

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION APRIL 25, 2012**

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, Alderman Keith Hooker, Mayor Pro Tem Dana Caudill Jones, Alderman Irving Neal, Alderman Tracey Shifflette and Alderman Neal Stockton.

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe III, Town Attorney; Jayne Danner, Deputy Clerk; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Ken Gamble, Police Chief; Walt Summerville, Fire Chief; Doran Maltba, Public Services Director; Russell Radford, Engineering Director; Brian Ulrich, Transportation Manager; Ernie Pages, Parks & Recreation Director and Ray Smith, Human Resources Director.

Call to order and invocation.

Mayor Dawn Morgan called the meeting to order at 6:37p.m. and Mayor Pro Tem Dana Caudill Jones delivered the invocation.

1. Presentation Of Proclamation Designating Municipal Clerk's Week

Mayor Morgan presented Dale Martin, Town Clerk and Jayne Danner, Deputy Town Clerk with a proclamation designating April 29 - May 5, 2012 as Municipal Clerk's Week. Mayor Morgan expressed appreciation for their service on behalf of the Board.

2. Presentation Of Proclamation Designating National Law Enforcement Week

Mayor Morgan presented Ken Gamble, Police Chief with a Proclamation designating May 13 - 19, 2012 as National Law Enforcement Week. Chief Gamble recognized the dedication of the entire Staff of the Kernersville Police Department. He thanked the Board for their continued support.

3. Presentation Of Proclamation Designating National Public Works Week

Mayor Morgan presented Doran Maltba, Public Services Director and Russell Radford, Engineering Director with a proclamation designating May 20 - 26, 2012 as Public Services and Engineering Week. Mr. Maltba stated that this is the 52nd Public Works Week.

4. Consideration of a Resolution declaring May as Historic Preservation Month

Mayor Morgan stated that traditionally the Board has recognized May as Historic Preservation Month. She added that the local theme for this year is “Urban Landscapes and Farming”. She further added that a representative from the Historic Preservation Society will be at the meeting on Tuesday to accept the Resolution.

Mayor Pro Tem Dana Caudill Jones made a **Motion** approving the following Resolution declaring May as Historic Preservation Month. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012-09
RESOLUTION DECLARING HISTORIC PRESERVATION MONTH
IN
KERNERSVILLE, NORTH CAROLINA
MAY 2012

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for urban and rural communities across the nation, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "*Discover America's Hidden Gems*" is the theme for National Preservation Month 2012 established by the National Trust for Historic Preservation, and "*Urban Landscapes and Farming*" is the local them established by the Forsyth County Historic Resources Commission;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Aldermen of Kernersville do hereby declare the month of May 2012 as National Historic Preservation Month, and call upon the people of Kernersville to join their fellow citizens across the United States in recognizing and participating in this special observance.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Board of Aldermen and that a copy be furnished to the Forsyth County Historic Resources Commission.

Adopted this 25th day of April, 2012

5. Consideration of a Resolution to NCDOT regarding improvements to Dobson Street & Bodenhamer Street Intersection.

Mr. Swisher stated that the Board's concerns about this intersection were addressed by Mr. Couch, NCDOT Engineer at the April Briefing Meeting. He added that at the April 3rd Regular Meeting the Board requested that Staff prepare a Resolution of Support for the project. He further added that NCDOT will fund construction only costs up to \$400,000, and that the Town will be responsible for right of way acquisition costs and utility relocation costs, which are not expected to be over \$25,000. Mr. Swisher stated that this matter was placed on the Briefing Agenda to meet the deadline of the NC Board of Transportation meeting.

Alderman Irving Neal made a **Motion** approving the following Resolution of Support for Construction of Roundabout at NC66 and Dobson Street intersection. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

R-2012-10

RESOLUTION OF SUPPORT FOR CONSTRUCTION OF ROUNDABOUT AT NC66 AND DOBSON STREET INTERSECTION

WHEREAS, staff of the North Carolina Department of Transportation and the Town of Kernersville have worked together and have agreed that a roundabout is a viable solution for the traffic problem at the intersection of the NC 66 (also known as West Bodenhamer Street) and Dobson Street intersection; and,

WHEREAS, the North Carolina Department of Transportation and the Town of Kernersville understand the need to maintain truck traffic on the vital industrial corridor of NC 66 during construction; and,

WHEREAS, the North Carolina Department of Transportation has agreed to manage the project and to complete the engineering design; and,

WHEREAS, the North Carolina Department of Transportation has agreed to fund the construction of said roundabout up to \$400,000.

NOW, THEREFORE BE IT RESOLVED, by the Board of Aldermen of the Town of Kernersville to purchase all the necessary rights-of-way for the construction of the roundabout at Dobson Street and West Bodenhamer Street, relocate any existing utilities as may be needed prior to construction and cover any construction costs in excess of \$400,000.

Adopted this the 25th day of April, 2012.

6. Discussion on the North Carolina House Committee on ETJ Proposal to Eliminate ETJ.

Mr. Swisher stated that the North Carolina League of Municipalities (NCLM) recently alerted municipalities about a proposal by NC House Representatives Tim Moffitt and Stephen LaRoque to eliminate ETJ. Mr. Swisher illustrated Kernersville's ETJ on a map and highlighted the areas that this proposal would significantly impact, the industrial parks at Macy Grove Road and Mountain Street; the new hospital area; Masten Drive and Whicker Road area. He added that this proposed legislation would eliminate the Town's authority for future zoning and annexation in these areas. He stated that yesterday Mayor Morgan sent a letter to Reps. Moffitt and LaRoque, opposing this legislation, copies of these letters were also sent to all members of the House Select ETJ Committee and Forsyth County Legislators. Mr. Swisher suggested that a formal Resolution be prepared and adopted by the Board on Tuesday evening opposing this proposed legislation to eliminate ETJ. He added that he has discussed this matter with Rep. Larry Brown who has also received a copy of the Mayor's letter. He further added that Mayor Dan Pugh of Lewisville is also opposed to this legislation.

Mr. Jeff Hatling, Community Development Director noted that zoning was established in Kernersville in 1968, with an ETJ of a one mile radius outside the Town limits.

Walt Summerville, Fire Rescue Chief stated that this legislation would also adversely affect fire protection. He added that municipalities do have some authority within the ETJ to regulate what kinds of fire protection are put in place, to ensure that these properties are in compliance and consistent with the Town's fire protection requirements should they be annexed in the future.

Mayor Morgan requested that Mr. Swisher have staff research and determine if there are other concerns similar to those expressed by Fire Rescue Chief Summerville that could be impacted by the elimination of ETJ.

Mr. Swisher advised that the NCLM has prepared a fact sheet on how areas and developers are benefitted by the ETJ. He stated that he would forward a copy of the fact sheet to the Board.

Mayor Pro Tem Dana Caudill Jones made a **Motion** authorizing John Wolfe, Town Attorney to prepare a Resolution of Support to Retain ETJ for cities and towns and in opposition of proposed legislation eliminating ETJ. Alderman Tracey Shifflette seconded the motion.

Mayor Morgan suggested that the Board discuss this matter prior to a vote.

Aldermen Irving Neal expressed his concern about the proposed elimination of the ETJ and the impact this could have on Kernersville in the future. He questioned whether the Board should consider hiring a lobbyist.

Mr. Swisher stated that since it appears that most of the municipalities are opposed to the elimination of the ETJ, hiring a lobbyist may not be necessary at this time. However, if he hears the situation is changing, he will inform the Board so they can determine at that time if hiring a lobbyist may be necessary. Mr. Swisher stated that the Town would lose the ability to annex areas that had been in the ETJ and hear the rezoning cases.

Alderman Keith Hooker expressed the importance of the Town maintaining the ETJ for consistent development in areas currently being developed such as the hospital which is partially inside the Town limits and partially outside of the Town limits.

John Wolfe, Town Attorney stated that more than likely the citizens who could be affected by this proposed legislation are unaware of the impact this could have on their property and would probably prefer that the municipalities be able to continue to decide future zoning for neighboring properties.

Alderman Neal Stockton expressed concern about the impact the elimination of the ETJ could have on the public's safety for police and fire services.

Russell Radford, Engineering Director noted that if this legislation passed the Town would no longer be able to have citizens who reside in ETJ serve on the Town's Planning Board and Board of Adjustment.

Mr. Swisher also noted that this proposed legislation would allow citizens who currently reside in the ETJ to run and serve as Elected Officials on Municipal Boards, to vote on issues within the Kernersville town limits but not pay taxes.

Mr. Jeff Hatling stated that he would also notify Phyllis Mendel, Vice Chair, Kernersville Planning Board who resides in the ETJ of this proposed legislation so that she can express her concerns about this proposal. Mr. Hatling further stated that a concern often raised by citizens who reside in the EJT, is that they are unable to vote on decisions made by the Town that directly affect them.

Alderman Hooker stated that since we have county wide zoning this is not the issue for us. He added the proposed legislation would have more of an adverse impact because ETJ residents would no longer have representation on the Planning Board or Board of Adjustment.

The vote was all for and motion carried.

7. Briefing on the May 1, Regular Meeting Agenda.

Mayor Morgan highlighted each of the ceremonial items on the Regular Meeting Agenda. Mayor Morgan noted that a Proclamation has also been prepared for Fibromyalgia Awareness which Alderman Hooker would like to add to the Agenda for presentation.

Alderman Keith Hooker made a **Motion** to revise the May 1, 2012 Agenda to add a Proclamation for Fibromyalgia Awareness to the Ceremonial Items. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

Item # 1 PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville, for a proposed UDO Text Amendment by adding to Chapter A - Article II, "Definitions"; Chapter B – Article II; Section 2-4, Table 2.6 "Permitted Uses"; Chapter B - Article III,

Section 3-3, Table 3.8 “Off-Street Parking Requirements” the use “Electronic Business Establishment”. Zoning Docket KT-206

Mr. Jeff Hatling, Community Development Director briefed the Board on this text amendment request. He added that Planning Board and Staff recommend approval as presented.

Item # 3 Presentation by the Kernersville YMCA Regarding the Outdoor Pool.

Mr. Swisher briefed the Board on this matter. He added that the YMCA is requesting an extension to their contract with the Town for two additional years and additional funding of \$120,000; in 2 annual payments of \$60,000.

Mayor Pro Tem Jones asked what the pool fee is, and if citizens who have free or reduced fees for the YMCA also receive free or reduced fees to the pool.

Mr. John Coulter, YMCA Director advised that the fee to use the pool is \$4.95 per child, and that no increase is being suggested. He added that 1/3 of the YMCA members receive financial assistance and they can also use the pool. He distributed a pool usage report and a photograph of the proposed waterslide.

Alderman Keith Hooker asked what percentage of the pool users are Kernersville residents.

Mr. Coulter stated that 73% of the pool users are Kernersville residents.

Item # 4 Consideration of Condemnation Proceedings for property on Piney Grove Road.

Mr. Swisher briefed the Board on this matter. He added that condemnation proceedings will only be initiated if Staff is unsuccessful in their negotiations with the property owners for the acquisition of right of way for the 9 remaining parcels.

Item # 5 Consideration of a Request by MPO for Town Transportation Needs List Submittal.

Mr. Swisher briefed the Board on this Transportation Needs List. He added that Staff is seeking approval from the Board on the list of projects recommended for consideration for funding by the MPO, if funding becomes available.

Item # 6 Consideration of a Sidewalk Grant Application from NCDOT.

Mr. Swisher briefed the Board on this matter. He added that NCDOT has notified Staff that NCDOT funding is available for a sidewalk project in the \$50,000 - \$75,000 construction costs range. He added that NCDOT has several restrictions and criteria that have to be met, therefore Staff is recommending requesting NCDOT funding for a sidewalk on one side of Bodenhamer Street from the intersection at Dobson Street to West Mountain Street.

Item # 7 Consideration of a Recommendation by the KDPDC to Allow a Downtown Event:

Arts d’Vine, June 8, 5:00 to 9:00 PM

Mr. Swisher briefed the Board on this request. He added that the KDPDC is recommending approval of the Arts D’Vine Event on June 8, 2012.

Item # 8 Consideration of a 2012 Community Needs Assessment Survey.

Mr. Ernie Pages, Parks and Recreation Director briefed the Board on this survey. He added that Staff is requesting approval by the Board prior to sending the survey out to citizens on May 22, 2012.

Mayor Morgan recessed the meeting at 8:07 p.m.

Mayor Morgan reconvened the meeting at 8:17 p.m.

Item # 9 Consideration of Appointments to the Growth Data Committee.

Mayor Morgan briefed the Board on this matter. She gave an overview of the establishment and history of the Thoroughfare and Street Plan Committee. She added that the Nominations Committee decided to establish this Committee based on the recommendations by former Alderman Bob Prescott and former members of the Thoroughfare and Street Plan Committee. Mayor Morgan stated that the Nominations Committee believes that this committee would allow citizens to continue to be involved in the transportation needs of the Town. Mayor Morgan stated that the Nominations Committee is recommending that Bob Hicks; Phyllis Mendel; Susan Fradenberg and Clarence Lambe Jr. be appointed to the Growth Data committee. She further stated that the Nominations Committee envisions that this group will meet two or three times per year and report to the Planning Board and Board of Aldermen in January and February respectively.

The Board and Staff members discussed the name, the purpose and the functions of the Committee based on Mr. Prescott’s recommendation. Mayor Morgan asked that the Board continue to discuss this matter and to finalize the committee name at the meeting on Tuesday after they have had some time to think about the suggestions and comments made this evening.

Item # 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 March 28, 2012 Briefing Session
Approval of Minutes for March 28, 2012 Closed Session**
- C-2 Consideration of a Municipal Agreement for Hastings Hill Bridge Replacement.**
- C-3 Consideration of an appointment to the Triad ABC Board.**

Mr. Swisher stated that it is customary for NCDOT to get approval from a municipality even when they are not requesting funding, as is the case with the replacement of the Hastings Hill Bridge.

Mayor Morgan stated that Mr. Les Buchan is being recommended for re-appointment to the Triad ABC Board.

Mayor Morgan asked if the Board had any other matters for staff to address.

Alderman Stockton inquired about the status of several dilapidated properties, the prior School Tools building and 908 Piney Grove Road.

Mr. Swisher advised that the Town is considering legal action with the owners of the School Tools building due to their lack of response to repair the building. He advised that the Piney Grove Road property is outside of the Town's jurisdiction; however, he would have staff contact Forsyth County.

Mayor Morgan inquired about the status of the Justice House.

Mr. Wolfe advised that an offer of purchase was made, however it was rejected by the bank.

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

Mr. Swisher advised the Board that on April 23, 2012 the Town closed on the property recently acquired on Teague Lane for a future fire station. He advised the Board that the final purchase price was \$176,500, \$8,000 less than the original negotiated price as the survey reflected 4/10th of an acre less than the property was originally listed.

Mayor Pro Tem Jones reminded the Board to wear purple on Tuesday evening in support of Kernersville Middle Schools Lieomyosarcoma Awareness initiative.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to go into Closed Session to discuss personnel matters 8:52 at p.m. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

9. Adjournment.

Alderman Keith Hooker made a **Motion** to adjourn the meeting at 11:16 p.m. immediately following the Closed Session. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.


Dawn H. Morgan, Mayor

Attest:

Jayne Danner
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 April 25, 2012.

This the 8th day of June, 2012.

Jayne Danner
Jayne Danner CMC, Deputy Clerk