

**MINUTES OF THE BOARD OF ALDERMEN  
TOWN OF KERNERSVILLE, N.C.  
REGULAR MEETING 7:00 P.M.      JANUARY 8, 2013**

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 Dana Caudill Jones, Aldermen Keith Hooker, Tracey Shifflette, Irving Neal and Neal Stockton.

**Absent:** None.

**Staff Present:** Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Police Chief Ken Gamble; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Terry Crouse, Fire Chief; Ray Smith, Human Resources Director; Gray Cassell, Information Services Director; and Russell Radford, Engineering Director.

- **CALL TO ORDER**
  
- **INVOCATION BY REVEREND STEPHEN MARTIN, FIRST BAPTIST CHURCH OF KERNERSVILLE**
  
- **PLEDGE OF ALLEGIANCE**

Mayor Dawn Morgan called the meeting to order and Mayor Pro Tem Dana Caudill Jones delivered the invocation which was followed by the Pledge of Allegiance.

- **RECOGNITION OF THE 2012 EMPLOYEE OF THE YEAR**

Town Manager Curtis Swisher explained the award process and then recognized Mark Holt of the Solid Waste Division as the 2012 Employee of the Year. He highlighted his accomplishments over the years as written in his nomination. Mr. Swisher presented him with a plaque, a cash award and his picture will hang in Town Hall with past recipients.

Mark Holt expressed his appreciation to the Town for this honor. He thanked the Creator for making him who he is. He thanked his wife, the Employees that work for him as well as his other co-workers that work hard to provide a great service to the Town. He stated that he took the job with the Town in 1987 for the benefits and later decided to make this his career. He added that he is proud to be here and that it is humbling to be in company with the past Employee of the Year winners.

- **PRESENTATION OF MEMORIAL RESOLUTIONS OF APPRECIATION FOR 2012**

Mayor Morgan presented the following retired employees with a Resolution of Appreciation adopted by the North Carolina League of Municipalities.

Ricky Everhart (Central Maintenance)  
Charles Williams (Solid Waste)

Ricky Everhart thanked the Town for this Resolution and stated that he is enjoying his retirement.

Charles Williams also thanked the Town for this Resolution and stated that he enjoyed his time with the Town and was disappointed that he had to retire because of a disability.

Mayor Morgan reported that the following employees also retired last year; however, they were not able to attend tonight's meeting.

Mike Hamlin (Street Division)  
Dominick Carbonari (Parks & Recreation)  
Max Creason (Police)  
Dennis Robinson (Fire)  
Chris Wilson (Streets)

Mayor Morgan then recognized Martha Vance Brown, wife of Larry Brown, a former House of Representative member, Mayor and Alderman of the Town of Kernersville who died last year. She highlighted Mr. Brown's service to the citizens of Kernersville. She expressed her sorrow and that of the Town's on his passing and presented Ms. Brown with a memorial Resolution on behalf of the North Carolina League of Municipalities.

Ms. Brown thanked the Board for honoring Larry and for inviting her here to accept this memorial Resolution. She stated that he worked tirelessly on behalf of the Town and the citizens he served.

Mayor Morgan then recognized Cheryl Summerville, wife of Walt Summerville, Kernersville Fire Chief that passed away in November. Mayor Morgan highlighted Chief Summerville's accomplishments and excellent service to the citizens of Kernersville. She also expressed her sincere sorrow of his passing.

Cheryl Summerville thanked the Town for all the support given to her and her family.

Mayor Morgan then announced that Charles Michael Joyce and James Perdue former employees of the Town also passed away this year; however, their families could not attend the meeting.

Mayor Morgan stated that these Resolutions are adopted by elected officials from all over the state and appreciated the employees and their families for coming tonight to accept this token of appreciation.

- **ACKNOWLEDGEMENT OF COMMISSION FOR ACCREDITATION OF PARKS AND RECREATION AGENCIES (CAPRA) AWARD**

Mayor Morgan recognized Ernie Pages, Director of Parks & Recreation. Mr. Pages introduced Ms. Gail White, Parks & Recreation Director from the City of Salisbury and a member of the CAPRA Commission. Mr. Pages stated that he worked for Ms. White when he was employed by the City of Salisbury.

Ms. Gail White stated that this is a big honor having had Ernie work for her during the time the City of Salisbury was seeking accreditation, he knew the hard work it would take going through this process. She explained the criteria to obtain accreditation and that there are only seven (7) departments in NC, 108 nationwide. She added that now Kernersville is the smallest department that has received accreditation in NC. She stated that on behalf of the Commission, she would like to present to the Town of Kernersville a crystal from the National Accreditation of the Parks & Recreation Department.

Mr. Pages thanked the Board of Aldermen, the Town Manager, and all the Department Heads for their help with this project. He then thanked his staff for all their work in helping the department obtain this award.

Mayor Morgan commended Mr. Pages and his staff for their efforts in expanding the number of quality programs offered by the department and for enhancing the department's presence in the community.

## PUBLIC HEARINGS

Mayor Morgan presented the procedures for public hearings.

- 1a. **PUBLIC HEARING: Curtis Swisher, Agent for Town of Kernersville for properties located at 1815 Teague Lane, being all of PIN# 6874-71-1596 containing a total of 5.463 acres more or less. Petitioner requests a General Use rezoning from Forsyth County AG (Agriculture) to Kernersville IP (Institution Public). Zoning Docket K-717**

Mr. Jeff Hatling, Community Development Director presented the Planning Board report for this rezoning request. He stated that this request is a general use zoning request for property that was purchased by the Town of Kernersville and subsequently annexed into the Town limits. He added that both Staff and Planning Board recommend approval of the request as submitted.

Mayor Morgan declared the Public Hearing open.

### **In Favor**

None presented.

### **Opposed**

None presented.

Being no speakers either in favor or opposed, Mayor Morgan closed the public hearing.

**1b. Consideration of ordinance rezoning said property.**

Alderman Tracey Shifflette made a **Motion** to approve the following Ordinance to amend the Zoning Ordinance of the Town by rezoning the property in case K-717 from FC AG (Agriculture) to KV IP (Institutional and Public). The said rezoning being consistent with the Town's Comprehensive Plan, and further being both reasonable and in the public interest by:

Public and Institutional Use has the potential to provide for the future overall health, safety, and welfare of the citizens, residents, workers, and business owners within the area.

Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

**Town Ordinance  
Zoning Petition of Curtis Swisher, Agent for Town of Kernersville  
Zoning Docket K-717**

**ORDINANCE NO. O-2013-01**

**AN ORDINANCE AMENDING THE  
KERNERSVILLE ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF THE  
TOWN OF KERNERSVILLE, NC**

**BE IT ORDAINED** by the Board of Aldermen of the Town of Kernersville as follows:

**SECTION 1.** The Kernersville Zoning Map be amended by changing from Forsyth County AG (Agriculture) to Kernersville IP (Institution Public) for property located at 1815 Teague Lane, being all of PIN# 6874-71-1596 containing a total of 5.463 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina and being further described as follows:

**BEING KNOWN AND DESIGNATED** as 1815 Teague Lane, being all of PIN# 6874-71-1596 containing a total of 5.463 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina

**SECTION 2.** That this Ordinance be placed in the file of unpublished ordinances.

**SECTION 3.** This Ordinance shall be effective from and after its adoption.

**Adopted this the 8th day of January, 2013.**

**2a. PUBLIC HEARING: Curtis Swisher, Town Manager, for consideration of an amendment to the Kernersville Development Plan to amend the Parks and Recreation Master Plan. Docket KDP-37.**

Mr. Ernie Pages, Director of Parks & Recreation presented highlights of the previously adopted park plan. He stated that the Department gathered information in 2012 by various ways such as surveys and community meetings. Based on the previous plan, we have accomplished a lot since 2002. These accomplishments are renovations to Harmon Park and Fourth of July Park, the addition of Century Lake Park and the planning of our greenways.

Mr. Pages then presented a list of the top six (6) needs that were identified from the information gathered in 2012.

- 1) Development of a Community Center
- 2) Develop and Expand the Greenway/Trail System
- 3) Further Develop Athletic Facilities
- 4) Develop Joint-Use Agreements with School System
- 5) Develop Outdoor Aquatic Facilities
- 6) Park Development

Alderman Shifflette stated that she believes that needs based on the demands of our citizens is the best approach.

Mayor Morgan declared the Public Hearing open.

**In Favor**

None presented.

**Opposed**

None presented.

Being no speakers either in favor or opposed, Mayor Morgan closed the public hearing.

**2b. Consideration of resolution to amend the Kernersville Development Plan**

Mayor Pro Tem Dana Caudill Jones made a **Motion** to accept the Plan as presented and to approve the following Resolution. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2013-01**

**WHEREAS**, the Town of Kernersville desires to have orderly growth to protect the health, safety and welfare of its residents and businesses; and

**WHEREAS**, the *Kernersville Development Plan* is the comprehensive plan for the community and contains the community planning elements of land use; transportation; community appearance; historic preservation; parks & recreation; environmental; financing of public improvements; and

**WHEREAS**, the *Kernersville Development Plan* has been duly adopted and amended; and

**WHEREAS**, community planning is a process that requires constant evaluation of the community situation and review of its plans; and

**WHEREAS**, the *Parks and Recreation Master Plan* should be considered for updating every ten (10) years; and

**WHEREAS**, the original *Parks and Recreation Master Plan* was adopted in 2002.

**WHEREAS**, an extensive public participation process was undertaken to guide the *Parks and Recreation Master Plan* update.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Kernersville Development Plan's Parks and Recreation Master Plan* by adopting the *2012 Parks and Recreation Master Plan* (Exhibit "A" ) and incorporated as is fully set out herein.

Adopted this the 8<sup>th</sup> day of January, 2013.

## **PUBLIC SESSION**

### **3. SPEAKERS FROM THE FLOOR**

**Jimmy Morgan, 8625 Bull Road, Colfax, NC** - presented pictures of his neighbor's (his daughter) dog and then reported on the recent attack on this dog by a coyote. He reported on the increased danger that coyotes pose to our pets. He contributed this problem to overdevelopment of rural areas which have destroyed their habitats. He described the traits and behaviors of coyotes. He added that citizens need to learn about them to protect themselves and their pets and that the more we protect our natural wildlife habitat the more we protect ourselves.

Mr. Swisher asked if this attack happened at night. Mr. Morgan stated that it did happen at night and they had to take their dog to the emergency clinic to be cared for.

Alderman Stockton asked if Mr. Morgan has talked with The Wildlife Commission about the problem. Mr. Morgan stated that they have not and added that until there is a real problem with them they are ignored.

### **4. Presentation by Darrell Walker, Winston-Salem Forsyth County Schools**

**Mr. Darrell Walker, Winston-Salem Forsyth County Schools, and resident of Kernersville, NC** – stated that his attendance at tonight's meeting is to thank the Board and the Town for its support of our schools in light of the recent school shootings in Newtown. He added that the School System appreciates the relationship we have with Town and Police dept. He reported that Chief Gamble was the first to call him after the student was hit on Old Hollow Road recently. He commended former Chief Stockton on his beginning of this process years ago. He again thanked the Board for all it does for the School System and then made himself available for questions.

## **5. Update on School Safety Procedures and SRO Program**

Officer Damien Marotz thanked Mr. Walker for his kind words of the SRO program. He noted that this program was started with Chief Stockton and carried on with Chief Gamble. He stated that he is proud of this program and proud to supervise the program and this great group of SRO's. He highlighted the purpose of the program which is to provide Officers on a full time basis in our schools. He stated that Kernersville is the only Town in Forsyth County that watches over all three schools: elementary, middle, and high schools. He stated that the program also provides support and assistance to the private schools.

Officer Marotz stated that the most important element is the relationships we have built with the schools, the Administration, the students and the parents. He then read an email he received from one of our SRO's. The Caleb's Creek parent sent this email after the Newtown shooting in which their child felt safe at school because of their SRO.

Officer Marotz stated that he has a vested interest as his wife is a teacher at Caleb's Creek, and he has a child there as well. He stated that he will do his best to make sure that we have the safest schools possible and highlighted the on-going training they receive. He again stated that he is proud of the program and proud of our schools. He made himself available for questions.

Alderman Stockton stated that this is a wonderful program and appreciate the efforts of the Staff for carrying on this mission.

Mayor Morgan and Mayor Pro Tem Caudill Jones commended our SRO program and the tremendous benefit we have through this program.

## **6. Presentation of Annual Audit by Dixon Hughes**

Mr. John Frank, of Dixon Hughes Goodman, presented highlights of the 2011-12 Annual Audit Report. He reported that once again the Town was issued a clean audit opinion and will receive the CAFRA Award again. He stated that there was a slight increase in revenues this year and highlighted some of the Town's expenditures. He stated that revenues were larger than expenditures therefore a small amount was contributed to the Town's fund balance. He commended the Finance department on their efforts in managing the Town's finances. He then made himself available for questions.

## **7. Semi-annual Report by the Chamber of Commerce for In-kind Services**

### **Mr. Tony Smits, Sutter Lane, Kernersville and 2013 Chairman of the Chamber of Commerce**

- presented the semi-annual report for the Chamber of Commerce by highlighting the successful events held in 2012 and hosted by Chamber. He spoke of adding the Kernersville Downtown Preservation & Development Council operations. Mr. Smits highlighted a variety of downtown holiday events held this year. He then made himself available for questions.

## **8. Consideration of an Ordinance Amending the Kernersville Code of Ordinance Book: Chapter 4, Building and Building Regulations**

Town Attorney John Wolfe explained the amendments to Chapter 4 of the Town's Code of Ordinance Book which were mostly cosmetic. He stated that there were no major changes made.

Alderman Neal Stockton made a **Motion** to approve the following Ordinance amending Chapter of 4, Building and Building Regulations of the Town's Code of Ordinance Book. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**ORDINANCE NO. O-2013-02**

**AN ORDINANCE AMENDING CHAPTER 4 OF  
THE CODE OF ORDINANCES OF THE TOWN OF KERNERSVILLE**

**WHEREAS**, the Board of Aldermen has determined that the Code of Ordinances of the Town should be reviewed regularly to ensure that the provisions contained therein are up-to-date and in conformity with state and federal laws and to make minor adjustments as needed to make the enforcement of the Ordinances more effective; and

**WHEREAS**, the Town Manager, Department Heads and Town Attorney have reviewed, discussed and researched the proposed Ordinance changes and recommended changes have been provided to the Board of Aldermen and after review been found to be in the best interest of the Town; and

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE THAT:**

1. Chapter 4 of the Code of Ordinances entitled "Buildings and Building Regulations" is amended to read as shown in the attached Exhibit A.
2. This Ordinance shall be effective upon adoption.
3. All laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Adopted this the 8th day of January, 2013.

**9. Consideration of Language to be included in Agreements for the Brookford Road Sewer Project**

Mr. Swisher stated that for the past six months, Staff has been working on an agreement for the extension of utilities for the Brookford Road Sanitary Sewer project. Mr. Swisher explained the proposed language to be included in the utility agreement that the property owners must agree to. He noted the property area that would be included in this agreement and that a petition for annexation would be required when the first building permit is issued or by December 2022. He stated that three residential properties would require a voluntary annexation petition; however, the Board would not have to act upon the petition until the Board of Aldermen chose to do so.

Mr. Swisher stated that Jeff Hunter has reviewed this agreement and gives his support.



Jeff Hunter pledged his support of the agreement.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the agreement as presented by Staff. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Mayor Morgan stated that she attended a reception for Governor Pat McCrory in which there was a discussion about the need for partnerships between municipalities and the private sector to improve our aging infrastructure. She stated that she is happy to see us work together on these type projects.

Mr. Hunter stated that he has been involved with the Town for many years and added that for the last 5 or 6 years, he has seen a huge change in all departments and feels that the Town is in the best shape ever and operates very well. He stated that he used to overlook greenways and this is a big part of what these large companies are looking for in a location and it's important that we look at those things.

**10. Consideration of Bids for the Business 40/S. Main Street Landscape Enhancement Project**

Mr. Swisher reported on the bids received for the Business 40/South Main Street landscape enhancement project. He explained that the low bidder did not follow procedures and was eliminated by NCDOT. Therefore, Staff recommends the project be awarded to Staniel Key Landscaping in the amount of \$146,487.00.

Bidder	Bid Amount
<b>Country Boy Landscaping, Inc.</b>	<b>\$121,999.00</b>
Stanial Key Landscaping	\$146,487.00
<b>Dunlap Lawn Services, Inc.</b>	<b>\$158,715.58</b>
<b>Central Carolina Seeding, Inc.</b>	<b>\$178,677.00</b>

Alderman Shifflette asked when this project would get started. Mr. Swisher projected the project to get underway at the end of January or early February.

Alderman Tracey Shifflette made a **Motion** to award the project to Stanial Key Landscaping in the amount of \$146,487.00. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

11. **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 November 28, 2012 Briefing Session  
Approval of Minutes for November 28, 2012 Closed Session**

**C-2 Forsyth County Tax Refunds**

Wise Jon Paul	Military Home of Record – NY 1	\$50.27
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**C-3 Request for Refund of Stormwater and Recycling Fees**

Freedom Wesleyan Church	Payments in error to FC	\$12,184.94
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**C-4 Consideration of a Budget Amendment No. 2 for expenses related to Landscape Enhancements at Bus-40/S. Main Street interchange as approved by the Board at the December 4<sup>th</sup> 2012 regular meeting**

ORDINANCE NO. O-2013-03  
TOWN OF KERNERSVILLE  
BUDGET AMENDMENT # 2

Be it hereby ordained by the Board of Aldermen of the Town of Kernersville that the following amendment be made to the Budget Ordinance adopted on the 20th day of June, 2012 as follows:

Section 1. To amend the General Fund, the expenditures are to be changed as follows:

<b>General Fund - Expenditures</b>	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Community Development- Planning & Zoning		180,000	480,727
<hr/>			
Total		180,000	

This will result in a net increase of \$180,000 in the expenditures of the General Fund. The above changes in expenditures will require an adjustment to revenues as follows:

<b>General Fund - Revenues</b>	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Due fr NCDOT-B-40 S.Main Interchange Landscape Grant		180,000	180,000
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Total		180,000	

Section 2. Copies of the budget amendment shall be furnished by the Town Clerk of the Board of Aldermen, the Budget Officer, and Finance Director for their directions.

Adopted this the 8th day of January, 2013.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the Consent Agenda as presented. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

**12. ITEMS REMOVED FROM CONSENT AGENDA.**

None removed.

**13. SPEAKERS FROM THE FLOOR.**

None presented.

**14. TOWN MANAGER'S REPORT AND MISCELLANEOUS.**

Mr. Swisher reported that all the trees along Salisbury Street have been removed as well as the stumps. He reported that 16 trees were removed and that 12 of those trees were seriously decayed as we suspected. He stated that crews will move on to Main Street to remove those trees next.

Mr. Swisher reported that the lights have been installed on the Salisbury Street Bridge however he was not sure if they have been turned on. He stated that the area looks very nice. Mayor Morgan stated that she has been contacted regarding the installation of Christmas lights and decorations on the bridge next year. Mr. Swisher stated that he did not know what would be allowed by NCDOT but would have Staff look into the situation.

Mr. Swisher then reported on changes to the Town's Wi-Fi ability. He explained that due to some changes we've made, additional spots in the downtown area may become available. He introduced Bruce Boyer who is working with downtown owners in this endeavor.

Bruce Boyer stated that a memo has gone out to merchants regarding this proposal, however we cannot place these devices in any commercial establishments. He stated that places such as the courtyard areas, farmer's market shelter are some of the areas that could be used. He stated that the project will be managed by Gray Cassell.

Mr. Swisher reported on a potential partnership with WSFC Schools to provide additional ball fields. He explained that Mr. Pages, Darrell Walker and Kevin Bugg are discussing a PARTF grant opportunity. Mr. Pages then came forward and provided a description of the proposed project on property located on Bagley Drive adjacent to Kernersville Middle School property. He added that the fields would be used by the school system as well as the Parks & Recreation department. He stated that the School system cannot apply for this grant; however, they can help offset any cost incurred. The application deadline is January 31<sup>st</sup> and this is a good opportunity for a partnership and to share this facility.

Mayor Pro Tem Caudill Jones made a **Motion** authorizing Staff to submit an application for this PARTF grant. Alderman Shifflette seconded the motion and the vote was all for and motion carried.

Mayor Morgan reported on an email she received requesting the Board support a resolution endorsing the Clean Water Management Trust Fund. Mr. Swisher stated that he and Russell Radford, Engineering Director knows of issues regarding past expenditures from this fund and need to fully research the issue before making a recommendation to the Board.

**15. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.**

Town Attorney John Wolfe reminded the Board of the Closed Session continued at the Board's Briefing session last week.

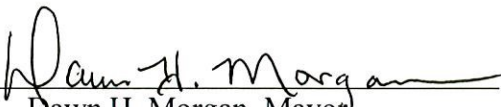
**16. MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN.**

Mayor Morgan reported that she continues to receive compliments on the Town's Christmas decorations and people are already looking forward to 2013 holiday season.

The Board recessed to go into Closed Session at 8:59 PM.

**17. ADJOURNMENT.**

Being no further business to come before the Board the meeting was adjourned immediately following the closed session at 9:23 PM.

  
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 January 8, 2013.

This the 12 day of February, 2013.

  
Dale F. Martin, MMC, Town Clerk