

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. OCTOBER 5, 2010**

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

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Kenny Gamble, Chief of Police; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks and Recreation Director; Walt Summerville, Fire Chief; Ray Smith, Human Resources Director; Russell Radford, Engineering Director; Brian Ulrich, Engineer/Transportation Manager; and Tim Swaim, Fire Marshal.

- **CALL TO ORDER**
- **INVOCATION BY PASTOR PHIL KIRKMAN, SHADY GROVE WESLEYAN CHURCH**

Mayor Dawn Morgan called the meeting to order and Pasto Phil Kirkman of Shady Grove Wesleyan Church delivered the invocation.

- **PLEDGE OF ALLEGIANCE**
Lead by Cub Scout Pack 940 and 943

Cub Scout Pack 940 and 943 led the Pledge of Allegiance. Scouts in attendance were: Eric Augustine, Samuel Baum, Jakob Desmond, Cody Matthews, Asher McClain, Addison McKaughan, Nathan McKaughan, Chase Albert-Jackson, Andrew Allen, Zech Crawford, Mitchel Davidson, Jamil Davis, Ryan Falin, Jacob Gotay, Jacob Melton, Noah Rominger, Joshua Whetstone, Carson Church, Gage Dreier, Jacob Fowler, Jace Hannah, Dylan Haskins, Evan Haynes, Nathan Sudduth, Bryan Wolfe, Ben Hall, Joshua Kofroth, Connor Meredith, Matthew Meyers, Matthew Morgan, Jacob Myers, Jacob Vandervelde, Jonathan Hundley, Adam Cohen, Taylor Fernald, Jared Slozer, Josh Slozer, Caleb Howell, Will Watkins, and David Jones.

- **PRESENTATION TO KEVIN HARVICK, INC. OF HONORARY STREET NAME RESOLUTION**

Mayor Morgan introduced Jessica Stroupe, representative of Kevin Harvick, Inc. who gave a brief presentation about the company's operations.

Mayor Morgan presented a Resolution adopted by the Board last month establishing an honorary street name of Kevin Harvick Ct. for Park Lawn Drive. She then presented Ms. Stroupe with a Proclamation designating October 17, 2010 as Kevin and Delana Harvick Day in Kernersville and encouraged all citizens to attend their Fan Appreciation Day event on that day in honor of their 10th anniversary.

- **RECOGNITION OF KERNERSVILLE FIRE RESCUE DEPARTMENT PARTICIPATION IN PINK HEALS TOUR**

Mayor Morgan presented Chief Walt Summerville with a proclamation in honor of the Pink Heals campaign.

Chief Summerville explained that this campaign began a couple of years ago when fire and police departments joined together to pay tribute to all women who have had cancer. It has progressed to a National Pink Heals Tour. The purpose is to raise awareness for all types of cancer. He reported that the Tour stopped in High Point, NC this year on Sept. 11th and the Kernersville Fire Rescue Department participated in the parade held that day.

Chief Summerville noted that a lot of people are touched by cancer and reported on the recent death of a Retired Kernersville Fire Rescue Captain, David Davenport. He reported that the department has adopted this campaign and to show support our personnel will wear pink shirts on Oct. 25, 26 and 27 to promote awareness and challenged the audience to join in by wearing pink also.

PUBLIC HEARINGS

1 a. **PUBLIC HEARING: Pastor David McGee, Agent for Calvary Chapel of the Triad, for a proposed Zoning Text Amendment to the Unified Development Ordinance (UDO) by amending Chapter B, Zoning Ordinance, Article III, 3-3.4 Off-Site Parking. Zoning Docket KT-198**

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this text amendment. He explained that this amendment was redrafted to be more specific to the situation and to limit the inappropriate applicability to other situations, and to use the Board of Adjustment Special Use Permit process. Staff and Planning Board recommend approval.

Mayor Morgan declared the Public Hearing open.

In Favor

Chris Pardue, 5759 Bromley Drive, Kernersville, NC - spoke on behalf of Pastor David McGee. He thanked the Staff for their cooperation on this matter and made himself available for questions.

Opposed

None presented.

1 b. Consideration of an ordinance for a text amendment.

Alderman Dana Caudill Jones made a **Motion** for the approval of the following Ordinance for a text amendment to the Unified Development Ordinance (UDO) by amending Chapter B, Zoning Ordinance, Article III, 3-3.4 Off-Site Parking. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

**Town Ordinance
Zoning Docket KT-198**

**ORDINANCE NO. O-2010-30
AN ORDINANCE AMENDING
THE ZONING ORDINANCE
OF THE UNIFIED DEVELOPMENT ORDINANCES**

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina, that the Unified Development Ordinances (UDO) is hereby amended as follows:

Section 1. Chapter B - Zoning Ordinance; Article III – Other Development Standards is amended as follows:

3-3 Off-Street Parking, Stacking, and Loading Areas

Part 1:

3-3.4 Off-Street Parking

(B) Other off-Site Parking.

- 9.) **Adjacent Institutional and Public Uses:** Adjacent Institutional and/or Public Uses, as listed in the Permitted Uses Table, may be exempt from off-site parking requirement conditions 6 and 8 listed above in 3-3.4, (B) provided the following off-street parking requirements shall apply:
- (a) The parking requirements of Chapter B, Article III, 3-3 shall be met by the adjacent institutional and/or public uses in combination in total.
 - (b) Either institutional and/or public use that does not meet parking requirements of § 3-3.41(b) shall apply for a Special Use Permit from the Board of Adjustment.
 - (c) At the time of Application for Special Use Permit, submittal of a Site Plan showing parking for both uses as meeting total parking required for both sites. Said Site Plan shall be reviewed by the Zoning Administrator and Fire

Marshall for safety issues and compliance with the parking standards of Chapter B, Article III, 3-3 and State of North Carolina Fire Code. The Zoning Administrator and Fire Marshall shall make a recommendation for approval, or approval with conditions, or denial to the Board of Adjustment.

- (d) At the time of Application for Special Use Permit, submittal of an executed Contract between the adjacent uses providing for shared parking meeting the total parking required for the uses until such time as each institutional and/or public use has constructed on-site parking that meets the parking requirements of its separate use(s) under Chapter B, Article III, 3-3.
- (e) The Board of Adjustment shall make determination that all provisions of this Section are met.
- (f) The Special Use Permit must be renewed in front of the Board of Adjustment every (5) five years.**

Section 2. This ordinance shall become effective upon adoption.

Adopted this the 5th day of October, 2010.

PUBLIC SESSION

2. SPEAKERS FROM THE FLOOR.

None presented.

3. Presentation on Unattended Donation Bins and Discussion of Potential Ordinance Regulating Unattended Donation Bins.

Art Gibel, 365 Coventry Park, Winston-Salem, NC, President, Good Will Industries – stated that he also represents three other groups, the Winston-Salem Rescue Mission, Salvation Army, and Habitat for Humanity. He stated that they are unified on the issue of unattended donation bins. He presented a slide show illustrating these unattended bins that are showing up all over the country. He explained that some of these organizations are legitimate; however they are not local operations and when one bin shows up others will usually follow. He explained that these donations often go to “for profit” stores in another community and explained that process. He explained that Durham was inundated with these bins and has since adopted a simple ordinance banning these unattended donation boxes.

Mr. Gibel stated that these bins deprive local non-profit organizations of donations for our local charities. He requested that we get ahead of this problem and prohibit these bins before they infest Forsyth County. He then made himself available for questions.

Mayor Morgan explained that the Town Attorney, Town Manager and herself recently met to discuss this issue. She noted local recycling bins, aluminum cans donations bins, the flag donation bin between the library and Chamber of Commerce building would not be prohibited under the Durham ordinance. She stated that Mr. Wolfe knows the Attorney in Durham that drafted this ordinance and he was going to follow up with him on the affect that this ordinance has had on the community.

Alderman Keith Mason thanked Mr. Gibel for bringing this to the Town's attention. He stated that he has seen a few of these in Kernersville but they have not been an eyesore. He further explained that at this point, he is not in favor of adopting an ordinance if there is not a problem. He stated that he would like to see us contact some of the non-profits mentioned tonight and get their experience with these boxes. He asked if Mr. Gibel has seen any of these for profit bins in Kernersville. Mr. Gibel stated that the blue bins located in town are questionable. This is a very small non-profit organization located in Cary, NC. He believes that the people operating this organization also own a thrift shop.

Mayor Pro Tem Bugg asked if there is any State legislation pending on this issue. Mr. Gibel stated that legislation has been proposed but nothing has happened. Mr. Gibel stated that if and when legislation is passed, we strongly encourage municipalities to enact stronger legislation at the local level.

Mayor Morgan stated that we do not have an ordinance to consider tonight but may need to address this in the future.

Alderman Caudill Jones stated that since the Briefing meeting, she has been out to look for these bins and noted one in which the name is not very prominent but didn't necessarily look like an eyesore. She stated that she is in favor of being proactive but doesn't want to interfere with legitimate non-profit organizations either. She further explained that we have an obligation to protect our citizens from donations not going where they think they are going. She suggested further research by Staff and bringing it back to the Board.

Alderman Prescott stated that he doesn't see a need for an ordinance at this time. He believed that the ones out there are policing themselves well. He appreciates this being pointed out and that it is something we should keep our eyes on in the future.

Mayor Morgan stated it would be interesting to hear what others in Forsyth County do and that we will continue to monitor the situation.

4. Update on KDPDC Personal Brick Marker Program.

Dwayne Long, President of the KDPDC, thanked the Board for their attention. He reminded the Board that a month ago the KDPDC presented the original Brick marker program which was approved. The two locations approved were at the Depot and on S. Main St. beside John Wolfe's office. He stated that the purpose of tonight's request is to ask for consideration of a third location being the area in front of town hall under the flag poles as this area is highly appropriate for our Veterans. He added that this area may also be appropriate for other special

designees such as Roger Swisher that spent their life in public service. He explained that names along with qualifying information would be presented to the KDPDC Board and they would decide if this location is appropriate.

Alderman Dana Caudill Jones made a **Motion** to approve the site in front of Town Hall under the flag poles as a third location for the KDPDC's Personal Brick Marker Program. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

5. Consideration of a Resolution Approving and Adopting the Countywide Emergency Operations Plan.

Mr. Swisher explained the Emergency Operations Plan proposed by Forsyth County. You have a Resolution before you for consideration adopting this plan. He stated that both Chief Summerville and Chief Gamble are familiar with the plan. At some point in the future, Staff will get together and propose some amendments specific to Kernersville.

Mayor Pro Tem Kevin Bugg made a **Motion** for the approval of the following resolution approving and adopting the Countywide Emergency Operations Plan. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

Resolution NO. R-2010-34

**Resolution Approving and Adopting the Winston-Salem/Forsyth County
Emergency Operations Plan**

WHEREAS, natural phenomena such as floods, tornadoes, ice, droughts, earthquakes, and man-made disasters such as radioactive and other hazardous accidents/emergencies, aircraft accidents, or major electric power failures may constitute a threat to the general welfare; and

WHEREAS, the North Carolina Emergency Management Act of 1977 and the North Carolina Hazardous Materials Emergency Response Act (NCGS 166A-1 through 166A-29) confers upon local governing boards comprehensive powers to be exercised in providing for the protection of the lives and property of their citizens against both man-made and natural disasters; and

WHEREAS, the effective preparation for emergency situations requires extensive initial planning, continuing revision of plans, and coordination of emergency management responsibilities prior to the occurrence of an emergency and the training of personnel in order to ensure a smooth, effective application of governmental functions to emergency operations; and

WHEREAS, these emergency management responsibilities can be accomplished most effectively by those established activities of local government whose normal functions relate to emergency services, which would be needed, and supplemented when necessary by state government;

NOW, THEREFORE, be it resolved that the Winston-Salem/Forsyth County Emergency Operations Plan and its attached Appendices and Annexes, which are incorporated herein, are hereby approved and adopted.

BE IT FURTHER RESOLVED:

1. That the Director of the Winston-Salem/Forsyth County Office of Emergency Management shall have direct responsibility for the organization, administration, and operation of the City/County Emergency Management activities for the respective jurisdictions and in this capacity he/she shall act on their behalf as required in coordinating Emergency Management activities of the departments of City and County governments.

Every officer and organization of City and County governments with Emergency Management responsibilities under the Emergency Operations Plan shall perform the said functions subject to the coordination and guidance of the Director of the Office of Emergency Management, or his/her designee, and in accordance with Emergency Management programs and policies of the City, County, Town, Village, State and Federal governments.

2. That Winston-Salem and Forsyth County departments shall provide operational support and personnel for local Emergency Management activities in emergency situations as coordinated by the Director of the Office of Emergency Management.
3. That the department heads of City and County governments shall review the Emergency Operations Plan, and develop policies, measures, and activities required to carry out their respective responsibilities under the said plan.
4. That the head of each department or office of City and County governments charged with Emergency Management responsibilities shall designate personnel from said department or office to perform liaison with all other components of City and County governments on matters pertaining to Emergency Management activities.
5. That the department heads of City and County governments assigned emergency management functions shall prepare procedures to procure from governmental and private sources all materials, manpower, equipment, supplies, and services which would be needed to carry out these assigned functions.
6. That the Director of the Office of Emergency Management is hereby authorized to update and periodically revise this plan to the end that it will be at all times current and consistent with the functions, duties, and capabilities of a given department or agency.
7. That during a local state of emergency or any disaster in Forsyth County as defined in G.S. Chapter 166A, the Emergency Management Director is authorized to take such actions under the Emergency Operations Plan as deemed necessary to protect life and property and preserve critical resources.

8. The following powers to impose necessary prohibitions and restrictions are hereby delegated to the Emergency Management Director pursuant to the authority provided in G.S. 166A-7, which authorizes political subdivisions to delegate powers to an appropriate official in a local state of emergency:
 - a) Prohibiting or restricting the movement of vehicles in order to facilitate the work of emergency management forces, or to facilitate the mass movement of personnel from critical areas within the County.
 - b) Prohibiting or restricting the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
 - c) Such other prohibitions and restrictions necessary to preserve public peace, health, and safety.

Prohibitions and restrictions under the authority above will be given widespread circulation through all avenues of the news media.

9. That this resolution is an exercise by Forsyth County and its municipalities of their governmental functions, and the provisions of G.S. 166A-14 shall apply as set forth therein, which statute is incorporated herein by reference.

The provisions of G.S. 166A-15 shall apply to persons, firms, or corporations as provided therein, which statute is incorporated herein by reference.

10. That should any provision of this resolution or the application thereof be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this resolution, as a whole, it being the legislative intent that the provisions of this resolution are severable as provided by G.S. 166A-16.
11. That at all times when the orders, rules and regulations made and promulgated pursuant to this resolution shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

6. Consideration of an Award of Resurfacing Contract.

Mr. Swisher stated that this contract is for the Town’s annual resurfacing work on Town streets. Six bids were received with the low bidder being Blythe Construction, Inc. Staff recommends the contract be awarded to the low bidder.

Blythe Construction, Inc	\$412,001.65
Thompson-Arthur, Inc.	\$415,668.20
Yadkin Valley Paving, Inc.	\$428,113.23
Larco Construction Co., Inc.	\$440,188.40
Sharpe Bros., Inc.	\$440,974.65
Waugh Asphalt Co., Inc.	\$468,223.07

Alderman Prescott asked when this work will begin. Mr. Maltba, Public Services, Director stated it should begin in two to three weeks.

Alderman Shifflette asked how the roads are picked for resurfacing. Mr. Maltba explained the rating system that we use and suggested that a presentation be given to the Board in the future.

Alderman Dana Caudill Jones made a **Motion** to award a Resurfacing Contract to Blythe Construction, Inc. in the amount of \$412,001.65. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

7. Consideration of Designating a Voting Delegate and Alternate for NCLM Annual Conference.

Mayor Pro Tem Kevin Bugg made a **Motion** to nominate Alderman Bob Prescott as the Town's voting Delegate and Mayor Morgan as the Alternate. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

8. Discussion on Potential Website Updates.

Mayor Morgan stated that Phil Loflin has made suggestions for changes to the Town's website which has been forwarded to the Town Manager. Mr. Swisher explained that changes were made to the calendar link, and explained the difference between the calendar and the events calendar which includes more than meetings of the Boards and Commissions. He noted that under the How Do I tab a place has been added to sign up for board notifications. He also noted that information needs to be updated for some of the Planning Board members and that this will be done.

Mr. Swisher asked for other ideas by the Board. He stated that we are discussing making additional changes to the Boards/Commissions tab but that has not been finalized.

Alderman Shifflette suggested park reservation forms be added to the Parks & Recreation page. It is currently located under the Life & Leisure tab but can be difficult to find.

Mayor Morgan suggested that a description of our boards and commissions be put on the website. Town Clerk Dale Martin reported that this information is listed under the Boards/Commissions tab in the Boards and Commissions Brochure.

Phil Loflin, 324 Kilburn Lane, Kernersville, NC – commended the Town on the Town's quick response to his suggestions.

9. Consideration of an Appointment Recommendation to the Forsyth County Historic Properties Commission.

Mayor Morgan nominated Jim Davis to serve on the Forsyth County Historic Properties Commission.

Alderman Tracey Shifflette made a **Motion** to recommend Jim Davis as Kernersville's Representative on the Forsyth County Historic Properties Commission. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

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 August 3, 2010 Closed Session
Approval of Minutes for September 1, 2010 Closed Session
Approval of Minutes for September 1, 2010 Briefing Session
Approval of Minutes for September 7, 2010 Regular Session**

C-2 Consideration of a new Lease with the Kernersville Little Theatre for the Harmon Park Building.

Alderman Dana Caudill Jones made a **Motion** to approve the Consent Agenda as submitted. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

11. ITEMS REMOVED FROM CONSENT AGENDA.

None

12. SPEAKERS FROM THE FLOOR.

None presented.

13. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher referred to a memo regarding a study for S. Main St./Business 40 area. The cost of the study is \$63,500 with the Town providing a 20% match of funds. Staff is recommending the Board grant authority to sign a contract with Ramey Kemp and Associates to complete this study.

Mayor Pro Tem Bugg stated that this is a complicated situation and to tie this into one big traffic study will be much better than a piece-mill approach.

Mayor Pro Tem Kevin Bugg made a **Motion** authorizing the Town to sign a contract with Ramey Kemp to conduct a study of the S. Main St./Business 40 area. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

14. MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN AND TOWN ATTORNEY.

Mayor Morgan reported that Mayor Pro Tem Bugg, Alderman Shifflette and her attended a presentation on major road projects and on funding issues at the state level. She requested that Brian Ulrich research this and requested that Stan Polanis repeat his brief presentation that we heard last week.

Mr. Stan Polanis, Winston-Salem Dept. of Transportation - gave a power point presentation regarding the history of the loop road project and explained the ranking process currently being used. He presented several charts illustrating the relationship between need and cost. He noted the relationship of our road network to the areas air quality and the future problems with that if our loop roads are not built. He reported that this information was also presented to the Secretary of Transportation and elected officials. The Secretary of Transportation has agreed to work with us on the issues we have here.

Brian Ulrich, Engineer/Transportation Manager presented the 2011 TIP projects. He presented an update on Macy Grove Rd, Union Cross Rd. widening, Business I-40 rehabilitation project and the I-85 Yadkin River Bridge project.

Mayor Morgan stated that she and Mr. Ulrich attended a meeting at Kernersville Middle School and an item for discussion came up regarding the speed limit which is posted at 35 mph. She expressed a concern with the number of students that walk to school in this area. She stated that Staff is researching to see what action the Board may take to request NCDOT to lower the speed limit here.

Mayor Morgan reminded the Board of the upcoming election which includes a Library Bond Referendum. She does not intend to discuss whether Board members are in favor or opposed, but to discuss our role in the Kernersville Library should the bonds pass. She reported that Mr. Swisher has talked with Forsyth County Staff about Kernersville taking a leading role in the plans for our library. She stated that she has discussed this with the Town Attorney and that funds to enlarge or renovate the building would not be a problem. The bond referendum doesn't specify how the funds are to be used in Kernersville and it would be best for the Town to work with the Commissioners to come up with a plan for the next 20 years.

After a brief discussion by the Board, it was the consensus to take a lead role in plans for the Kernersville Library. Mayor Morgan reported that she will draft such a letter to the County Commissioners.

Alderman Tracey Shifflette commended the Fire Rescue Department on their involvement in the Pink Heals campaign.

Mr. Swisher reported that we have approximately 1300 runners registered for this weekend's Cross Country meet and explained the traffic control methods put into place to handle the traffic expected.

Alderman Prescott asked if there will be any compensation for the Town. Mr. Swisher explained that we will be charging for parking and will collect on the lease of the course. The Cross Country Officials will pay off duty officers. He added that this event will be bringing a lot of extra people into town and that approximately 125 hotel rooms will be used and many will frequent our restaurants.

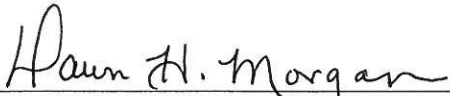
Alderman Dana Caudill Jones projected the economic impact of this event will benefit all of the Town.

Mayor Pro Tem Kevin Bugg made a **Motion** to go into closed session for the purpose of discussing land acquisition at approximately 8:47 PM. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

15. ADJOURNMENT.

Alderman Bob Prescott made a **Motion** to adjourn the meeting at 9:21 pm immediately following the Closed Session. Alderman Tracey Shifflette 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 at 9:21 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 October 5, 2010.

This the 5 day of November, 2010.


Dale F. Martin, MMC, Town Clerk