

**MINUTES OF THE BOARD OF ALDERMEN  
TOWN OF KERNERSVILLE, N.C.  
BRIEFING SESSION SEPTEMBER 1, 2010**

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, Aldermen Dana Caudill Jones, Mayor Pro Tem Kevin Bugg, Alderman Keith Mason, Alderman Bob Prescott and Alderman Tracey Shifflette.

**Absent:** NONE

**Staff Present:** Curtis L. Swisher, Town Manager; John G. Wolfe III, Town Attorney; Jayne Danner, Deputy Clerk; Jeff Hatling, Community Development Director; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ken Gamble, Police Chief; Walt Summerville, Fire Chief; Russell Radford, Engineering Director; Gray Cassell, Information Systems Director; Ray Smith, Human Resources Director and Ernie Pages, Parks & Recreation Director.

**Call to Order and Invocation**

Mayor Dawn Morgan called the meeting to order and Alderman Tracey Shifflette delivered the invocation.

**1. Consideration of a NC Urban Forestry Grant to the Parks and Recreation Department for Inventory and Educational Purposes.**

Mr. Curtis Swisher, Town Manager stated that the Kernersville Tree Commission applied for and was awarded a North Carolina Urban Forestry Grant in the amount of \$46,272.24. He added that this is a 100% matching grant, however the match can comprise of both “in-kind” services and cash. He further added that initially the Commission was requesting \$4,300 in Town matching funds; but are requesting an amendment that would equate to only a \$390 cash match. Mr. Swisher stated that if the Board approves acceptance of this grant it will be used to assist the Tree Commission in establishing a public tree inventory and community education programs.

Mayor Pro Tem Kevin Bugg made a **Motion** authorizing acceptance of the 2010 Urban Forestry Grant Award with a cash match not to exceed \$4,300. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

Alderman Dana Caudill Jones joined the meeting at 6:39 p. m.

**2. Briefing on the September 7, Regular Meeting Agenda.**

**Item # 1 PUBLIC HEARING:** Curtis Swisher, Agent for the Town of Kernersville, for a proposed Zoning Text Amendment to the Unified Development Ordinance (UDO) by amending Chapter B, Zoning Ordinance and Chapter D, Subdivision Regulations

**mandated by changes made to the planning statutes by the North Carolina General Assembly. Zoning Docket KT-197**

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

**Item # 3 Consideration of a Potential Resolution of Honoraria.**

Mayor Dawn Morgan stated that North Carolina General Statutes permits the Board to discuss an Honorarium in Closed Session and that the Board is scheduled to do so at the conclusion of this Briefing Meeting. She added that if the Board decides in Closed Session to proceed with the Honoraria it will be an item for consideration on the Tuesday September 7<sup>th</sup> Agenda.

**Item # 4 Presentation by the KDPDC on the Brick Pavers Program.**

Mr. Swisher stated that a member of the Kernersville Downtown Preservation Development Council's Fundraising Committee will present information on this Brick Paver Program at the September 7<sup>th</sup> meeting. He added that since these brick pavers will be on public property it will require Board approval.

**Item # 5 Consideration of an Ordinance Approving a Service Agreement with Piedmont Natural Gas Company Inc.**

Mr. Swisher stated that he and Town Attorney John Wolfe have been in discussion with Piedmont Natural Gas for sometime about this service agreement. He stated that if it is determined that the agreement has been finalized it will be presented to the Board for their consideration at the September 7<sup>th</sup> meeting.

**Item # 6 a. Presentation on "Heart of the Triad – A Collaborative Plan for Economic Vitality and Quality of Life".**

**Item # 6 b. Proposed Resolution of Adoption for the "Heart of the Triad – A Collaborative Plan for Economic Vitality and Quality of Life".**

Mr. Hatling briefed the Board on Items 6a and 6b. He stated that the Triad Strategic Planning Committee along with the Kernersville Planning Board and Staff recommend approval and adoption of the Resolution as presented.

Mayor Morgan thanked Mr. and Mrs. Jimmy Morgan for their involvement in this process.

**Item # 7 Consideration of an Ordinance amending the Code of Ordinances for the Town of Kernersville:**

- 1. Chapter 1 – General Provisions**
- 2. Chapter 2 - Administration**
- 3. Chapter 10 – Nuisances**

Mr. John Wolfe, Town Attorney briefed the Board on the recommended revisions to the Code of Ordinances Chapters 1, 2 and 10 stating that the majority of these revisions are minor that reflect changes to the organization or grammar. He asked the Board to notify him prior to Tuesday if they had other recommendations.

Mayor Morgan asked why the Sister City Commission Resolution was not included.

Mr. Wolfe advised that it is not included since other Boards and Commissions Resolutions are not included and only referenced and for consistency.

Mayor Pro Tem Bugg inquired about “chronic violator” in Chapter 10 – Nuisance Ordinance.

Mr. Wolfe advised that this is a modification to the state law and that the Kernersville Town Code is now in accordance with North Carolina General Statutes.

**Item # 8 Consideration of a DWI Task Force Grant through the Governor’s Highway Safety Program.**

Police Chief Gamble briefed the Board on the \$1.1 million Governor’s Highway Safety Program DWI Task Force Grant. He added that this grant would fund 100% of personnel and equipment for eight officers, one of which would be from Kernersville, the first year; 85/15% match year two; 75/25% match year three and 50/50% match year four. He further added that the first payment of \$10,590 would begin October 2011. Chief Gamble stated that the group of officers would work together in a jurisdiction at one time implementing DWI enforcement to reduce drunk driving accidents and fatalities throughout Forsyth County.

**Item # 9 Consideration of Budget Amendment No. 1 for Fiscal Year 2010-2011.**

Mr. Swisher stated that this Budget Amendment is for monies budgeted in FY 09-10 but not spent. He added that these funds have been encumbered to FY 10-11 Budget. He further added that this Budget Amendment also allows for the set up of capital project ordinances approved in FY 10-11 Budget.

**Item # 10 Update on Medical Parkway and Potential Condemnation on Related Property.**

Mr. Swisher stated that he may have some information to present to the Board at the meeting on Tuesday regarding this road. He added that there may also be a condemnation request brought before the Board on Tuesday for the Board’s consideration.

Mr. Wolfe reminded the Board that one of the conditions of the earlier rezoning of the hospital property was that if necessary the Board may be required to condemn property if the hospital was unable to acquire this property for the construction of the road. He added that legal counsel or a representative of the hospital may present the Board with such a request at the meeting on September 7<sup>th</sup>.

**Item # 11 CONSENT AGENDA:**

**C-1 Approval of Minutes for July 28, 2010, Briefing Session**

## **Approval of Minutes for August 3, 2010 Regular Session**

- C-2 Consideration of a Resolution of Support for the Piedmont Triad Sustainable Communities Regional Planning Grant Application.**
- C-3 Consideration of an Appointment to the Community Appearance Commission.**
- C-4 Consideration of a Resolution in Support of a Forsyth County Animal Control Ordinance Prohibiting the Tethering of Dogs as the Primary Method of Confinement.**

Mayor Morgan briefed the Board on Consent Agenda Items.

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

Mr. Swisher stated that Alderman Bob Prescott is planning to attend the Annual National League of Cities Business Meeting in December and in order for him to vote on any matters the Board would need to appoint him as the Town's voting delegate.

Alderman Keith Mason made a **Motion** to designate Alderman Bob Prescott as the voting delegate for the Town of Kernersville at the 2010 National League of Cities Annual Business Meeting. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

Mr. Swisher reminded the Board that they need to inform the Deputy Clerk as soon as possible if they plan to attend the NCLM Annual Conference in Winston Salem in October.

### **Item # 15 MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN AND TOWN ATTORNEY.**

Mayor Morgan invited Mr. Jimmy Morgan, a citizen present at the meeting, to inform the Board of a concern he had.

Mr. Morgan stated that he was concerned about the amount of litter at the PART bus stop behind Hardees.

Mr. Hatling stated that he would contact Brent McKinney with PART to make him aware of this problem.

Mr. Wolfe presented the Board with a map of the proposed traffic circle at Old Greensboro Road. He stated that as the Board is aware this is a matter that has been in the works for the past several years. He added that Calvary Chapel has deeded to the Town the necessary property for this construction. He further added that he has prepared a Resolution for the Boards consideration conveying roadway easement to North Carolina Department of Transportation to begin construction of the traffic circle.

Alderman Bob Prescott made a **Motion** to approve the following Resolution conveying roadway easement to the North Carolina Department of Transportation. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

**R-2010-28**

**RESOLUTION CONVEYING ROADWAY EASEMENT TO  
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Town of Kernersville owns several tracts of real property at the intersection of Old Greensboro Road and East Mountain Street, including property recently conveyed to the town by Calvary Chapel of the Triad, Inc. and

**WHEREAS**, the Town wishes to convey a portion of this property to the North Carolina Department of Transportation for the construction of a roundabout at this intersection which the Board of Alderman agrees would improve the flow of traffic at this intersection.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Board of Aldermen of the Town of Kernersville, pursuant to the authority granted by North Carolina General Statute 160A-274, that:

1. The property described on the attached Exhibits A through E be conveyed to the North Carolina Department of Transportation without consideration.
2. The Town Attorney shall prepare a deed for said conveyance and the Mayor and Town Clerk shall be hereby authorized to execute said deed on behalf of the Town.

This the 1st day of September, 2010.

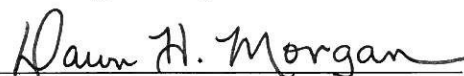
**3. Closed Session for the Purpose of Discussing an Honorarium and Economic Development Matters.**

Alderman Tracey Shifflette made a **Motion** to go into Closed Session at 7:08 p.m. to confer with legal Counsel under the Attorney-Client privilege for such purposes as well as to discuss certain matters of economic development and potential honorarium for the Town. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

**4. ADJOURNMENT.**

Alderman Dana Caudill Jones made a **Motion** to adjourn the meeting immediately after the Closed Session at 9:30 p. m. Alderman Keith Mason 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  
Jayne Danner, CMC, Deputy Clerk

I, Jayne Danner, CMC, 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 September 1, 2010.

This the 11<sup>th</sup> day of October, 2010.

Jayne Danner  
Jayne Danner, CMC, Deputy Clerk