

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION OCTOBER 26, 2011**

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

Absent: None

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe III, Town Attorney; Jayne Danner, Deputy Clerk; Jeff Hatling, Community Development Director; Capt. Steve Bowman, Police Dept; Walt Summerville, Fire Chief; Doran Maltba, Public Services Director; Russell Radford, Engineering Director; Brian Ulrich, Transportation Manager; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Gray Cassell, Chief Information Officer, Crystal Tanner, Human Resources Manager and Ray Smith, Human Resources Director.

Call to order and invocation.

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

1. Discussion and Consideration of a request by Raymond D. Thomas on behalf of the neighborhood organization POST to consider adoption of the Thoroughfare Plan after the first of the year.

Mayor Dawn Morgan provided a brief history of the establishment of the Thoroughfare Plan and the Committee that has been meeting for 16 months. She also explained that a Public Hearing on the Planning Board Agenda usually is placed on the Board of Aldermen Meeting Agenda immediately following. Mayor Morgan added that the Board has received a letter from Mr. Ray Thomas on behalf of the POST group requesting that the Public Hearing for the Thoroughfare Plan be delayed until after the new Board of Aldermen takes office in December 2011, instead of being heard at a Public Hearing at the November meeting. Mayor Morgan stated that the elected officials strive hard to listen to the voice of the community and that is the reason why this matter was placed on the Agenda for discussion this evening. She further stated that the Board could consider taking no action on this matter this evening or vote this evening to delay the Public Hearing.

Mr. John Wolfe, Town Attorney stated that if the Board takes any action this evening they are in essence cancelling the Public Hearing, as opposed to taking action on Tuesday when at that time they would be continuing the Public Hearing.

Alderman Dana Caudill Jones stated that in the eight years she has been an Alderman an advertised Public Hearing has never been cancelled at a Briefing meeting. She added that meeting agenda items can be discussed extensively at the Briefing meetings but any action to continue, table or vote on a matter has always been at the meeting at which the Public Hearing has been advertised after the citizens and or developer has had an opportunity to present the reasons for continuation. Alderman Jones expressed her appreciation to the committee and Staff for their time and dedication to this matter over the past 16 months.

Alderman Bob Prescott stated that the Public Hearing is on the Agenda for Tuesday evening and it should be held on Tuesday to give the citizens an opportunity to speak. He added that he has been involved with the plan for Big Mill Farm Road for the past twenty years and believes that the matter is close to being resolved. He further added that he is looking forward to hearing presentations on Tuesday and discussing the matter with the Board. He stated that he would like to see a decision made that is in the best interest of the Town as a whole on Tuesday.

Alderman Keith Mason stated that the citizens need to be given an opportunity to speak and ask questions on Tuesday in order that the Board can look at all the alternatives for Big Mill Farm Road and Old Winston Road corridor. He added that he appreciates the efforts of the POST group and that he will take into consideration all opinions and options presented. He further added that a lot of time has been invested by the committee, staff and Board on this project and they have done a superb job. He stated that he can't imagine anyone being more prepared and qualified than the current board to make a decision on this matter, and that it would take a lot of time for the new board members to get up to date in the process.

Mayor Pro Tem Kevin Bugg stated that this Board recommended establishing the Thoroughfare Plan Committee to study this matter for the betterment of the whole town. He added that this is a fluid plan and he disagrees that the new board would be in a better position to make a decision about this plan when it has been the current Board that has invested the time, including reading all the minutes from every meeting.

Alderman Tracey Shifflette stated that she agrees with Keith and Kevin, she doesn't want this matter to be dragged on for another 6 - 8 months. She added that if it is continued then it needs to be continued to a specific Agenda, preferably in February or March. She further stated that if the Board of Aldermen has never voted in a Briefing meeting to cancel or continue a Public Hearing why do it now and prevent citizens the opportunity to express their opinion on this matter.

Mr. John Wolfe expressed that in his 35 years as Attorney for the Town a Public Hearing has never been cancelled at a Briefing meeting, on occasion a request has been received by a developer or a citizen but any action has been taken at the Public Hearing, not the Briefing.

Mayor Pro Tem Bugg stated that he is not in favor of postponing a decision and he would like an opportunity to hear what the citizens have to say about the plan on Tuesday.

Alderman Mason reiterated Mayor Pro Tem Bugg's remarks. He further stated that the Thoroughfare Plan Committee and Planning Board both voted 7-2 in favor of the Plan, and that it appears that the majority of the citizens are in favor of the plan.

Alderman Caudill Jones recommended that the Board not stop the process for this hearing, that the staff and committee present the plan on Tuesday, that the Board have discussion and ask questions and after which determine at that time if the plan should be delayed. She added she would have no problem at that time postponing a decision; however she does not recommend delaying a decision long term.

Mayor Dawn Morgan suggested using a presentation format similar to the one used by the Stormwater Advisory Committee. She stated that using this format Staff would introduce the topic with a 10 – 15 minute presentation; Phyllis Mendel, Thoroughfare Plan Committee representative would give a 10 – 15 minute presentation; Ms. Barbacci and Ms. Fradenburg, also committee members who are opposed to the plan as recommended by the committee, would give a 10 – 15 minute presentation; followed by Public Comments both in favor and in opposition. She stated that this format should provide the Board a full view for questions and discussion.

It was the consensus of the Board to use the format suggested by Mayor Morgan on Tuesday evening.

2. Discussion of current ordinances relating to and regulations of signs that are placed by citizens for the purpose of informing others about upcoming public meetings.

Mayor Morgan stated that she and several Aldermen were contacted regarding the removal of signs by Town Staff that were put out by citizens notifying residents in the Hopkins Road neighborhood of the November Planning Board Meeting.

Mr. Curtis Swisher, Town Manager used a map to illustrate the location of the signs that were removed by Town Staff. He stated that the three signs removed were located in the right-of-way. He further stated that until recently the North Carolina Department of Transportation prohibited placement of any signs in the right-of-way, however recent legislation was passed that now permits placement of political signs in the right-of-way. Mr. Swisher stated that if a sign is removed and it has contact information on it, Town Staff will try to contact the owner to notify them that the sign was removed and it can be picked up at Town Hall. He added that the three signs removed did not have any contact information on them so Staff was unable to notify anybody.

Mayor Pro Tem Bugg asked if there were other signs about the Planning Board meeting that were not removed.

Ms. Dianne Barbacci stated that there were 3 additional signs left in place to inform residents of the meeting.

Mayor Morgan clarified that the issue was not with the sign it was with the placement of the sign. She asked if there is a general rule of thumb of where signs can be placed to ensure they are not in the right-of-way.

Mr. Swisher stated that generally if a sign is placed anywhere other than between the power pole and the ditch it is not in the right of way. He added that some municipalities issue fines to the owners of signs that are in violation.

Mr. Phil Loflin asked if Staff could accompany citizens to show them where to place signs.

Mr. Swisher stated that the Town doesn't not have the manpower to do this, however Staff would be happy to assist citizens with this if they called or came by Town Hall.

Mayor Morgan advised that if there were further questions about this matter to contact the Town Manager.

3. Briefing on the November 1, 2011, Regular Meeting Agenda.

Item # 1 PUBLIC HEARING: John Hodges, Jr., Owner, for property located at 1484 – 1496 Hampton Plaza Drive and 244 Clayton Forest Road. Petitioner requests a Special Use District rezoning from HB-S (Highway Business – Special Use District) to HB-S (Highway Business – Special Use District) requesting additional permitted uses. Zoning Docket K-710

Mr. Jeff Hatling, Community Development Director briefed the Board on this rezoning request. He stated that Planning Board and Staff recommend approval of additional uses as listed. He added that no opposition was received.

Item # 2 PUBLIC HEARING: Curtis Swisher, Town Manager, for consideration of an amendment to the Kernersville Development Plan to amend the Thoroughfare and Street Plan. Zoning Docket KDP-34.

Mr. Jeff Hatling, Community Development Director briefed the Board on this request.

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

Mr. Curtis Swisher, Town Manager stated that a member of the Kernersville Downtown Preservation & Development Council will be at the meeting on Tuesday to present this report. He added that this was a requirement of the funding agreement; however this agreement has now expired.

Item # 5 Consideration of a Proposed Contract for a Comprehensive Sanitary Sewer Study.

Mr. Swisher briefed the Board on this matter. He stated that Staff is recommending that the Town conduct this study to coincide with a countywide study that City County Utilities is conducting. He added that this study will provide clarification of where the Town can or cannot provide future sewer service within the corporate limits, extraterritorial limits and in areas being considered for future annexation and provide an estimate of the cost associated with the

installation. He further added that Staff is recommending Alley Williams Carmen and King Inc. to conduct this study.

Item # 6 Consideration of an Ordinance Amendment to Establish a Police Reserve Program.

Mr. Swisher briefed the Board on this matter. He added that the Board approved establishing a Police Reserve program at last month's meeting; however an Ordinance also needs to be adopted. He added that an Ordinance has been prepared for the Boards consideration.

Item # 7 Consideration of an Ordinance Prohibiting Firearms and Concealed Weapons on various Town properties.

Mr. John Wolfe, Town Attorney briefed the Board on this matter. He added that the Board discussed this matter at last month's meeting and as requested an Ordinance has been prepared for their consideration. Mr. Wolfe advised that three of the four lessees of Town owned buildings; Kernersville Chamber of Commerce, Kernersville Little Theatre and Kernersville Women's Club would also like to be identified as prohibiting firearms and concealed weapons in this Ordinance, Allegacy Credit Union, the fourth lessee has not yet advised. He further added that he will review the Library lease to determine if they might also be included in Section 11-7(d) of the Ordinance.

Item # 8 Consideration of Revised Personnel Policy.

Mr. Swisher briefed the Board on this matter. He added that a committee has met for several months to review the personnel policy and have made these recommendations. He further added that many of the changes pertain to grammar, or to be consistent with new state and federal laws.

Mayor Morgan inquired if a change had been made to Department Head residency requirements.

Mr. Swisher advised that this matter is not included in the Personnel Policy. He further advised that he has recommended changes in regards to employees authorized to take home Town vehicles.

Item # 9 CONSENT AGENDA:

**C-1 Approval of Minutes for September 28, 2011 Briefing Session
Approval of Minutes for September 28, 2011 Closed Session
Approval of Minutes for October 4, 2011 Regular Session**

C-2 Consideration of Appointments to various Boards and Commissions.

Mayor Morgan highlighted the Consent Agenda items. She added that the Nominations Committee will meet on Thursday October 27th and information will be sent to the Board on recommendations for appointment.

Mr. Swisher advised the Board that the Town will be receiving a revision to the Mutual Assistance Agreement between the Town, Winston Salem and Forsyth County for the joint DWI Task Force that the Board approved last month. He added that he will present this revision to the Board at the meeting on Tuesday for their consideration during the Town Managers Report.

Mayor Morgan stated that she had been informed by Mr. Art Barnes of the Winston Salem Transit Authority that the Kernersville shopping shuttle service will begin operation November 1st, 2011.

4. Matters to be presented by the Town Manager and Town Attorney.

Mr. Swisher stated that as the Board is aware there was an issue with mold at Fire Station 43 located on West Mountain Street. He advised that mold remediation has taken place and the cost estimates have been received to repair damage to the exercise room, \$3,701 and drainage repair, \$1,994. He added that since this is not a budgeted item Board approval and a Budget Amendment will be required.

Walt Summerville, Fire Rescue Chief stated that two analyses have been conducted and the mold issue is resolved.

Alderman Tracey Shifflette made a **Motion** to approve repairs to Fire Station 43 due to mold remediation up to \$6,000. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

Mr. Swisher presented an NCDOT Municipal Agreement for inspection of Bridges in Kernersville. He added that this is a routine biennial inspection conducted by NCDOT.

Alderman Bob Prescott made a **Motion** to approve an NCDOT Municipal Agreement for inspection of Bridges in Kernersville as presented. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

5. Closed Session for the Purpose of Discussing Land Acquisition.

Alderman Keith Mason made a **Motion** to go into Closed Session for the purpose of a discussion regarding Land Acquisition at 7:37 p.m. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

Alderman Bob Prescott left the Closed Session at 8:05 p.m.

The Board returned to open session at 8:18 p.m.

Mr. Swisher advised the Board that he had recently attended a Triad Regional Operability Meeting with representatives from Alamance, Forsyth and Guilford counties along with representatives from the City of Winston Salem and Burlington to discuss the 911 dispatch system. He added that he has been informed by Motorola that the P25 Compliant Core Operating System currently used by the Town for 911 Police dispatch will become obsolete in 2016 and

that the replacement cost will be \$4 million, replacement cost of each radio will be \$5,000 and annual maintenance will be approximately \$500,000. He added that there was discussion at the meeting to potentially combine the 911 Dispatch service within the counties and municipalities. He stated that he will report back to the Board in about six months or as soon as he has more information.

6. Adjournment.

Alderman Keith Mason made a **Motion** to adjourn the meeting at 8:26 p.m. 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:


Jayne Danner, Deputy Clerk

I, Jayne Danner, Deputy 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 26, 2011.

This the 9th day of December, 2011.


Jayne Danner CMC, Deputy Clerk