

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. DECEMBER 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, Bob Prescott, Tracey Shifflette; Alderman-elect Neal Stockton, Alderman-elect Keith Hooker.

Absent: Alderman-elect Irving Neal.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Sharon Richmond, Senior Planner; Captain Steve Bowman, Police Department; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; John Edwards, Landscape Specialist; Walt Summerville, Fire Chief; Ray Smith, Human Resources Director; Russell Radford, Engineering Director; Brian Ulrich, Engineering/Transportation Manager, and Gray Cassell, Chief Information Officer.

- CALL TO ORDER
- INVOCATION BY REVEREND KEITH SPEAKS, FOUNTAIN OF LIFE LUTHERAN CHURCH
- PLEDGE OF ALLEGIANCE

Mayor Morgan called the meeting to order. Reverend Keith Speaks of Fountain of Life Lutheran Church delivered the invocation which was followed by the Pledge of Allegiance.

1a. Curtis Swisher, Town Manager, for consideration of an amendment to the Kernersville Development Plan to amend the Thoroughfare and Street Plan. Zoning Docket KDP-34. (Public Hearing held November 1, 2011)

Alderman Prescott stated that at the November meeting he submitted a proposal for amendments to the plan that he believes will address most of the issues presented by the neighborhood.

1 b. Consideration of a resolution to amend the Kernersville Development Plan.

Alderman Bob Prescott made a **Motion** to approve an amendment to the Kernersville Development Plan to amend the Thoroughfare and Street Plan with the following changes as proposed at the November 1, 2011 Board meeting:

1. Future thoroughfare widening projects in residential neighborhoods, like the Big Mill Farm Road Interchange/Hopkins Road project, be a “2-lane Avenue” as listed in the NCDOT Complete Street Design Guidelines. The changes are on pages 16, 18, 47, 48, 49, and 50.
2. Include in **Chapter 10- Recommendations, Population, Employment and Traffic Trends and Projections** section the following language:
 - a. *“A citizen group shall be formed by the Board of Aldermen to undertake an annual review of the Town’s growth data and provide comments to the Planning Board and Board of Aldermen on data generated at the Town, county, regional, state, and federal levels. The citizen group shall be made up of residential, commercial, industrial, and institutional property owners.”*
3. Include in **Chapter 10 – Recommendations, Traffic Studies** section the following language:
 - a. *“The Town shall work with NCDOT and the Metropolitan Planning Organizations on revising the regional traffic modeling for the Big Mill Farm Road Interchange by using the Beltway completed, newest Census, traffic counts, and other demographic data available to update the traffic model.”*
4. Include in **Chapter 10 – Recommendations, South Main Street, Big Mill Farm Road, Old Winston Road, and Hopkins Road** section the following language:
 - a. *“To determine if the South Main Street/Old Winston Road intersection improvements are adequate to address the traffic congestion on South Main Street; the Big Mill Farm Road Interchange shall not be built until after the South Main Street/Old Winston Road intersection improvements are completed.”*
 - b. *“The Town staff shall disseminate to the community that the Big Mill Farm Road Interchange is not a NCDOT TIP funded project and shall notify the community when NCDOT is considering funding the interchange.”*
 - c. *“Big Mill Farm Road and Hopkins Road shall be designated as a “Minor Thoroughfare” on the Thoroughfare and Street Plan.”*
 - d. *“Timberview Drive connection between Wexford Subdivision and Barrington Park Subdivision shall not be connected.”*
5. Include the Planning Board recommended amendments, with the modification that the “Avenue” be a 2-lane Avenue:
 - a. **Page 16, 2nd column, last paragraph** – *“The current, long range plan for the northern section of Hopkins Road (north of Big Mill Farm) and Big Mill Farm Road proposes a 4-lane boulevard with a posted speed limit of 45 mph. The Study recommends a “2-lane Avenue” design versus a “4-lane Boulevard” design.”*

- b. **Page 18, 3rd column, 2nd paragraph** *“The Study recommends an “2-lane Avenue” design versus a 4-lane “Boulevard” design in residential areas.”*

Alderman Tracey Shifflette seconded the motion and the vote was all.

2. Consideration of an Agreement Regarding Use of East Forsyth Middle School’s athletic fields for use by the Kernersville Recreation Lacrosse Program.

Town Attorney John Wolfe presented a proposed maintenance agreement between the Black Hawks of Kernersville Middle School and the Town of Kernersville for the use of their lacrosse fields for the Town’s lacrosse program. The Town will be responsible for providing routine maintenance as described in the agreement.

Mayor Pro Tem Kevin Bugg made a **Motion** to approved said Agreement for the use of East Forsyth Middle School’s athletic fields by the Kernersville Recreation Lacrosse Program. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

3. Discussion Regarding Safety Issues of Trees on Salisbury and Main Streets with Potential Action to be taken by the Board.

Town Manager Curtis Swisher stated that the Town Attorney will present slides of the trees along Salisbury St. and S. Main Street that are in question tonight. He added that we have received a request from property owners to remove these trees due to the hazardous condition they pose to the public. He stated that he and Mr. Wolfe have looked at these trees along with Sharon Richmond and John Edwards. Mr. Swisher explained the condition of some of these trees.

Mr. Wolfe presented slides of various trees along Salisbury St. and S. Main Street and presented a resolution for the Board’s consideration. He reminded the Board that we are a Tree City USA community with trees that line both Main and Salisbury Streets. He stated that unfortunately some of these trees pose a danger to the public. He pointed out trees along S. Main Street and Salisbury and described the poor condition of each tree being considered for removal.

Mr. Wolfe recommended that these trees be taken down and reminded the Board of the tree that fell on Salisbury St. that killed a resident.

John Wolfe then read the proposed resolution.

Mr. Swisher stated that it is unfortunate that we have to remove these trees and that Sharon Richmond will work with these property owners to replace some of these trees which will be planted behind the sidewalk where possible.

Mayor Morgan pointed out that Staff has conducted a very comprehensive study of these trees and asked for a report by John Edwards, the Town’s Landscape Specialist.

Mr. John Edwards stated that Staff started evaluating these trees in October when they still had their leaves and then again in November after the leaves had fallen. He explained the issues with cleaning out the trees of dead limbs and debris which can leave the trees more unstable in most cases than before the work was done. He stated that in some cases you can't tell just how rotten some of the interior portions of the trees are however, we found that at least four of the trees are hollow. He noted the roots of several of the trees are hanging over the curb and explained that these trees are dying. He stated that we have a rating system from 0 to 12 with 12 being the worst case. Most of these fall at 10. We have dead limbs hanging over the road way that could fall at any time. He noted that some homeowners have done some maintenance on some of the trees on Main Street. He stated that Staff is surprised that some are still standing.

Mr. Edwards stated that the largest tree at 126 S. Main Street was looked at four years ago. We took measurements of good wood vs decay and it was found that about 30% of the tree was still solid. It has dead wood in the top of the tree and is dying.

Alderman Dana Caudill Jones stated that we are very fortunate they have not come down in a storm. She noted that many of our citizens have expressed their love of driving on Salisbury St. however it is obvious we need to act in the best interest of the Town.

Alderman Caudill Jones asked if the tree on S. Main St. could be cut off in such a manner that it could be used as a bench or some type of marker. Mr. Swisher stated that we will look at this tree and see if we can make bench or something out of it. If it is not rotten down near the bottom we may be able to do something with it.

Alderman Caudill Jones asked if homeowners will be able to work with staff to plant trees that are appropriate for the area. Mr. Swisher stated that we will work with homeowners to plant what is best for the area.

Alderman Dana Caudill Jones made a **Motion** to approve the following Resolution requesting that NCDOT remove certain trees located on Salisbury and Main Streets. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2011-29

A RESOLUTION REQUESTING NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REMOVE CERTAIN TREES LOCATED ON SALISBURY AND MAIN STREETS WITHIN THE CORPORATE LIMITS OF THE TOWN OF KERNERSVILLE

WHEREAS, the Town of Kernersville has long been known for its beautiful trees and its once tree-lined streets; and

WHEREAS, Salisbury and Main Streets have several many-decade old trees located between the sidewalks and the curb line of the aforementioned streets; and

WHEREAS, over the past decade, at least three or four trees lining Salisbury Street have been uprooted and/or twisted off in storms that have passed through the Town of Kernersville, one of said trees having killed an individual;

WHEREAS, certain of the said trees, which are the subject of this Resolution and are described in the attached photographs, are located between the properties owned by individuals and the State of North Carolina Rights-of-Way for Salisbury and Main Streets; and

WHEREAS, the aforementioned subject trees, many of which are diseased or damaged, pose a threat of danger to the health and safety of the walking and motoring citizens of the Town of Kernersville; and

WHEREAS, the property owners, on Salisbury Street, abutting the property upon which the subject trees stand, have expressed to the Town of Kernersville their concern over the safety hazard the subject trees present, and have asked that the subject trees be removed; and

WHEREAS, the Town Manager and Town Attorney have had discussions with the North Carolina Department of Transportation about the possibility of the North Carolina Department of Transportation removing said trees as being a danger to the motoring public; and

WHEREAS, the North Carolina Department of Transportation has agreed that said trees do pose a danger to the motoring public and has expressed its willingness to remove said trees, if requested by the Town of Kernersville, with the approval of the abutting property owners; and

WHEREAS, the Board of Aldermen, while finding the said trees to be of beauty, and adding significant character to the streets of the Town of Kernersville, finds that allowing such trees to remain is outweighed by the danger the said trees pose to the citizens of the Town.

NOW, THEREFORE, be it hereby resolved by the Board of Aldermen of the Town of Kernersville:

1. That the subject trees, described in photos attached, are found to be a danger to the walking and motoring citizens of the Town;
2. That the Town Manager is instructed to request that the North Carolina Department of Transportation remove said trees; and
3. That appreciation is expressed to the North Carolina Department of Transportation for its willingness to address this problem and remove the subject trees.

This the 6th day of December, 2011.

Mayor Morgan asked if we knew when this work would be done by NCDOT. Mr. Swisher stated that we will convey the Board's support and hope to meet with them next week to discuss it. Originally they indicated that it would be done in conjunction with the bridge replacement however, winter poses the most danger because of ice storms and so we will ask them to take

them down before winter if possible. Mr. Swisher added that DOT will use an outside contractor and that the Town will be responsible for traffic control and removing the debris.

4. Consideration of the Purchase of Real Property.

Town Manager Curtis Swisher requested that this item be removed from the agenda.

Alderman Tracey Shifflette made a **Motion** to remove this item from the agenda as requested by Staff. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

5. Acceptance of the Forsyth County Board of Elections Official Results for the Municipal Election November 8, 2011.

Mayor:	Dawn H. Morgan	1133
Alderman:	Neal Stockton	1175
	Dana Caudill Jones	951
	Keith Hooker	891
	Tracey Shifflette	889
	Irving Neal	871

Mayor Pro Tem Kevin Bugg made a **Motion** to accept the Official Results of the Kernersville Municipal Election held on November 8, 2011 as certified by the Forsyth County Board of Elections. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

6. Approval of Minutes for:

**October 26, 2011 Briefing Session
October 26, 2011 Closed Session
November 1, 2011 Closed Session**

Alderman Bob Prescott made a **Motion** for the approval of the minutes as presented. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

7. Any further Business of the Mayor and Board of Aldermen.

Mayor Morgan thanked Mayor Pro Tem Kevin Bugg, Alderman Keith Mason and Alderman Bob Prescott for their service to Kernersville citizens and for the opportunity to serve with each one.

Alderman Prescott thanked the community for allowing him to serve the last four years, which have been an honor and a pleasure. He stated that working with this Board was incredible and he was proud that we had no tax increase, proud of the improvements on N. Main St., the addition of the Business Park and Hospital.

Alderman Shifflette stated that she also enjoyed working with this Board and that she learned so much from each of them.

Alderman Caudill Jones stated that she also enjoyed serving with each of them and thanked them for their service. She stated that she looks forward to working with them as they serve in many other ways giving back to the community.

Alderman Keith Mason stated that it has been an honor and privilege to serve and couldn't ask for a better group to work with. He stated that a lot was accomplished. He will continue to volunteer in other areas and continue to serve the community. He thanked the staff for a well-run town with many talented people.

Mayor Pro Tem Kevin Bugg also stated that it has been an honor and privilege to serve the community. He too felt that the Board accomplished a lot in a very respectful and professional manner in their dealings in Kernersville and in the Triad. He stated that Kernersville is the best run town with good leadership by dedicated employees. The Board has tried to make decisions as a whole to better the Town. He wished good luck to the new Board and encouraged them to continue to be open, honest and transparent. He thanked the citizens for giving him this opportunity and that it has been a pleasure.

Town Manager Curtis Swisher thanked the Board for their support to hire him as Manager. He thanked each one for their service to the Town and wished them the best of luck in their next endeavors.

Town Attorney John Wolfe also expressed his appreciation for their service. He noted that each one is different and have made good Alderman. He stated that they all kept the good of Kernersville at heart and has given as much as possible to the Town.

Mayor Morgan called a recess at 7:50 PM.

Recess

Mayor Morgan reconvened the meeting at 8:04 PM.

8. The Oaths of Office will be administered to newly elected officials by the Honorable Forsyth County Superior Court Judge Ronald E. Spivey

John Wolfe introduced The Honorable Superior Court Judge Ronald Spivey and added that he has known Judge Spivey for many years. He noted that Judge Spivey has been a Superior Court Judge since 2000 and mentioned some of his accomplishments.

Judge Spivey stated that when he was a District Court Judge he presided over court in this very room and that it's always been an honor to be here in Kernersville. He stated that he looks forward to administering the Oath to some very important people tonight. He reminded everyone

that as these officials take this Oath it comes with a great deal of responsibility. Encouraged them to each use their energy and talents to do what they feel is right and best for the Town. Judge Spivey stated that the Town has been incorporated since 1971 and had some great leaders in Town and named a few of those past leaders.

Judge Spivey then administered the Oath of Office to Dawn H. Morgan and prefaced his comments by noting many of Mayor Morgan's accomplishments during her tenure on the Planning Board and the Board of Aldermen.

Mayor-Elect: Dawn H. Morgan

I, Dawn H. Morgan, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will faithfully discharge the duties of my office as Mayor of the Town of Kernersville according to the best of my ability, so help me God.

The Oath of office was then administered to each of the Alderman. Judge Spivey also noted accomplishments of each official. J. Irving Neal was ill and not able to attend the meeting. His oath of office will be administered at a later meeting.

Aldermen-Elect: Grady C. "Neal" Stockton

I, Neal Stockton, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will faithfully discharge the duties of my office as Alderman of the Town of Kernersville according to the best of my ability, so help me God.

Alderman-Elect: Dana Caudill Jones

I, Dana Caudill Jones, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will faithfully discharge the duties of my office as Alderman of the Town of Kernersville according to the best of my ability, so help me God.

Alderman-Elect: Keith R. Hooker

I, Keith R. Hooker, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith; that I will be faithful and bear true allegiance to the State of

North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will faithfully discharge the duties of my office as Alderman of the Town of Kernersville according to the best of my ability, so help me God.

Alderman-Elect: Tracey H. Shifflette

I, Tracey H. Shifflette, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and, that I will faithfully discharge the duties of my office as Alderman of the Town of Kernersville according to the best of my ability, so help me God.

The new Board was seated.

9. Consideration of a Resolution of Appreciation and Presentation of Gift to:
Kevin Bugg
Keith Mason
Bob Prescott

Alderman Dana Caudill Jones made a **Motion** to approve a Resolution of Appreciation for each of the outgoing Board members. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

Mayor Morgan stated that this Board had a lot going on when we first started and through a team effort this Board has made great things happen in Kernersville. She added that we all worked well together to get the job done and listed many accomplishments of the group.

Mayor Morgan thanked former Mayor Pro Tem Kevin Bugg, former Alderman Keith Mason and former Alderman Bob Prescott for their excellent service to the citizens of Kernersville and read a Resolution of Appreciation which was presented to each one. Mr. Bugg was presented with a framed print of Town Hall, Mr. Mason and Mr. Prescott was presented with a black rocking chair displaying the Town Seal.

PUBLIC SESSION

10. SPEAKERS FROM THE FLOOR.

Tricia McCormick, 6162 Caxton Drive, Kernersville, NC – stated that she wanted to address an issue of concern for her neighborhood. She explained that she lives next to Kernersville Lake Park off of Old Valley School Road. This neighborhood is located outside the Town limits of Kernersville. She stated that around August 19 she was awakened by a loud humming noise. She explained her attempts to find the source of the noise which resulted in her talking with representatives from Omni Source on W. Mountain Street. She then called Town Hall to register a complaint. Staff at Town Hall recommended that she call the Police Department and/or the Planning Department. Ken Whitaker in the Kernersville Community Development Department

determined that the area is outside of Kernersville's jurisdiction, however we would contact Forsyth County to determine who could help with this situation. She stated that later that night she contacted the Forsyth County Sheriff's Department and was advised to document the situation and sue them.

Ms. McCormick stated that her neighbor Valarie Howerton also called the Sheriff's Department and they came out to her house. It was then determined that the noise was coming from Second Pass an operation behind Omni Source. Second Pass was contacted and said the noise was due to the fans being used. The noise did cease during the Thanksgiving holiday.

Ms. McCormick stated that the noise started back up again after the holidays and that the Howerton's contacted Mr. Whitaker again who then came out to their house that night.

Ms. McCormick stated that she has to go to bed with earplugs now even with the windows closed. She stated that she works out of her home and cannot ignore the noise.

Ms. McCormick stated that if this is from a fan blowing in all directions, what health hazards does this pose for the neighborhood? She referred to the Town's noise ordinance and asked about the decibel levels and added that the ordinance prohibits excessive and unusual noises. She concluded by stating that she is here on behalf of her neighbors to request a resolution to this problem.

Mr. Swisher referred to a letter from Ken Whitaker in which Mr. Whitaker confirmed his investigation of this complaint on November 22. His letter states that the noise appears to be coming from a process being used at the Omni Source site on West Mountain Street. After further investigation, Mr. Whitaker determined that Omni Source is in compliance with all codes and zoning ordinances and it appears that there is no action the Town can take to resolve the issue.

Valarie & Steve Howerton, 3410 Mic Mac Trail, Kernersville, NC – reported that they are hearing the same noise. Mrs. Howerton stated that they bought their home 20 years ago and up until August the neighborhood has been a nice quiet place to live. At first they thought it was a neighbor's generator but have tracked it to Second Pass. She confirmed what Ms. McCormick had said regarding her contact and discussion with the Town and Sheriff's Department.

Mrs. Howerton stated that we have lived here for 20 years and then all of a sudden we hear this noise that you can hear at all hours of the day and night. She then asked about any environmental concerns from this operation.

Mr. Swisher explained a new process used by Second/Pass or Omni Source to draw out additional metals from debris. He added that Omni Source is zoned for GI and comply with all zoning regulations. Everything they are doing is within their legal rights. He noted that Mr. Whitaker has contacted Forsyth County Environmental Dept. however, they have not responded back with any results.

Mr. John Wolfe, Town Attorney stated that from what Mr. Whitaker says in his memo, there may not be anything the Town can legally do to resolve this problem, however he will look into the matter further. He added that often times the Town cannot solve all of these problems and it may be a civil matter between the neighborhood and the business owner. He noted that the Town does have a noise ordinance and would determine if that could be utilized.

Mayor Morgan asked if there would have been any special provisions required under the zoning. Mr. Hatling stated that the only things required would be permits to meet building codes.

Mayor Morgan stated that the Board is very sympathetic and will look into the matter to determine if there is anything legally the Town can do to resolve the issue.

Alderman Caudill Jones thanked the neighbors for bringing this up and that the Town will definitely look into this further.

11. Consideration of the 2012 Board of Aldermen Meeting Schedule.

Mayor Morgan presented the meeting calendar for 2012.

Alderman Dana Caudill Jones made a **Motion** for the approval of the 2012 Board of Aldermen Meeting Schedule. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

12. Election of the Mayor Pro Tem as required by the Town Charter.

Mayor Morgan read the requirements for electing a Mayor Pro Tem each year in December.

Alderman Neal Stockton expressed his gratitude to all the citizens that voted for him in the election and the confidence the voters placed in all the Board members.

Alderman Neal Stockton made a **Motion** to nominate Alderman Dana Caudill Jones to serve as Mayor Pro Tem.

Alderman Stockton stated that he nominates her because of her eight years of experience and she was the second highest vote getter. He stated that he has watched her grow and mature as a leader and will serve the Town well as Mayor Pro Tem. Alderman Tracey Shifflette seconded the motion

Alderman Dana Caudill Jones stated that Alderman Stockton was the highest vote getter and added that she appreciates how he is always looking at what's best for the organization, as he did as Police Chief. She appreciates his support and expressed her confidence in him as an Alderman.

The vote was all for and motion carried.

13. Consideration of Appointments to Standing Committees as recommended by Mayor:

Mayor Morgan presented her recommendation for the following appointments to various Standing Committees:

- a. Transportation Advisory Committee
Primary: Mayor Dawn Morgan
Alternate: Alderman Tracey Shifflette
- b. Forsyth County Emergency Management Council
Primary: Alderman Neal Stockton
Alternate: Mayor Dawn Morgan
- c. Piedmont Triad Council of Governments
Primary: Mayor Pro Tem Dana Caudill Jones
Alternate: Alderman Tracey Shifflette
- d. Fireman's Relief Fund Board
Board Member: Alderman Neal Stockton
Two Citizens: appointments made at a later meeting
- e. East Forsyth Citizens for Human Services Board
Alderman Keith Hooker
- f. Kernersville Downtown Preservation and Development Council
Mayor Pro Tem Dana Caudill Jones
- g. Board of Aldermen Nominations Committee
Mayor Pro Tem Dana Caudill Jones
Alderman Tracey Shifflette
- h. Heart of the Triad Strategic Planning Committee
Primary: Alderman-elect Iirvng Neal (after being sworn in)
Alternate: Mayor Pro Tem Dana Caudill Jones
- i. YMCA Board of Managers
YMCA Program/Facilities Committee
Alderman Keith Hooker
- j. Piedmont Triad Aerotropolis – Alderman-elect Irving Neal (after being sworn in)
- k. Economic Development Advisory Committee (EDAC)
Alderman Tracey Shifflette

Alderman Tracey Shifflette made a **Motion** to accept the appointments as presented by the Mayor. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

14. Consideration of Resolutions setting policies for the organization and operation of the Board of Aldermen.

a. Resolution Concerning Board Of Aldermen Meeting Procedures

RESOLUTION NO. R-2011-30

**RESOLUTION CONCERNING BOARD OF ALDERMEN
MEETING PROCEDURES REVISED**

WHEREAS, it is the desire of this Mayor and Board of Aldermen to make the most effective use of the time spent in Board meetings.

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

1. The Regular Monthly Meeting of the Board of Aldermen shall take place on the first Tuesday of each month at 7:00 P. M. unless otherwise changed by the Board of Aldermen. A monthly meeting known as a Briefing Session of the Board of Aldermen shall take place at 6:30 P.M. on the Wednesday night immediately preceding the Regular Monthly Meeting of the Board of Aldermen unless otherwise changed by the Board of Aldermen. This Briefing Session shall be held in the Executive Conference Room at Town Hall in order for the Town Manager to brief the Board on Agenda items. The said Briefing Session Meeting may also be used, from time to time, by the Board of Aldermen in order to consider business, and decide matters, of the Town including, but not limited to, occasions when matters need to be heard at the earliest possible time or when the Board of Aldermen has a great amount of business to be heard in a particular month. (List of Meeting Dates is posted on the main bulletin board at the Municipal Building, at www.toknc.com and is filed with the Town Clerk.)
2. Individuals or groups desiring to bring a matter to the Board of Aldermen for action are hereby required to make written request to the Town Manager in accordance with established policy regarding Public Input at Meetings. The Agenda Items shall include the name of the person or persons making the request and matter they wish to present.
3. The two Agenda items noted as "Speakers from the Floor" will be placed as follows: at the conclusion of all Public Hearings and subdivision approvals, but prior to the remainder of the Public Session items and at end of the Agenda, immediately prior to the Town Manager's Report. Persons who wish to speak about non-agenda items will be recognized at that time.
4. Unless the Board votes unanimously to consider a non-agenda item brought from the floor or from its membership, no action shall be taken on said matter until the next regular meeting.

5. All speakers are required to address the Board from the podium, unless limited by a physical impairment from doing so. Speakers shall state their name and address for the record. The Mayor will rule out of order any person who speaks from the audience without first obtaining the recognition of the Mayor and approaching the podium.
6. Items on which there is thought to be general agreement within the Board and are considered to be routine in nature are to be placed on a Consent Agenda and voted on as a single group without Board discussion. The Town Manager and the Mayor are authorized to determine what items should be placed on the Consent Agenda. Any item may be removed from the Consent Agenda for consideration on the Regular Agenda upon the request of any elected official or citizen present at the meeting.
7. The Board authorizes the use of a facsimile stamp of the Mayor's signature when issuing notices of special meetings.

Adopted this the 6th day of December, 2011

b. Resolution establishing the official travel policy for the Mayor and Board of Aldermen.

RESOLUTION NO. R-2011-31

RESOLUTION ESTABLISHING THE OFFICIAL TRAVEL POLICY
FOR THE MAYOR AND MEMBERS
OF THE BOARD OF ALDERMEN TOWN OF KERNERSVILLE

WHEREAS, the Mayor and Board of Aldermen attend local, state and national meetings which are held for the purpose of furnishing information and guidance on municipal affairs as they affect the Town of Kernersville; and

WHEREAS, each member of the Board of Aldermen shall incur necessary expenses in the attendance of such meetings in carrying out official business of the Town of Kernersville; and

WHEREAS, the Board of Aldermen shall use sound judgment and give proper regard for economical travel and lodging so that reimbursements will not exceed the limits set forth in the policy resolved herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE that the following travel policy shall apply to the members of the Kernersville Board of Aldermen:

1. Elected officials traveling on official Town business shall be subject to the same internal travel policy and regulations utilized by all Town employees. Elected officials shall document travel expenses for reimbursement for out of town travel as required by the Town's travel policy.

2. The Mayor shall be allotted \$150 monthly for in-town travel and expenditures. Expenditures for out of town travel shall be reimbursed by the Town in accordance with the Town's travel policy.
3. Members of the Board of Aldermen shall be allotted \$75 monthly for in town travel and expenditures. Expenditures for out of town travel shall be reimbursed by the Town in accordance with the Town's travel policy.
4. Any additional expenses incurred for spouses accompanying elected officials to out of town functions shall be borne by the elected official.

Adopted this the 6th day of December, 2011.

c. Resolution regarding appointments to Town Boards and Commissions.

RESOLUTION NO. R-2011-32

RESOLUTION REGARDING APPOINTMENTS TO CITIZEN COMMITTEES
OF THE TOWN OF KERNERSVILLE

WHEREAS, Committees, Commissions and Boards provide input to the Board of Aldermen. Citizen members advise and assist the Board of Aldermen in special issue areas and open additional lines of communication between the general public and the Board of Aldermen; and

WHEREAS, the Board of Aldermen of the Town of Kernersville believes that the community is best served when there is a diverse representation of volunteer citizens on the Boards and Commissions and it is the desire of this Mayor and Board of Aldermen to provide for the fullest participation by the citizens of Kernersville in the business of governing; and

WHEREAS, in 1993 the Board of Aldermen implemented a standardized method for processing, interviewing and making recommendations for appointments to the Town's standing committees:

Board of Adjustment
Community Appearance Commission
Planning Board
Recreation Advisory Board
Sister City Commission
Pedestrian and Bicycle Advisory Committee
Tree Commission

WHEREAS, Kernersville residents also serve on County-wide Boards and appointments or nominations are made by the Board of Aldermen: Forsyth Municipal ABC Board Forsyth County Historic Properties Commission

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE THAT THE FOLLOWING PROCEDURE BE HEREBY ADOPTED FOR MAKING APPOINTMENTS TO CITIZEN COMMITTEES:

1. In December of each year, the Mayor will appoint a Nominations Committee composed of the Mayor, two members of the Board of Aldermen and the Town Manager. The Nominations Committee will serve for one year, from December through November.
2. The Nominations Committee will:
 - A. solicit nominations for appointments and review attendance records and other pertinent information regarding current appointees.
 - B. direct staff to advertise vacancies as needed.
 - C. review applications and interview applicants as needed.
 - D. make recommendations in writing to the Board of Aldermen.

Applicants will be recommended for appointment based on expertise in topic area, race, gender, interest in serving, geographic area of residence

3. The Board of Aldermen will:
 - A. solicit nominations and submit names of potential nominees to the Nominations Committee.
 - B. consider and make appointments.

Adopted this the 6th day of December, 2011.

- d. **Resolution authorizing the Town Manager to enter into options for the purchase of real property.**

RESOLUTION NO. R-2011-33

RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER
OPTIONS FOR THE PURCHASE OF REAL PROPERTY

WHEREAS, real property acquisition by the Town of Kernersville is a necessary and routine part of municipal governance; and

WHEREAS, the purchase of property in the real estate market requires negotiation and the ability to make a prompt response to changing circumstances and market conditions in order to purchase needed properties at the best possible price; and

WHEREAS, the Town Manager has the requisite knowledge of the long and short term real property needs of the Town of Kernersville as expressed by the Board of Aldermen in budget and planning processes, and can thus locate such property and begin the procedure necessary to acquire needed real property; and

WHEREAS, the Board of Aldermen of the Town of Kernersville desires to grant limited authority to the Town Manager to initiate acquisitions, respond to offers, and otherwise function in the real estate market in a way that would allow the Town to meet its real property needs in the most cost effective manner; and, further the Board of Aldermen desires to involve the Town Attorney in such process to assure that the Board retains final authority to approve or reject proposed acquisitions after proper public notice and participation before any final determination by the Board regarding the purchase;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF ALDERMEN of the Town of Kernersville that:

- (1) the Town Manager is hereby authorized to initiate acquisition of real property and to respond to offers from owners desiring to sell real property to the Town on any tract which the Town Manager determines may conform with the long or short term needs of the Town as expressed by the Board directly or indirectly in their budgetary and other deliberations.
- (2) the Town Manager may enter into an option to purchase any such tract with the understanding that any such agreement for potential purchase (A) shall be contingent upon approval by the Board of Aldermen of the Town of Kernersville, and (B) must contain a term indicating that the contingency is part of any such option.
- (3) the Town Manager shall be limited to the payment of One Hundred Dollars (\$100.00) for the procurement of any option on behalf of the Town without express authorization by the Board of Aldermen to expend more than this amount.
- (4) the Town Manager shall confer with the Town Attorney and the Town Attorney shall be authorized to draft necessary option(s) as needed in any such transaction.
- (5) this authorization is neither a grant of authority to the Town Manager to bind the Town of Kernersville to any contract to purchase property without the further express authorization of the Board of Aldermen, nor shall it be deemed as

granting to the Town Manager any apparent authority to bind the Town to any contract upon which any party could justifiably rely absent Board approval of the purchase.

- (6) options entered pursuant to this authorization shall be limited to six months duration and shall be presented to the Board of Aldermen within ninety (90) days after their execution.

Adopted this the 6th day of December, 2011.

e. Resolution providing for procedures regarding videos and photographs during meetings of public bodies.

RESOLUTION NO. R-2011-34

**A RESOLUTION PROVIDING
PROCEDURES FOR THE TAKING OF
STILL PHOTOGRAPHS AND VIDEO RECORDING
DURING MEETINGS OF PUBLIC BODIES**

WHEREAS, the Board of Aldermen finds that for personal, news media, and historic uses, it is proper to allow the taking of still photographs and video recording during meetings of Public Bodies in open session; and

WHEREAS, there is the need to conduct all Public Meetings in an orderly manner; and

WHEREAS, all persons should be afforded the opportunity of speaking at a public meeting without interference or embarrassment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that any person may take still photographs and/or record on video during any open session of any meeting of a Public Body of the Town of Kernersville provided:

- (a) If at all possible, video recording equipment shall be set up on a tripod or other stationary apparatus prior to the meeting in question;
- (b) Should video recording equipment need be set up, or taken down, during a meeting in question, the same shall be done with as little interruption to the meeting as possible;
- (c) Unless specifically approved by the Chairperson of the meeting in question, no video recording device shall be hand held or carried about the meeting in question unless the same be ceremonial in nature.
- (d) Unless specifically approved by the Chairperson of the meeting in question, no flash photographs may be taken during a meeting unless the same be ceremonial in nature.

Adopted this the 6th day of December, 2011.

f. Resolution establishing a policy regarding Public Input at Meetings.

**RESOLUTION NO. R-2011-35
A RESOLUTION OF THE BOARD OF ALDERMEN
OF THE TOWN OF KERNERSVILLE ESTABLISHING
A POLICY REGARDING PUBLIC INPUT AT MEETINGS**

WHEREAS, the Mayor and the Board of Aldermen wish to provide for properly conducted open meetings which afford the best means for the Board of Aldermen to address issues and matters affecting the citizens of the Town of Kernersville, while at the same time receiving input from the citizens of the Town in regard to such issues and matters; and

WHEREAS, the Board of Aldermen of the Town of Kernersville has always desired to hear from citizens of the Town regarding issues under consideration by the Board and other business of the Town, including, but not limited to, matters that require Public Hearings in accordance with the North Carolina General Statutes; and

WHEREAS, current policy has provided, and continues to provide, that a citizen may request placement of an item on the Agenda for a meeting of the Board of Aldermen; and, whereas, current policy has also provided, and continues to provide, that a citizen may speak from the floor immediately following all public hearings and subdivision approvals or at the end of Board of Aldermen meetings; and, whereas, the Board has in the past permitted virtually unrestrained and unlimited public participation during its meetings; and

WHEREAS, the Board of Aldermen has determined that its existing policy needs revision to assure that the Board of Aldermen may properly organize its meetings and conduct the business of the Town in the most time-efficient manner while undertaking each matter and issue coming on before the Board of Aldermen affecting the citizens of the Town; and

WHEREAS, the Board of Aldermen desires that any policies regarding citizen input be content-neutral, and that any time, place, and manner limitations on public input be reasonable; and

WHEREAS, the Mayor, Board of Aldermen, Town Manager and Town Attorney have reviewed some policies in use by other units of local government; and, whereas, the Board of Aldermen has discussed and determined that certain policies regarding public input at (1) Public Hearings, (2) at times of other agenda items, and (3) at times for speakers from the floor, will result in promoting the type of time-efficient, orderly public input and discussion desired by this Board of Aldermen in the course of making its decisions; and, whereas, this Board of Aldermen has determined that by setting the following policies, the citizens of the Town will have adequate time limits within which to reasonably convey their opinion(s) or idea(s) to the Board and the Public at large; and

WHEREAS, the following Resolution is not an attempt in any manner to limit public input or debate but rather to better enable all citizens to be heard and given the opportunity to express their comments to the Board and for the Board to better hear all views and concerns of citizens in a properly organized, time efficient manner;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE that it is the policy of the Board of Aldermen of the Town of Kernersville that public input at meetings of the Board of Aldermen shall be allowed as follows:

1. Agenda Items

(a) Agenda Preparation

The Mayor and the Town Manager shall jointly compile the agenda for meetings of the Board of Aldermen of the Town of Kernersville. Citizen requests to place an item on the Agenda shall be written and delivered to the Mayor or the Town Manager at least fourteen (14) days prior to a regularly scheduled meeting. The Mayor shall have, as Chairman of the meeting, the final authority as to those items which shall appear as agenda items for meetings of the Board of Aldermen except that any two (2) members of the Board of Aldermen may add an item(s) to the Agenda. The Board of Aldermen may, also upon vote, delete an item(s) from its agenda by majority vote.

(b) Agenda Speaker Cards

The Clerk shall prepare, and have available at least one-half hour before each Board of Aldermen meeting, a method for each citizen to sign who wishes to be heard at a Public Hearing or upon an agenda item. At the time of a Public Hearing or upon the call of an agenda item, the Mayor shall ask if there are any others from the audience who wish to speak. The Mayor shall formulate therefrom those who shall address the Board of Aldermen on that particular issue. The Mayor shall call upon speakers in such order as he determines in his discretion.

(c) Speakers on Agenda Items

After an agenda item has been presented by the Town Manager and/or a member of the Town's Staff, speakers who wish to speak to an agenda item shall have ten (10) minutes within which to do so. In the case of multiple speakers who have signed up to speak, or expressed a desire to speak to the same points of an agenda matter, the Mayor may divide the ten (10) minutes by the number of speakers wishing to address the Board of Aldermen and each such speaker shall then be allowed that given time within which to express his or her comments, ideas, concerns, expressions, and desires.

2. Public Hearings

When an agenda item is denoted as a Public Hearing, persons attending shall be permitted to address the Board of Aldermen regarding the item under consideration, those speaking in favor speaking first and those against speaking second. Proponents and opponents shall each be given fifteen (15) minutes of time to speak and may choose to allow one speaker to utilize that time or choose to allocate the time among different speakers. In the event that either proponents or opponents have not designated a speaker or speakers to represent that view, the Mayor shall divide the fifteen (15) minutes by the number of speakers wishing to address the Board of Aldermen and each such speaker shall be allowed that given time within which to express his or her comments, ideas, concerns, expressions, and desires. After the opponents speak, the Mayor will allow the proponents five (5) minutes for rebuttal. If the proponents choose to exercise this option, the opponents will also have five (5) minutes for rebuttal. In the event that the proponents do not present a rebuttal then the opponents shall be given no further time to speak.

3. Public Forum at Regular Meetings

The Board of Aldermen , after considering all of its scheduled Public Hearings and subdivision approvals, and prior to the remainder of its Public Session, shall set aside up to fifteen (15) minutes during which any public speaker who has previously signed up to speak, may speak up to five (5) minutes; provided that, should the number of speakers be in excess of three (3), then Mayor shall divide the fifteen (15) minutes by the number of speakers to arrive at a maximum time limit per speaker. Upon recommendation of the Mayor, and approval of the Board of Aldermen, the previously set forth fifteen (15) minute period may be extended to accommodate a large number of speakers. The Board of Aldermen, after considering all of its scheduled Agenda Items shall again hear from speakers from the floor. These speakers shall each be given up to five (5) minutes within which to speak on any item related to any business of the Town.

All speakers from the floor should limit questions to those that cannot be easily obtained from Staff during normal working hours.

In the event that a large number of persons express an interest in speaking to the Board at the second Public Speakers Session, the Mayor, subject to the concurrence of a majority of the Board of Aldermen, may limit the length of the comments to two (2), three (3) or four (4) minutes per speaker.

4. Questions from the Mayor and Aldermen

The Mayor and Aldermen may at any time ask questions of any speaker. Response to such questions by speakers shall be germane, to the point, and responsive to the question(s). Such response(s) by speakers shall not be calculated in the allocation of speaking time.

This the 6th day of December, 2011.

g. Resolution establishing a Code of Ethics for the Board of Aldermen.

RESOLUTION NO. R-2011-36
RESOLUTION ADOPTING A CODE OF ETHICS FOR THE
KERNERSVILLE BOARD OF ALDERMEN

Whereas, the proper operation of democratic government requires that a public official be independent, impartial and responsible to the people; and

Whereas, government decisions and policy must be made in proper channels of the governmental structure; and

Whereas, the public office must not be used for personal gain; and

Whereas, the public must have confidence in the integrity of its government; and in recognition of these goals,

BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville, North Carolina that the following is adopted:

CODE OF ETHICS
FOR THE KERNERSVILLE MAYOR AND BOARD OF ALDERMEN

The stability and proper operation of democratic representative government depends upon the continuing consent of the governed, upon the public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people. Government decisions and policy must be made and implemented through proper channels and processes of the governmental structure. The purpose of this code is to establish guidelines for ethical standards of conduct for the Mayor and Board of Aldermen and all references herein to the Board of Aldermen shall be understood to include the Mayor. It should not be considered a substitute for the law or a Board of Aldermen member's best judgment.

Board of Aldermen members must be able to act in a manner to maintain their integrity and independence, yet must be responsive to the interests and needs of those they represent. Board of Aldermen members serve in an important advocacy capacity in meeting the needs of their citizens and should recognize the legitimacy of this role as well as the intrinsic importance of this function to the proper functioning of representative government. At the same time, Board of Aldermen members must, at times, act in an adjudicatory or administrative capacity and must, when doing so, act in a fair and impartial manner. Board of Aldermen members must know how to distinguish these roles and when each role is appropriate and they must act accordingly. Board of Aldermen members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each Board of Aldermen member must find within his or her own conscience the touchstone on which to determine appropriate conduct.

Canon One
A Board of Aldermen Member Shall Obey the Law

Board of Aldermen members shall support the Constitution of the United States, the Constitution of North Carolina and the laws enacted by the Congress of the United States and the

General Assembly pursuant thereto. Members specifically acknowledge and agree to comply with the requirements of NCGS §14-234 entitled “Public officers or employees benefiting from public contracts; exceptions.”

Canon Two

A Board of Aldermen Member Should Uphold the Integrity and Independence of His or Her Office

Board of Aldermen members should demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all their public activities in order to inspire public confidence and trust in town government. Board of Aldermen members should participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity and independence of their office may be preserved. The provisions of this Code should be construed and applied to further these objectives.

Canon Three

A Board of Aldermen Member Should Avoid Impropriety and the Appearance of Impropriety in All His or Her Activities

It is essential that town government attract those citizens best qualified and willing to serve. Board of Aldermen members have legitimate interests-economic, professional and vocational-of a private nature. Board of Aldermen members should not be denied, and should not deny to other Board of Aldermen members or citizens, the opportunity to acquire, retain and pursue private interests, economic or otherwise, except when conflicts with their responsibility to the public cannot be avoided. Board of Aldermen members must exercise their best judgment to determine when this is the case.

Board of Aldermen members should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity of the office of Board of Aldermen and of town government.

Board of Aldermen members should not allow family, social, or other relationships to unduly influence their conduct or judgment and should not lend the prestige of the office of Board of Aldermen to advance the private interests of others; nor should they convey or permit others to convey the impression that they are in a special position to influence them. Board of Aldermen members shall not grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

In accordance with Section 23 of the Town Charter, the Mayor or any member of the Board of Aldermen who has an interest in any official act or action before the Board shall publicly disclose on the record of the Board the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Board pursuant to NCGS §160A-75.

Canon Four

A Board of Aldermen Member Should Perform the Duties of the Office Diligently

Board of Aldermen members should, while performing the duties of the office as prescribed by law, give precedence to these duties over other activities. In the performance of these duties, the following standards should apply:

A. Legislative Responsibilities

1. Board of Aldermen members should actively pursue policy goals they believe to be in the best interests of their constituents within the parameters of orderly decision-making, rules of the Board of Aldermen and open government.
2. Board of Aldermen members should respect the legitimacy of the goals and interests of other Board of Aldermen members and should respect the rights of others to pursue goals and policies different from their own.

B. Adjudicative Responsibilities

1. Board of Aldermen members should be faithful to the general and local laws pertaining to the office and strive for professional competence in them. They should be unswayed by partisan interests, public clamor, or fear of criticism.
2. Board of Aldermen members should demand and contribute to the maintenance of order and decorum in proceedings before the Board of Aldermen.
3. Board of Aldermen members should be honest, patient, dignified and courteous to those with whom they deal in their official capacity, and should require similar conduct of their staff and others subject to their direction and control.
4. Board of Aldermen members should accord to every person who is legally interested in a proceeding before the Board full right to be heard according to law.
5. Board of Aldermen members should dispose promptly of the business of the town for which they are responsible.

C. Administrative Responsibilities

1. Board of Aldermen members should clearly distinguish legislative, adjudicatory and administrative responsibilities and should refrain from inappropriate interference in the impartial administration of town affairs by town employees. Board of Aldermen members should diligently discharge those administrative responsibilities that are appropriate, should maintain professional competence in the administration of these duties and should facilitate the diligent discharge of the administrative responsibilities of fellow Board of Aldermen members and other town officials.
2. Board of Aldermen members should conserve the resources of the town in their charge. They should employ town equipment property, funds and personnel only in legally permissible pursuits and in a manner that exemplifies excellent stewardship.
3. Board of Aldermen members should require town employees subject to their direction and control to observe the standards of fidelity and diligence that apply to Board of Aldermen members as well as those appropriate for employees.

4. Board of Aldermen members who become aware of improper conduct by a town employee should promptly inform the Town Manager, or, in the case of a Town employee who reports directly to the Board, initiate appropriate disciplinary measures.
5. Board of Aldermen members should not employ or recommend the appointment of unnecessary employees and should exercise the power of employment only on the basis of merit, avoid favoritism and refrain from illegal discrimination and nepotism. They should not approve compensation of employees beyond the fair value of services rendered.

Canon Five

A Board of Aldermen Member Should Conduct the Affairs of the Board of Aldermen in an Open and Public Manner

Board of Aldermen members should be aware of the letter and intent of the State's Open Meetings Law, should conduct the affairs of the Board of Aldermen consistent with the letter and spirit of that law and consistent with the need to inspire and maintain public confidence in the integrity and fairness of town government and the office of Board of Aldermen. Consistent with this goal of preserving public trust, Board of Aldermen members should be aware of the need for discretion in deliberations when the lack of discretion would pose a threat to the resources of the town, to the reputation of current or potential town employees, to orderly and responsible decision making, to the integrity of other governmental processes or to other legitimate interests of the town .

Canon Six

A Board of Aldermen Member Should Regulate His or Her Extra Governmental Activities to Minimize the Risk of Conflict with His or Her Official Duties

1. Board of Aldermen members should inform themselves concerning campaign finance, conflict of interest and other appropriate state and federal laws and should scrupulously comply with the provisions of such laws.
2. Board of Aldermen members should refrain from financial and business dealings that tend to reflect adversely on the Board or on town government or to interfere with the proper performance of official duties.
3. Board of Aldermen members should manage their personal financial interests to minimize the number of cases in which they must abstain from voting on matters coming before the Board.
4. Information acquired by Board of Aldermen members in their official capacity should not be used or disclosed in financial dealings or for any other purpose not related to official duties.

Canon Seven

A Board of Aldermen Member Should Refrain from Political Activity Inappropriate to His or Her Office

1. Board of Aldermen members have a civic responsibility to support good government by every available means, to continue to inform and educate the citizenry about the affairs and processes of town government, and to make themselves available to citizens of the town so that they may ascertain and respond to the needs of the community. In doing so, Board of Aldermen members may and should join or affiliate with civic organizations whether partisan or non-partisan, may and should attend political meetings, may and should advocate and support the principles or policies of civic or political organizations consistent with the Constitution and laws of the United States and North Carolina.
2. Candidates for the office of Board of Aldermen, including incumbents:
 - A. Should inform themselves concerning the laws of this state with regard to campaigns and relevant disclosure requirements and should scrupulously comply with the provisions of such laws;
 - B. Should maintain the dignity appropriate to the office, and should encourage members of their families to adhere to the same standards of political conduct that apply to Board of Aldermen;
 - C. Should not make pledges or promises of conduct in office that they will not or cannot perform or would be illegal if it were performed;
 - D. Should not misrepresent their identity, qualifications present position, or other fact; and
 - E. Should avoid pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office.

BE IT FURTHER RESOLVED that:

1. A violation of this Code of Ethics may subject a Mayor/Alderman to a censure Resolution by the Kernersville Board of Aldermen; however, no such censure resolution shall be adopted until the person alleged to have committed the violation has been given notice of the alleged violation and provided with the opportunity to appear before the Board and be heard regarding the allegation.
 2. When a Mayor/Alderman has a question as to the applicability of this code to a particular situation, he or she may apply, orally or in writing, to the Town Attorney for advisory guidance. Upon receipt of a request for advisory guidance and based only upon the information given to the Town Attorney, the Town Attorney will provide advisory guidance to the Mayor/Alderman. In the Town Attorney's discretion, he may retain outside legal counsel to advise him in connection with any request for advisory guidance. In no event will the Town Attorney's advisory guidance excuse a Mayor/Alderman from complying with the Code of Ethics or other applicable law.
- Adopted this 6th day of December, 2011.

h. Consideration of an Electronic Communications Policy.

**RESOLUTION NO. R-2011-37
A RESOLUTION OF THE BOARD OF ALDERMEN OF
THE TOWN OF KERNERSVILLE ADOPTING AN**

ELECTRONIC COMMUNICATIONS POLICY

By virtue of this policy, the Mayor and Board of Aldermen acknowledge the public nature of electronic communications.

1.0 Purpose. This policy covers the use of all technology resources belonging to the Town of Kernersville. It includes, but is not limited to, pagers, radios, all computer systems of any size and function and their attached peripherals, phones, cellular phones, faxes, voice mail systems, e-mail systems, network resources and Internet resources (Communications Systems). The Town provides technology resources to enable Town elected officials to provide timely and efficient services. This is the primary function of these resources and any activity or action that interferes with this purpose is prohibited. Failure to adhere to this policy places the Town and the individual at risk for legal and financial liabilities, potential embarrassment and other consequences.

2.0 Administration. Each elected official shall become thoroughly familiar with the requirements set forth in this policy. Systems Administrators have the authority to inspect the contents of any equipment, files, or mail in the normal course of their supervisory responsibilities. Reasons for review include, but are not limited to: investigation of network slowdown; system hardware or software problems including software license compliance; general system failure; litigation or potential litigation; reasonable suspicion of a crime or violation of policy. All communication system users acknowledge their consent that the Town may, at its discretion, inspect, use or disclose any electronic communications and/or data without further notice for any legitimate business, legal or discretionary purpose. The Town may utilize monitoring software to administer this policy.

3.0 Public Nature of Electronic Communication. Electronic communication is a public record like any other public document. Users must understand that any communications created, received or backed up on the Town system may be construed to be public documents and thus may be subject to legal requests for public disclosure. This includes communications that users might think of, incorrectly, as personal and private. Electronic communications may be searched for evidence in any legal proceeding.

4.0 E-Mail/Internet. Use of the Communications Systems by elected officials for personal use must be restricted to occasional use that does not interfere with the conduct of Town business. Personal use of the Internet and e-mail should be kept to a minimum.

Any business or personal use of the Internet or e-mail by an elected official Town shall clearly and accurately identify the official. Anonymous or pseudonymous use is prohibited.

E-mail is considered an official form of communication between Town elected officials and employees. Computer users are required to check for the receipt of e-mail messages each working day.

The following uses of the Town's Communications Systems are strictly prohibited:

- A. Use of the Communications Systems to send chain letters;
- B. Use of the Communications Systems to knowingly send copies of documents in violation of copyright laws;
- C. Use of the Communications Systems to compromise the integrity of the Town and its business in any way;
- D. Use of the Communications Systems to send messages containing offensive, abusive, discriminatory, threatening, harassing, or other language inappropriate for the operation of the Town;
- E. Use of the Communications Systems to send messages that violate any policy of the Town including the Town's policy against harassment. Such messages include, but are not limited to, messages that contain sexual implications, racial slurs, or other comments that offensively addresses someone's age, gender, sexual orientation, religious or political beliefs, national origin or disability;
- F. Use of the Communications Systems for the advertisement of personal business;
- G. Intentionally viewing, downloading and/or transmitting materials (other than that required for police business) that involve the use of obscene language, images, jokes, sexually explicit materials or messages that abuse or belittle any person, group or classification of individuals is strictly prohibited;
- H. Use of the Communications Systems to distribute personnel information unless it is an authorized Human Resource function that includes but is not limited to salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records or related information;
- I. Installation of software without prior authorization from the Systems Administrators;
- J. Elected officials shall not permit unauthorized persons to use the Town's electronic Communications Systems; and
- K. Installation of Software by third-party software vendors unless authorized by the Systems Administrators.

5.0 Security. All electronic communications are the property of the Town, are subject to monitoring, and therefore not considered private. The Town will disclose any electronic mail message as required by appropriate law or regulation. The Town shall promptly access electronic communication data:

- A. When a user leaves their position with the Town for any reason, user's mail will be accessed for the purpose of saving those messages that pertain to Town business. These files may be subject to transfer to another user if necessary to conduct Town business. The user's Town e-mail service will be discontinued;
- B. When necessary to investigate a possible violation of a Town policy or a breach of the security of the Communications Systems; and
- C. In the event there is reasonable suspicion a user has committed or is committing any crime.

6.0 Violations. It is the user's responsibility to read and abide by topics set forth in this document. If any elected official violates any of the provisions of this policy, such a violation shall be handled in the same manner as a violation of the Kernersville Board of Aldermen Code of Ethics.

Adopted this the 6th day of December, 2011.

Alderman Neal Stockton made a **Motion** to adopt the following Resolutions noted in Item #14 a-h above as recommended. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

15. SPEAKERS FROM THE FLOOR.

Bruce Boyer, 108 Rockford Ct., Kernersville, NC – extended his appreciation to the Town for their effort in helping with the Kernersville Christmas Parade on Sunday. He added that it is a group effort and could not be done without everyone's assistance.

Mr. Boyer pointed out the Downtown Council's sponsorship of a Veterans float which received more applause than any other float in the parade.

16. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

None presented.

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

Alderman Keith Hooker thanked everyone for their votes and for coming out tonight. He stated that he looks forward to working for Town for the next two years.

Alderman Neal Stockton also thanked everyone for their support. He added that it is a great honor to serve the citizens of Kernersville and he pledged to do his best.

Alderman Tracey Shifflette also thanked everyone for their support and said that she is looking forward to serving for another two years as well. She asked for an update on the fountain in Harmon Park. Mr. Ernie Pages, Parks & Recreation Director stated that the parts have arrived and they hope to have it repaired by December 31st.

Mayor Pro Tem Dana Caudill Jones thanked everyone for supporting her and the opportunity to serve again. She added that she is also looking forward to working with the new members and serving the community as well. She thanked the Chamber and numerous volunteers for their efforts on this year's parade and all the other events held throughout the weekend. This brings people in from outside of Kernersville to enjoy as well.

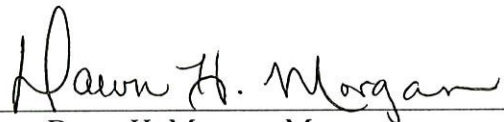
Mayor Morgan stated that she appreciates the efforts for the parade as well, and for the Parks & Recreation Staff for coordinating the Tree Lighting, CAC for all their work on the Town's holiday decorations.

Mayor Morgan stated that the new Board plans to hit the ground running and reminded the Board of the meeting again next week. She noted that the Board will meet to plan out the next 2 years. Those meetings will be held on January 12 and 19 and that a joint meeting with the Planning Board will be held on Jan 5th.

Alderman Tracey Shifflette made a **Motion** to enter into closed session to discuss certain matters about which our Town Attorney needs to advise us and which fall within the Attorney-Client privilege. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

18. ADJOURNMENT.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to adjourn the meeting immediately following the Closed Session at 10:46 PM. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.


Dawn H. Morgan, Mayor

Attest:


Dale F. Martin, Town Clerk

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on December 6, 2011.

This the 1 day of 6, 2012


Dale F. Martin, MMC, Town Clerk