

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION NOVEMBER 28, 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; Jayne Danner, Deputy Clerk; John Wolfe, Town Attorney; Jeff Hatling, Community Development Director; Ken Gamble, Police Chief; Terry Crouse, Acting Fire Rescue Chief; Mike Horney, Public Services Operations Manager; Russell Radford, Engineering Director; Brian Ulrich, Transportation Manager; Ernie Pages, Parks & Recreation Director, Franz Ader, Finance Director; Gray Cassell, Chief Information Officer and Ray Smith, Human Resources Director.

Call to order and invocation.

Mayor Dawn Morgan called the meeting to order and called for a moment of silence in remembrance of Walt Summerville, former Kernersville Fire Rescue Chief who passed away unexpectedly on November 7th, 2012.

- 1. Consideration of two Resolutions Authorizing the release of the Badge and Revolver in accordance with the NCGS upon the Retirement of:
Master Police Officer II Ricky Lee Moore
Sergeant Gerald Dwayne Jacobs**

Mayor Dawn Morgan stated that it has been a custom of the Town to present the Badge and Revolver to retiring police officers and that it is authorized in the NC General Statutes.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following Resolution authorizing release of the Badge and Revolver to Master Police Officer II Ricky Lee Moore in accordance with the NCGS 20-187.2. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012 - 48

RESOLUTION DECLARING PROPERTY SURPLUS AND
AUTHORIZING DISPOSAL

WHEREAS, Ricky Lee Moore will retire from the Town of Kernersville Police Department on January 1, 2013; and

WHEREAS, in accordance with N. C. G. S. 20-187.2, Ricky Lee Moore has requested his service badge; and

WHEREAS, in accordance with N. C. G. S. 20-187.2, Ricky Lee Moore has requested his service revolver, a Glock, 40 caliber, Model 27, SN: FNT-956; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Kernersville that the service revolver, is hereby declared surplus to the Town and that the Town Manager is authorized to present said badge and revolver to Ricky Lee Moore.

Adopted this the 28 day of November, 2012.

Alderman Neal Stockton made a **Motion** to approve the following Resolution authorizing release of the Badge and Revolver to Sergeant Gerald Dwayne Jacobs in accordance with the NCGS 20-187.2. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2012 - 49

RESOLUTION DECLARING PROPERTY SURPLUS AND AUTHORIZING DISPOSAL

WHEREAS, Gerald Dwayne Jacobs will retire from the Town of Kernersville Police Department on January 1, 2013; and

WHEREAS, in accordance with N. C. G. S. 20-187.2, Gerald Dwayne Jacobs has requested his service badge; and

WHEREAS, in accordance with N. C. G. S. 20-187.2, Gerald Dwayne Jacobs has requested his service revolver, a Glock, 40 caliber, Model 22, SN: FRW731; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Kernersville that the service revolver, is hereby declared surplus to the Town and that the Town Manager is authorized to present said badge and revolver to Gerald Dwayne Jacobs.

Adopted this the 28th day of November, 2012.

2. Consideration of the 2013 Board of Aldermen Meeting Schedule.

Mayor Morgan stated that several of the regular 2013 Board of Aldermen Meeting dates conflict with holidays in January, July and November and the municipal election in November. She noted the alternate dates that have been suggested due to these conflicts. She asked for the Board's

input on these suggested alternative dates and also noted the historical data of meeting dates for other years when there has been a municipal election.

The Board discussed the alternative dates following which Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the 2013 Board Meeting Schedule with the following alternate dates for January, July and November meetings due to Holidays and Municipal Election:

January 2nd 2013 Briefing; January 8th 2013 Regular Meeting;
June 19th 2013 (July) Briefing; June 25th 2013 (July) Regular Meeting;
November 12th 2013 Regular Meeting;
November 26th 2013 (December) Briefing Meeting.

Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

3. Briefing on the December 4, 2012 Regular Meeting Agendas.

Item # 1 PUBLIC HEARING: Johnita and Ron Bennett, for properties located at 417 North Main Street and 419 North Main Street, being all of PIN#(S) 6886-46-3738, 6886-46-4631, and 6886-46-3567 containing a total of .99 acres more or less. Petitioner requests a General Use rezoning from RS-7 (Residential Single-Family, minimum lot size 7,000 sq. ft.) and NB-S (Neighborhood Business – Special Use District) to NB (Neighborhood Business). Zoning Docket K-714

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

Item # 2 PUBLIC HEARING: Jeff Smith, agent for I-40 Union Cross RE, LLC, for properties located in the 1400 block of Union Cross Road, being all of PIN#(S) 6874-29-9209, 6874-29-9567, 6874-39-1720, 6874-39-4747, 6874-39-6995, 6874-48-0736, 6874-49-7107, 6874-59-2195, 6875-30-4115, 6875-30-5140 containing a total of 83.96 acres more or less. Petitioner requests a Special Use District Two-Phase rezoning from RS-20 (Residential Single-Family, minimum lot size 20,000 sq. ft.) and MU-S (Mixed Use – Special Use District) to MU-S (Mixed Use – Special Use District) Two-Phase. Zoning Docket K-715 (Request to withdraw petition has been submitted).

Mr. Jeff Hatling, Community Development Director briefed the Board on this rezoning request. He stated that the Town has received a letter from the petitioner to withdraw the rezoning request at this time. He added that the petitioner has stated that he plans to submit a revised site plan and rezoning request at a later date.

Item #3 PUBLIC HEARING: Ray Thomas, Attorney for TM Development, LLC, for properties located at 1125 Highway 66 South, being all of PIN# 6885-78-3208 containing a total of 18.05 acres more or less. Petitioner requests a General Use rezoning from GI (General Industrial) to HB-S (Highway Business Special Use). Zoning Docket K-716.

Mr. Jeff Hatling, Community Development Director briefed the Board on this rezoning request. He stated that the Planning Board and Staff recommend approval for this Highway Business Special Use rezoning request.

Item # 4 PUBLIC HEARING: To hear comments regarding a Grant Application for Transportation for Elderly Persons and Persons with Disabilities (Section 5310 Program). The purpose of this program is to provide financial assistance for transportation services planned, designed and carried out to meet the special transportation needs of elderly individuals and individuals with disabilities in all areas – urbanized, small urban and rural.

Mr. Brian Ulrich, Transportation Manager briefed the Board on this matter. He stated that this 2 year NCDOT transportation grant is to primarily serve the elderly and disabled, however there is no penalty if the Town suspends the service or cancels the grant if the Town expends all the grant funds prior to the 2 year expiration date. He noted that the grant application deadline is December 15th; that it funds 90% of the costs requiring a 10% Town match. He added that NCDOT requires the Board to approve a Resolution in order to proceed with the grant application.

Mayor Morgan noted that this type of grant is referenced in the Winston Salem Urban Area Metropolitan Planning Organizations 2035 Transportation Plan.

Alderman Irving Neal expressed concern that this service is only going to serve a small population of seniors and that if the Town applied for the grant there would be a gap in service from December 31, 2012 to July 2013. He also wanted to ensure there were no other obligations the Town would have to meet if NCDOT approved the grant.

Mayor Pro Tem Dana Caudill Jones requested more information on the projected costs, the potential route and population of seniors this would serve. She again expressed concern in the Town funding this service for only a few seniors when there are more seniors who live in their own homes who could benefit from it.

Alderman Tracey Shifflette stated that she was in favor of applying for the grant.

Alderman Keith Hooker stated that he agreed with Alderman Shifflette to apply for the grant and if the Town is awarded the grant and the terms do not seem feasible then the Board could choose not to accept the grant.

Alderman Neal Stockton expressed concern that if this grant was not managed well the funds could be used up very quickly.

Mr. Ulrich stated that he would provide the Board with a more detailed cost analysis of the service and maps of the suggested routes prior to the meeting on Tuesday.

Item # 6 Consideration of a Partnership Agreement with Winston-Salem Forsyth County Schools to Provide Cameras at Southeast Middle School.

Police Chief Ken Gamble briefed the Board on this matter. He stated that a discussion with the school system has been ongoing for the past several years regarding the installation of these cameras.

Item # 7 Election of the Mayor Pro Tem as required by the Town Charter.

Mayor Morgan stated that the election of Mayor Pro Tem is standard procedure each December.

Item # 8 Consideration of appointments to Nominations Committee.

Mayor Morgan stated that appointments to the Nomination's committee are standard procedure each December.

Item # 9 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 October 24, 2012 Briefing Session
Approval of Minutes for October 24, 2012 Closed Session
Approval of Minutes for October 30, 2012 Regular Session**

C-2 Forsyth County Tax Refund

Mayor Morgan noted the Consent Agenda items.

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

Mr. Swisher stated that he would have a matter for consideration during his report, a Budget Amendment request for a Landscape Grant at Business 40 Intersection on Tuesday evening.

Alderman Irving Neal made a **Motion** to go into Closed Session at 7:18 PM to discuss certain matters about which our Town Attorney needs to advise us and which fall within the Attorney-Client privilege for discussion in closed session including, but not limited to, Forsyth County Superior Court cases of Town of Kernersville v. Benjamin P. Terrell, Jr. and Stephanie M. Terrell, 12 CVS 4638; Joyce Development Corporation v. Town of Kernersville, 12 CVS 5281; and The Town of Kernersville v. Joyce Development Corporation, 12 CVS 5704, as well as matters the Board needs to discuss under N.C.G.S. 143-318.11(a)(2). Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

The Board returned to Open Session at 8:31 p.m.

Alderman Neal Stockton inquired about a Letter of Credit being held for a potential future road upon completion of the McConnell Subdivision.

Attorney John Wolfe explained the Town's procedure for potential future roads and the Letter of Credit method of financing.

Mayor Morgan asked the Board to consider a date for a closed session discussion regarding the Town Manager's annual evaluation. The Board was in agreement to meet in Closed Session following the Briefing Meeting on January 30th, 2013 to discuss this matter.

5. Adjournment.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 8:48 PM. Alderman Irving Neal 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 CMC, NCCMC 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 November 28, 2012.

This the 10th day of January, 2013.


Jayne Danner CMC, NCCMC Deputy Clerk