

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. MARCH 1, 2011**

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.

Absent: Alderman Bob Prescott.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Jayne Danner, Deputy Town Clerk; Jeff Hatling, Community Development Director; Sharon Richmond, Senior Planner; Kenny Gamble, Chief of Police; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks and Recreation Director; Walt Summerville, Fire Chief; John Edwards, Landscape Specialist; Ray Smith, Human Resources Director; Russell Radford, Engineering Department Director; Brian Ulrich, Transportation Engineer; and Gray Cassell, Information Systems Director.

- CALL TO ORDER
- INVOCATION BY REVEREND MIKE WILLARD, MAIN STREET BAPTIST CHURCH

Mayor Dawn Morgan called the meeting to order and Reverend Mike Willard, Main Street Baptist Church delivered the invocation.

- PLEDGE OF ALLEGIANCE

Mayor Morgan recognized two scouts in attendance from Troop 944. She also explained the procedures for citizen's comments on agenda items and Speakers from the Floor.

PUBLIC HEARINGS

Mayor Morgan stated that Mr. Jeff Hatling, Community Development Director will present the Planning Board reports for both Zoning Docket KDP 32 and K705 before the public hearing is declared open for citizen's comments.

- 1a. **PUBLIC HEARING:** **Curtis Swisher, Town Manager**, for consideration of an amendment to the *Kernersville Development Plan* to amend the *Land Use Plan* from "Mixed Residential" to "Mixed Use", for property located at 545 Dobson Street, being all of PIN #6886-18-6020, containing a total of .43 acres more or less. **Zoning Docket KDP-32**

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this request. He illustrated the location of the proposed property with a map. He added that both the Planning Board and Staff recommend approval.

- 2a. **PUBLIC HEARING:** **Allied Commercial Realty, LLC, Agent**, for property located at 545 Dobson Street, being all of PIN #6886-18-6020, containing a total of .43 acres more or less. Petitioner requests a General Use District rezoning from RM-18 (Residential Multi-Family, maximum density 18 units per acre) to NO (Neighborhood Office). **Zoning Docket K-705**

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this rezoning request. He added that no opposition was received from adjoining property owners and that both the Planning Board and Staff recommend approval.

Mayor Morgan declared the public hearing open.

In Favor

Chris Franz, Allied Commercial Realty, 225 W Mountain St, Kernersville, NC stated that he had been in contact with the neighboring property owner and that they were happy with the transition.

Opposed

None presented.

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

1b. Consideration of a Resolution amending the Kernersville Development Plan.

Alderman Dana Caudill Jones made a **Motion** to approve the following Resolution amending the Kernersville Development Plan and the Land Use Plan with the addition of the wording to add the right-of-way in between the uses, as presented by Staff based upon the following facts:

- The property is currently zoned RM-18, but is not large enough to house 18 units to the acre.
- The property is physically close enough to the Mixed Use designation along Bodenhamer Street to provide the transition between existing church, cemetery, and vehicle maintenance use, and residential land uses.

Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

R-2011-03 Resolution

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, a rezoning has been proposed that requires a review of the *Land Use Plan* to determine if modification should be made; and

WHEREAS, the property located at 545 Dobson Street, being all of PIN #6886-18-6020, containing a total of .43 acres more or less, is located adjacent to the areas of the *Land Use Plan* designated as “Mixed Use” and,

WHEREAS, the *Land Use Plan* designation of “Mixed Use” would promote the adaptive re-use of the existing residential structure and;

WHEREAS, an adaptive re-use of the existing residential structure to “Mixed Use” will provide an improved transition between zoning districts and the existing uses at this intersection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Land Use Plan*, contingent upon the approval of the rezoning case K-705 by changing the parcel at 545 Dobson Street, being all of PIN #6886-18-6020, containing a total of .43 acres more or less and the right of way between the existing mixed use and the proposed mixed use.

This the 1st day of March, 2011.

2 b. Consideration of an ordinance rezoning said property.

Alderman Dana Caudill Jones made a **Motion** to approve the following Ordinance to amend the Zoning Ordinances of the Town by rezoning the property in case K-705 from RM-18 (Residential Multifamily maximum 18 units per acre) to NO (Neighborhood Office District) The said rezoning being consistent with the Town’s Comprehensive Plan, and further being both reasonable and in the public interest because:

1. The Kernersville Development Plan and Land Use Plan recommend re-development and adaptive re-use of properties.
2. The Neighborhood Office District in this location improves the transition between the existing uses and zoning districts in this area. The property is located in the Highway Corridor Overlay District and the uses listed are in accordance with “mixed uses” acceptable in this transitional area.
3. If the property is changed, the property will be required to meet Highway Corridor Overlay and Neighborhood Office District standards.
4. ~~The Neighborhood Office zoning district can promote less intense development compared to the current RM-18. This site is also less than a half acre and could not house 18 units per acre.~~

Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

**Town Ordinance
Zoning Petition of Allied Commercial Realty, Agent
Zoning Docket K-705**

**0-2011-03
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 RM-18 (Residential Multi-Family, maximum density 18 units per acre) to NO (Neighborhood Office) for property located at 545 Dobson Street, being all of PIN #6886-18-6020, containing a total of .43 acres more or less and being further described as follows:

BEING KNOWN AND DESIGNATED as all of PIN#6886-18-6020, containing a total of .43 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This Ordinance shall be effective from and after its adoption.

Adopted this the 1st day of March, 2011.

- 3 a. **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 A – Definitions Ordinance, Article II – Definitions; Chapter B – Zoning Ordinance, Article III Other Development Standards, clarifying the parking placement of commercial vehicles within the Overlay Districts; Chapter B – Zoning Ordinance, Article VI, 6-2.1 (I) Advertising and Posting for a Planning Board Public Hearing; and Chapter B – Zoning Ordinance, Article VII 7-3, General Submittal Requirements adding a requirement for information related to applicant contact with the neighborhood prior to a Planning Board public hearing and other miscellaneous changes. **(Zoning Docket KT-201)**

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this request. He explained that this text amendment addresses and clarifies both the parking placement of commercial vehicles within the overlay district and public awareness of potential rezoning cases. He added that both the Planning Board and Staff recommend approval as submitted. Mr. Hatling further stated that Mr. John Wolfe, Town Attorney did express concern on the matter of parking placement of commercial vehicles after he received the Planning Board report and he believed Mr. Wolfe would address that this evening with the Board.

Mayor Morgan declared the public hearing open.

Opposed

Nick Gervasi, 8608 Yvonne Court, Oak Ridge, stated that he is the co-owner of We Buy Treasure, formerly the Vault. He stated that he took over a rundown building and improved the property as requested by the Town and has 15 employees who are Kernersville residents. He added that because the Department of Transportation requires a fence the length of the property their sign is behind the fence, and therefore is not very visible. He further added that it is for this reason that he uses a truck as a visual aid to lure business. He stated that a traditional sign is not practical with the fence and shrubs required by the Town. He added that he even uses a dancer. He stated that if this is enforced and he has to move his truck to the back of the building he will not be able to get the word out about his business. He thanked the Board for allowing him to speak.

Sal Cagno, 8608 Yvonne Court, Oak Ridge, co-owner of We Buy Treasure, formerly the Vault stated that Nick said it all.

In Favor

Phil Loflin, 324 Kilburn Way Lane, Kernersville, N C stated that he would like to commend Jeff Hatling and the Planning Board for adding the map with the legal advertisement, he said it is invaluable. He added that when there are pages of legal notifications in the newspaper it's hard to determine what is a Zoning advertisement. He stated that it now gives citizens the opportunity to come and see what is going on at the Planning Board and Board of Aldermen meetings. He added that in regards to the neighborhood contact, he has concerns with the word "if" and doesn't think it is legally binding. But he likes that a petitioner is required to state if he didn't make contact with a neighbor.

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

Mr. John Wolfe, Town Attorney stated that he had several concerns with the section on commercial parking in this text amendment as to whether it would be in compliance with Federal Constitution, State Laws and that the Ordinance itself does not seem to be founded on a rational basis. He added that this Ordinance puts the Town in a position of dictating where a person can or cannot park on his own property and it would probably not hold up in court if challenged. He recommended that the Board deny this section of the text amendment.

Mayor Pro Tem Bugg suggested that the Text Amendment Ordinance KT 201 be broken down so the Board could address each section and take action as they deemed appropriate.

It was the consensus of the Board to break the Ordinance into three sections and to address each section and then take action.

3b. Consideration of an ordinance for a text amendment.

Alderman Dana Caudill Jones stated that she did not feel it was the Town's place to instruct businesses where they could park in the parking lot of their business and that it would be impossible to enforce.

Alderman Dana Caudill Jones made a **Motion** to deny **Text Amendment Ordinance KT201 Sec 3-3.1 Commercial Vehicles Parking**. Mayor Pro Tem Bugg seconded the motion and the vote was all for and motion carried.

Alderman Dana Caudill Jones made a **Motion** to approve the following **Text Amendment Ordinance KT201 Sec 6-2.1 & 7.3.1 & 7.3- 8**. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

Alderman Tracey Shifflette asked Mr. Hatling for clarification in the matter of the KT 201 Sec 7.3.7 Neighborhood Contact.

Mr. Hatling stated that in some larger communities applicants are required to contact neighbors and a neighborhood meeting has to be held prior to coming before the Planning Board or Board of Aldermen. He added that the Town is not requiring this but they are suggesting that it be done.

Alderman Dana Caudill Jones stated that she has concerns with the language used in the proposed text amendment and expressed the need to use language that is clearer.

Mayor Pro Tem Bugg and Alderman Keith Mason agreed that the neighborhood meetings are a good idea and that is less likely for misinterpretation about what is being proposed.

Mr. Wolfe expressed concern with the language used in the proposed amendment. He read aloud a portion of the sentence “***if the applicant has elected to participate in neighborhood meetings***”, and stated that it implies the applicant has the opportunity to participate or not participate and then it is followed by “***if contact was not made the letter shall state the reason why***”.

Mr. Hatling stated that the purpose of the language was to give the applicant the opportunity yet also to let staff know what option they took; yes they did contact neighbors or no they did not contact neighbors. He added that the rezoning case this evening was a good example where the applicant did contact the neighbors.

Mayor Pro Tem Bugg expressed concern about this that it may be implied that the applicant may have something to hide if they chose not to contact neighboring property owners.

Alderman Jones agreed with Mr. Bugg.

Discussion ensued and Mr. Hatling stated that he would be happy to provide more information on the process of other municipalities for the Board’s consideration.

Mayor Pro Tem Bugg stated that he is in favor of the neighborhood meetings, but felt like the language needed to be clearer. Alderman Jones agreed with Mr. Bugg.

The Board discussed the matter further and it was the consensus of the Board that neighborhood contact be a mandatory requirement.

Alderman Dana Caudill Jones made a **Motion** to request the Planning Board to look at **Text Amendment Ordinance KT 201 Sec 7.3.7 Neighborhood Contact** again and to revise the wording requiring petitioners to make contact with neighbors “**mandatory**”. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

0-2011-04
KT-201
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 VI, 6-2.1 (I) Advertising and Posting for a Planning Board Public Hearing is hereby amended by adding the following:

6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS

6-2.1 GENERAL USE DISTRICTS

(I) ADVERTISING AND POSTING FOR A PLANNING BOARD PUBLIC HEARING

- (1)** Whenever a petition to amend this Ordinance is submitted to the Planning Board, the Planning Board shall schedule a public hearing. Notice of the Planning Board public hearing shall be advertised once in a newspaper of general circulation in the adopting jurisdiction, said notice being not less than ten (10) days prior to the date fixed for the hearing. **Notice shall contain a location map identifying the location of said rezoning, a north arrow, and show the intersection of at least two (2) public streets nearest to the property.**
- (2)** In all cases of petitions to amend a zoning classification, the property shall be posted with a notice of public hearing by the Planning Board at least fifteen (15) days prior to the date of said public hearing. Said notice shall consist of a sign(s) posted on the property at a conspicuous location(s) or on an adjacent public street or highway right-of-way, which sign shall be legible from the nearest public road. Location(s) which are not conspicuous or require additional notification to the public will be required to have a directional sign(s) posted. Each sign(s) or each directional sign(s) will have an additional charge to be determined by the Planning Board to the petitioner. The signs are and shall remain the property of the governmental agency which provided them, and shall be prepared, posted, and reclaimed by it. When multiple parcels are included within a proposed amendment, a posting on each individual parcel is not required, but there shall be sufficient signs posted to provide reasonable notice to interested persons.

Section 2. Chapter B – Zoning Ordinance, Article VII, 7-3 *General Submittal Requirements* is hereby amended by adding the following:

7-3.1 NUMBER REQUIRED

Twenty-five (25) copies of the site plan shall be provided. The copies shall be folded to 9" X 12" page size with the title block showing **(Twenty (20) copies for a Final Development Plan)**

7.3.8 ELECTRONIC FILES

Site Plan (pdf & jpg)

Legal Description (doc)

Building Elevations (pdf & jpg)

CAD (dwg)

Narrative Documents (doc)

Section 3. Chapter B – Zoning Ordinance, Article VII, 7-4 *Form 1 Submittal Requirements* is hereby amended as follows:

(B) NATURAL FEATURES

Natural features - existing and proposed:

- (5) Slopes at twenty percent (20%) or greater grade, if bonus density is requested for a planned residential development under Section ~~2-5.57(G)~~, **2-5.56(G)**.

Section 4. This ordinance shall become effective upon adoption.

- 4a. **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, Article III, 3-2 Sign Regulations, regarding projection signs. **(Zoning Docket KT-202)**

Mr. Jeff Hatling, Community Development Director presented the Planning Board Report for this request to uniform projection sign regulations. He added that both the Planning Board and Staff recommend approval.

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.

4b. Consideration of an ordinance for a text amendment.

Mayor Pro Tem Bugg made a **Motion** to approve the following Text Amendment Ordinance for Sign Regulations as presented by Staff. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**0-2011-05
KT-202
AN ORDINANCE AMENDING
THE ZONING ORDINANCE
OF THE UNIFIED DEVELOPMENT ORDINANCE**

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

Section1. Chapter B – Zoning Ordinance, Article III, 3-2.1 Sign Regulations – Current is hereby amended as follows:

**CHAPTER B - ZONING ORDINANCE
ARTICLE III - OTHER DEVELOPMENT STANDARDS**

3-2 SIGN REGULATIONS

NOTE: SEE OVERLAY ZONING DISTRICTS FOR OTHER SIGN STANDARDS THAT MAY APPLY.

3-2.1 SIGN REGULATIONS - CURRENT

**Table 3.6
Permitted Districts for Signs**

	R M	N O	L O	C P O	G O	N B	P B	L B	N S B	H B	G B	C B	M B P	L I	C P I	G I	C I	B I	I P	C	M U S
Off-Premises Signs																					
Ground Sign														Z		Z					
On-Premises Signs																					
Ground Sign	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Awning			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Projecting Sign	Z						Z			Z	Z	Z	Z	Z		Z		Z	Z	Z	<u>Z</u>
Roof Sign																					
Wall Sign	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

Z = Districts in which signs permitted; zoning permit required.

(C) SIGN MEASUREMENT.

- (1) Maximum Sign Area.** The maximum sign area of a ground (on-premises) sign shall be limited to the areas established for each district below. Projecting signs shall be limited to twenty-four (24) square feet:
- (a) In the HB, LI, GI Districts,** the maximum sign area of a ground (on-premises) sign shall be limited to one hundred (100) square feet. Projecting signs shall be limited to twenty-four (24) square feet.
 - (b) In the GB, PB, and MU-S Districts,** the maximum sign area of a ground (on-premises) sign shall be limited to fifty (50) square feet. Projecting signs shall be limited to twenty-four (24) square feet.
 - (c) In the CB District,** the maximum sign area of a ground (on-premises) sign shall be limited twenty-four (24) square feet. Projecting signs shall be limited to twenty-four (24) square feet.
 - (d) In the NB, NSB, PB, LB, CI, CPI, MU-S, CPO, GO, and LO Districts,** the maximum sign area of a ground (on-premises) sign shall be limited to twenty-four (24) square feet. Projecting signs are not permitted.
 - (e) In the NO District,** sign size shall be limited to eight (8) square feet. Wall signs only are permitted and the maximum combined area of all signs is limited to twenty-four (24) square feet.
 - (f) In any residential district,** sign size shall be limited to eighteen (18) square feet. This shall include entrance signs for subdivisions, residential developments, multifamily developments, PRD's and mobile home parks.
 - (g) In the IP District,** sign size shall be limited to eighteen (18) square feet. Maximum height shall be limited to eight (8) feet.
 - (h) In the BI and MBP Districts,** sign standards shall be applied as set forth within the specific zoning district.

(F) ON-PREMISES SIGNS - GROUND SIGNS, PROJECTING SIGNS

(3) Sign Measurement.

- (b) Maximum Sign Area.** The maximum sign area of a ground (on-premises) sign shall be limited to the areas established for each district below. Projecting signs shall be limited to twenty-four (24) square feet.
- (i) In the HB, LI, GI Districts,** the maximum sign area of a ground (on-premises) sign shall be limited to one hundred (100) square feet. Projecting signs shall be limited to twenty-four (24) square feet;
 - (ii) In the GB, PB, and MU-S Districts,** the maximum sign area of a ground (on-premises) sign shall be limited to fifty (50) square

feet. Projecting signs shall be limited to twenty-four (24) square feet;

- (iii) **In the CB District**, the maximum sign area of a ground (on-premises) sign shall be limited to twenty-four (24) square feet. Projecting signs shall be limited to twenty-four (24) square feet;
- (iv) **In the NB, NSB, PB, LB, CI, CPI, MU-S, CPO, GO, and LO Districts**, the maximum sign area of a ground (on-premises) sign shall be limited to twenty-four (24) square feet. Projecting signs are not permitted;
- (v) **In the NO District**, sign size shall be limited to eight (8) square feet. Wall signs only are permitted; and the maximum combined area of all signs is limited to twenty-four (24) square feet;
- (vi) **In any R District**, sign size shall be limited to eighteen (18) square feet;
- (vii) **In the IP District**, sign size shall be limited to eighteen (18) square feet. Maximum height shall be limited to eight (8) feet;
- (viii) **In the BI and MBP Districts**, sign standards shall be applied as set forth within the specific zoning district.

Section 2. This Ordinance shall become effective upon adoption.

PUBLIC SESSION

5. SPEAKERS FROM THE FLOOR.

Jimmy Morgan, 8625 Bull Rd, Colfax, NC gave the Board members a copy of a page taken from the PART website on February 2, 2011 of Page 18 on the Sustainable Communities Grant Project. He stated that he didn't think the Board got his point that he made as a follow up to the presentation by Mr. Kirstner with PART to the Board of Aldermen on January 26, 2011. He said he was invited to attend a program promoting this program in April at the Grandover Resort in Greensboro with Secretary LaHood, as were representatives from EPA and HUD. He said these 3 agencies combined and said we have all this money to give away to communities for this grant, come and take it, it's free. He said the cost of free money, it's not free. He said the Piedmont Council of Governments got an award for \$1.6m but the budget for project is \$4.8 m; 2/3rds to be paid for by local tax payers. So what will the Towns share be? It's not free money. Mr. Kirstner held a notebook and said its value is \$1.6 m if all communities are willing to spend \$2.3m to do a study. He said we have plans, plans and plans for the area. A Greensboro planning department employee told him last Monday that there are so many plans for this area that they can't keep up with them all. He said everyone wants to be ready if the economy turns around, but the biggest problem with this is government is out of control. Tax payers are not getting value for money, the HOT plan was good but compromised, it produced a need to do more planning. Did the people at the presentation in April know they would end up with a bill? Did you know what was going to happen? Communities chose to do things because an agency dangles money in front of them. That benefits government and not the public. I feel strongly about this, if governments don't adapt, cut back and consolidate we will all lose if government fails, police, fire, everything. Homeowner's better have a good hose and don't get their water cut off, sometimes we

have to say no and it takes courage. It's easy to go along with the crowd. Think about the ones who come to the meetings and the ones who trust you to do what you have to do so they can live peaceful and prosper. If taxpayers are bound too strongly by plans that take too much money away no one wins.

Mayor Morgan thanked Mr. Morgan for his comments and reminded those in attendance to allow the speaker to speak uninterrupted so everyone can hear.

6. 2011 Annual Reports and Budget Requests:

Kernersville Cares for Kids

Mr. David Fitzpatrick, 1155 Salisbury Street, Kernersville, stated that the Board has received a copy of their annual report. He thanked the Board for the investment they made a decade ago that has helped over 4900 students be drug free. He added that he is a retired principal and he has had the opportunity to experience firsthand the leadership that has sprung from this program. He introduced East Forsyth High School Senior Brandon Hall, a student leader with Kernersville Cares for Kids.

Brandon Hall stated that this program has helped many students become stronger leaders. He added that this group of students has become a community that is drug and alcohol free. He stated that tickets will go on sale soon for the annual Lunch and Learn Fundraiser to be held in April at Glenn High School.

Alderman Dana Caudill Jones complimented Mr. Hall for the work he has done for KCK and the role model that he is for younger students.

Korner's Folly

Mr. Bruce Frankel, 114 St Mary Ct, Kernersville, NC thanked the Board for their continued support. He stated that plans are in place to continue with the restoration efforts of the Folly. He added that this requires significant funding and that they are hopeful to be able to hire a development associate to assist with this. He highlighted activities to increase awareness of the Folly and some new activities for 2011 including hosting artists Raymond Reid and Richard Hedgecock. He stated that the economy has impacted attendance and funding, however they are implementing a new member program. He concluded his presentation with a short film of the Folly created by students from Wake Forest University.

Mayor Morgan declared a recess at 8:45 pm.

Mayor Morgan reconvened the meeting to order at 9:02 pm

Community Appearance Commission

Mr. Alan Asbell, 6416 Lamshire Road, Kernersville, shared a short power point presentation as he highlighted 2010 activities of the Community Appearance Commission (CAC). He said that approximately 300 – 400 volunteers participated in the fire hydrant painting project. He stated that the CAC members are vested in Kernersville and have also worked with other groups in the community

with projects and programs including Earth Day and Arbor Day. He thanked the Board for their support.

Mayor Morgan thanked Mr. Asbell and CAC members for their many volunteer hours.

Sister City Commission

Mr. Duane Long, 1537 Old Post Rd, Kernersville stated that the Board has a copy of the Sister City Commission report. He stated that this year they have had representatives from Sister City travel to Taiwan and Moldavians visit Kernersville. All in all there has been a hodge podge of activities and the Town has been represented well. He added that six representatives from the Commission are here this evening. He further added that the Commission recently held the third Lunar New Year dinner. He thanked the Board for their support of the Sister City.

Mayor Morgan thanked the members of the Sister City Commission for their hard work and efforts on behalf of Kernersville.

7. Presentation by the Oakmont East Homeowner's Association.

Bill Dreshfield, 310 Fulp Farm Road, Kernersville, NC, stated that he is a member of Oakmont East Home Owners Association (HOA) Board of Directors and he thanked the Board for the opportunity to speak. He added that due to time restraints the Board has been given a package of additional information that relates to the powerpoint presentation being given this evening. He gave an overview of the history of the issues with the go kart track stating that it was built after the homes were built; that numerous calls have been made to the fire and police departments; dates of meetings with staff and town manager; presentation at last month's meeting; and despite all of this they are concerned about the lack of attention to the issue over the last 21/2 years, and that nothing is being done about the Town Ordinances constantly being broken.

Kelly Chadwick, 100 Fearrington Drive, Kernersville, NC stated that he is also on the Oakmont East Home Owners Association Board and quoted Chap. B. Art. 2-1.2 from the Kernersville UDO. He further stated that the neighborhood is not being protected by the UDO. He stated that the go kart track violates Sec 6 of the Town's Zoning Ordinance. He further quoted the Accessory Use of the Town's Zoning Ordinances and stated that they believe it is not an acceptable accessory use of residential property at this location due to nuisance, noise and noncompliance of zoning laws. He added that they want the Board to study and review the process that has allowed the racetrack to remain operational without proper zoning permits and to shut it down.

Wayne Chapman, 6002 Red Oak Court, Kernersville, NC stated that the Ordinance speaks for itself; we can hear this inside our house and can't sit on the patio on Friday nights. He illustrated by showing a video of decibels and time of day of the noise from the go-karts ranging from 55 decibel levels with windows closed to 60-67 decibels with the windows open. He asked if they were expected to stay inside at night with windows closed. He added that this is a nuisance, the air quality from the exhaust fumes, and that there is also smoke from a fire to be contended with. He stated that Forsyth County currently states there is to be no burning after 6 p.m. He further stated that what happens here tonight will dictate what else happens in neighborhoods and that this can happen all over town. He

stated that Forsyth County recently denied a request to open a Bed and Breakfast and doesn't feel that a go kart track is any more of an appropriate accessory use. He concluded that he wants the Board to review the zoning process and see why this is being allowed and wants the track shut down.

Mayor Morgan thanked them for their presentation. She stated that several individuals have signed up to speak on this item and that she has spoken to individuals signed up to speak to remind them of the time limitations.

Sylvia Grecco, 6007 Red Oak Ct, Kernersville, NC thanked the Board for the opportunity to speak. She stated that contrary to what Mr. Jones said on WXII she can hear noise in her home. She can hear it in her backyard, it is disturbing her peace, and she is forced to stay indoors on Friday night. She can't hear herself speak or open her windows. She's confined to her house with the doors and windows closed. She added there was no track there when she bought her house; she is not leaving, she likes the community but that she chokes from the dust, there is trash in the yards, and there is noise from trucks going back and forth with no mufflers the whole night, which park on others property. She stated that this is infringing on her rights and her property and that she doesn't call the Police anymore if they can't enforce the current laws.

Tabetha Bailey, 103 Fearington Drive, Kernersville, NC stated that she is a former 14 year employee of the City of Winston Salem in Zoning Enforcement. What she sees is that Kernersville says that this is not a business but treats it like one by setting hours of operation, but then doesn't back it up. It is also in a residential community. The Town is treating it like a business by issuing a permit for times of operation but doesn't enforce the Zoning Ordinance saying it's a residence and she is asking which is it? It doesn't say in definition of an establishment that you have to charge. She stated that this is a service, it is a planned event, we don't need new ordinances we just need the ones in place enforced.

Danny Bennett, 303 Fulp Farm Road, Kernersville, NC stated that this is an old track and every time there is a heavy downpour it becomes a huge swimming pool and that a pipe is used to drain it onto Fulp Farm Road and all the silt goes into the drainage pond. He said if this is allowed to continue 79 home owners will be paying to remove the silt in years to come.

Ernest Jones, Kernersville, NC 104 Fulp Farm Road, Kernersville, NC stated that it's his kids and grandkids who use this track, that he knows where they are on Friday night, having a good time. He said he has no issues with the folks in Oakmont and that he stays out of Oakmont business. He invited the Board to come and watch TV while the kids race just to see how loud it really is. He stated that no one has their windows open because it's been too cold. He asked that his kids and grandkids are left alone to play.

Jody Jones, 162 Fulp Farm Rd, Kernersville, NC stated that he owns the track. He addressed the last few comments stating that we don't have to set a day for racing we just have always done it on Friday. He stated that he has never seen anyone parked along the fence in the 21/2 years they have been in operation. He added that the water flows into the yard and not the street. He stated that in video 1 or 2 the decibel meter reading is at 35 in total silence, and when it is rubbed against the shoulder of the person recording it went to 68. He added that there is on average 6 or 7 racers on Friday night but there has been a lot more interest since it has been in the news. He further added that they run 25 to 28

weeks out of the year 3 to 4 hours per night for a total of 120 hrs per year out of an 8760 hour calendar year. He concluded that this is not as loud as is being portrayed.

Greg Baker, 1288 Micol Lane, Kernersville, NC stated that he has participated in the races. He stated that there are strict rules, one of which is parking. There is no charge to race. He said some of the information in the powerpoint is falsified. He said the mufflers are stock mufflers and in compliance with Federal Law and the same as a Briggs & Stratton lawn mower engine. He said this is back yard, having fun, keeping kids out of drugs and drinking.

The Board asked Mr. Jody Jones to respond to some of the remarks made about parking and run off issues, what the age of the racers were, and what safety measures he has in place at the go kart track.

Jody Jones stated that the racers age from 15- 45 years old, all are required to wear helmets and neck braces, sign a waiver, have insurance and that he has a safety wall. He added that there has been only one injury, a cut hand. He further stated that races are usually over by 9:45 p.m. The engines used are the same as in a standard tiller and they have not been modified in anyway. He instructs racers to park on his property, there is no charge and nothing is sold. Food is prepared but given away. A point system is used for fun. Mr. Jones also apologized to the HOA and the Board for the comments on the WXII blog; he stated that he was not the one who posted the remarks. He added that when he first started racing the engines were louder yet he had no complaints for the first five months of operation.

Alderman Dana Caudill Jones expressed concern that the Town could not be put in a position to govern activities on private property.

Mr. Hatling stated that this is considered an incidental use on private residential property. He added that he did consult with the Town Attorney on the staff's interpretation in this matter. He further added that the HOA could appeal this with the Board of Adjustment.

Mr. Swisher stated that the Town's Stormwater Administrator had not found any violation with the matter of water run-off. He further added that the Police Department has responded to calls from the HOA; however they have never found that the activity at the go kart track has been in violation of either the Town's Noise or Nuisance Ordinances.

Mr. John Wolfe, Town Attorney stated that there is nothing in the Town's Nuisance Ordinance in regards to a violation after 10 p.m. He added that as requested by the Board, after this matter was brought before them at last month's meeting, he has provided copies of Noise Ordinances for Raleigh and Charlotte. He stated that these municipalities do use a decibel reading for noise, however it still refers to "reasonable noise", which is exactly what the Town ordinance states as does Forsyth County and Winston Salem. He read from the Town Noise Ordinance "*No person shall make, continue, or cause to be made or continued any excessive, unnecessarily or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.*" He stated that as he advised in years past it would not be his recommendation to incorporate decibel readings into the Town's ordinance as it would be extremely difficult to enforce. He further stated that the Ordinances are adequate until the Supreme Court states that they are not and that Police Chief Gamble has stated that officers respond when citizen's call to report violations of noise and or nuisance ordinances. Mr. Wolfe also addressed the accessory use and stated that when this

matter was investigated over 2 years ago it was found to be in compliance. He stated that if the HOA wanted to challenge this they could bring the case to the Board of Adjustment.

Alderman Shifflette asked the HOA if they had sought legal counsel.

Mr. Dreshfield responded that they had and were advised to try to work with the Town using the Noise and Nuisances Ordinances.

Mr. Wolfe suggested that the HOA get back in touch with their legal counsel to pursue the matter. He stated that there is nothing the Town can do if the Ordinances are not being violated. He added that their legal counsel may suggest they cite the individuals and take the matter to court for a judge to decide if the Ordinances are being violated, if the neighbors cannot come to an agreement and resolve this matter between them.

Mayor Pro Tem Bugg asked how the ordinances are enforced for things such as a continual barking dog.

Police Chief Gamble responded that if a neighbor reports a barking dog and the owner of the dog is found to be in violation when an officer responds to a call the owner is given a warning. If the problem is not corrected the person who filed the complaint is advised to pursue criminal process.

Alderman Keith Mason stated that it does appear that the Ordinances should be consistent instead of the Noise Ordinance having an 11 p.m. time limit and Nuisance Ordinance having a 10 p.m. time limit as to when a person would be in violation. He further stated that it is clear that the HOA wants the go kart track shut down, however he asked if there could be a compromise.

Mr. Wolfe clarified that the requirements in the Noise Ordinance can be enforced any time of day; it is only the Nuisance Ordinance that stipulates a time when it would become a violation.

Ms. Greco stated that she is the one being most affected but would be willing to compromise. She asked the Town to put up a sound barrier and for the go karts to stop at 10 p.m. She added that her house is on the market and no one wants to buy a house with a go kart track behind it.

Mr. Jody Jones stated that it would not be a problem to end the races at 10 pm.

Mr. Chadwick stated that he would need to discuss the matter with the other Board Members and homeowners and talk to them about the possibility of a compromise. He asked if the Town would mediate a discussion between the two parties.

Alderman Mason stated that the key is dialogue, address the concerns of both parties and try to work it out without involving the legal system.

Alderman Shifflette stated that Forsyth County has a mediation service that works with neighbors in these situations.

Alderman Jones stated that she appreciates all the comments from both parties. She added that the Board sets policies for the whole community not just to address one specific use. She further added it can be a fine line of whether government is becoming too intrusive. She reiterated that several suggestions and options have been made this evening and she hoped that some compromises could be made by both parties to accommodate the owner's rights to the use of their property and the comfort of the adjoining neighbors.

Mayor Pro Tem Bugg stated that he agreed with Alderman Jones and was hopeful there could be a compromise.

Mayor Pro Tem Bugg stated that on behalf of Aldermen Prescott who could not be here this evening he wondered if there was anything that could be done to modify the mufflers to make them quieter.

Mr. Jones stated that he was unsure if anything more could be done to make them quieter.

Mayor Morgan thanked everyone for their comments and input. She reiterated the Board of Aldermen's suggestions and hoped that the neighbors can resolve this issue between them.

8. Presentation by the Tree Commission as required by Ordinance:

a. Annual Report

Mr. John Edwards, Landscape Specialist and Tree Commission Representative thanked the board for establishing the Tree Commission a little over a year ago. He said a lot has happened during this time. He highlighted the activities including application of Tree City USA designation and receipt of a grant. He invited everyone to the Arbor Day Celebration on March 18th at the Kernersville Farmers Market which will include the celebration of the Town's designation as a Tree City USA. He noted activities for 2011; the establishment of a relationship with Kernersville Middle School students to introduce tree education. He thanked the Board for their funding and asked for authorization to pursue another grant opportunity.

Mayor Morgan commended Mr. Edwards for all his hard work for the Town and community including his assistance with a Boy Scout Eagle Project to plant trees in Harmon Park

b. Grant request for NC Urban and Community Forestry Grant for Tree World Education Program

Alderman Keith Mason made a **Motion** to approve a Grant request for NC Urban and Community Forestry Grant for Tree World Education Program. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

**9. Consideration of an Ordinance Amending the Kernersville Code of Ordinance Book:
Chapter 9, Motor Vehicles**

Mr. John Wolfe, Town Attorney stated that in the process of updating the Code of Ordinance Book the major changes to Chapter 9 are the removal of schedules; update school speed zones; addition of right turn on red and some minor changes to language for consistency.

Alderman Dana Caudill Jones made a **Motion** to approve the following Ordinance Amending the Kernersville Code of Ordinance Book: Chapter 9, Motor Vehicles. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. 2011-06

AN ORDINANCE AMENDING CHAPTER 9 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.

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

1. Chapter 9 of the Code of Ordinances entitled “Motor Vehicles and Traffic” is amended to read as shown in the attached Exhibit A, which reflects adoption of all of the changes shown in the attached Exhibit B.

2. Chapter 9 of the Code of Ordinances is also amended to adopt the following Traffic Schedules designating the location of traffic control devices, designating areas or zones where regulations are applied to parking, loading, bus stops, or taxicab stands, establishing speed limits; Restricting or regulating traffic at certain times on certain streets, or to certain types, weights or sizes of vehicles, designating the location of through streets, stop intersections, yield-right-of-way intersections, waiting lanes, one-way streets, or truck traffic routes; and establishing regulations upon vehicle turns at designated locations which will be retained in the office of Town Clerk:

- a. Schedule 1- Intersection Control
- b. Schedule 2- Speed Control
- c. Schedule 3- Turn Control
- d. Schedule 4- Curb Restrictions
- e. Schedule 5- One Way Streets
- f. Schedule 6- Trucks
- g. Schedule 7- Parking Lots
- h. Schedule 8- Pedestrian Signals
- i. Schedule 9- Loading Zones

3. This Ordinance shall be effective upon adoption.

4. 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 1st day of March, 2011.

10. Consideration of Ordinances and Resolutions requesting NC Department of Transportation Concurrence in Establishing School Zone Speed limits for:

- a. Kernersville Middle School**
- b. East Forsyth Middle School**
- c. Bishop McGuinness High School**
- d. Caleb's Creek Elementary School**

Mr. Wolfe, Town Attorney stated that this matter was discussed at the February Board Meeting. He further stated that as requested by the Board, Ordinances and Resolutions have been prepared for each school requesting that the North Carolina Department of Transportation implement a reduction in the speed limit in the vicinity of each school for a period from thirty (30) minutes before to thirty (30) minutes after school begins and ends each school day.

Mayor Morgan asked Mr. Wolfe if the Board could approve the four Ordinances and Resolutions in one motion.

Mr. Wolfe answered yes they could.

Alderman Tracey Shifflette made a **Motion** to approve the following Ordinances and Resolutions in Items a. through d. requesting NC Department of Transportation's Concurrence in Establishing School Zone Speed limits for the four schools referenced. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2011-07

**An Ordinance to Change the School Zone Speed Limit at
Kernersville Middle School Within the Town of Kernersville**

WHEREAS, the Code of Ordinances of the Town of Kernersville establishes the speed limit on municipal streets as 35 miles per hour unless the speed limit is set at another level pursuant to an ordinance designating a speed limit either greater or less than the Town limit; and

WHEREAS, the Board of Aldermen, and the Kernersville Police and Public Services Departments have conducted a survey of the streets within the Town to determine whether the existing speed limits on streets adjacent to the public and private schools in the corporate limits are appropriate

based on the nature of the surrounding development, amount of pedestrian and vehicular traffic, citizen concern and other factors used to ascertain and establish safe speed limits for streets; and

WHEREAS, the Board of Aldermen has determined that the speed limits at certain schools are too high and should be changed during the hours during which school begins and during which school is dismissed.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville that:

1. The following be added to the “School Zones” section of Schedule 2 of the traffic schedules in accordance with Section 9-56 of the Code of Ordinances:

“A 25 mph school zone at Kernersville Middle School on Piney Grove Road from 600’ South of Linville Springs Road to 300’ North of Lakecrest Drive.”

2. The new speed limits shall be effective upon concurrence by the North Carolina Department of Transportation and posting.

This the 1st day of March, 2011.

RESOLUTION NO. R-2011-04

RESOLUTION REQUESTING CONCURRENCE OF

KERNERSVILLE MIDDLE SCHOOL ZONE SPEED LIMIT BY THE

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Board of Aldermen of the Town of Kernersville has been concerned with the safety of pedestrians, bicyclists and motor vehicles during the arrival and departure times of students at the schools located within the corporate limits; and

WHEREAS the Kernersville Police and Public Services Departments have been asked to review these school zones and evaluate their safety considering the existing speed limits and have concluded that certain school zones should have their speed limits lowered during arrival and departure times; and

WHEREAS, the Board of Aldermen has been contacted by parents of school children and other interested citizens regarding a lowering of certain school zone speed limits; and

WHEREAS the Board of Aldermen has passed an ordinance amendment as authorized by North Carolina General Statute 20-141.1 to lower the speed limit adjacent to Kernersville Middle School; and

WHEREAS, the Town ordinance will not be effective unless and until the North Carolina Department of Transportation passes a concurring ordinance as provided in North Carolina General Statute 20-141(f).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it requests concurrence by the North Carolina Department of Transportation of an ordinance passed on March 1, 2011 reducing the school zone speed limit adjacent to Kernersville Middle School from 35 to 25 miles per hour during a period from thirty (30) minutes before to thirty (30) minutes after school begins and ends, on school days only.

This the 1st day of March, 2011.

ORDINANCE NO. O-2011-08

An Ordinance to Change the School Zone Speed Limit at East Forsyth Middle School Within the Town of Kernersville

WHEREAS, the Code of Ordinances of the Town of Kernersville establishes the speed limit on municipal streets as 35 miles per hour unless the speed limit is set at another level pursuant to an ordinance designating a speed limit either greater or less than the Town limit; and

WHEREAS, the Board of Aldermen, and the Kernersville Police and Public Services Departments have conducted a survey of the streets within the Town to determine whether the existing speed limits on streets adjacent to the public and private schools in the corporate limits are appropriate based on the nature of the surrounding development, amount of pedestrian and vehicular traffic, citizen concern and other factors used to ascertain and establish safe speed limits for streets; and

WHEREAS, the Board of Aldermen has determined that the speed limits at certain schools are too high and should be changed during the hours during which school begins and during which school is dismissed.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville that:

1. The following be added to the "School Zones" section of Schedule 2 of the traffic schedules in accordance with Section 9-56 of the Code of Ordinances:

"A 25 mph school zone at East Forsyth Middle School on Bagley Drive from the intersection with Old Hollow Road (NC 66) to 700' north of Pisgah Church Rd."

2. The new speed limits shall be effective upon concurrence by the North Carolina Department of Transportation and posting.

This the 1st day of March, 2011.

RESOLUTION NO. R-2011-05

RESOLUTION REQUESTING CONCURRENCE OF EAST FORSYTH MIDDLE SCHOOL ZONE SPEED LIMIT BY THE

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Board of Aldermen of the Town of Kernersville has been concerned with the safety of pedestrians, bicyclists and motor vehicles during the arrival and departure times of students at the schools located within the corporate limits; and

WHEREAS the Kernersville Police and Public Services Departments have been asked to review these school zones and evaluate their safety considering the existing speed limits and have concluded that certain school zones should have their speed limits lowered during arrival and departure times; and

WHEREAS, the Board of Aldermen has been contacted by parents of school children and other interested citizens regarding a lowering of certain school zone speed limits; and

WHEREAS the Board of Aldermen has passed an ordinance amendment as authorized by North Carolina General Statute 20-141.1 to lower the speed limit adjacent to East Forsyth Middle School; and

WHEREAS, the Town ordinance will not be effective unless and until the North Carolina Department of Transportation passes a concurring ordinance as provided in North Carolina General Statute 20-141(f).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it requests concurrence by the North Carolina Department of Transportation of an ordinance passed on March 1, 2011 reducing the school zone speed limit adjacent to East Forsyth Middle School from 35 to 25 miles per hour during a period from thirty (30) minutes before to thirty (30) minutes after school begins and ends, on school days only.

This the 1st day of March, 2011.

ORDINANCE NO. 0-2011-09

An Ordinance to Change the School Zone Speed Limit at Bishop McGuinness High School Within the Town of Kernersville

WHEREAS, the Code of Ordinances of the Town of Kernersville and the North Carolina Department of Transportation have established the speed limit on NC Highway 66 adjacent to Bishop McGuinness High School as 45 miles per hour; and

WHEREAS, the Board of Aldermen, and the Kernersville Police and Public Services Departments have conducted a survey of the streets within the Town to determine whether the existing speed limits on streets adjacent to the public and private schools in the corporate limits are appropriate based on the nature of the surrounding development, amount of pedestrian and vehicular traffic, citizen concern and other factors used to ascertain and establish safe speed limits for streets; and

WHEREAS, the Board of Aldermen has determined that the speed limits at certain schools are too high and should be changed during the hours during which school begins and during which school is dismissed.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville that:

1. The following be added to the “School Zones” section of Schedule 2 of the traffic schedules in accordance with Section 9-56 of the Code of Ordinances:

“A 35 mph school zone at Bishop McGuinness High School on NC 66 1000’ north of Old Salem Road to 800’ north of Bunker Hill Road.”

2. The new speed limits shall be effective upon concurrence by the North Carolina Department of Transportation and posting.

This the 1st day of March, 2011.

RESOLUTION NO. R-2011-06

RESOLUTION REQUESTING CONCURRENCE OF

BISHOP MCGUINNESS HIGH SCHOOL ZONE SPEED LIMIT BY THE

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Board of Aldermen of the Town of Kernersville has been concerned with the safety of pedestrians, bicyclists and motor vehicles during the arrival and departure times of students at the schools located within the corporate limits; and

WHEREAS the Kernersville Police and Public Services Departments have been asked to review these school zones and evaluate their safety considering the existing speed limits and have concluded that certain school zones should have their speed limits lowered during arrival and departure times; and

WHEREAS, the Board of Aldermen has been contacted by parents of school children and other interested citizens regarding a lowering of certain school zone speed limits; and

WHEREAS the Board of Aldermen has passed an ordinance amendment as authorized by North Carolina General Statute 20-141.1 to lower the speed limit adjacent to Bishop McGuinness High School; and

WHEREAS, the Town ordinance will not be effective unless and until the North Carolina Department of Transportation passes a concurring ordinance as provided in North Carolina General Statute 20-141(f).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it requests concurrence by the North Carolina Department of Transportation of an ordinance passed on March 1, 2011 reducing the school zone speed limit adjacent to Bishop McGuinness High School from 45 to 35 miles per hour during a period from thirty (30) minutes before to thirty (30) minutes after school begins and ends, on school days only.

This the 1st day of March, 2011.

ORDINANCE O-2011-10

An Ordinance to Change the School Zone Speed Limit at Caleb's Creek Elementary School Within the Town of Kernersville

WHEREAS, the Code of Ordinances of the Town of Kernersville and the North Carolina Department of Transportation have established the speed limit on Teague Lane adjacent to Caleb's Creek Elementary School as 45 miles per hour; and

WHEREAS, the Board of Aldermen, and the Kernersville Police and Public Services Departments have conducted a survey of the streets within the Town to determine whether the existing speed limits on streets adjacent to the public and private schools in the corporate limits are appropriate based on the nature of the surrounding development, amount of pedestrian and vehicular traffic, citizen concern and other factors used to ascertain and establish safe speed limits for streets; and

WHEREAS, the Board of Aldermen has determined that the speed limits at certain schools are too high and should be changed during the hours during which school begins and during which school is dismissed.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville that:

1. The following be added to the "School Zones" section of Schedule 2 of the traffic schedules in accordance with Section 9-56 of the Code of Ordinances:

"A 35 mph school zone at Caleb's Creek Elementary School on Teague Lane from 600' South of Old Salem Road to 500' South of Salem Crossing Road."

2. The new speed limits shall be effective upon concurrence by the North Carolina Department of Transportation and posting.

This the 1st day of March, 2011.

RESOLUTION NO. R-2011-07

RESOLUTION REQUESTING CONCURRENCE OF

CALEB'S CREEK ELEMENTARY SCHOOL ZONE SPEED LIMIT BY THE

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the Board of Aldermen of the Town of Kernersville has been concerned with the safety of pedestrians, bicyclists and motor vehicles during the arrival and departure times of students at the schools located within the corporate limits; and

WHEREAS the Kernersville Police and Public Services Departments have been asked to review these school zones and evaluate their safety considering the existing speed limits and have concluded that certain school zones should have their speed limits lowered during arrival and departure times; and

WHEREAS, the Board of Aldermen has been contacted by parents of school children and other interested citizens regarding a lowering of certain school zone speed limits; and

WHEREAS the Board of Aldermen has passed an ordinance amendment as authorized by North Carolina General Statute 20-141.1 to lower the speed limit adjacent to Caleb's Creek Elementary School; and

WHEREAS, the Town ordinance will not be effective unless and until the North Carolina Department of Transportation passes a concurring ordinance as provided in North Carolina General Statute 20-141(f).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it requests concurrence by the North Carolina Department of Transportation of an ordinance passed on March 1, 2011 reducing the school zone speed limit adjacent to Caleb's Creek Elementary School from 45 to 35 miles per hour during a period from thirty (30) minutes before to thirty (30) minutes after school begins and ends, on school days only.

This the 1st day of March, 2011.

11. Consideration of an Ordinance Establishing a Capital Reserve Fund for Future Capital Projects.

Mr. Swisher stated that Staff is recommending the establishment of a Capital Reserve Fund. He added that this fund will be used for important large future projects for the Town. He further added that if approved, \$65,000 will be transferred from the General Fund towards a future fire station.

Alderman Keith Mason made a **Motion** to approve the following Ordinance Establishing a Capital Reserve Fund for Future Capital Projects. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

ORDINANCE No. O-2011-11
ESTABLISHING A CAPITAL RESERVE FUND

WHEREAS, the Town of Kernersville desires to plan for large projects in an orderly manner, and;

WHEREAS, a Capital Reserve Fund is a mechanism for accumulating funds for large projects that are important to the future of the Town;

BE IT HEREBY ORDAINED by the Board of Aldermen of the Town of Kernersville:

Section 1. A Capital Reserve Fund is hereby created by the Board of Aldermen for any public purpose authorized by North Carolina General Statutes for municipalities; and

Section 2. The fund will accumulate funding for specific projects as set forth below, subject to amendment from time to time:

Project	Purpose	Amount to be Accumulated	Time of Accumulation	Source
Fire Station	Building	\$6,000,000	10 years	General Fund

Section 3. Revenues are appropriated as follows:

Transfer from the General Fund	\$ 65,000
Interest on Investments	\$ 200

Section 4. Expenditures are appropriated as follows:

Reserve for Future Fire Station Building	\$ 65,200
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Section 5. This Ordinance shall become effective upon its adoption.

Adopted this the 1st day of March, 2011

12. Consideration of Budget Amendment No. 2 for FY 2010-2011.

Mr. Swisher, Town Manager presented the budget amendment No. 2 for FY 10-11:

General Fund – Expenditures

1. To increase the Inspection Department expenditures in the amount of \$11,390 to cover insurance deductible expenditures associated with a claim.
2. To increase the Police Department expenditures in the amount of \$112,106 to cover departmental supplies/materials, uniform/accessories and new vehicle expenditures associated with the DWI Task Force Grant.
3. To increase the Fire Department expenditures in the amount of \$13,854 to cover expenditures for lighting and electrical expenses associated with an Energy Grant.
4. To increase the Engineering Department expenditures in the amount of \$65,000 for professional services associated with an environmental assessment of an old sewer plant and a sewer expansion study.
5. To increase the Street Department expenditures in the amount of \$33,138 to cover expenditures associated an emergency repair on Oakhurst Street and costs related to additional salt for snow removal.
6. To increase the Sanitation Department expenditures in the amount of \$26,000 to cover expenses associated with dumpster and commercial program supplies and part-time labor.
7. To increase the Transportation Department expenditures in the amount of \$4,600 to cover software upgrade expenses.
8. To increase the Recreation Department expenditures in the amount of \$45,594 to cover expenses associated with lighting and HVAC repairs (Energy Grant – Round 1); supplies/materials and activity costs associated with the State Cross Country events (NCHSAA); and sod expenses at the lacrosse field.
9. To increase the General Services Department expenditure reserves in the amount of \$29,498 to cover future energy projects associated with an Energy Grant – Round 1 (ARRA).
10. To increase the transfer from cash bond funds to the Stormwater Fund in the amount of \$38,547 for expenses associated with a stormwater outfall repair at the Trillium subdivision.
11. To increase the transfer to the Capital Reserve Fund in the amount of \$65,000 for a future fire station.
12. To increase the Administration Department (Public Services) expenditures in the amount of \$13,564 to cover expenses associated with HVAC replacement and lighting improvements for the state Energy Grant – Round 1 (ARRA).
13. To increase the Central Maintenance Department expenditures in the amount of \$31,554 to cover electrical work, roof/floor repairs, and lighting expenses associated with the state Energy Grant – Round 1 (ARRA).

General Fund – Revenues

1. To increase the GHSG – DWI Task Force grant revenues by \$104,475 to reflect additional revenues collected for a new grant position.

2. To increase the CCUC general fund project reimbursement revenues by \$65,000 to cover environmental and sewer engineering studies.
3. To increase the state Energy Grant – Round 1 revenues in the amount of \$82,125 to cover the lighting and HVAC upgrades.
4. To increase the DENR – Urban & Community Forestry Grant revenues in the amount of \$5,938 to cover expenditures associated with the grant.
5. To increase the revenues due from Duke Energy in the amount of \$3,490 and associated with the state Energy Grant – Round 1.
6. To increase the miscellaneous revenues in the amount of \$54,194 to cover expenditures relating to the South Cherry Street sidewalk repair and improvements/repairs on Oakhurst Street.
7. To increase the functionally related revenues in the amount of \$900 to cover hospital signs.
8. To increase the contributions to the Recreation Department in the amount of \$15,000 to reflect contributions made by Bishop McGuiness High School.
9. To increase the fund balance appropriated in the amount of \$2,553 for the match to the state Energy Grant – Round 1.
10. To increase the fund balance appropriated in the amount of \$156,170 to balance the general fund revenues with the general fund expenditures.

Law Enforcement Forfeiture – Expenditures (State/Local)

1. To increase the expenditures in the amount of \$7,500 to cover professional services associated with a SOS Grant (WSFCS).

Law Enforcement Forfeiture – Revenues (State/Local)

1. To increase the fund balance appropriated revenues in the amount of \$7,500 to offset expenditures associated with the SOS Grant (WSFCS).

Justice Assistance Grant – Expenditures

1. To increase the expenditures in the amount of \$14,555 to cover supply inventory software and capital outlay equipment costs (Bear Mascot).

Justice Assistance Grant – Revenues

1. To increase the revenues in the amount of \$14,555 to offset expenditures of the same amount.

Contributions Fund – Expenditures

1. To increase the expenditures in the amount of \$500 to cover costs associated with solid waste program rewards (Earth Day).

Contributions Fund – Revenues

1. To increase the revenues in the amount of \$500 to reflect Earth Day award contributions.

Worker’s Compensation – Expenditures

1. To increase the expenditures in the amount of \$100,000 to cover costs associated with claims.

Worker’s Compensation Fund – Revenues

1. To increase the revenues in the amount of \$100,000 to offset expenditures of the same amount.

Stormwater Enterprise Fund – Expenditures

1. To increase the expenditures in the amount of \$38,547 to cover expenses associated with a stormwater outfall repair at the Trillium subdivision.

Stormwater Enterprise Fund – Revenues

1. To increase the revenues in the amount of \$38,547 to reflect the transfer from the general fund to offset expenditures of the same amount.

Alderman Dana Caudill Jones made a **Motion** to approve the following Ordinance for Budget Amendment No. 2 FY 2010-2011. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. 0-2011-12
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 15th day of June, 2010 as follows:

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

General Fund - Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Inspections Department		11,390	432,884
Police Department		112,106	7,275,472
Fire Department		13,854	4,878,428
Engineering Department		65,000	258,576
Street (Division of Public Services)		33,138	1,533,621
Sanitation (Division of Public Services)		26,000	1,935,341
Transportation Department		4,600	418,051
Recreation Department		45,594	1,165,614
General Services Department		29,498	307,437
Transfer to Stormwater Fund-Performance Bond		38,547	38,547
Transfer to Capital Reserve Fund-Fire Dept Projects		65,000	65,000
Administration (Division of Public Services)		13,564	315,904
Central Maintenance (Division of Public Services)		31,554	1,372,131
Total		489,845	

ORDINANCE NO. 0-2011-12
TOWN OF KERNERSVILLE
BUDGET AMENDMENT # 2

This will result in a net increase of \$489,845 in the expenditures of the General Fund. The above changes in expenditures will require an adjustment to revenues as follows:

General Fund - Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
GHSF-Forsyth County DWI Task Force		104,475	104,475
CCUC GF-Projects Reimbursements		65,000	65,000
State Energy Grant-Round 1		82,125	82,125
DENR-Urban & Community Forestry Grant		5,938	5,938
Due/Fr Duke Energy-Round 1 Grant		3,490	3,490
Miscellaneous Revenue		54,194	89,194
Functionally Related Revenue		900	1,833,354
Contributions- Recreation Department		15,000	15,000
FBA -State Energy Grant R1- GF Match		2,553	827,882
Fund Balance Approp.		156,170	984,052
Total		489,845	

Section 2. To amend the Local Law Enforcement Forfeiture - State/Local Fund, the expenditures are to be changed as follows:

L L E F-State/Local Fund-Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
LLEF-State/Local Fund-Expenditures		7,500	10,350
Total		7,500	

This will result in a net increase of \$7,500 in the expenditures of the Local Law Enforcement Forfeiture State/Local Fund. The above changes in expenditures will require an adjustment to revenues as follows:

L L E F-State/Local Fund-Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Fund Balance Approp.		7,500	10,250
Total		7,500	

ORDINANCE NO. 0-2011-12
TOWN OF KERNERSVILLE
BUDGET AMENDMENT # 2

Section 3. To amend the Justice Assistance Grant Fund, the expenditures are to be changed as follows:

Justice Assistance Grant Fund- Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Justice Assistance Grant Fund Expenditures		14,555	19,782
Total		14,555	

This will result in a net increase of \$14,555 in the expenditures of the Justice Assistance Grant Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Justice Assistance Grant Fund- Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Justice Assistance Grant		14,555	19,782
Total		14,555	

Section 4. To amend the Contributions Fund, the expenditures are to be changed as follows:

Contributions Fund- Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Contributions Fund Expenditures		500	4,750
Total		500	

This will result in a net increase of \$500 in the expenditures of the Contributions Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Contributions Fund- Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Contributions Fund Expenditures		500	4,750

Total	500
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Section 5. To amend the Worker's Compensation Fund, the expenditures are to be changed as follows:

Worker's Compensation Fund - Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Worker's Compensation Fund Expenditures		100,000	236,500
Total		100,000	

This will result in a net increase of \$100,000 in the expenditures of the Worker's Compensation Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Worker's Compensation Fund - Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Fund Balance Approp.		100,000	100,000
Total		100,000	

ORDINANCE NO. 0-2011-12
TOWN OF KERNERSVILLE
BUDGET AMENDMENT # 2

Section 6. To amend the Stormwater Fund, the expenditures are to be changed as follows:

Stormwater Enterprise Fund- Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Stormwater Enterprise Fund Expenditures		38,547	1,585,895
Total			

This will result in a net increase of \$38,547 in the expenditures of the Stormwater Enterprise Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Stormwater Enterprise Fund- Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Transfer Fr/GF for Performance Bond		38,547	38,547
Total			

Section 7. 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 1st day of March, 2011.

13. Consideration of a Resolution Declaring Certain Property Surplus and Authorizing Advertisement of Electronic Sale.

Mr. Swisher stated that the property itemized in the following Resolution is surplus and is no longer necessary for the operations of the Town. He added that Staff is requesting approval of the Resolution to sell this surplus property in an electronic auction.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution Declaring Certain Property Surplus and Authorizing Advertisement of Electronic Sale. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-08

RESOLUTION DECLARING EQUIPMENT SURPLUS AND AUTHORIZING THE ELECTRONIC AUCTION OF SURPLUS PERSONAL PROPERTY

WHEREAS, the Board of Aldermen of the Town of Kernersville desires to declare said property surplus and dispose of said property of the Town in accordance with the Town of Kernersville's Finance Policy and the North Carolina General Statutes, and

WHEREAS, NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen of the Town of Kernersville that:

The following described property is hereby declared surplus to the needs of the Town:

SURPLUS		
FIXED ASSET #	ID	ITEM DESCRIPTION
1708	1G1BL5168JR147320 (#116)	1988 CHEVROLET CAPRICE
1787	1GCCS14Z7K2178145 (#200)	1989 CHEVROLET S-10 PICK UP TRUCK
1822	1GCCS14Z6K2184910 (#500)	1989 CHEVROLET S-10 PICK UP TRUCK
1858	T0301AG704751 (#902)	1985 JOHN DEERE TRACTOR 301A W/LOADER
10427	1G1BL52P9SR135685 (#106)	1995 CHEVROLET CAPRICE
10524	2FALP71W0TX156264 (#505)	1996 FORD CROWN VIC 4D
10621	4V2DMFMD5RN671408 (#525)	1994 WHITE GMC GARBAGE TRUCK
10770	1GDS7H1J1VJ514351 (#512)	1997 GMC REAR LOADER GARBAGE TRUCK
10811	2FAFP71WOWX119475 #(163)	1998 FORD CROWN VIC 4S
10877	1GCCS19X1WK151438 (#806)	1998 CHEVROLET S-10 PICKUP TRUCK
10948	2FAP71W3XX163745 (#333)	1999 FORD CROWN VIC 4S
10952	2FAFP71W7XX163750 (#176)	1999 FORD CROWN VIC 4S
11159	2FAFP71W21X128931 (#193)	2000 FORD CROWN VIC 4S
11189	4VMDCKBE2XN779478 (#528)	1999 VOLVO WX64 GARBAGE TRUCK
11555		HASLER AUTOMATIC MAIL MACHINE

WHEREAS, North Carolina G.S. 160A-270(b) allows the Town to sell surplus personal property at public auction upon adoption of a resolution or order authorizing the appropriate official to dispose of the surplus property at public auction; and

WHEREAS, the Town Manager has recommended that the surplus property listed below should be disposed of,

NOW, THEREFORE, BE IT RESOLVED, by the Kernersville Town Board of Alderman that the Town Manager or his designee is authorized to sell the surplus property described below by electronic auction beginning on March 13, 2011 at www.GovDeals.com, as per the terms and conditions in accordance with North Carolina G.S. 160A-270(c) and in compliance with the Finance policy. The Town Manager or his designee is directed to publish at least once and not less than ten (10) days before the date of the auction, a copy of this Resolution or a notice summarizing its content as required by North Carolina General Statute 160A-270.

ELECTRONIC AUCTION		
FIXED ASSET #	ID	ITEM DESCRIPTION
1708	1G1BL5168JR147320 (#116)	1988 CHEVROLET CAPRICE
1787	1GCCS14Z7K2178145 (#200)	1989 CHEVROLET S-10 PICK UP TRUCK
1822	1GCCS14Z6K2184910 (#500)	1989 CHEVROLET S-10 PICK UP TRUCK
1858	T0301AG704751 (#902)	1985 JOHN DEERE TRACTOR 301A W/LOADER
10427	1G1BL52P9SR135685 (#106)	1995 CHEVROLET CAPRICE
10524	2FALP71W0TX156264 (#505)	1996 FORD CROWN VIC 4D
10587	N/A	FUEL MASTER SYSTEM PEDESTAL
10621	4V2DMFMD5RN671408 (#525)	1994 WHITE GMC GARBAGE TRUCK
10770	1GDS7H1J1VJ514351 (#512)	1997 GMC REAR LOADER GARBAGE TRUCK
10811	2FAFP71WOWX119475 #(163)	1998 FORD CV 4S
10877	1GCCS19X1WK151438 (#806)	1998 CHEVROLET S-10 PICKUP TRUCK
10948	2FAP71W3XX163745 (#333)	1999 FORD CV 4S
10952	2FAFP71W7XX163750 (#176)	1999 FORD CROWN VIC 4S
11159	2FAFP71W21X128931 (#193)	2000 FORD CROWN VIC 4S
11189	4VMDCKBE2XN779478 (#528)	1999 VOLVO WX64 GARBAGE TRUCK
11532		KONICA MINOLTA D1251 COPIER
		(4) LAMINATE DESKS
		BLUE CLOTH BENCH W/TABLE ATTACHED
		(17) MISCELLANEOUS OFFICE CHAIRS
		LITERATURE DISPLAY CASE
		CRANKALL JUMP STARTER
	E0280SG795234	JOHN DEERE AER-WAY
	8179485	NAPA BATTERY CHARGER
		(2) STIHL BR 400 BACKPACK BLOWERS
	1633	FUJI ROBIN HEDGE TRIMMER
	1969297	SOUTHLAND 20" PUSH MOWER
		TAT ENGINEERING SPRAYER
	60102	MCLANE EDGER
		2-TON FLOOR JACK
	1969	NOBLES IND. MODEL20H FLOOR POLISHER

	274934239	STIHL WEED EATER FS110
	A1000007789EF3	VERIZON HTC TOUCH BROADBAND SMARTPHONE WITH TOUCH SCREEN
	A1000007789EE6	VERIZON HTC TOUCH BROADBAND SMARTPHONE WITH TOUCH SCREEN
	A100000778A0B2	VERIZON HTC TOUCH BROADBAND SMARTPHONE WITH TOUCH SCREEN
		CRACK ROUTER SEALER
		GENERATOR YAMAHA 5000
		COPIER SHARP DIGITAL (#AR257)
		COPIER SHARP DIGITAL (#AR235)
		(2) STORAGE CABINETS (ACCO)
		MISC TABLES

Adopted the 1st day of March 2011.

14. **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 January 14, Planning Session
Approval of Minutes for January 26, Briefing Session
Approval of Minutes for January 26, Closed Session
Approval of Minutes for February 1, Regular Session

C-2 Consideration of a Resolution establishing dates for the Spring Folly.

RESOLUTION NO. R-2011-09

RESOLUTION SETTING FORTH THE DATES

FOR THE 2011 KERNERSVILLE SPRING FOLLY

In accordance with the provisions of the Town of Kernersville Ordinance governing the Annual Spring Folly:

Be It Hereby Resolved that for the year 2011, such event shall commence at 6:00 P.M., Friday, May 6th, 2011, and shall terminate at 6:00 P.M., Sunday, May 8th, 2011.

Adopted this the 1st day of March, 2011.

C-3 Consideration of a Request by the Chamber of Commerce to hold the Music at Twilight concerts in the Town Hall Courtyard.

C-4 Forsyth County Tax Refunds

EFS Funding LLC \$1,502.80 Property listed by lessor and lessee 1

Alderman Keith Mason made a **Motion** to approve the Consent Agenda items as submitted. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

15. ITEMS REMOVED FROM CONSENT AGENDA.

None

16. SPEAKERS FROM THE FLOOR.

Phil Loflin, 324 Kilburn Way Lane, Kernersville, stated that he was curious and asked if the Board was responsible for Ordinances of the town. He also asked if there is any personal activity that he can do at his house that is legal but could be enough of a nuisance or noise nuisance that could change the Ordinances to the Town in regards to a nuisance, such as drum playing.

Alderman Dana Caudill Jones responded that if your neighbors get tired of hearing you play drums they are going to complain and if the Police Department witnesses the violation criminal charges can be brought against the person violating the ordinance. However, Ordinances cannot be changed to address one thing in the community.

Mr. Wolfe stated that there is and if Mr. Loflin wanted to test it he is sure the neighbors would take him to court and cite him with a criminal summons and a judge would decide whether or not he had stepped over the line. He added that it can at times place the Police Officers in a precarious position, nor does he believe the Board is equipped to deal with this and they are being asked too much of. He concluded that it would not be his advice to the Board to change an Ordinance as in this example.

17. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented information to the Board on a landscape plan for the new round-a-bout on Mountain Street. He added that the North Carolina Department of Transportation is requesting authorization of a Landscape Agreement for the installation of the plantings up to \$14,000. He further stated that the Town would be responsible for the ongoing maintenance at a cost of approximately \$1,400 per year.

Alderman Dana Caudill Jones made a **Motion** to authorize the execution of a landscape agreement with NCDOT for roundabout at Mountain Street. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Mr. Swisher stated that the Northwest Piedmont Council of Governments (NWPCOG) are dissolving and merging with the other Council of Governments to form a 12 county Piedmont Triad Regional Council effective July 1, 2011. He further stated that the NWPCOG are requesting that the Board approve two resolutions, one to dissolve the NWPCOG and one to authorize formation of Piedmont Triad Regional Council.

Mayor Morgan asked Mr. Wolfe if the Board could approve the two Resolutions in one motion.

Mr. Wolfe, Town Attorney stated that yes they could.

Mayor Pro Tem Bugg made a **Motion** to approve the following Resolutions Dissolving the Northwest Piedmont Council of Governments and Providing for Distribution of Assets and Obligations and Forming Piedmont Triad Regional Council. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

R-2011-10
RESOLUTION
Dissolving the Northwest Piedmont Council of Governments
and
Providing for Distribution of Assets and Obligations

WHEREAS, the Northwest Piedmont Council of Governments was organized in July 1979; and

WHEREAS, the Northwest Piedmont Council of Governments, is a regional council of governments authorized by NCGS 160A, Article 20, Part 2 Regional Councils of Governments; and

WHEREAS, the Northwest Piedmont Council of Governments is designated by the Secretary of the Department of Administration as the Lead Regional Organization for North Carolina multi-county planning Region I; and,

WHEREAS, as of today's date the Northwest Piedmont Council of Governments consists of twenty-seven member governments shown in Attachment A to this Resolution including the counties of Davie, Forsyth, Stokes, Surry, and Yadkin Counties and twenty-two municipalities within those counties; and

WHEREAS, this association has proven the usefulness of regionalism as an efficient and effective platform for cooperative problem solving and program delivery; and,

WHEREAS, changes in the scope of political, economic, environmental, and transportation issues have led the membership of the Northwest Piedmont Council of Governments to consider the opportunities offered by a broader coalition of like-minded local government partners across the twelve-county Piedmont Triad region of North Carolina.

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen of the Town of Kernersville hereby agrees to dissolve the voluntary association heretofore known as the Northwest Piedmont Council of Governments at the end of fiscal year 2010-2011; and,

BE IT FURTHER RESOLVED, that such dissolution shall occur upon satisfaction of two conditions (1) adoption of this Resolution by all current member governments as required by Article X of the Charter and (2) formation of the successor council of governments pursuant to NCGS 160A, Article 20, Part 2 as provided for in the Formation and Membership Resolution for the Piedmont Triad Regional Council; and

BE IT FURTHER RESOLVED, that upon satisfaction of conditions one (1) and two (2) above, dissolution of the Northwest Piedmont Council of Governments shall become effective June 30, 2011; and

BE IT FURTHER RESOLVED, that all assets and obligations of the Northwest Piedmont Council of Governments, Multi-County Planning Region I, shall transfer to the successor regional council, the newly formed Piedmont Triad Regional Council.

IN WITNESS WHEREOF, this resolution is adopted this the 1st of March 2011.

**R-2011-11
RESOLUTION
Formation and Membership in the
Piedmont Triad Regional Council**

WHEREAS, the Piedmont Triad Council of Governments, multi-county planning Region G, serves the region encompassing Alamance, Caswell, Davidson, Guilford, Montgomery, Randolph, and Rockingham counties and thirty-nine municipalities within those counties; and

WHEREAS, the Northwest Piedmont Council of Governments, multi-county planning Region I, serves the region encompassing Davie, Forsyth, Stokes, Surry, and Yadkin counties and twenty-two municipalities within those counties; and

WHEREAS, the two councils of governments have individually and jointly studied the benefits of merger to form a new Piedmont Triad Regional Council which would be the successor council of governments to the two existing entities and which, pursuant to this Resolution, would encompass the twelve-county Piedmont Triad region; and

WHEREAS, the benefits of merging the two regional councils include:

- Designation of one Lead Regional Organization for the Triad region consistent with state policy on regions since 1971;
- A larger and more unified voice for Triad local governments at the state and national levels;
- Broader scope of services to member governments, based on the strengths of each existing COG;
- Efficiency of shared overhead leading to reduced fees for contract services to members;
- Alignment of the region's two local government organizations to reflect common economic, land, water, transportation, and air quality conditions.

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen of the Town of Kernersville hereby joins with other local governments throughout the twelve-county region in adopting the Charter of the Piedmont Triad Regional Council (attached as Attachment A and incorporated herein); and

BE IT FURTHER RESOLVED, that establishment of the Piedmont Triad Regional Council shall require adoption of this Resolution by each board of county commissioners in the twelve-county region or adoption by the governing bodies of one or more municipalities whose combined populations represent at least 50% of the population of each county on or before March 31, 2011; and

BE IT FURTHER RESOLVED, that upon sufficient votes by units of local government as required above, the Piedmont Triad Regional Council shall be established as the council of governments for the Piedmont Triad region effective July 1, 2011; and

BE IT FURTHER RESOLVED, that sufficient votes by units of local government as required above, will be deemed a petition to the Secretary of the North Carolina Department of Administration to re-draw regional boundaries, as authorized in G.S. G.S.143-341(6)(i), for a twelve-county Piedmont Triad region effective July 1, 2011.

IN WITNESS WHEREOF, this resolution was adopted this the 1st day of March 2011.

Mayor Morgan stated that Alderman Bob Prescott will be appointed as the Town's representative and Alderman Keith Mason will serve as an Alternate.

Mr. Swisher presented the Board with a list of expenses (\$18,882.88) and revenues (\$16,000) for the 2010 State Cross Country meets hosted by the Town, actual cost to the Town was \$2,800. He added that this expense was included in the budget amendment approved tonight, and will be transferred back to the General Fund from the Occupancy Tax fund if monies are available at the end of the fiscal year.

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

Mr. Wolfe stated that as discussed at the February 23rd Briefing Meeting a Resolution has been prepared for the Boards consideration opposing Route C and D for the Location of Duke Energy Transmission Lines to Serve the new Caterpillar Manufacturing Facility.

Alderman Shifflette inquired about the outcome of the Duke Energy Public Session on February 24th.

Mr. Swisher stated that he did attend the meeting along with Jeff Hatling. He added that the concerns of the Board were expressed with the Duke Energy representative regarding the impact this would have on the land and the decrease in value. He stated that the practices of Duke Energy are to site the best location and then notify the public of their plans in a Public Session.

Mr. Hatling stated that he will be meeting with representatives of Duke Energy again on Friday March 4th to explain the adverse impact this would have on Kernersville as illustrated in the Resolution.

Alderman Keith Mason made a **Motion** to approve the following Resolution Regarding Location of Duke Energy Transmission Lines to Serve the new Caterpillar Manufacturing Facility. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried

R-2011-12

**A RESOLUTION BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE
REGARDING LOCATION OF DUKE ENERGY
TRANSMISSION LINES TO SERVE THE NEW
CATERPILLAR MANUFACTURING FACILITY**

WHEREAS, the Board of Aldermen has been made aware of the recent ground breaking for the new Caterpillar manufacturing facility on Union Cross Road in Winston-Salem, North Carolina, and the efforts of Duke Energy to determine a proper route for a 100,000 Volt electrical transmission line to serve that facility; and

WHEREAS, lands to the east of Union Cross Road are all within the municipal limits jurisdiction of the Town of Kernersville or within area reserved for the Town of Kernersville in an Annexation Agreement between the Town of Kernersville and the City of Winston-Salem; and

WHEREAS, the Town of Kernersville has reviewed the various alternative route corridors as proposed by Duke Energy on the attached map, and their impact upon the environment, land use, aesthetics, and culture of the citizens of the Town of Kernersville; and

WHEREAS, two (2) of the transmission line route corridors, being considered by Duke Energy, lie within the aforementioned areas of the Town of Kernersville; and, whereas Route C is 1.6 miles in length and Route D 2.5 miles in length, both of which run within residentially planned subdivision areas; and

WHEREAS, it has been noted that Duke Energy's mapping and evaluation previously displayed at its February 24, 2011 Workshop did not reflect: (1) Kernersville Zoning Districts (2) Caleb's Creek and Abbotts Plantation Subdivisions' recreational areas (3) Planned Greenway between Union Cross Elementary School and Caleb's Creek Subdivision (4) Future land uses in Caleb's Creek and Abbotts Plantation Subdivisions (5) Planned Greenways within Caleb's Creek and Abbotts Plantation Subdivisions (6) Topographic visual impacts of Caleb's Creek and Abbotts Plantation Subdivisions and (7) Public Visibility impacts of Caleb's Creek and Abbotts Plantation Subdivisions; and

WHEREAS, shown by the economic development incentives the City of Winston-Salem provided to Caterpillar, it is obvious that the City of Winston-Salem had, and has, a strong desire to have Caterpillar as its corporate citizen; and

WHEREAS, Caterpillar, by locating within the City of Winston-Salem, will provide great tax benefits to the citizens of the City of Winston-Salem; and, it is neither reasonable, nor fair, to expect the existing and future citizens of the Town of Kernersville to suffer, either individually, or collectively as taxpayers, from a diminution in value of property located within Kernersville due to Transmission Lines extending over property within the Town;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE that Duke Energy immediately disengage its efforts to establish Transmission Line(s) over either of the easternmost routes currently under consideration; and, that should this matter be heard by any Public Unit or Agency, it be established in Minutes and/or Evidence that the Town of Kernersville objects to transmission line(s), of the magnitude being considered by Duke Energy, being constructed within the jurisdiction of the Town of Kernersville or within the area reserved for the Town of Kernersville in the Annexation Agreement between the Town of Kernersville and the City of Winston-Salem for direct provision of electricity for the Caterpillar Manufacturing facility or any other large commercial facility located within the City of Winston-Salem on Union Cross Road.

This the 1st day of March, 2011.

Mayor Pro Tem Bugg stated that over the past four years the number of La Crosse players has grown from 30 to 150. He commended Ernie pages, Parks & Recreation Department Director for this growth.

Mayor Morgan stated that she has received a request from Pastor Myra Thompson, with Impact Triad asking the Town to investigate the possibility of installation of a sidewalk between their facility on West Bodenhamer Street to 4th July Park.

Mr. Swisher stated that Staff will research this; however it maybe difficult due to the railroad tracks. He further stated that if the Board approved this project they would also need to appropriate funds for the project.

Mayor Morgan stated that she thought funding had already been received for a sidewalk segment.

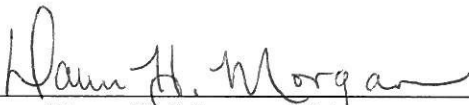
Mr. Brain Ulrich, Transportation Engineer stated that the funding was for a different section of sidewalk.

Mayor Morgan wished everyone Happy St. Patrick's Day and reminded everyone of the Arbor Day Celebration on March 18th.

19. ADJOURNMENT.

Alderman Dana Caudill Jones made a **Motion** to adjourn the meeting. 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 11:21 PM.


Dawn H. Morgan, Mayor

Attest:


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 March 1, 2011.

This the 7th day of April, 2011.


Jayne Danner CMC, Deputy Clerk