

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. SEPTEMBER 6, 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 and Bob Prescott.

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Jayne Danner, Deputy Clerk; 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; Ray Smith, Human Resources Director; Brian Ulrich, Transportation Manager, Gray Cassell, Information Systems Director; Sharon Williams, Recreation Program Coordinator and John Edwards, Landscape Specialist.

- **CALL TO ORDER**
- **INVOCATION BY PASTOR DAVID MCGEE, THE BRIDGE**
- **PLEDGE OF ALLEGIANCE, BOY SCOUT TROOP 940**

Mayor Dawn Morgan called the meeting to order and Pastor David McGee of The Bridge delivered the invocation, followed by the Pledge of Allegiance by Boy Scout Troop 940.

- **PRESENTATION OF PROCLAMATION FOR THE 36TH ANNUAL HONEYBEE FESTIVAL**

Mayor Dawn Morgan presented the Honeybee Proclamation to Sharon Williams, Recreation Program Coordinator. Mayor Morgan explained the history of the Honeybee Festival.

Sharon Williams invited those in attendance to attend the Honeybee Festival on September 17th from 10 a.m. to 4p.m at 4th July Park.

- **RECOGNITION OF TREE COMMISSION AND COMMUNITY APPEARANCE COMMISSION FOR THE TREE CITY USA AWARD**

Mayor Dawn Morgan recognized members of the Tree Commission and Community Appearance Commission and presented those in attendance with a cap and pin in recognition of their efforts in the Town's designation as a Tree City USA.

PUBLIC HEARINGS

- 1 a. **PUBLIC HEARING:** on a request by L. E. Pope Building, Co., Inc. to close a portion of the street known as South Park Drive.

Ms. Sharon Richmond, Senior Planner stated that the property owner submitted a request to close a portion of this street at the end of South Park Drive. She added that this matter does require a Public Hearing and the hearing has been advertised four consecutive times in the local newspaper as required by NC General Statutes.

Mayor Morgan declared the public hearing open.

In Favor

Jeff Hunter, 472 Essen Place, Kernersville stated that this portion of the street was to be a part of a thoroughfare; however other roads have now been built to take its place.

Mr. John Wolfe, Town Attorney reminded Mr. Hunter that the property owner will need to sign an easement allowing City County Utilities access.

Opposed

None presented.

Being no further speakers, Mayor Morgan declared the public hearing closed.

- 1 b. Consideration of an Ordinance Closing said street.

Mayor Pro Tem Kevin Bugg made a **Motion** to approve the following Ordinance closing a portion of South Park Drive. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2011-26

ORDINANCE ORDERING THE CLOSING OF A PORTION OF THE STREET KNOWN AS SOUTH PARK DRIVE IN THE TOWN OF KERNERSVILLE, NORTH CAROLINA

WHEREAS, on August 2, 2011, at a regularly scheduled monthly Meeting of the Board of Aldermen of the Town of Kernersville, a Resolution stating the intent to close a portion of the street known as South Park Drive located within the Town of Kernersville, Forsyth County, North Carolina, being bounded on either side and the end of said street, where a portion of the same is proposed to be closed, by real property owned by L. E. Pope Building Co., Inc. was adopted by a vote of said Board of Aldermen; and

WHEREAS, said Resolution stated that a Public Hearing would be held on the 6th day of September, 2011, at 7:00 P.M. in Council Chambers, Town Hall, Kernersville, Forsyth County, North Carolina, at the regular monthly meeting of said Board of Aldermen; and

WHEREAS, Notice of said meeting was published once a week for four consecutive weeks (August 11, 16, 25, and 30, 2011), prior to the date of said Public Hearing, in the KERNERSVILLE NEWS, a newspaper published and having a general circulation within the Town of Kernersville, North Carolina, pursuant to order of the Board of Aldermen; and

WHEREAS, Notices of Closing and Public Hearing were posted in at least two prominent places along the said South Park Drive; and

WHEREAS, adjoining property owner(s) were duly notified by certified mail of the date, place, and time of Public Hearing, and the intent of the Board of Aldermen to close said portion of South Park Drive; and

WHEREAS, at a meeting of the Board of Aldermen of the Town of Kernersville, North Carolina, held on the 6th day of September, 2011, a Public Hearing was held on the closing of a portion of the street known as South Park Drive located within the Town of Kernersville, Forsyth County, North Carolina, being bounded, on either side and the end of said street where a portion of the same is proposed to be closed, by real property owned by L. E. Pope Building Co., Inc.; and

WHEREAS, Notice was not required under N. C. Gen. Stat. 160A-299 to be given to the State Board of Transportation; and

WHEREAS, it would appear to the satisfaction of the Board of Aldermen of the Town of Kernersville, North Carolina, that the closing of a portion of the street known as South Park Drive located within the Town of Kernersville, Forsyth County, North Carolina, being bounded on either side and the end of said street where a portion of the same is proposed to be closed, by real property owned by L. E. Pope Building Co., Inc., is not contrary to the public interest and that no individual owning property adjoining or abutting or in the vicinity of said South Park Drive will hereby be deprived of reasonable means of ingress or egress to its property; and

WHEREAS, further, it appears to the Board of Aldermen that there is a need for the Town of Kernersville to retain an easement over those lands within the portion of the street being closed for the Town's future use;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE, NORTH CAROLINA, that a portion of the street (more particularly .487 acres) known as South Park Drive located within the Town of Kernersville, Forsyth County, North Carolina, being bounded, on both sides and the end of

said street where a portion of the same is proposed to be closed, by real property owned by L. E. Pope Building Co., Inc., and shown on the attached map designated as Exhibit A which is hereby incorporated within this Ordinance as if fully set out herein, be and is hereby ordered closed subject to the retention of an easement for water, sewer, and other utilities as well as for drainage, the aforementioned .487 acres being shown on a map and plat prepared by the Town's Surveyor and to be recorded in the Forsyth County Registry Plat Books. That, further, the .487 acres of street being closed and an easement retained, at the same time, by the Town as aforementioned shall be retained by the Town of Kernersville for itself, the City-County Utility Commission, and such other entities as may provide various utility services to the citizens of the Town of Kernersville for its and their ingress, egress, and regress for purposes of installation and maintenance of water, sewer, other utilities, and drainage services deemed necessary by the Town of Kernersville and/or its assigns.

This the 6th day of September, 2011.

PUBLIC SESSION

2. SPEAKERS FROM THE FLOOR.

NONE

2 a. Continued Discussion and Consideration of Proposal by Winston-Salem Transit Authority (WSTA) on Potential Shuttle Service.

Mayor Dawn Morgan stated that Mr. Art Barnes, General Manager of Winston Salem Transit Authority gave a presentation to the Board at the August 31st Briefing Session on a potential Senior Shuttle in Kernersville. She added that Mr. Swisher will give an overview of the Shuttle service and the Board will continue discussion on the matter this evening.

Mr. Curtis Swisher, Town Manager stated that this proposed free senior shopping shuttle would be operated by Winston Salem Transit Authority on Tuesday and Saturday between 9 a.m. and 4 p.m. making eight proposed stops in Kernersville. He added that an 18 – 20 passenger bus would be used for the service initially. He further added that Mr. Barnes seems confident that he could get a grant for this service; however the Town would be required to pay the 20% match, \$3,200 for the cost of the bus, and 10% of annual operating costs of approximately \$2,500 per year. Mr. Swisher stated that it would be impossible for the Town to operate a bus service for this cost. He added that he will also talk to Mr. Barnes to see if the Senior Center could be an added stop on the Tuesday service.

Alderman Shifflette inquired if this would be an annual grant.

Mr. Swisher confirmed that it is an annual grant which would require reapplication each year.

Alderman Prescott stated that this would be an excellent way for the seniors to get around town. He inquired about a potential start date.

Mr. Swisher stated that he is unsure of the actual start date, however he thought it may be around November/December.

Teresa Wood, 812 Birch Lane, Kernersville, stated that she has been discussing this matter with Mr. Barnes for a long time since only half of the 87 residents at Kerner Place Apartments drive. Ms. Wood stated that she is speaking on behalf of these residents and they would also like to have stops at Aldi, Dollar Tree, C and H Cafeteria, Target and Food Lion as they can't see how it can be that much more expensive and you are driving along Main Street and passing by these locations anyway. She added that the residents felt the previous service similar to this offered by PART was not user friendly.

Mr. Swisher stated that he will discuss the suggestions with Mr. Barnes to see if the route can be expanded.

Alderman Dana Caudill Jones stated that Mr. Barnes did mention in his presentation that surveys would be conducted of the riders to see how adjustments could be made to ensure this is a user friendly service.

Phil Loflin, 324 Kilburn Way Lane, Kernersville, stated that this is a great service, however looking at the schedule provided it appears it would take someone living at Robinwood, 2 to 3 miles from Wal-Mart, 1 hour and 55 minutes to get back home. He added it seems like a great cost, however this too may be something to take into consideration since school kids are only supposed to ride for an hour to and from school, maybe this would justify two buses or an out loop and return loop.

Mr. Swisher stated that if the Board wishes to proceed a motion from the Board would be required to approve a 20% match for capital cost and a 10% annual operating cost.

Alderman Dana Caudill Jones made a **Motion** to enter an agreement with WSTA for a Senior Shuttle in Kernersville, for the Town of Kernersville to pay \$3,200, a 20% match for the cost of the vehicle, and 10% of the annual operating costs of approximately \$2,500. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

3. Consideration of a Resolution Ratifying and Authorizing Execution of a Memorandum of Understanding by and Among Forsyth County, its Municipalities and the WS/FC Board of Education to Encourage Cooperation in the Selection of School Sites.

Mr. Curtis Swisher, Town Manager stated that this Memorandum of Understanding primarily came about due to the process used by the Town of Kernersville several years ago when the Caleb's Creek School was included in the plans for a large new development in that area. He added that it was discussed at a recent Forsyth County managers meeting to create a plan for the selection and location of future school sites. Mr. Swisher stated that this Memorandum of Understanding (MOU) was adopted by the Forsyth County Commissioners encouraging cooperation in the selection of school sites, outlining what roles the school system and the

municipalities will have in this process. He added that Staff is recommending approval of the Memorandum of Understanding.

Mr. John Wolfe, Town Attorney stated that he does recommend two revisions to the MOU provided by Forsyth County. He recommended removing the word “mutual” from the sentence “mutual cost of acquiring property” in paragraph 2 since the Town cannot spend money on schools, and removing the last sentence in paragraph 3. He added that with these revisions he would recommend approval of the revised Memorandum of Understanding.

Dudley Watts, Forsyth County Manager stated that this agreement is about working together. He added that the Town of Kernersville’s Caleb’s Creek School is an excellent example of how well the school system worked with the county at developing a site at the lowest cost for all parties involved. He stated that this was not the case with other municipalities for other school site locations. He added the key is getting the municipality engaged in the process early to determine the location for a new school which the County has not done a good enough job of in the past. He added that all parties can save money when these matters are looked into together in advance. Mr. Watts stated that the recommended changes by Attorney Wolfe are perfectly fine and that the county has no intentions of shifting the costs to municipalities.

Darrell Walker, Assistant Superintendent of Operations, Winston Salem Forsyth County Schools reiterated what Mr. Watts said. He stated that Caleb’s Creek School is the “poster child”. He added that each organization has been doing their own thing, when in essence the school system needed the municipalities input because the school system was interested in the same land that the fire department and recreation department were also looking at as they made plans for the future. He added that he too was fine with the recommendations by Attorney Wolfe and that the school system did not intend to offset costs to the municipalities.

Alderman Bob Prescott made a **Motion** to approve the revised Memorandum of Understanding and the following Resolution to Encourage Cooperation in the Selection of School Sites. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-20
RESOLUTON RATIFYING AND AUTHORIZING
EXECUTION OF A MEMORANDUM OF UNDERSTANDING BY AND AMONG
FORSYTH COUNTY, ITS MUNICIPALITIES AND THE
WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION TO
ENCOURAGE COOPERATION IN THE SELECTION OF SCHOOL SITES

WHEREAS, the purpose of the attached Memorandum of Understanding by and among Forsyth County, its Municipalities, and the Winston-Salem/Forsyth County Board of Education is to encourage cooperation between the parties relating to the location of future school sites in order to promote orderly growth within each jurisdiction and to enhance efficiency of resources in addressing traffic, safety, planning, recreation and other mutual concerns.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Kernersville that the attached Memorandum of Understanding by and among Forsyth County, its

Municipalities, and the Winston-Salem/Forsyth County Board of Education, to encourage cooperation in the selection of school sites for the purpose outlined herein, is hereby ratified, and the Mayor and the Deputy Town Clerk are hereby authorized to execute the said Memorandum of Understanding, on behalf of Forsyth County, subject to a pre-audit certificate thereon by the Chief Financial Officer, if applicable, and approved as to form and legality by the Town Attorney. The original Memorandum of Understanding is incorporated herein by reference.

BE IT FURTHER RESOLVED that this Resolution ratifying cooperation by and among Forsyth County, its Municipalities, and the Winston-Salem/Forsyth County Board of Education is hereby spread upon the minutes of the Board of Alderman of the Town of Kernersville.

Adopted this 6th day of September, 2011.

4. Second Reading of the Taxi Franchise Ordinance Renewal for Kernersville Taxi Operated by Patrick Michael Gilliland.

Mr. John Wolfe stated that as required by North Carolina General Statutes this is the second reading of Taxi Franchise Ordinances for Kernersville Taxi and Oak Ridge Cab Company. He added that both taxi companies will operate in the same manner as they have in the past and in compliance with the rates previously approved by the Board.

Alderman Dana Caudill Jones made a **Motion** to approve the following Ordinance granting a Taxi Franchise to Kernersville Taxi. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2011-27

**AN ORDINANCE RENEWING A NONEXCLUSIVE TAXI FRANCHISE
ISSUED TO PATRICK M. GILLILAND**

WHEREAS, the Board of Aldermen of the Town of Kernersville finds:

1. That the Board of Aldermen of the Town of Kernersville issued a nonexclusive taxi franchise to Patrick M. Gilliland that will expire on September 6, 2011; and
2. That the Board of Aldermen has reviewed the application for renewal received from the applicant and the applicant has been heard from in open session, if desired; and
3. That the Town of Kernersville and its citizens need a taxi service to provide transportation for those without personal transportation; and
4. That Patrick M. Gilliland meets the requirements established by the Code of Ordinances for the issuance of a franchise for Vehicles for Hire and the granting of this nonexclusive Taxi Franchise is in the best interest of the citizens of the Town of Kernersville.

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

Section I

That the taxi service herein franchised shall be used solely and operated exclusively for the purposes, and under the provisions, expressed by the Taxi Franchise Ordinance and no other.

Section II

Patrick M. Gilliland is hereby granted the right, privilege and nonexclusive franchise to operate and maintain a taxi service in the Town of Kernersville upon the terms and conditions as set forth herein.

Section III

Definitions.

For the purposes of this Franchise, the following terms, phrases, words and abbreviations and their derivations shall have the meanings given herein:

- A. Board - the Board of Aldermen of the Town of Kernersville, the governing body.
- B. Chief – the Chief of Police of the Town and his or her designee. The Chief is responsible for administration of this Franchise.
- C. Grantee or Franchisee- such individual, partnership, company, corporation, or other entity, which may be granted a franchise hereunder this chapter.
- D. Franchise - authorization granted by the Board to operate and maintain a taxi service within the Town.
- E. Person - shall mean any person, firm, partnership, association, corporation or organization of any kind.
- F. Taxi – a passenger motor vehicle plying for hire for which public patronage is accepted or solicited and which is so designed as to seat comfortably not more than nine (9) passengers but shall not include motor vehicles or motor vehicle carriers as defined in North Carolina Gen. Stat. Ch. 20, Art. 17.
- G. Town or City - the Town of Kernersville.
- H. Taximeter – a mechanical device which is installed in a taxicab for the purpose of computing the fare for a trip upon the basis of distance traveled, waiting time or both.

Section IV

Franchise Required; Application; Granting of Non-Exclusive Franchise.

A. It is unlawful for any person to engage in or otherwise participate in the operation of any taxi service unless such person shall first obtain and hold a valid franchise.

B. Patrick M. Gilliland has filed a written application with the Town containing true and correct statements pertaining to:

i. The names and addresses of applicants; the names and any partners; the names of any directors of the corporation if the same is the applicant;

ii. Any convictions of applicant (a) for any felony; (b) for any violation of law relating to use, possession, or sale of alcoholic beverages or narcotic or barbiturate drugs; (c) for violation of any Federal or State law relating to prostitution; and (4) for habitual violation of traffic laws or ordinances;

iii. Whether the applicant is a habitual user of, or addicted to, narcotic or barbiturate drugs or intoxicating liquors and the traffic record of applicant;

iv. The motor vehicles which applicant proposes to use in the taxi service.

C. Franchisee acknowledges that, subsequent to the granting of any franchise hereunder, all drivers who shall become employed by, or any persons who shall perform driving duties for, the franchisee shall first file with the Town Manager of the Town of Kernersville or his designee, application for permit to drive a taxi within the Town of Kernersville as required by Section 17-18 of the Town Code of Ordinances.

Upon receipt of such application, the Chief of Police shall issue a Taxi Driver's Permit provided there is no cause shown within the application to deny the same. The driver's permit shall be displayed in such a manner as to be in full view of all passengers at all times while the driver is on duty.

Section V

Acceptance of Franchise.

Within thirty (30) days after the Town has taken final action to approve this franchise, the Grantee shall file a written acceptance of the franchise, acknowledged before a Notary Public, with the Town Clerk. Acceptance shall acknowledge that the Grantee agrees to comply with the provisions of the Town of Kernersville Code of Ordinances, Sections 17-1 through 17-21 (a copy of which is attached hereto), and the provisions of this Franchise, and said written acceptance shall be in such form and content as is satisfactory to and approved by the Town Attorney.

Section VI

Duration of Franchise; Termination; Transfer.

A. The Franchise is nonexclusive and shall be for a three (3) year term from the effective date of the franchise and may be extended and renewed for such additional three (3) year terms as the Board may subsequently approve.

B. The Franchise can not be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by voluntary, involuntary, or forced sale, or by merger or consolidation or otherwise.

C. In the event that the Grantee, for any reason, is no longer able to provide the taxi service as applied for, this Franchise shall immediately terminate.

D. In the event that the Town Board determines that the Franchise hereunder is not being operated or maintained in accordance with the Town Taxi Franchise Ordinance, it may suspend or revoke the Franchise. The Town shall notify the Franchisee in writing of such suspension or revocation and Franchisee shall be entitled to appeal as provided in the Ordinance. Upon suspension or revocation, the Franchise owner must suspend operations until final determination upon appeal. Suspension or revocation can be based on, but is not limited to, any of the following violations:

- a. Failure to operate the vehicle(s) permitted in the Franchise.
- b. Failure to maintain the vehicles in good order and repair.
- c. Failure to maintain the required insurance.
- d. Failure to pay taxes due to the city for the vehicles or their operation.
- e. Repeated and persistent violation of traffic Ordinances by drivers.
- f. Failure to report any accident involving one of the taxis.
- g. Willful failure to comply with the requirements of this Ordinance.
- h. Unauthorized transfer of a driver permit or use of a vehicle not reported in accordance with this Ordinance.
- i. Failure to properly register the vehicles with the State of North Carolina.
- j. Conviction of the owner of a felony, a federal or state statute or municipal Ordinance related to possession or sale of intoxicating liquors, a federal or state statute related to sexual offenses, a federal or state statute related to illegal drugs, or repeated violation of traffic laws or ordinances, or habitual use by the Franchisee of illegal drugs or intoxicating liquors, or violation by the Franchisee of any federal or state statute relating to the illegal use of a firearm.
- k. Permitting any person convicted of the crimes listed in (j) to operate a taxi unless the conviction is reviewed by the Chief of Police or his designee and consent given for that driver.
- l. False or misleading statements in the application for Franchise.

Section VII

Remuneration to City.

Upon acceptance of a franchise as herein granted and in consideration of the rights and privileges granted hereunder this chapter, the Grantee shall pay to the Town of Kernersville an annual fee in an amount set from time to time by the Board of Aldermen in its annual budget.

Section VIII

Rights Reserved to the City.

A. The Town shall have the right to designate the hours during which the taxi service shall be continued during each day, which hours are hereby set according to the attached Exhibit A which is incorporated herein this Franchise.

B. The Town shall have the continued right to fix and establish, from time to time, the fares and rates to be paid by the passengers in the area referred to in this franchise. Until otherwise directed or authorized by the Town, the franchisee shall charge no more for taxi service than those rates as set forth on the attached Exhibit B which is incorporated in this Franchise Agreement as if fully set out herein.

C. The Town shall have the right to approve, or disapprove, of any drivers of the Grantee taxis.

D. The Town shall have the right to inspect, approve, or disapprove the various taxicabs and all equipment thereon operated in connection with the Grantees' taxi business. The Chief of Police or his designee shall have the right to order removal from service of any vehicle deemed to be a safety hazard.

E. Nothing herein shall be deemed to impair the Town from amending any section or part of this chapter and the Town does hereby reserve such right.

Section IX

Duties of Grantee.

A. The Grantee shall be required to, at all times, carry liability insurance for the protection of its passengers and the general public in an amount required by North Carolina Gen. Stat. 20-280(b), with some insurance company doing business in the State of North Carolina and approved by the Board of Aldermen of the Town of Kernersville.

B. Grantee shall indemnify and save harmless the City, its officers and employees from and against any and all claims, demands, actions, suits, and proceedings by others, and against all liability to others arising out of the exercise or enjoyment of its franchise.

C. The Grantee shall, at all times, comply with all such ordinances of the Town of Kernersville including, but not limited to Zoning, Parking and such others that the Town may from time to time adopt with reference to any of the Grantee's activities.

D. Grantee shall require all drivers to maintain a daily manifest as described in Section 17-20 of the Town Ordinance, said manifest to be retained for 90 days as required therein.

THIS FRANCHISE is hereby granted, dated this the 6th day of September, 2011, after two readings and votes of approval before the Board of Aldermen on August 2, 2011, and September 6, 2011.

Exhibit A

Minimum Hours of Operation

Sunday: 11:00 a.m. to 6:00 p.m.
Monday: 8:00 a.m. to 8:00 p.m.
Tuesday: 8:00 a.m. to 8:00 p.m.
Wednesday: 8:00 a.m. to 8:00 p.m.
Thursday: 8:00 a.m. to 8:00 p.m.
Friday: 8:00 a.m. to 8:00 p.m.
Saturday: 8:00 a.m. to 8:00 p.m.

Exhibit B

As provided by the Resolution Establishing Rates for Vehicles for Hire adopted by the Board of Aldermen on August 5, 2008.

5. Second Reading of the Taxi Franchise Ordinance Renewal for Oak Ridge Cab Operated by John H. Pegram.

Alderman Dana Caudill Jones made a **Motion** to approve the following Ordinance granting a Taxi Franchise to Oak Ridge Cab Company. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

O-2011-28
AN ORDINANCE RENEWING A NONEXCLUSIVE TAXI FRANCHISE
TO JOHN H. PEGRAM, JR., DOING BUSINESS AS
OAK RIDGE CAB COMPANY

WHEREAS, the Board of Aldermen of the Town of Kernersville finds:

1. That the Board of Aldermen of the Town of Kernersville issued a nonexclusive taxi franchise to John H. Pegram, Jr., doing business as Oak Ridge Cab Company, that will expire on the 4th day of October, 2011; and
2. That the Board of Aldermen of the Town of Kernersville has reviewed the application for renewal received from the applicant and the applicant has been heard from in open session, if desired; and
3. That the Town of Kernersville and its citizens need a taxi service to provide transportation for those without personal transportation; and
4. That John H. Pegram, Jr. meets the requirements established by the Code of Ordinances for the issuance of a franchise for Vehicles for Hire and the granting of this nonexclusive Taxi Franchise is in the best interest of the citizens of the Town of Kernersville.

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

Section I

That the taxi service herein franchised shall be used solely and operated exclusively for the purposes, and under the provisions, expressed by the Taxi Franchise Ordinance and no other.

Section II

John H. Pegram, Jr., doing business as Oak Ridge Cab Company, is hereby granted the right, privilege and nonexclusive franchise to operate and maintain a taxi service in the Town of Kernersville upon the terms and conditions as set forth herein.

Section III

Definitions.

For the purposes of this Franchise, the following terms, phrases, words and abbreviations and their derivations shall have the meanings given herein:

- A. Board - the Board of Aldermen of the Town of Kernersville, the governing body.

B. Chief – the Chief of Police of the Town and his or her designee. The Chief is responsible for administration of this Franchise.

C. Grantee or Franchisee- such individual, partnership, company, corporation, or other entity, which may be granted a franchise hereunder this chapter.

D. Franchise - authorization granted by the Board to operate and maintain a taxi service within the Town.

E. Person - shall mean any person, firm, partnership, association, corporation or organization of any kind.

F. Taxi – a passenger motor vehicle plying for hire for which public patronage is accepted or solicited and which is so designed as to seat comfortably not more than nine (9) passengers but shall not include motor vehicles or motor vehicle carriers as defined in North Carolina Gen. Stat. Ch. 20, Art. 17.

G. Town or City - the Town of Kernersville.

H. Taximeter – a mechanical device which is installed in a taxicab for the purpose of computing the fare for a trip upon the basis of distance traveled, waiting time or both.

Section IV

Franchise Required; Application; Granting of Non-Exclusive Franchise.

A. It is unlawful for any person to engage in or otherwise participate in the operation of any taxi service unless such person shall first obtain and hold a valid franchise.

B. John H. Pegram, Jr., doing business as Oak Ridge Cab Company, has filed a written application with the Town containing true and correct statements pertaining to:

i. The names and addresses of applicants; the names and any partners; the names of any directors of the corporation if the same is the applicant;

ii. Any convictions of applicant (a) for any felony; (b) for any violation of law relating to use, possession, or sale of alcoholic beverages or narcotic or barbiturate drugs; (c) for violation of any Federal or State law relating to prostitution; and (4) for habitual violation of traffic laws or ordinances;

iii. Whether the applicant is a habitual user of, or addicted to, narcotic or barbiturate drugs or intoxicating liquors and the traffic record of applicant;

iv. The motor vehicles which applicant proposes to use in the taxi service.

E. Franchisee acknowledges that, subsequent to the granting of any franchise hereunder, all drivers who shall become employed by, or any persons who shall perform driving duties for, the Franchisee shall first file with the Town Manager of the Town of Kernersville or his designee, application for permit to drive a taxi within the Town of Kernersville as required by Section 17-18 of the Town Code of Ordinances.

Upon receipt of such application, the Chief of Police shall issue a Taxi Driver's Permit provided there is no cause shown within the application to deny the same. The driver's permit shall be displayed in such a manner as to be in full view of all passengers at all times while the driver is on duty.

Section V

Acceptance of Franchise.

Within thirty (30) days after the Town has taken final action to approve this franchise, the Grantee shall file a written acceptance of the franchise, acknowledged before a Notary Public, with the Town Clerk. Acceptance shall acknowledge that the Grantee agrees to comply with the provisions of the Town of Kernersville Code of Ordinances, Sections 17-1 through 17-21 (a copy of which is attached hereto), and the provisions of this Franchise, and said written acceptance shall be in such form and content as is satisfactory to and approved by the Town Attorney.

Section VI

Duration of Franchise; Termination; Transfer.

A. The Franchise is nonexclusive and shall be for a three (3) year term from the effective date of the franchise and may be extended and renewed for such additional three (3) year terms as the Board may subsequently approve.

B. The Franchise can not be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by voluntary, involuntary, or forced sale, or by merger or consolidation or otherwise.

C. In the event that the Grantee, for any reason, is no longer able to provide the taxi service as applied for, this Franchise shall immediately terminate.

F. In the event that the Town Board determines that the Franchise hereunder is not being operated or maintained in accordance with the Town Taxi Franchise Ordinance, it may suspend or revoke the Franchise. The Town shall notify the Franchisee in writing of such suspension or revocation and Franchisee shall be entitled to appeal as provided in the Ordinance. Upon suspension or revocation, the Franchise owner must suspend operations until final determination upon appeal. Suspension or revocation can be based on, but is not limited to, any of the following violations:

- a. Failure to operate the vehicle(s) permitted in the Franchise.
- b. Failure to maintain the vehicles in good order and repair.
- c. Failure to maintain the required insurance.
- d. Failure to pay taxes due to the city for the vehicles or their operation.
- e. Repeated and persistent violation of traffic Ordinances by drivers.
- f. Failure to report any accident involving one of the taxis.
- g. Willful failure to comply with the requirements of this Ordinance.
- h. Unauthorized transfer of a driver permit or use of a vehicle not reported in accordance with this Ordinance.
- i. Failure to properly register the vehicles with the State of North Carolina.
- j. Conviction of the owner of a felony, a federal or state statute or municipal Ordinance related to possession or sale of intoxicating liquors, a federal or state statute related to sexual offenses, a federal or state statute related to illegal drugs, or repeated violation of traffic laws or ordinances, or habitual use by the Franchisee of illegal drugs or intoxicating liquors, or violation by the Franchisee of any federal or state statute relating to the illegal use of a firearm.
- k. Permitting any person convicted of the crimes listed in (j) to operate a taxi unless the conviction is reviewed by the Chief of Police or his designee and consent given for that driver.
- l. False or misleading statements in the application for Franchise.

Section VII

Remuneration to City.

Upon acceptance of a franchise as herein granted and in consideration of the rights and privileges granted hereunder this chapter, the Grantee shall pay to the Town of Kernersville an annual fee in an amount set from time to time by the Board of Aldermen in its annual budget.

Section VIII

Rights Reserved to the City.

A. The Town shall have the right to designate the hours during which the taxi service shall be continued during each day, which hours are hereby set according to the attached Exhibit A which is incorporated herein this Franchise.

B. The Town shall have the continued right to fix and establish, from time to time, the fares and rates to be paid by the passengers in the area referred to in this franchise. Until otherwise directed or authorized by the Town, the franchisee shall charge no more for taxi service than those rates as set forth on the attached Exhibit B which is incorporated in this Franchise Agreement as if fully set out herein.

C. The Town shall have the right to approve, or disapprove, of any drivers of the Grantee taxis.

D. The Town shall have the right to inspect, approve, or disapprove the various taxicabs and all equipment thereon operated in connection with the Grantees' taxi business. The Chief of Police or his designee shall have the right to order removal from service of any vehicle deemed to be a safety hazard.

E. Nothing herein shall be deemed to impair the Town from amending any section or part of this chapter and the Town does hereby reserve such right.

Section IX

Duties of Grantee.

A. The Grantee shall be required to, at all times, carry liability insurance for the protection of its passengers and the general public in an amount required by North Carolina Gen. Stat. 20-280(b), with some insurance company doing business in the State of North Carolina and approved by the Board of Aldermen of the Town of Kernersville.

B. Grantee shall indemnify and save harmless the City, its officers and employees from and against any and all claims, demands, actions, suits, and proceedings by others, and against all liability to others arising out of the exercise or enjoyment of its franchise.

C. The Grantee shall, at all times, comply with all such ordinances of the Town of Kernersville including, but not limited to Zoning, Parking and such others that the Town may from time to time adopt with reference to any of the Grantee's activities.

D. Grantee shall require all drivers to maintain a daily manifest as described in Section 17-20 of the Town Ordinance, said manifest to be retained for 90 days as required therein.

THIS FRANCHISE is hereby granted, dated the 4th day of October, 2011, after two readings and votes of approval before the Board of Aldermen on August 2, 2011, and September 6, 2011.

Exhibit A

Minimum Hours of Operation

Sunday: 6:00 a.m. to 2:30 a.m.
Monday: 6:00 a.m. to 2:30 a.m.
Tuesday: 6:00 a.m. to 2:30 a.m.
Wednesday: 6:00 a.m. to 2:30 a.m.
Thursday: 6:00 a.m. to 2:30 a.m.
Friday: 6:00 a.m. to 2:30 a.m.
Saturday: 6:00 a.m. to 2:30 a.m.

Exhibit B

Rates not to exceed those as provided by the Resolution Establishing Minimal Rates for Vehicles for Hire adopted by the Board of Aldermen on August 5, 2008.

6. Kernersville Exchange Club request to use Town Parking Lot area for Event on October 15, 2011.

Mr. Keith Hooker 469 Uppergate Lane, Kernersville and Cecily Hooks, 2580 Bethel Church Road, Kernersville stated that the Exchange Club would like to do something a little different for their Annual Fund Raiser this year for Stop Child Abuse Now (SCAN). They are planning a Chicken Stew Cook Off at the Farmer's Market called 1st Roger Willis Annual Battle of the Bowls in conjunction with Next Step Ministries Unmask The Violence fundraiser on Friday evening to create an abuse awareness weekend. She added that other non-profit organizations and churches in Kernersville will be invited to participate at no cost to showcase to the attendees all that Kernersville has to offer and to see how much it has grown.

Alderman Tracey Shifflette made a **Motion** to approve the use of the Town Parking Lot and Farmers Market for this event on October 15, 2011. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

7. Update on PART Bus Stop.

Mr. Brian Ulrich, Transportation Manager stated that as requested by the Board, Staff has researched an alternate location for the PART (Piedmont Authority for Regional Transportation) bus stop and shelter. He used a map to illustrate the Staff's recommendation for the location of this bus stop on Century Place Boulevard towards the intersection of Century Boulevard. He stated that it is also recommended that 17 on street parking spots, including one handicapped parking spot be used. He added that some additional details are being worked out such as size of shelter. He further added that although this is not an ideal solution, staff supports this location as a temporary measure until PART can obtain a permanent Park and Ride lot. Mr. Ulrich stated that PART has agreed to fund the improvements necessary and an estimate is being worked on to provide to PART. He further stated that an encroachment agreement has also been requested by PART which would need to be reviewed by Public Services.

Alderman Keith Mason made a **Motion** to approve this temporary PART bus stop and shelter location. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

8. Consideration of an Interlocal Agreement with the City of Winston Salem for the South Main Street Transportation Study.

Mr. Brian Ulrich, Transportation Manager stated that the Winston-Salem Department of Transportation (WSDOT) / Winston-Salem Urban Area Metropolitan Planning Organization (MPO) had previously agreed to fund 80% of the South Main Street/Old Winston Traffic Study. He added that due to this worsening traffic situation, the Town's Thoroughfare and Street Plan Study Committee and NCDOT wanted to address the situation quickly, and agreed to proceed with the study with the funding agreement to follow later. Mr. Ulrich continued that in July the Winston-Salem City Council approved a Resolution for 80% funding up to \$50,800 (80% of \$63,500), reimbursable upon completion of the study. Mr. Ulrich stated that Staff is requesting approval of the interlocal agreement with the City of Winston-Salem.

Alderman Tracey Shifflette made a **Motion** to approve an Interlocal Agreement with the City of Winston Salem for the South Main Street Transportation Study. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

9. Consideration of a Draft Jordan Lake Stormwater Program Plan and Ordinance for New Development.

Russell Radford, Engineering Director stated that the North Carolina Department of Environment and Natural Resources (NCDENR) is requiring that all Municipalities within the Jordan Lake Watershed submit a DRAFT Jordan Lake Watershed Stormwater Program for New Development adhering to guidelines in 15A NCAC 2B.0265 by September 10, 2011. He added that after the Program is reviewed by Division of Water Quality and EMC, the final version will be presented to the Board in approximately August 2012.

Alderman Bob Prescott made a **Motion** for the approval of a draft Jordan Lake Stormwater Program Plan to be submitted to NCDENR for review and a copy to be kept on file in the Town Clerk's Office. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

10. Presentation by Public Services on Public Services Operations building redesign.

Mr. Doran Maltba, Public Services Director gave a powerpoint presentation to the Board illustrating the comparisons of the Public Services Operations building original design and the redesign of Phase 1A of the Master Plan. Mr. Maltba stated that the redesign would cost \$4,500,000 compared to the original plan of \$6,100,000. He added that this building would include a back-up 911 operations center, a large conference room and would accommodate twice the number of staff than the current building, allowing for future growth. He further added that this project is currently slated for funding in the Capital Improvements Projects for FY 13-14.

Mayor Morgan asked Mr. Swisher when it was anticipated that this project would begin.

Mr. Swisher stated that it would be highly optimistic to anticipate this project will be funded in FY 13-14. He added that once funding was available for building improvements he would have to review the needs of all departments within the Town and prioritize based on the need.

Alderman Tracey Shifflette made a **Motion** to approve the Public Services Operation Building Phase I redesign plan as presented. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

11. Consideration of an Ordinance amending various Traffic Schedules within the Town's Code of Ordinances to concur with NCDOT.

Mr. Doran Maltba, Public Services Director stated that the Board and NCDOT have been working on these various traffic matters for quite a while and in order for the Town Code of Ordinances to concur with NCDOT the Board would need to approve an Ordinance.

Alderman Bob Prescott made a **Motion** to approve the following Ordinance amending various Traffic Schedules within the Town's Code of Ordinances to concur with NCDOT. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2011-29
ORDINANCE AMENDING CHAPTER 9 TRAFFIC SCHEDULES OF
THE TOWN OF KERNERSVILLE CODE AND
REQUESTING CONCURRENCE BY THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS the Board of Aldermen of the Town of Kernersville has determined, pursuant to North Carolina General Statute §20-141(f), based upon engineering and traffic study

and investigation, that the speed limits on certain portions of the State Highway System located within the corporate limits should be reduced; and

WHEREAS the modification of any such speed limit shall not become effective until the North Carolina Department of Transportation has passed a concurring ordinance and the proper signage has been erected giving notice of the proper speed limit.

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

1. Traffic Schedule 2 of Chapter 9 of the Code of Ordinances is amended by adding a category to be designated as “Thirty-five-mile school speed zone.”

2. Traffic Schedule 2 of Chapter 9 of the Code of Ordinances is amended by adding the following:

a. To the Forty-five-mile speed zone:

1. “SR 2630 (Teague Lane) from a point approximately 0.40 mile north of SR 2631 (Ogden School Road) northward to SR 2632 (Old Salem Road)”

2. “NC 66 from W. Mountain Street (SR 2377) northward to Bagley Drive (SR 2583)

3. “Hopkins Road (SR 2649) from Old Winston Road (SR 2648) northward to NC 66.

4. “Dobson Street (SR 2021) from a point 0.30 mile south of SR 2050 to the northern corporate limit, approximately 0.37 mile south of SR 2030.”

5. ““Dobson Street (SR 2021) from NC 66 northward to a point approximately 0.37 mile south of Linville Springs Road (SR 2030).”

b. To the Thirty-five-mile school speed zone.” “SR 2630 (Teague Lane), from a point 0.31 mile south of SR 2632 (Old Salem Road) northward to SR 2632 (Caleb’s Creek Elementary, in effect from 30 minutes before to 30 minutes after school begins and ends on school days only).”

c. To the Twenty-mile speed zone:

1. “E. Mountain Street (NC 66) from Main Street (NC 150) to a point 200 feet southeast of Broad Street.”

2. “E. Mountain Street (SR 4309) from S. Main Street (SR 4315) eastward for 0.27 mile.

3. "W. Mountain Street (NC 66) from Main Street (NC 150) to Cherry Street."

4. "W. Mountain Street (SR 4309) from N. Cherry Street (SR 4278) eastward to S. Main Street (SR 4315)."

3. This Ordinance shall be effective upon concurrence of the North Carolina Department of Transportation and erection of signs giving notice of the authorized speed limit.

This the 6th day of September, 2011.

12. Consideration of Various Financial Matters:

Mr. Swisher presented these various financial matters to the Board and stated that each matter would require a separate motion and vote.

a) Budget Amendment No. 1 for Fiscal Year 2011-2012.

Mr. Swisher presented the following Budget amendments for consideration:

General Fund – Expenditures

1. To increase the Governing Body Department expenditures in the amount of \$2,400 to cover Community Appearance Commission expenditures that were budgeted yet unspent at fiscal year-end (FY10-11).

2. To increase the Inspection Department expenditures in the amount of \$6,715 to cover expenditures associated with the demolition of a building located at 401 Dallas Alley and a Community Viz fiscal analysis project that was budgeted yet unspent at fiscal year-end (FY10-11).

3. To increase the Finance Department expenditures in the amount of \$5,000 to cover expenditures associated with an actuarial study budgeted yet unspent at fiscal year-end (FY10-11).

4. To increase the Human Resources Department expenditures in the amount of \$11,500 to cover expenditures associated with KRONOS enhancements that were budgeted yet unspent at fiscal year-end (FY10-11).

5. To increase the Police Department expenditures in the amount of \$43,585 to cover expenditures associated with the following, some of which were budgeted yet unspent at fiscal year-end (FY10-11): arrest processing fees, Laserfishe project, Raptor Radar, replacement vehicle items and installations, bullet proof vest purchases, DWI grant and repairs to the building structure located at the communication tower.

6. To increase the Fire Department expenditures in the amount of \$47,885 to cover the following expenditures that were budgeted yet unspent at fiscal year-end (FY10-11): ceremonial bell, mold restoration at Station No. 43, turnout gear and Energy Grant Round 1 and 2.

7. To increase the Engineering Department expenditures in the amount of \$68,480 for expenditures associated with the Duffield Court project that were budgeted yet unspent at fiscal year-end (FY10-11) as well as project expenditures transferred from the Stormwater Division.
8. To increase the Recreation Department expenditures in the amount of \$25,363 to cover Urban Forestry and Energy (Round 2) Grant expenditures that were budgeted yet unspent at fiscal year-end (FY10-11) and salary-related expenditures associated with a voluntary demotion/reduction in force.
9. To increase the Library (Paddison Memorial) expenditures in the amount of \$21,390 to cover expenditures associated with the Energy Grant (Round 2) that were budgeted yet unspent at fiscal year-end (FY10-11).
10. To increase the transfer from the General Fund to the Contributions Fund in the amount of \$30,000 to cover expenditures associated with the installation of Declan's Playground at Harmon Park.
11. To increase the General Services Department expenditures in the amount of \$157,522 to cover costs associated with Energy Grants (Round 1 and 2) that were budgeted yet unspent at fiscal year-end (FY10-11).
12. To increase the Central Maintenance Department expenditures in the amount of \$2,000 to cover costs associated with the repair of a fire truck that were budgeted yet unspent at fiscal year-end (FY10-11).

General Fund – Revenues

1. To increase the Governor's Highway Safety Grant (GHSG)-Forsyth County DWI Task Force revenues by \$62,993 to reflect grants revenues budgeted yet unspent at fiscal year-end (FY10-11) and correct Restricted Revenues listed in the Budget Ordinance 2011-12 as Operating Grants.
2. To increase the State Energy Grant (Round 1) by \$67,662 to reflect grants revenues budgeted yet unspent at fiscal year-end (FY10-11).
3. To increase the State Energy Grant (Round 2) by \$139,484 to reflect grants revenues budgeted yet unspent at fiscal year-end (FY10-11).
4. To increase the DENR-Urban & Community Forestry Grant by \$5,938 to reflect grants revenues budgeted yet unspent at fiscal year-end (FY10-11).
5. To increase revenues due from Duke Energy (Energy Grant Round 1) by \$3,490 to reflect grants contributions budgeted yet unspent at fiscal year-end (FY10-11).
6. To increase revenues due from Duke Energy (Energy Grant Round 2) by \$7,676 to reflect grants contributions budgeted yet unspent at fiscal year-end (FY10-11).
7. To increase revenues due from Duke Energy (Urban Forestry Grant) by \$1,000 to reflect grants contributions budgeted yet unspent at fiscal year-end (FY10-11).

8. To increase revenues due from Piedmont Natural Gas (Energy Grant Round 2) by \$750 to reflect grants contributions budgeted yet unspent at fiscal year-end (FY10-11).
9. To decrease the CCUC General Fund Projects Reimbursement in the amount of \$240,000 to reflect budgeting the revenue in the correct project account.
10. To increase the CCUC General Fund Projects Reimbursement for the Duffield Court project in an amount of \$68,480 to reflect budgeting the revenue in the correct project account.
11. To increase the CCUC General Fund Projects Reimbursement for the Sanitary Sewer Study project in the amount of \$150,000 to reflect budgeting the revenue in the correct project account.
12. To increase the CCUC General Fund Projects Reimbursement for the Brookford/Hospital Study project in the amount of \$50,000 to reflect budgeting the revenue in the correct project account.
13. To increase the CCUC General Fund Projects Reimbursement for the environmental study for the waste water treatment plant in the amount of \$40,000 to reflect budgeting the revenue in the correct project account.
14. To decrease the miscellaneous revenue-Solid Waste Fees in the amount of \$32,000 to reflect the decision of the Board of Aldermen to rescind the fees associated with the collection of brushy yard waste debris pickup.
15. To decrease the GHSG-Forsyth County DWI Task Force revenues by \$54,967 to correct Restricted Revenues listed in the Budget Ordinance 2011-12 as Operating Grants.
16. To increase the fund balance appropriated in the amount of \$151,334 to balance the general fund revenues with the general fund expenditures.

Contributions Fund – Expenditures

To increase the expenditures in the amount of \$67,000 to cover expenditures associated with the Declan's Playground project at Harmon Park.

Contributions Fund – Revenues

To increase the revenues in the amount of \$67,000 to reflect contributions from both the general fund and the Declan Donoghue Foundation to cover playground project costs at Harmon Park.

Law Enforcement Forfeiture (State/Local) – Expenditures

To increase the expenditures in the amount of \$7,500 to cover expenditures associated with the Secure Our School Grant that were budgeted yet unspent at fiscal year-end (FY10-11).

Law Enforcement Forfeiture (State/Local) – Revenues

To increase the revenues in the amount of \$7,500 to offset carryover expenditures.

Stormwater Fund – Expenditures

To decrease the expenditures in the amount of \$120,500 to account for Duffield Court expenditures moved to the General Fund.

Stormwater Fund – Revenues

To decrease the revenues in the amount of \$120,000 to offset the decrease in expenditures.

Transportation CPO Fund – Expenditures

To increase the expenditures in the amount of \$12,696 to establish the fiscal year 2011-12 annual budget and accommodate the transfer of fund balance to the General Fund for closure of the Transportation CPO Fund.

Transportation CPO Fund – Revenues

To increase the revenues in the amount of \$12,696 to establish the fiscal year 2011-12 annual budget and offset net expenditures.

Public Services Facility CPO Fund – Expenditures

To increase the expenditures in the amount of \$15,076 to establish the fiscal year 2011-12 annual budget.

Public Services Facility CPO Fund – Revenues

To increase the revenues in the amount of \$15,076 to offset expenditures and establish the fiscal year 2011-12 annual budget.

Mayor Pro Tem Kevin Bugg made a **Motion** to approve the following Budget Amendment Ordinance No. 1. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2011-30
TOWN OF KERNERSVILLE
BUDGET AMENDMENT #1
FISCAL YEAR 2011-12

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 22nd day of June, 2011 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>
Governing Body		2,400	438,348
Inspections Department		6,715	362,930
Finance Department		5,000	731,373
Human Resources Department		11,500	571,626
Police Department		43,585	6,824,120
Fire Department		47,885	5,084,120
Engineering Department		68,480	512,644
Recreation Department		25,363	1,259,190
Library (Paddison Memorial)		21,390	104,018
Transfer fr-GF to Contb.Fund -Declan's Playground		30,000	30,000
General Services Department		157,522	732,352
Central Maintenance (Division of Public Works)		2,000	1,441,256
Total	0	421,840	

This will result in a net increase of \$421,840 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 Co. DWI Task Force		62,993	62,993
State Energy Grant-Round 1		67,662	67,662
State Energy Grant-Round 2		139,484	139,484
DENR-Urban & Community Forestry Grant		5,938	5,938

General Fund - Revenues, cont.	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Due/Fr Duke Energy-R1 Grant		3,490	3,490
Due/Fr Duke Energy-R2 Grant		7,676	7,676
Due/Fr Duke Energy-Urban Forestry Grant		1,000	1,000
Due/Fr Piedmont Natural Gas-AR152-R2 Grant		750	750
Due/Fr CCUC-Project Reimbursements	240,000		20,000
Due/Fr CCUC-Duffield Court Project -54001		68,480	68,480
Due/Fr CCUC-Sanitary Sewer Study-SS001		150,000	150,000
Due/Fr CCUC-Brookford/Hospital Study-SS002		50,000	50,000
Due/Fr CCUC-Environmental Study-SWWTP SS003		40,000	40,000
Miscellaneous -Solid Waste Fees	32,000		79,740
GHSF-Forsyth Co. DWI Task Force	54,967		0
Fund Balance Approp.		151,334	453,671
Total	326,967	748,807	

Section 2. 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		67,000	73,250
Total		67,000	

This will result in a net increase of \$67,000 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>
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Contributions- Declan's Playground Project	37,000	37,000
Transfer fr General Fund-Declan's Playground Proj.	30,000	30,000
Total	67,000	

Section 3. 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 Expenditures		7,500	34,350
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-Fed. State/Local Fund-Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Fund Balance Approp.		7,500	34,300
Total		7,500	

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

Stormwater Fund- Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Stormwater Fund Expenditures	120,500		1,569,112
Total	120,500		

This will result in a net decrease of \$120,500 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>
Fund Balance Approp.	120,500		391,930
Total	120,500		

Section 5. To amend the Transportation Capital Project Ordinance Fund, the expenditures are to be changed as follows:

Transportation CPO Fund - Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Transfer to General Fund- Fund Equity		1,181,689	1,181,689
TCPO Fund-Expenditures	1,168,993		29,684,540
Total	1,168,993	1,181,689	

This will result in a net increase of \$12,696 in the expenditures of the Transportation Capital Project Ordinance Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Transportation CPO Fund - Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Fund Balance Approp.		12,696	1,181,689
Total		12,696	

Section 6. To amend the Public Works Facility Capital Project Ordinance Fund, the expenditures are to be changed as follows:

Public Works Facility CPO Fund - Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Public Works Facility CPO Fund Expenditures		15,076	999,402
Total		15,076	

This will result in a net increase of \$15,076. in the expenditures of the Public Works Capital Projects Ordinance Fund. The above changes in expenditures will require an adjustment to revenues as follows:

Public Works Facility CPO Fund - Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Interest on Investments		15,076	27,076
Total		15,076	

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 6th day of September, 2011.

b) Consideration of a Resolution Authorizing Procurement of Architectural, Engineering, Surveying and Construction Management at Risk Services.

Mr. Swisher stated that in order for the Town's requirements for procurement of professional services to be consistent with North Carolina General Statutes, staff is requesting approval of this Resolution increasing the amount from less than \$ 15,000 to less than \$30,000 for exemption of NCGS 143-64.31.

Alderman Keith Mason made a **Motion** to approve the following Resolution authorizing the Town Manager to exempt in writing certain projects requirements of §143-64.31 when the estimated professional service fees for Architectural, Engineering, Surveying and Construction Management at Risk Services are less than \$30,000. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-21

RESOLUTION AUTHORIZING PROCUREMENT OF ARCHITECTURAL, ENGINEERING AND SURVEYING SERVICES

WHEREAS, the North Carolina General Statutes establish a policy for the procurement of architectural, engineering, surveying and construction management at risk services that applies to units of local government as well as to agencies of state government; and

WHEREAS, said statutory policy requires the local government to announce all requirements and evaluate the qualified firms without regard to fee other than a unit price, with negotiation of a contract price coming after the selection of the best qualified firm; and

WHEREAS, said statutory policy also permits local government to exempt certain projects from the requirements of the policy when a determination is made in writing that the estimated professional service fees will be less than \$30,000; and

WHEREAS, the Town of Kernersville has determined that it should utilize this exemption when it is estimated that the architectural, engineering, surveying and construction management at risk service fees for a project will be less than \$30,000.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that procurement of professional services for architectural, engineering, surveying and construction management at risk service will be exempted from the requirements of North Carolina General Statutes §143-64.31 et. seq. upon a finding by the Town Manager that the estimated professional fee for a particular project is less than \$30,000 and upon the written exemption of the project by the Town Manager.

This the 6th day of September, 2011.

c) Consideration of a Resolution Authorizing the Execution of an Installment Financing Contract for Equipment Purchases and the Consideration of Declaration of Notice of Intent to Reimburse for Equipment Purchases.

Mr. Swisher stated that the Town submitted a request for proposal (RFP) to nine banks for an installment purchase loan to acquire capital equipment approved in the FY 2011-12 Budget for the Town, in an amount not to exceed \$890,000. He added that quotes were received from seven out of nine banks. Wells Fargo Equipment Finance and Fidelity Bank did not submit proposals. The interest rate quotes received are:

SunTrust Bank	1.555%
BB&T	1.630%
RBC Bank	1.740%
Bank of America	1.998%
High Point Bank	2.074%
NewBridge Bank	2.180%
Southern Community	2.950%

He stated that SunTrust Equipment Finance & Leasing Corporation (SunTrust) submitted the lowest interest rate of 1.555% with a financing agreement that best meets the needs of the Town.

Mayor Pro Tem Kevin Bugg made a **Motion** to approve the following Resolution Authorizing the Execution of an Installment Financing Contract with SunTrust Equipment Finance & Leasing Corporation (SunTrust) for Equipment Purchases in the amount of \$890,000 and the Consideration of Declaration of Notice of Intent to Reimburse for Equipment Purchases. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-22

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT NOT TO EXCEED \$890,000.00 WITH SUNTRUST TO FINANCE THE ACQUISITION OF CERTAIN EQUIPMENT FOR USE BY THE TOWN OF KERNERSVILLE, NORTH CAROLINA, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the Town of Kernersville, North Carolina (the "Unit"):

The governing body of the Unit does hereby find and determine:

The Town of Kernersville proposes the acquisition of certain equipment (collectively, the “Equipment”);

After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

Pursuant to Section 160A-20, the Unit is authorized to finance the acquisition of personal property by installment contracts that create a security interest in the property financed to secure repayment of the financing; and

SUNTRUST has proposed that SUNTRUST enter into an Installment Financing Contract with the Unit to finance the Equipment pursuant to which SUNTRUST will lend the Unit an amount not to exceed \$890,000.00 (the “Contract”) and a related Escrow Agreement between the Unit and SUNTRUST (the “Escrow Agreement”).

The governing body of the Unit hereby authorizes and directs the Town Manager to execute, acknowledge and deliver the Contract and Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the Town of Kernersville to the Contract and the Escrow Agreement and attest the same.

The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution and the Contract and the Escrow Agreement.

Notwithstanding any provision of the Contract or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract being the sole security for SUNTRUST in such instance.

The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the “Code”) as required so that interest on the Unit’s obligations under the Contract will not be included in the gross income of SUNTRUST.

The Unit hereby represents that it reasonably expects that it, all subordinate entities thereof and all entities issuing obligations on behalf of the Unit will issue in the aggregate less than \$30,000,000 of tax-exempt obligations, including the Contract (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2010. In addition, the Unit hereby designates the Contract and its obligations under the Contract as a “qualified tax-exempt obligation” for the purposes of the Code.

This Resolution shall take effect immediately upon its passage.

Adopted this the 6th day of September, 2011.

**DECLARATION OF THE BOARD OF ALDERMEN
OF THE TOWN OF KERNERSVILLE OF OFFICIAL INTENT
TO REIMBURSE**

WHEREAS, this declaration (the "Declaration") is made pursuant to the requirements of United States Treasury regulations Section 1.103-18 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

WHEREAS, the undersigned is authorized to declare the official intent of the Town of Kernersville (the "Town") with respect to the matters contained herein.

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

1. **Expenditures to be incurred.** The Town anticipates incurring expenditures (the "Expenditures") for the purchase of Equipment for use solely by the Town of Kernersville (the "Project").

2. **Plan of Finance.** The Town intends to finance the cost of the Project described above with the proceeds of debt to be incurred by the Town in accordance with the contract method of financing under the authority of North Carolina General Statutes Section 160A-20 as amended by Chapter 708 of the 1989 Session Laws.

3. **Maximum amount to be financed.** The maximum amount to be financed by the Town to complete the Project is \$890,000.00.

4. **Declaration of Official Intent to Reimburse.** The Town hereby declares its official intent to reimburse itself with the proceeds of the debt for any of the Expenditures incurred by it prior to financing of the Project.

Adopted this the 6th day of September, 2011.

d) Piggy Back Purchase Authorization and Resolution for the Purchase of E-911 Equipment.

Mr. Swisher stated that as approved in the FY 11-12 Budget the Police Department is replacing its outdated E911 telephone system. He added that Yadkin County recently purchased a Turn-Key VoIP E911 Phone System from Wireless Communications Inc. who has also agreed to sell the equipment to the Town of Kernersville at similar terms.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution for the Purchase of E-911 Equipment from Wireless Communications, Inc. in the amount of \$224,603.13 for a Turn-Key VoIP E911 Phone System. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-23

**RESOLUTION AUTHORIZING THE “PIGGYBACKING” ON A PURCHASE
AGREEMENT FROM YADKIN COUNTY FOR
TURN-KEY VOIP E911 PHONE SYSTEM**

WHEREAS, the Town of Kernersville is in need of an Turn-Key VoIP E911 Phone System; and

WHEREAS, the Town of Kernersville has found that the Yadkin County, North Carolina entered into a contract with Wireless Communications, Inc. on August 4, 2011 for the purchase of a Turn-Key VoIP E911 Phone System meeting the Town of Kernersville’s specifications; and

WHEREAS, Yadkin County found Wireless Communication, Inc. to be the lowest responsible bidder on such equipment; and

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. §143-129(g), a governing body of a municipality may enter into a contract for the purchase of equipment without regard to formal bid process provided that the provisions of the statutes are met; and

WHEREAS, a public notice of this purchase without competitive bidding was placed On the Town of Kernersville’s internet webpage on August 25, 2011 and in the Kernersville News on August 27, 2011; and

WHEREAS, this Board desires Alderman finds the waiver of usual bid process and the purchase of a Turn-Key VoIP E911 Phone System from Wireless Communication, Inc. pursuant to the same terms and conditions as that contract by and between Yadkin County and Wireless Communication, Inc. to be in the best interest of the Town.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville as follows:

1. The Board authorizes the “piggyback” purchase of a Turn-Key VoIP E911 Phone System from Wireless Communications, Inc.
2. The Town purchase is in accordance with the terms and conditions of that contract entered into by and between Wireless Communication, Inc. and Yadkin County on August 4, 2011.

Adopted by the Board of Alderman of the Town of Kernersville this 6th day of September, 2011.

**e) Piggy Back Purchase Authorization and Resolution for the Purchase of a
Front End Loader Refuse Truck.**

Mr. Swisher stated that the City of Asheboro recently purchased a similar vehicle meeting all the specifications required from Carolina Environmental Systems, Inc., He added that Staff is recommending Piggy Backing on this purchase.

Alderman Dana Caudill Jones made a **Motion** to approve the following Resolution for the Purchase of a Front End Loader Refuse Truck from Carolina Environmental Systems, Inc. in the amount of \$211,911.00. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-24

RESOLUTION AUTHORIZING THE “PIGGYBACKING” ON A PURCHASE AGREEMENT FROM CITY OF ASHEBORO FOR FRONT END LOADER REFUSE COLLECTION TRUCK

WHEREAS, the Town of Kernersville is in need of a Front End Loader Refuse Collection Truck; and

WHEREAS, the Town of Kernersville has found that the City of Asheboro, North Carolina entered into a contract with Carolina Environmental Systems, Inc. on November 8, 2010 for the purchase of a Front End Loader Refuse Collection Truck meeting the Town of Kernersville’s specifications; and

WHEREAS, the City of Asheboro found that Carolina Environmental Systems, Inc. to be the lowest responsible, responsive bidder on such equipment; and

WHEREAS, pursuant to the provisions of N.C. Gen. Stat. §143-129(g), a governing body of a municipality may enter into a contract for the purchase of equipment without regard to formal bid process provided that the provisions of the statutes are met; and

WHEREAS, a public notice of this purchase without competitive bidding was placed in the Kernersville News and on the Town of Kernersville’s internet webpage on August 25, 2011; and

WHEREAS, this Board of Alderman finds the waiver of usual bid process and the purchase of a Front End Loader Refuse Collection Truck from Carolina Environmental Systems, Inc. pursuant to the same terms and conditions as that contract by and between the City of Asheboro and Carolina Environmental Systems, Inc. to be in the best interest of the Town.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville as follows:

3. The Board authorizes the “piggyback” purchase of one (1) front end loader refuse collection truck from Carolina Environmental Systems, Inc.
4. The Town purchase is in accordance with the terms and conditions of that contract entered into by and between Carolina Environmental Systems, Inc and the City of Asheboro November 8, 2010.

Adopted by the Board of Alderman of the Town of Kernersville this 6th day of September, 2011.

f) Consideration of Awarding Bid for the purchase of a Container Set Truck.

Mr. Swisher stated that the Town received the following sealed bids for a Container Set Truck on August 17, 2011.

BIDDER	BASE BID AMT.
White's International (2011, International 4300M7)	\$88,423.69
Tran Source (2012, Hino 268A/Galbreath CH8000R)	\$88,701.00
Triad Freightliner (2012, M2106/Galbreath CH8000R)	\$89,933.00
Piedmont Peterbilt (2012, 330/Galbreath CH8000R)	\$89,984.00
White's International (2012, International 4300M7)	\$91,001.34
Piedmont Peterbilt (2012, 337/Galbreath CH8000R)	\$94,700.00

He added that Staff is recommending approval of the 2nd lowest bid submitted by Tran Source. Mr. Swisher stated that the lowest bid submitted was \$300 less than Tran Source, however their truck did not meet the specifications requested, it had hydraulic brakes not air brakes; the engine did not have a low oil shut down; the transmission was a t handle shifter not electronic, it was a 5 speed not a 6 speed; and the mirrors were manual versus power heated.

Alderman Bob Prescott made a **Motion** to approve the bid to Trans Source in the amount of \$88,701 for the purchase of a 2012 Hino 268A with Galbreath CH8000R Container Set Truck. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

13. Consideration of Forsyth County Tax Refunds.

Mr. Swisher stated that the Town is frequently requested by the Forsyth County Tax Office to grant refunds to Kernersville businesses and citizens due to clerical or other errors, similar to the one for Richard Cardano, lowering value of his Honda vehicle. He added that the Town recently received a refund request for Best Asset Group, LLC of Kernersville. He explained that Best submitted a tax refund in writing within the allowed statutory timeframe, however upon review of the request, the Property Tax Division of the NC Department of Revenue determined that Best Asset Group, LLC was a "public services company" which in turn created a double billing of vehicular assets, thus prompting and subsequently warranting a refund of tax overpayments. He further explained that a garnishment was placed against Best Asset Group, LLC in the amount of \$6,368.89 for late or improper tax listing(s). Deducting the garnishment from \$25,729.69, the Town of Kernersville owes Best Asset Group, LLC a tax refund amount of \$19,360.80.

Alderman Dana Caudill Jones made a **Motion** to approve the following Forsyth County Tax Refunds. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Best Asset Group, LLC	\$19,360.80.
Richard Cardano	10.20

14. Consideration of an Ordinance amending the Code of Ordinances Section 4-3, Address Display Type of Numerals.

Mayor Morgan explained that currently the Town's code does not conform to the NC State Building Code standards for numeral address displays for commercial property. She added that the Town Code currently requires 6" high numerals and the Building Code is currently "4 inch high. She further added that approval of this Ordinance will allow the Town to modify requirements as needed to continue to conform to NC State Building Code standards.

Alderman Tracey Shifflette made a **Motion** to approve the following Ordinance amending the Code of Ordinances Section 4-3, Address Display Type of Numerals. Alderman Bob Prescott seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2011-31

AN ORDINANCE AMENDING SECTION 4-31
OF THE CODE OF ORDINANCES
OF THE TOWN OF KERNERSVILLE
ADDRESS DISPLAY TYPE OF NUMERALS

WHEREAS, it is in the interest of the public health, safety and welfare to regulate the size of the exterior display of a building address.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville that Section 4-31 of the Code of Ordinances of the Town of Kernersville be amended as follows:

Sec. 4-31. Display; type of numerals.

Every owner of improved property in the town shall display the official street number assigned to the property by the town at a conspicuous place visible from the street on which the property fronts. The number shall be of an approved metal or composition material; provided, however, on commercial buildings or business structures a painted or stenciled type number on the glass of the main entrance may be used. The number so assigned and attached shall conform to the official street number for the particular premises as shown on the property numbering plan. All property numbers required by section 4-26 of the Code shall be a minimum of three (3) inches high for residential property and ~~six (6) inches high for commercial properties~~ shall conform to the NC State Building Code standards.

Adopted this the 6th day of September, 2011.

15. **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 July 27, 2011 Briefing Session
Approval of Minutes for July 27, 2011 Closed Session
Approval of Minutes for August 2, 2011 Regular Session**
- C-2 Consideration of an NCDOT Municipal Agreement for a Sidewalk
Construction along N. Cherry Street from Piney Grove Rd. to
Bodenhamer St.**
- C-3 Consideration of an NCDOT Municipal Agreement for Improvements
to Union Cross Road.**
- C-4 Consideration of an NCDOT Municipal Agreement for Landscape
Improvements at the S. Main Street and US 421 Interchange.**

Alderman Dana Caudill Jones made a **Motion** for the approval of the Consent Agenda as presented. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

16. ITEMS REMOVED FROM CONSENT AGENDA.

NONE

17. SPEAKERS FROM THE FLOOR.

NONE

18. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher stated that the Fire Rescue Department has the opportunity to apply for an Assistance to Firefighters Grant (AFG). He added that if awarded the grant funds would be used to pay 90% of the \$338,620 cost to replace the fire departments self contained breathing apparatus. He further added that funding for this item was requested in the Budget and would be a great saving for the Town. He stated that Staff is requesting the Board's approval to apply for this grant.

Walt Summerville, Fire Rescue Chief clarified that in the adoption of the FY 11-12 Budget the Board approved the purchase of 50 air bottles, not the actual breathing equipment.

Alderman Tracey Shifflette made a **Motion** for the approval of the AFG Grant application as presented. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

Mr. Swisher presented information on behalf of PART requesting the Town's participation in a grant application for 7 Green Buses for a total of \$7.5 million, which if received would require a 20% match from the Town of \$1.6 million. He added that these figures do not include operational costs or maintenance expenses.

It was the consensus of the Board not to participate in the grant application process at this time.

19. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

NONE

20. MATTERS TO BE PRESENTED BY THE MAYOR AND BOARD OF ALDERMEN.

Alderman Dana Caudill Jones stated that she has received numerous calls from residents who have property along Old Kernersville Lake concerned about the overgrown grass and fallen tree limbs. She also inquired about a rain date for the Grand Opening of Declan's Playground at Harmon Park.

Mr. Ernie Pages, Parks & Recreation Director stated that he had received a call in the summer about the tree limbs and that Lane Smith, Parks Maintenance Superintendent, looked into it, but due to the heavy work load for the Parks and Recreation staff during the summer months they had decided to schedule clean up of the limbs once things slowed down in the fall. He added that Sunday September 11th is the rain date for Declan's Playground Grand Opening.

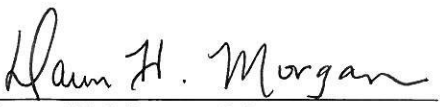
Mayor Pro Tem Kevin Bugg stated that there is a 30% increase in participation for the Lacrosse Program this year. He also stated that a high school travel team will be using the fields at Beeson Park and proceeds from which will be donated to Kernersville Parks and Recreation Department.

Alderman Keith Mason made a **Motion** to go into Closed Session for the purpose of a discussion regarding Land Acquisition at 8:40 p.m. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

21. ADJOURNMENT.

Alderman Keith Mason made a **Motion** to adjourn the meeting at 9:04 p.m. immediately following the Closed Session. Mayor Pro Tem Kevin Bugg seconded the motion and the vote was all for and motion carried.

Being no further business to come before the Board the meeting was adjourned.


Dawn H. Morgan, Mayor

Attest:

Jayne Danner
Jayne Danner, CMC Deputy Clerk

Jayne Danner, CMC Deputy Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on September 6, 2011.

This the 7th day of October, 2011.

Jayne Danner
Jayne Danner, CMC Deputy Clerk