF KING
RESOLUTION NO. 2018-19**

RESOLUTION APPROVING IMPLEMENTATION OF PAY STUDY

WHEREAS the City of King has commissioned the Piedmont Triad Regional Council to perform a pay study; and

WHEREAS, employee position information generated by questionnaires was supplemented by employee and supervisor interviews; and

WHEREAS collected data from the City of King and other local governments was analyzed utilizing the whole job comparison method; and

WHEREAS, the pay study is now complete and the study results have been presented to and discussed with City Council along with a plan to fund implementation which requires no tax or rate increases; and

WHEREAS, the King City Council desires to implement a pay plan that is fair, competitive, and conducive to employee retention and morale;

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF KING

that all recommendations from the study, and pay plan Option IV at 85% of market with a consistent 5% differential between pay grades will be incorporated into the City's Personnel Policy and become effective for all employees immediately; and

BE IT FURTHER RESOLVED that salary adjustments for all City of King employees as a result of the pay study shall be implemented on March 1, 2019 in accordance with "Option 1" as presented by the City Manager and Director of Finance and Personnel.

Adopted this the 5th day of November, 2018.

FORSYTH COUNTY FIRE SERVICE DISTRICT REQUEST

Chief Roberson reviewed the requests by Forsyth County and based on his recommendations the Council took the following action:

Councilman Allen moved to deny overlaying the City of King, Forsyth County with a fire protection service district. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

Councilman Carter moved to replace the current King Fire Tax District with a new King Fire Service District as proposed by Forsyth County. Councilman Allen seconded the motion which carried by a unanimous vote of 4-0.

Councilman Carter requested that Chief Roberson let the Council know of Rural Hall's decision in this matter.

REPLACE FIRE DEPARTMENT SWIFT WATER BOAT

Chief Roberson informed the Mayor and Council that the current swift water rescue boat incurred a transom failure during swift water rescue certification training. The King Fire Department currently has 16 certified swift water technicians and is the only rescue source of this type within Stokes County and one of only three in Forsyth County. A marine adjuster has evaluated the boat and determined it is unrepairable due to damage from a combination of age of the vessel and general wear and tear. Chief Roberson stated that the Fire Department would receive approximately \$15,100 in funds in FEMA reimbursements from Hurricanes Matthew and Florence which could be used to pay to replace the boat. Quotes have been obtained for (1) a new Zodiac Milpro 420 at \$17,500 and (2) a refurbished Zodiac Milpro 420 at \$8,000.

Action

Councilman Allen moved to approve the replacement of the fire department swift water boat that incurred a transom failure with a refurbished Zodiac Milpro 420 at a cost of \$8,000. Mayor Pro Tempore McCraw seconded the motion with a vote of 4-0.

APPOINTMENTS OF POLICE AND FIRE CHAPLAINS

Due to the number of calls and difficulties seeing at night by some of the current Police and Fire Chaplains, a request has been made that the City Council consider appointing additional chaplains. Three candidates have volunteered to serve as Police and Fire Chaplains: 1) Tracey Collins, Pastor of Crossroads Community Church; (2) Donald Davis, Pastor of Capella Church of Christ; and (3) Scott Vernon, Associate Pastor of Calvary Baptist Church.

Mayor Pro Tempore McCraw moved to appoint (1) Tracey Collins, Pastor of Crossroads Community Church; (2) Donald Davis, Pastor of Capella Church of Christ; and (3) Scott Vernon, Associate Pastor of Calvary Baptist Church as Police and Fire Chaplains. Councilman Carico seconded the motion which carried by a unanimous vote of 4-0.

STORM DRAINAGE ISSUED AND BUDGET AMENDMENT 2018-02.04

City Engineer Barrow informed the Mayor and Council that he and his staff have discovered some major storm drainage issues due to the recent hurricanes and requested that Council approve budget amendment 2018-02.04 to pay for repairs to Logan Court, Peachtree Lane and Winfield Drive.

Action

Councilman Allen moved to approve Budget Amendment 2018-02.04. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

CONSIDERATION OF BUDGET AMENDMENT 2018-02.03

Finance Director O'Brien informed the Mayor and Council that this is a request to amend the FY 2018-19 budget.

Action

Councilman Carter moved to approve budget amendment 2018-02.03 as presented. Mayor Pro Tempore McCraw seconded the motion which carried by a unanimous vote of 4-0.

DEPARTMENTAL REPORTS

Councilman Carico questioned when the time for the routine updates on the General Fund and Enterprise Fund balances occurred. Finance Director O'Brien stated that this was updated at the end of each audit and included in the annual financial report.

ITEMS OF GENERAL CONCERN

Councilman Allen: Urged everyone to vote tomorrow

Mayor Pro Tempore McCraw:

- Congratulated Finance Director O'Brien on receiving the Distinguished Budget Presentation for 6 consecutive years
- Thanked all staff for going above and beyond the call of duty during the hurricanes and noted in particular the actions of members of the Fire Department when they escorted our late Firefighter Donnie McQuinn's daughter during the West Stokes High School Senior Recognition Ceremony
- Stated that he is honored to serve on the City Council
- Invited everyone to attend the Veteran's Day Ceremony, noting he and his wife had purchased tiles to be dedicated this year in honor of each of their fathers
- Urged everyone to go vote tomorrow.

Councilman Carter:

- Urged everyone to go vote tomorrow and stated that this year's midterm elections were very important

Councilman Carico:

- Thanked Mrs. Loveday and the Chamber of Commerce for the great work they have done with all their recent events
- Congratulated Finance Director O'Brien and her staff for receiving the Distinguished Budget Presentation for the sixth consecutive year
- Urged everyone to vote tomorrow and pay particular attention to the Judges

Mayor Warren:

- Congratulated Finance Director O'Brien on receiving the Distinguished Budget Presentation Award for the sixth consecutive year.

ADJOURNMENT

Mayor Pro Tempore McCraw moved to adjourn the meeting. Councilman Carico seconded the motion which carried by a unanimous vote of 4-0. The meeting stood adjourned at 9:31 p.m.

Approved by:

Attest:

Jack Warren
Mayor

Tamara H. Hatley, MMC, NCCMC
City Clerk