

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. OCTOBER 4, 2011**

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, and Tracey Shifflette.

Absent: Alderman Bob Prescott.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Captain Tim Leonard, Police Department; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks and Recreation Director; Walt Summerville, Fire Chief; Crystal Tanner, Human Resources Manager; Russell Radford, Engineering Director; Brian Ulrich, Engineering/ Transportation Manager, and Gray Cassell, Information Systems Director.

- **CALL TO ORDER**

- **INVOCATION BY REVEREND DAVID RORIE, BUNKER HILL UNITED METHODIST CHURCH**

Mayor Dawn Morgan called the meeting to order and Reverend David Rorie of Bunker Hill United Methodist Church delivered the invocation.

- **PLEDGE OF ALLEGIANCE BY CUB SCOUT PACK 940**

The Pledge of Allegiance was led Cub Scout Pack 940 members: Trevor Banks, Quinn Engler, Ethan Gilkey, Alex Glazowski, Roy Hedgecough, Jackson Oves, Reily Porto, Charlie Taylor, Joshua Thompson, Simon Turner, Joey Van Brunt and Mitchell Vermilyea.

- **PRESENTATION OF PROCLAMATION FOR RED RIBBON WEEK TO YOUNG MARINES AND KERNERSVILLE POLICE DEPARTMENT**

Mayor Morgan presented a Proclamation in honor of Red Ribbon Week to three members of the Young Marines: Lance Corporal Joshua McClintock, Corporal Latoia Hawkins, and Private McCray McGee. Commander Greg Ross and Master Sergeant Dennis Lester were also in attendance.

Mayor Morgan thanked the Young Marines for bringing attention to Red Ribbon Week.

Mayor Morgan recognized the Commander of the Young Marines to speak about the Young Marine program.

Commander Greg Ross explained that this program is available to kids eight (8) years of age through high school and focuses on building character. He left information at the back of the room and stated that information is available at www.youngmarines.com. Commander Ross thanked the Town for recognizing Red Ribbon Week and these Young Marines.

PUBLIC SESSION

1. SPEAKERS FROM THE FLOOR.

Kenny Crews, 513 N. Main St., Kernersville, NC - addressed the Board regarding the direction of the town and expressed his concern for excessive spending on recreation, education and beautification efforts. He added that the Town should be pulling in businesses and helping the residents that live here and that our emphasis's is in the wrong place.

Mr. Crews expressed a concern with the Town building the road to the hospital instead of the developer as originally planned. He stated that the Board was elected to be good stewards of our money and not wasting money on recreation. He expressed his opposition to charging for services.

Mr. Crews expressed his concern with the proposed location of a fire station on some of the most expensive land in Kernersville which is now being used for recreation on Shields Road.

Mr. Crews expressed the need to do something with the vacant property on the corner of Main and Mountain Streets as it is an eyesore and should be in violation of Town ordinances. He concluded his comments by saying that before we pat ourselves on the back we need to look after the tax payers instead of our organizations. He stated that he would not vote for anyone in the election that is in favor of spending any more money on recreation.

Mayor Morgan recognized Town Manager Curtis Swisher to speak to these concerns expressed by Mr. Crews.

Mr. Swisher presented the timeline of approvals for the construction of the road into the hospital. After all permits and approvals are issued, they have 6 months to acquire right of way. If they can't acquire the necessary right of way, they may have to come to the Town and request the land be condemned. After the right of way has been acquired, they have two (2) years to construct the road. He added that the holdup has not been the developer but the federal regulations that have to be met. Mr. Swisher then explained the process for reimbursement of a portion of the taxes for this project which was similar to the agreement the Town entered with TDO for the business park.

Mayor Morgan asked Mr. Swisher to address the comments regarding the fire station. Mr. Swisher stated that when the property was first purchased, the intent was to build a fire station on a portion of the property, however after further review of the area and needs of the Fire Department it was decided that this property was not the best location for a fire station for this area. The projected location is now in the vicinity of the hospital.

Mr. Swisher explained that the property is now part of Beeson Park for future development. He explained that Bishop McGuinness helped pay for the costs associated with the new Lacrosse fields and that Town staff did a lot of the work. Staff did a lot of the work on the cross country fields as well which kept costs down.

Mayor Morgan asked Mr. Swisher to address the budget numbers for Parks & Recreation. Mr. Swisher stated that the budget for Parks & Recreation is approximately \$1.3 million and most of the services provided bring in revenue that covers the cost of those programs. Staff looked closely at this 2 years ago and found that some programming makes a profit. He added that the biggest expense for the department is for maintaining the parks and not for events that we put on. All of our leagues, softball, KSA all max out every year. There is an expense but they also bring in offsetting revenues.

Mayor Morgan asked Mr. Swisher to address the Code enforcement issues for the property on the corner of Main and Mountain Streets. Mr. Swisher agreed that this is an eyesore and we would like to see it occupied. He explained some of the violations that have been corrected which brought the property into compliance. Yes, it looks bad. We don't know why the property owner has chosen not to lease the property or sell the property. He named numerous people and groups in Town that have tried to contact the property owner with no success. He further explained that although we can see inside the building we can't enforce what it looks like on the inside. It is very unfortunate that this property is in the middle of downtown. If the property deteriorates to the point of noncompliance, we will enforce all Town regulations.

Alderman Tracey Shifflette asked about fire code violations. Fire Chief Walt Summerville stated that all businesses are subject to annual fire inspections and are required to meet fire codes whether it is occupied or not. We operate on a three year rotation and the owner will have to submit the building for an inspection. If the building has a sprinkler system they are required to maintain that system. This building does not have a sprinkler system and is not occupied so we don't consider it a high fire risk but is still subjected to fire inspections.

Mr. Crews referred to his comments on the additional land at Beeson Park and the use for recreation. He noted the loss of tax revenues on this land. Mr. Swisher stated that yes the land is part of the park and noted that Beeson Park generates a lot of revenues. He stated that he has not calculated the amount of taxes but speculated that the revenues would be equal to what would be received in taxes. He again stated that a portion of this property was originally purchased with the intent to build a fire station but is now being used for future development of Beeson Park. He further explained that the economic impact the events held at Beeson Park has on hotels, businesses and restaurants in the area. He estimated the impact to be around \$65,000 to \$70,000 for the State Cross Country meet last year.

2. Presentation by the Police Department on new Reserve Officer Program.

Captain Tim Leonard of the Kernersville Police Department presented highlights of the proposed Reserve Officer Program. He added that this will allow the Police Department to provide services to the citizens at no additional cost. These individuals will work 12 hours per month at special events such as the Christmas Parade, Spring Folly, etc. and will use equipment in inventory.

Captain Leonard stated that inexperienced officers will be assigned to a full time training officer whereas experienced officers will receive a shorter field training period to familiarize them with the layout of the Town and KPD policies and procedures. The program will be managed by the Patrol Division Captain with an experienced Reserve Officer acting as a Squad Leader. He stated that a benefit of this program will be the ability to evaluate Reserve Officers for future openings in the Department.

Captain Leonard stated that this program has been very effective in other departments and believes it will benefit Kernersville as well. He then made himself available for questions

Alderman Tracey Shifflette made a **Motion** to approve the Reserve Officer Program as presented. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

3. Discussion Regarding New State Legislation Regulating Firearms on Town owned property and the potential of new Town Ordinances governing the same.

Town Attorney John Wolfe spoke of recent legislature regarding concealed weapons on Town owned property that will change under new legislation taking affect on December 1st. Mr. Wolfe posed several questions to the Board and requested feedback. He stated that he would have a draft ordinance for consideration at the November meeting.

Questions:

Town Hall building – do you want fire arms allowed inside the Town Hall building: Consensus of the Board was to not allow fire arms inside Town Hall.

Town Hall building – outside (parking lot, courtyard): Concern expressed with enforcement of weapons in vehicles, etc. Consensus was to allow or not regulate as it will be difficult to enforce.

Other Town owned buildings (Public Services, Recreation Center, etc.): Opinions expressed that regulation be consistent and the same for all buildings and not allowed in any Town owned building occupied by Town personnel.

Town owned buildings leased by other agencies: brief discussion regarding being consistent among all Town owned buildings. Consensus was to allow regulations to be set by leasing agency.

Mr. Wolfe asked about carrying concealed weapons in Town Hall: Consensus that they not be allowed.

Mr. Wolfe asked that we now address our parks. He added that he and Ernie Pages have discussed this, they have attended webinars, SOG sessions, and talked with other legal folks, park officials and there is a variety of opinions all over the place on this subject. He recognized Mr. Pages to address the Board on this matter and added that he concurs with his recommendation.

Ernie Pages stated that we looked at what could be enforced at our parks. He stated in most cases when you have pressure, tension and competition that's when you have the most potential for problems. He stated that it is our recommendation to prohibit weapons from Beeson Park and leave concealed weapons as it is for the rest of the parks.

Mr. Wolfe stated that we will try to incorporate as much of Beeson Park as the law allows. Concessions are not mentioned in state law. The question will be what can be policed?

Mr. Wolfe noted that other weapons would be banned such as knives, brass knuckles, etc. He added that he had enough information to draft an ordinance for the Board's consideration at the November meeting.

Mayor Morgan asked for a copy of the new state law. Mr. Wolfe stated that he would provide a copy for the Board.

4. Consideration of an Ordinance Rescinding No Parking on Century Place Blvd. and Designating Parking at the PART Bus Stop.

The Town Manager stated that the Board approved this location for a PART bus stop last month. Century Place Blvd. currently has an ordinance prohibiting parking. Staff recommends adoption of this ordinance designating the bus stop and to allow for the on-street parking.

Mayor Pro Tem Kevin Bugg made a **Motion** to approve the following Ordinance rescinding a No Parking Ordinance on Century Place Blvd. and designating parking at the PART Bus Stop. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2011-32
ORDINANCE AMENDING SECTION 9-144 REGARDING
PARKING ON CENTURY PLACE BOULEVARD AND
SECTION 9-185 REGARDING BUS STOPS

WHEREAS, the North Carolina General Statutes and the Town of Kernersville Code of Ordinances authorize the Board of Aldermen to designate certain streets upon which parking shall or shall not be permitted; and

WHEREAS, Section 9-144 of the Code of Ordinances establishes Schedule 4 of the traffic schedules as the portion of the Ordinance wherein streets on which parking is prohibited are designated and it states that parking Century Place Boulevard is prohibited”; and

WHEREAS, the Board of Aldermen has determined that it would be in the best interest of the Town to permit parking along a portion of Century Place Boulevard on which parking is currently prohibited; and

WHEREAS, Section 9-185 of the Code of Ordinances establishes Schedule 9 of the traffic schedules as the portion of the ordinance wherein bus stops may be designated; and

WHEREAS, the Board of Aldermen has determined that it would be in the best interest of the Town to permit a bus stop to be located on Century Place Boulevard.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville that:

(1) Section 9-114 of the Kernersville Code of Ordinances is amended by changing the description of the parking prohibition on Century Place Boulevard in Schedule 4 of the traffic schedules to read as follows:

“Century Place Boulevard, both sides of the street, from South Main Street to its terminus except for the marked parking spaces on the south side of the street from a point approximately 255

feet from the intersection of Century Place Boulevard and Century Boulevard to a point approximately 645 feet from the intersection of Century Place Boulevard and Century Boulevard.”

(2) Section 9-185 of the Kernersville Code of Ordinances is amended by adding a bus stop on Century Place Boulevard to Schedule 9 of the traffic schedules to read as follows:

“Century Place Boulevard on the south side centered approximately 120 feet from the intersection of Century Place Boulevard and Century Boulevard.”

(3) This ordinance shall be effective upon adoption.

This the 4th day of October, 2011.

5. Consideration of a Contract with McGill Associates for the Design of the Kerner Mill Creek Greenway.

The Town Manager stated that we have an agreement with the Winston-Salem MPO to participate in the funding of the engineering design of Kerner Mill Creek Greenway Park. McGill Associates has been selected for this project. Staff recommends approval of a contract with McGill Associates for said project.

Alderman Dana Caudill Jones made a **Motion** authorizing a Contract with McGill Associations for the design of the Kerner Mill Creek Greenway. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

6. Consideration of Designating a Voting Delegate and Alternate for NCLM Annual Conference.

Mr. Swisher stated that he and Alderman Prescott may attend the NCLM Annual meeting and requested that Alderman Prescott be designated as the Town’s Voting Delegate and that he be designated as the Alternate should Alderman Prescott not be able attend.

Alderman Dana Caudill Jones made a **Motion** to designate Alderman Bob Prescott as the Town’s voting Delegate and Town Manager Curtis Swisher as the Alternate Voting Delegate at the NCLM Annual Conference. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

7. Consideration of location for Tree City Signs.

Mayor Morgan referred to a map illustrating locations at South Main Street & Business 40; and at I-40 & Highway 66.

Alderman Tracey Shifflette made a **Motion** to designate Tree City USA signage at South Main Street & Business 40; and at I-40 & Highway 66. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

The Board discussed briefly the honorary sign presented to Kevin Harvick. Since Mr. Harvick is moving his Nascar business out of Town, the Board discussed the proper time to remove that sign.

Several Board members expressed the desire to remove the sign when they move out or at the end of the year. It was suggested that we allow Mr. Harvick to take the sign; however, the Town Attorney advised that it was town property and could not be given away. It was noted that it would cost more to try to use it again than to buy a new sign.

Alderman Mason made a **Motion** to remove the honorary sign at end of year or when they move out of Kernersville. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

8. 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 August 31, Special Meeting
Approval of Minutes for August 31, Briefing Session
Approval of Minutes for September 6, Regular Session
Approval of Minutes for September 6, Closed Session**

C-2 Consideration of a new Lease with the Kernersville Little Theatre for the Harmon Park Building.

Alderman Dana Caudill Jones made a **Motion** for the approval of the Consent Agenda as submitted. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

9. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

10. SPEAKERS FROM THE FLOOR.

Louis Thibodeaux, 280 Post Oak Rd., Kernersville, NC – recommended the sign be given to Kevin Harvick. He then expressed a concern with the events such as the Oktoberfest held last weekend and the Arts D’vine events being promoted with “Kernersville” as part of the name. He stated that it implies that it is a Town of Kernersville event when it is not.

Mr. Wolfe explained that there are no regulations on using the name “Kernersville”.

11. TOWN MANAGER’S REPORT AND MISCELLANEOUS.

None presented.

12. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

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

Alderman Shifflette asked if we are still on track with replacing the fountain in Harmon Park. Ernie Pages stated that it should be replaced in about 2 weeks.

14. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 8:33 PM. Alderman Dana Caudill Jones 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 October 4, 2011.

This the 4 day of November, 2011.



Dale F. Martin, MMC, Town Clerk