

**MINUTES OF THE BOARD OF ALDERMEN  
TOWN OF KERNERSVILLE, N.C.  
REGULAR MEETING 7:00 P.M.      MAY 1, 2012**

The Board of Aldermen of the Town of Kernersville met in regular session at 7:10 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, Aldermen Tracey Shifflette, Irving Neal, Keith Hooker and Alderman Neal Stockton. Mayor Pro Tem Dana Caudill Jones arrived at 7:10 PM.

**Absent:** None

**Staff Present:** Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Captain Tim Leonard, Police Department; Doran Maltba, Public Services Director; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Walt Summerville, Fire Chief; Ray Smith, Human Resources Director; Gray Cassell, Information Services Director; Russell Radford, Engineering Director; Brian Ulrich, Transportation Manager; Mary McClellan, Solid Waste and Recycling Specialist and Elizabeth Colyer, Stormwater Manager.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND RICK CARTER OF MAIN STREET UNITED METHODIST CHURCH**

Mayor Dawn Morgan called the meeting to order and the Reverend Rick Carter of Main Street United Methodist Church delivered the invocation.

- **PLEDGE OF ALLEGIANCE LED BY CUB SCOUTS PACK 943 (DEN 2)**  
Charlie Jordan, Hunter Thompson, Griffin Icenhower, Andrew Okoren, Timothy Fernald; Kyle Bouton, Patrick Coppola and Logan Orton.
- **PRESENTATION OF PROCLAMATIONS RECOGNIZING OUTSTANDING PARTICIPATION IN KERNERSVILLE CARES FOR KIDS AND THE “IT’S MY CALL” PROGRAM TO**

**EAST FORSYTH HIGH SCHOOL**

Mayor Morgan presented a proclamation recognizing Principal Gainey, Principal of East Forsyth High School and Ginnie Tate a Teacher at East Forsyth High School for the school’s outstanding participation in the Kernersville Cares for Kids program this year.

Ms. Gainey was proud that East Forsyth was able to take this award back from Glenn High School. She commended her students for leading the way in the Kernersville Cares for Kids program this year.

## **EAST FORSYTH MIDDLE SCHOOL**

Mayor Morgan presented a proclamation to Steven Sikkenga, a Teacher at East Forsyth Middle School recognizing the schools participation in the Kernersville Cares for Kids program.

Mr. Sikkenga stated that the KCK program is strong at East Forsyth Middle School which is evidenced by their winning 3 years in a row. He thanked the Board for this honor and support of this program.

- **PRESENTATION OF PROCLAMATION TO FIRST CHRISTIAN ACADEMY  
RECOGNIZING PARTICIPATION IN KERNERSVILLE CARES FOR KIDS  
PROGRAM**

Mayor Morgan then recognized Principal Bonnie McDaniel & Alicia Cone of First Christian Academy and presented them with a proclamation recognizing First Christian Academy's participation in the Kernersville Cares for Kids program.

Ms. Cone stated that the school is very enthusiastic about participating in this program and announced other leadership events being sponsored by First Christian Academy which are open to the public.

- **RECOGNITION OF WINNERS OF ART FOR EARTH CONTEST**

Mayor Morgan recognized Mary Horney, the Town's Solid Waste and Recycling Specialist. Ms. Horney gave a description of the Earth Day event sponsored by the Town of Kernersville on April 18<sup>th</sup>. She thanked Mayor Morgan for her support of this event. She also thanked the many parents and students for their participation and the Public Services Staff for helping coordinate the day's event.

Ms. Horney then recognized those participants that won the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Place awards in each category. Mayor Morgan recognized Pam Ray of the Kernersville Rotary Club for the Club's generous donation of the 1<sup>st</sup> Place award prizes.

- **PRESENTATION OF PROCLAMATION DESIGNATING MAY AS  
LIEOMYOSARCOMA AWARENESS MONTH**

Mayor Morgan recognized Amy Elliott and her daughter Felicia. Mayor Morgan presented Felicia with a Proclamation designating May as LieoMyoSarcoma Awareness Month and recognized her efforts for bringing awareness to this disease.

Amy Elliott expressed her sincerest appreciation to the community for their love and support given to her and her family. She spoke of the outpouring of assistance and inspiration from friends and family during her illness. She thanked Mayor Morgan for her efforts to bring awareness of this disease.

- **PRESENTATION OF PROCLAMATION DESIGNATING MAY 12, 2012 AS FIBROMYALGIA AWARENESS DAY**

Mayor Morgan recognized Elissa Vaughan and presented her with a Proclamation designating May 12, 2012 as Fibromyalgia Awareness Day. Alderman Keith Hooker thanked Mayor Morgan for this proclamation. He spoke of the large number of people in Kernersville that suffer with this disease. He spoke of the difficulties and pain these victims live with every day and their lack of knowledge and support of what they need.

- **PRESENTATION OF A RESOLUTION DECLARING MAY AS HISTORIC PRESERVATION MONTH**

Mayor Morgan recognized Jim Davis, Kernersville's representative on the Forsyth County Historic Properties Commission and presented him with a Resolution declaring May as Historic Preservation Month.

Jim Davis thanked the Board for this designation and encouraged citizens to look at the Forsyth County Historic Resources Commission website for a list of activities and helpful information regarding preservation and gardening.

Mayor Morgan called a brief recess at 7:52 PM. The meeting was reconvened at 8:06 PM.

<b>PUBLIC HEARINGS</b>
------------------------

- 1 a. **PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville, for a proposed UDO Text Amendment by adding to Chapter A - Article II, "Definitions"; Chapter B – Article II; Section 2-4, Table 2.6 "Permitted Uses"; Chapter B - Article III, Section 3-3, Table 3.8 "Off-Street Parking Requirements" the use "Electronic Business Establishment". Zoning Docket KT-206**

Mr. Jeff Hatling, Community Development Director presented the Planning Board report for this proposed text amendment. He explained that this is a fast growing business operation and the purpose of this text amendment is to properly define this use, identify the use in the Permitted Use Table under the appropriate zoning districts and to provide parking standards which meet the needs of the establishment. He added that the Planning Board and Staff recommend approval of the ordinance as presented.

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

Mayor Morgan declared the Public Hearing open.

**In Favor**

None

**Opposed**

None

Being no additional speakers, Mayor Morgan closed the Public Hearing.

Mayor Pro Tem Dana Caudill Jones noted that new establishments have opened recently and are causing some issues with parking for a restaurant close by. She asked how the parking would be calculated. Mr. Hatling explained parking requirements for restaurants and for these new business establishments.

Alderman Tracey Shifflette made a **Motion** to approve the following Ordinance amending Chapter A – Article II, “Definitions”; Chapter B – Article II; Section 2-4, Table 2.6 “Permitted Uses”; Chapter B – Article III, Section 3-3, Table 3.8 “Off-Street Parking Requirements. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all.

**ORDINANCE NO. O-2012-08**  
**AN ORDINANCE**  
**AMENDING CHAPTER A “DEFINITIONS”**  
**AND CHAPTER B “ZONING” OF THE UNIFIED DEVELOPMENT ORDINANCE**  
**CREATING A NEW LAND USE**  
**“Electronic Business Establishment”**

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

**Section 1.** Chapter A; Article II “Definitions” is amended by inserting the following definition:

**Electronic Business Establishment.** Any Business enterprise, whether as a principal or an accessory use, where customers utilize electronic machines and devices, including but not limited to computers and gaming terminals.

**Section 2.** Chapter B – Article II; Section 2-4; Table 2.6 “Permitted Uses” is amended by inserting in proper alphabetical order under the Business and Personal Services uses category the use “Electronic Business Establishment” placing a “Z” opposite the use in the column HB and GB.

**Section 3.** Chapter B – Article III; Section 3-3; Table 3.8 “Off-Street Parking Requirements” is amended by adding “Electronic Business Establishment”, 1 space per 150 SF GFA, under the Business and Personal Services uses category.

**Section 4.** This Ordinance shall be effective upon adoption.

**Adopted this the 1st day of May, 2012.**

## **PUBLIC SESSION**

### **2. SPEAKERS FROM THE FLOOR.**

**Tim Mason, 648 Piney Grove Road, Kernersville, NC** – suggested that the Town could save money by purchasing straight gasoline for Town vehicles. He also requested that the Town move the fairs/festivals out of the streets because it is hard to get around town. He stated that last year the free use of the yard waste containers was cut, however we can give \$130,000 to the Kerners Folly. He would rather see that money go towards the containers. He noted the \$250,000 being spent on trails and suggested the money would be better used to build a mile of road instead. These trails will be something we will have to patrol down the line. Expenses are tight and the Town is cutting things from the citizens and giving to these private organizations.

Mr. Curtis Swisher, Town Manager estimated the cost of a mile of roadway would be around \$14 million as estimated for the Medical Parkway. These greenway trails are much cheaper than that.

**Louis Thibodeaux, 280 Post Oak Road, Kernersville, NC** – stated that Mr. Mason did make good points regarding the greenway. He asked for an update on the hospital roadway. He also referred to his comments at the meeting last month about adjusting the time of Board meetings and asked for discussion on that topic.

Mr. Swisher stated that the greenway will be patrolled routinely throughout the day and night as we do other areas in Town that requires foot patrol. He referred to comments made last month regarding the latest information on the Medical Parkway. We anticipate construction to begin in late July and hopefully will be finished within a year. John Wolfe, Town Attorney noted that the developer is currently negotiating with property owners to acquire the necessary right-of-way.

Mayor Pro Tem Dana Caudill Jones addressed the issue of adjusting the start time for our meetings. She stated that she is open to that idea if we continue to have public participation. She speculated that those citizens that work until 5:00 PM or 5:30 PM could not attend until 6:30 PM or so. She also believed that others that work outside of Kernersville would also have a hard time getting here any earlier.

Alderman Keith Hooker stated that he works in Winston-Salem and the earliest time he could get here most nights would be 6:30 PM. He expressed a concern that those citizens that work until 5:00 PM could not participate.

Mr. Thibodeaux then suggested that we find a way to condense the meetings so that they don't run until late in the evening. He suggested that the time for presentations be limited and that more information be included in the Board's agenda packets. If a Board member has questions they could call Staff ahead of time.

Mayor Pro Tem Caudill Jones stated that we could consider asking presenters to condense their presentations to make the meetings timelier.

Alderman Neal Stockton stated that the meetings used to be much longer and Staff has tried to trim that down. He stated that the Town has also tried starting the meetings at 6:30 PM but found it was inconvenient for some. He supports starting the Board meetings at 7:00 PM.

Mayor Pro Tem Caudill Jones explained that with some of our funded organizations we don't have a great deal of open dialogue and the Board and our citizens want to know what is going on with these groups. A presentation at our meetings is a good way to have that communication.

Mr. Tim Mason suggested that the awards and ceremonial items be moved to the Briefing night. Alderman Stockton stated that some things need to be presented here at the regular meeting. He added that it is important to recognize the special people we have in our community.

Mayor Morgan stated that public hearings on zoning cases and ceremonial items do make meetings longer; however the Board established a session for Speakers from the Floor right after these items so that individuals don't have to stay for the entire meeting. She added that citizen input is important and that some are familiar with our proceedings and others not. We try to find a balance with time limits.

### **3. Presentation by the Kernersville YMCA Regarding the Outdoor Pool.**

**Mr. John Coulter, Vice President of Operations, Kernersville Family YMCA** - thanked the Town for its collaboration on the community pool. He presented statistics on those currently served and presented plans for the new outdoor pool. He highlighted the amenities being offered by the new pool. He explained that the YMCA tries to not turn anyone away and gives assistances whenever possible. He asked the Town for a \$120,000 contribution towards the new pool. He explained their willingness to adjust the current pay plan from 2013 through 2018. He thanked the Board for their consideration and requested their support.

**Ms. Helen Jeannette, Chair of the YMCA's Board of Directors** – stated that she resides, works and plays in Kernersville. She stated that she moved here in 1982 and reports showed that the citizens wanted a community pool back then. She added that she lives in the Hidden Hills subdivision and is excited about this proposal. She noted health benefits related to swimming that this pool could provide. She thanked the Board for their consideration and expressed her support for the YMCA's proposal.

Alderman Neal Stockton expressed his appreciation for what the YMCA has done for this Town and for their willingness to adjust the figures to make this work. He stated that nobody knows yet what to expect on this year's budget.

Mr. Swisher stated that this new proposal is better than what is in the current contract due to the reduced amount owed this year and next year during extremely tight budget years. He presented the projected annual amount owed through year 2018 and the extension of the contract.

Alderman Stockton asked about the revenue generated by the pool and if it stays with the YMCA or comes back to the Town. Mr. Coulter stated that the money stays with the YMCA for the operations of the pool.

Mayor Pro Tem Caudill Jones stated that the Community Needs surveys conducted in the past has always identified the need for a community pool, however due to the maintenance and liability associated with a pool, this is something we have not pursued. Some things should be outsourced if they can be operated more efficiently. She asked Ernie Pages, Parks & Recreation Director to comment on operating a pool, the needs of the community and their relationship with the YMCA.

Ernie Pages agreed that it was very expensive to build and operate a pool. He explained Staff's on-going relationship with the YMCA and their collaboration on promoting community events. He noted that the Town has a good relationship with the YMCA that dates back to 1999. He noted the growth in summer camps offered by the Department and pointed out pricing issues for our camp participants to use the pool. We are negotiating with a pool in Greensboro as well as the YMCA but hoped that these issues would be worked out.

Mayor Pro Tem Caudill Jones stated that prior to 1999 the Town did not offer summer camps. She asked if the summer programs offered now are in competition with the Y programs. Mr. Pages stated that to some extent they are in competition.

Alderman Shifflette reminded the Board that surveys have identified a need for a community pool. Mr. Pages stated that it is in the top 3 needs listed. Alderman Shifflette stated that the Parks & Recreation Advisory Board (former member) and that Town have always been pro "water" but found it to be cost prohibitive. She stated that this contract with the YMCA is a great compromise to the Town providing this activity.

Alderman Caudill Jones asked if Town residents but non-members of the YMCA are allowed access to the pools year round. Mr. Coulter stated that yes, they are allowed access. She asked if the citizens would be allowed to use the new pool without a contribution by town. Mr. Coulter stated that non-YMCA members would not have access to the new pool without a contribution by the Town.

Mr. Coulter stated that he was not aware of the issues around the Town campers having access to the pool. He stated that he would look into the matter as he did not want them traveling to Greensboro.

Alderman Stockton asked how many pool events are co-sponsored by the Town. Mr. Pages stated that we have three family events.

Alderman Shifflette expressed a concern regarding chaperones being charged for entry into the pool while bringing their children and grandchildren. Mr. Coulter explained that chaperones are charged only during the summer and explained the challenges involved with monitoring this situation. Alderman Shifflette asked if this issue could be revisited.

Alderman Neal asked if we are putting the cart before the horse here. He stated that he is trying hard to find a way to support this issue. If tax payer money is used to help fund this pool then we need to find a way so that everybody can use it. He also noted an issue with grandparents taking their grandchildren to the pool and being charged an entry fee.

Mr. Swisher stated that he understands that enforcement could be a challenge with regard to chaperones and suggested a compromise be a reduced rate for those not swimming and recommended continued discussion with the YMCA. He noted that Parks & Recreation has expanded Town programs and that a meeting with the YMCA Staff has been set to address these issues in a revised contract.

The Board continued to discuss the public's use of the pools when tax payer funds are spent. They discussed concerns surrounding non-YMCA members having access to the pools at all times. They discussed the concern that chaperones be allowed to use the pool at no cost and that the necessary language be included in the contract to ensure compliance for the duration of the contract.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve an agreement between the Town and YMCA for funding of a new pool with payments of \$120,000 as follows: \$60,000 for FY 12-13 and \$30,000 for the next six (6) years, and to extend out the time at end to 2034 and that a written contract be placed on the June Agenda for the Board's approval.

Alderman Irving Neal seconded the motion.

Alderman Caudill Jones stated that the Town will be facing budget issues and this request is a lot of money. She spoke of the need to look for partnerships that makes services affordable. She spoke of the need to provide safe and appropriate activities for our middle school kids.

Alderman Keith Hooker stated that he did not want to see kids come to the existing pool but be told they can't use the new pool. He agreed that the new adjusted payment plan would put the Town in a better financial situation.

The Vote was all for and motion carried.

#### **4. Consideration of Condemnation Proceedings for property on Piney Grove Road.**

Town Attorney John Wolfe presented six (6) resolutions initiating condemnation on property along Piney Grove Road. Mr. Wolfe explained the on-going negotiations with property owners to acquire the necessary right-of-way for needed road improvements in this area. He explained that negotiations with some of the property owners have not been successful and in other cases issues regarding their title search have been identified.

##### **(1) Property owned by: BENJAMIN P. TERRELL, JR. AND STEPHANIE M. TERRELL.**

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following resolution instituting condemnation proceedings against said property. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

#### **RESOLUTION NO. R-2012-11**

#### **RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST BENJAMIN P. TERRELL, JR. AND STEPHANIE M. TERRELL**



**WHEREAS**, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by Benjamin P. Terrell, Jr. and Stephanie M. Terrell for use in meeting the following public purposes: street widening and roadway improvements at the intersection of Church Street and Piney Grove Road; and

**WHEREAS**, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

**WHEREAS**, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of street widening and roadway improvements at the intersection of Church Street and Piney Grove Road within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct street widening and roadway improvements at the intersection of Church Street and Piney Grove Road.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 1933 square feet for permanent right of way and 1305 square feet for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-36-7496.00 and also known as a portion of Tax Lot 002 of Tax Block 2124A as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-36-7496.00 and also known as a portion of Tax Lot 002 of Tax Block 2124A as shown in the Forsyth County Tax Supervisor's office and belonging to Benjamin P. Terrell, Jr. and Stephanie M. Terrell.

This the 1st day of May, 2012.

**(2) Property owned by: SARAH F. HAMLIN, GWENDOLYN F. GREENE AND MARY F. BROWER**

Alderman Tracey Shifflette made a **Motion** to approve the following resolution instituting condemnation proceedings against said property. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2012-12**

**RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST  
SARAH F. HAMLIN, GWENDOLYN F. GREENE AND MARY F. BROWER**

**WHEREAS**, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by Sarah F. Hamlin, Gwendolyn F. Greene and Mary F. Brower for use in meeting the following public purposes: street widening and roadway improvements at the intersection of Nelson Street and Piney Grove Road; and

**WHEREAS**, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

**WHEREAS**, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of street widening and roadway improvements at the intersection of Nelson Street and Piney Grove Road within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct street widening and roadway improvements at the intersection of Nelson Street and Piney Grove Road.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 4720 square feet for permanent right of way and 3186 square feet for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-36-8700.00 and also known as a portion of Tax Lot 029B of Tax Block 2124 as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-36-8700.00 and also known as a portion of Tax Lot 029B of Tax Block 2124 as shown in the Forsyth County Tax Supervisor's office and belonging to Sarah F. Hamlin, Gwendolyn F. Greene and Mary F. Brower.

This the 1st day of May, 2012.

**(3) Property owned by: PHILLIP K. KLUTTZ**

Alderman Tracey Shifflette made a **Motion** to approve the following resolution instituting condemnation proceedings against said property. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2012-13**

**RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST  
PHILLIP K. KLUTTZ**

**WHEREAS**, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by Phillip K. Kluttz for use in meeting the following public purposes: street widening and roadway improvements on Piney Grove Road; and

**WHEREAS**, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

**WHEREAS**, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of street widening and roadway improvements on Piney Grove Road within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct street widening and roadway improvements on Piney Grove Road.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 573 square feet for permanent right of way and 582 square feet for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-37-9001.00 and also known as a portion of Tax Lot 001 of Tax Block 2129A as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-37-9001.00 and also known as a portion of Tax Lot 001 of Tax Block 2129A as shown in the Forsyth County Tax Supervisor's office and belonging to Phillip K. Kluttz.

This the 1st day of May, 2012.

**(4) Property owned by: TERENCE ALAN THOMAS**

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following resolution instituting condemnation proceedings against said property. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2012-14**

**RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST  
TERENCE ALAN THOMAS**

**WHEREAS**, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by Terence

Alan Thomas for use in meeting the following public purposes: street widening and roadway improvements on Piney Grove Road; and

**WHEREAS**, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

**WHEREAS**, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of street widening and roadway improvements on Piney Grove Road within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct street widening and roadway improvements on Piney Grove Road.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 5,968 square feet for permanent right of way and 3,461 square feet for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-37-8270.00 and also known as a portion of Tax Lots 002 and 003 of Tax Block 2129 as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-37-8270.00 and also known as a portion of Tax Lots 002 and 003 of Tax Block 2129 as shown in the Forsyth County Tax Supervisor's office and belonging to Terence Alan Thomas.

This the 1st day of May, 2012.

**(5) Property owned by: GRADY P. SWISHER HEIRS**

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following resolution instituting condemnation proceedings against said property. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2012-15**

**RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST  
GRADY P. SWISHER HEIRS**

**WHEREAS**, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by the heirs of Grady P. Swisher, namely Paula S. Richards, Jeffrey P. Swisher, Melvin Lee Swisher, Curtis L. Swisher, Kimberly Ann Swisher Idol, Kelly M. Swisher, James L. Swisher, Stanley B. Swisher,

Laura Swisher Nye, Lynn S. Neese and Leigh S. Belino for use in meeting the following public purposes: street widening and roadway improvements on Piney Grove Road; and

**WHEREAS**, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

**WHEREAS**, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for construction of street widening and roadway improvements on Piney Grove Road within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to construct street widening and roadway improvements on Piney Grove Road.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 2420 square feet for permanent right of way and 2457 square feet for a temporary construction easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-37-8358.00 and also known as a portion of Tax Lot 001A of Tax Block 2129 as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-37-8358.00 and also known as a portion of Tax Lot 001A of Tax Block 2129 as shown in the Forsyth County Tax Supervisor's office and belonging to the heirs of Grady P. Swisher, namely Paula S. Richards, Jeffrey P. Swisher, Melvin Lee Swisher, Curtis L. Swisher, Kimberly Ann Swisher Idol, Kelly M. Swisher, James L. Swisher, Stanley B. Swisher, Laura Swisher Nye, Lynn S. Neese and Leigh S. Belino.

This the 1st day of May, 2012.

**(6) Property owned by: NORTHWOOD PLAZA LIMITED PARTNERSHIP**

Alderman Irving Neal made a **Motion** to approve the following resolution instituting condemnation proceedings against said property. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2012-16**

**RESOLUTION TO INSTITUTE CONDEMNATION PROCEEDINGS AGAINST  
NORTHWOOD PLAZA LIMITED PARTNERSHIP**

**WHEREAS**, the Board of Aldermen of the Town of Kernersville hereby determines that it is necessary and in the public interest to acquire a portion of certain real property owned by Northwood

Plaza Limited Partnership for use in meeting the following public purposes: sidewalk installation on Nelson Street; and

**WHEREAS**, the Town of Kernersville has been unable, through negotiations, to obtain said property from its owner by means other than through condemnation; and

**WHEREAS**, it appears to the Board of Aldermen that the condemnation of the property is necessary to acquire property needed for sidewalk installation on Nelson Street within the Town of Kernersville's corporate limits;

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

1. That the Board of Aldermen of the Town of Kernersville finds it a public purpose, based upon the needs of the citizens of the Town, for the Town to undertake sidewalk installation on Nelson Street.

2. That the Town of Kernersville shall acquire, for the public purpose described above, 579 square feet for permanent sidewalk easement as shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-57-3410.00 and also known as a portion of Tax Lots 045L and 045J of Tax Block 5412 as shown in the Forsyth County Tax Supervisor's office.

3. That the Board of Aldermen of the Town of Kernersville hereby instructs the Mayor, Town Manager, and Town Attorney to act on behalf of the Board of Aldermen, in their respective capacities, to institute the necessary proceedings, including those available pursuant to N.C. Gen. Stat. §40A authorizing condemnation, to acquire the necessary property shown on the attached **Exhibit A** and furthermore known as a portion of PIN 6886-57-3410.00 and also known as a portion of Tax Lots 045L and 045J of Tax Block 5412 as shown in the Forsyth County Tax Supervisor's office and belonging to Northwood Plaza Limited Partnership.

This the 1st day of May, 2012.

Mayor Morgan called a recess at 9:45 PM. The meeting was reconvened at 9:54 PM.

**5. Consideration of a Request by MPO for Town Transportation Needs List Submittal.**

Mr. Brian Ulrich, Transportation Manager reported on the call for projects initiated by the Winston-Salem Urban Area Metropolitan Planning Organization. He explained their process for compiling the list of improvement projects to consider for future funding. He noted that this funding is for design and construction only and cannot be used for acquiring right-of-way.

The following list of projects was discussed:

1. South Main/Old Winston intersection improvements – estimated cost: \$2,000,000
2. Piney Grove Rd/ NC 150 (North Main St) Connector – estimated cost: \$7,000,000
3. Big Mill Farm Road Interchange and Extension Design Only – estimated cost: \$1,140,000
4. South Main/South Cherry St Dual Lane Roundabout – estimated cost: \$650,000

5. Reedy Fork Greenway – estimated cost : \$2,800,000 (1,008,000 in the WSUA MPO, local match provided by Triad Park)
6. Century Place Sidewalk – estimated cost: \$141,000

Other projects identified and discussed was a sidewalk at Old Winston Road to serve the residents of Robinwood and a sidewalk at Bodenhamer Street at the hardware store.

Mayor Morgan recommended some changes to the letter presented by Staff to be sent to Stan Polanis of the City of Winston-Salem Department of Transportation.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following recommended list of projects to the MPO as specified in the following letter to Mr. Stan Polanis. That a #7 be added to the list to include the sidewalk on Old Winston Road and that the letter be edited by the Mayor prior to signatures. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Stan Polanis  
Transportation Director  
City of Winston-Salem Department of Transportation  
P.O. Box 2511  
Winston-Salem, NC 27102-2511

Dear Stan,

On Friday, April 13, Kernersville received correspondence from the Winston-Salem Urban Area Metropolitan Planning Organization (WSUA MPO) informing Kernersville of a call for new transportation projects to fund that focuses on any element of the transportation system. In addition to identifying projects for funding, the MPO indicated that it would be compiling a transportation “needs list” to pull from when future funding becomes available. Kernersville understands the total amount of approved funding is for design and construction only and may not be used for right-of-way acquisition. The award of the Surface Transportation Program Direct Attributable (STP-DA) grant funding requires a 20% local match.

The Kernersville Board of Aldermen recognize that acceptance of the construction funding for these projects will result in Kernersville having to commit to providing its portion of the construction costs as well as all other costs associated with the projects. The lone exception is the Reedy Fork Greenway, whose local match is anticipated to be provided by the Parks Departments of Forsyth and Guilford County. The Town also recognizes that it is responsible for right-of-way acquisition and commits to being able to obtain the necessary right-of-way in order to proceed with the projects. Kernersville staff has attached forms for each project, including a description of the proposed improvements and construction estimates for each project.

Kernersville hereby submits the following projects for consideration in response to the MPO’s “call for transportation projects.”

1. South Main/Old Winston intersection improvements – estimated cost: \$2,000,000
2. Piney Grove Rd/ NC 150 (North Main St) Connector – estimated cost: \$7,000,000

3. Big Mill Farm Road Interchange and Extension Design Only – estimated cost: \$1,140,000
4. South Main/South Cherry St Dual Lane Roundabout – estimated cost: \$650,000
5. Reedy Fork Greenway – estimated cost : \$2,800,000 (1,008,000 in the WSUA MPO, local match provided by Triad Park)
6. Century Place Sidewalk – estimated cost: \$141,000

Furthermore, Kernersville submits the following projects for consideration in response to the MPO's request for a "transportation needs list."

Rank	Project	Category	Projected Cost
1.	Piney Grove Widening-Phase II	Widening	\$1,500,000
2.	S Cherry St Widening	Widening	\$1,058,000
1.	Shields Road Extension	New Location	\$7,775,000
2.	Harmon Mill Extension	New Location	\$2,900,000
3.	Glenn Hi Extension	New Location	\$2,450,000
4.	Clayton Forest Extension	New Location	\$2,850,000
1.	Macy Grove Road/I-40 Interchange	Interchange Feasibility and Design	\$1,500,000+
2.	Old Salem/I-40 Interchange	Interchange Feasibility and Design	\$1,000,000+
1.	Bodenhamer Sidewalk Phase II	Sidewalk	\$150,000
2.	Oakhurst Sidewalk Extension	Sidewalk	\$132,000
3.	S Cherry St Sidewalk	Sidewalk	\$207,000
4.	Pineview Sidewalk	Sidewalk	\$125,000
1.	Kerner Mill Creek Greenway Phase II	Greenway	\$1,200,000
2.	Kerner Mill Creek Greenway Phase III	Greenway	\$3,000,000

Sincerely,

---

Dawn Morgan, Mayor

## 6. Consideration of a Sidewalk Grant Application from NCDOT.

Mr. Brian Ulrich stated that NCDOT has notified us of enhancement funds available for additional sidewalk improvements that fall within the range of \$50,000 to \$75,000, on a state road with existing curb and gutter and no sidewalk on either side. DOT would prefer that right-of-way already be obtained and projects that can be constructed this calendar year. Mr. Ulrich identified several projects that were discussed but were disqualified by NCDOT for various reasons.



Mr. Ulrich stated that the Staff recommends we submit the sidewalk project on Bodenhamer Street at the proposed roundabout for consideration at a cost of approximately \$105,000. Although this project is higher than what NCDOT desired, this project would be the closest to be able to be constructed and the sidewalk would be located entirely within the existing right-of-way. This project would have to be coordinated with the roundabout construction; NCDOT has indicated that this would be possible. Mr. Ulrich stated that crossing the railroad could be an issue. Mr. Ulrich indicated Staff's recommendation that the sidewalk at Old Winston Road be considered a backup project.

The Board and Staff discussed funding options for this project that would have to come from the general fund if pursued at this time. It was noted that other types of grants could be pursued at another time that may provide more funding towards this project. Mr. Ulrich stated that this could be added to the MPO list of projects previously considered. Mr. Swisher stated that this project could be added to the list at a later time as well.

No action was taken at this time by the Board.

**7. Consideration of a Recommendation by the KDPDC to Allow a Downtown Event: Arts d'Vine, June 8, 5:00 to 9:00 PM**

Town Manager Curtis Swisher presented a request to hold the Arts d'Vine event downtown. The event has been reviewed and is recommended by KDPDC that the event be held downtown on June 8<sup>th</sup> from 5:00 PM to 9:00 PM. A brief discussion was held regarding security at this event and the closing of the streets. Mr. Swisher confirmed that two police officers were present at the event last year.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the event with the requirement that two (2) Off-duty Police Officer's be hired to patrol during this event. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

Mr. Swisher asked the Board to revisit **Item #6**. He asked if the Board wanted this item added to the needs list submitted to the MPO.

Russell Radford, Engineering Director stated that getting this project on the list for the MPO will get it on an annual schedule for continued discussions. The Board will see this list again and it doesn't mean it will get funded at any particular time.

After a brief discussion, Alderman Tracey Shifflette made a **Motion** to add the Bodenhamer Street sidewalk project to this needs list previously approved in Item #5. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

**8. Consideration of a 2012 Community Needs Assessment Survey.**

Mr. Ernie Pages presented the Community Needs Assessment Survey noting a minor change to some definitions.

Alderman Neal Stockton made a **Motion** to approve the proposed survey as presented by Staff. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

**9. Consideration of Appointments to the Growth Data Committee.**

***Population, Employment and Traffic Trends and Projections***

*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.*

Mayor Morgan stated that this item has been discussed at several meetings regarding the annual review of data collected for the Thoroughfare and Street Plan study. She stated that the motion presented by former Alderman Bob Prescott was intended to have citizens input into which data is relative to Kernersville and to disseminate it out to the public in a clear and precise manner.

Mayor Morgan stated that the Nominations Committee is recommending that Bob Hicks; Phyllis Mendel; Susan Fradenberg and Clarence Lambe Jr. serve on this Committee and to work with Town Staff. The terms are for three (3) years to expire June 30, 2015.

Alderman Tracey Shifflette made a **Motion** to establish the Kernersville Growth and Traffic Data Committee, and to appoint the following members: Bob Hicks; Phyllis Mendel; Susan Fradenberg and Clarence Lambe Jr. She further stated that in Chapter 10 of the Thoroughfare and Street Plan recommendations adopted November 6, 2011, the purpose is to undertake an annual review of the Town's growth data, population and traffic counts and projections and to provide comments to the Planning Board and Board of Aldermen on data generated at the Town, county, regional, state, and federal levels.

Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Mayor Morgan suggested that Staff work with them to hold an organizational meeting before the summer and then submit a report to the Planning Board in January and to the Aldermen in February.

10. **CONSENT AGENDA:** All of the following matters are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion unless a Board member or citizen so requests, in which event the matter will be removed from the Consent Agenda and considered under the following item.

C-1 Approval of Minutes for March 28, 2012 Briefing Session  
Approval of Minutes for March 28, 2012 Closed Session

C-2 Consideration of a Municipal Agreement for Hastings Hill Bridge Replacement.

C-3 Consideration of an appointment to the Triad ABC Board.

Appointed Les J. Buchan, 3-year term, 7-1-2012 – 6-30-2015

Alderman Neal Stockton made a **Motion** to approve the consent agenda as presented. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

**11. ITEMS REMOVED FROM CONSENT AGENDA.**

No items were removed.

**12. SPEAKERS FROM THE FLOOR.**

Tim Mason expressed a concern with the width of our roads and that they do not provide enough room for people to pull over. He asked if there has been any movement to have wider roads. Mr. Ulrich stated that the Town follows DOT standards and they are proposing the shoulder be a foot wider and in some places we may see bike lanes. We will continue working to develop greenways and sidewalks for people to get out of the way.

**13. TOWN MANAGER'S REPORT AND MISCELLANEOUS.**

None presented.

**14. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.**

None presented.

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

Alderman Hooker wished all State and local candidates' good luck in their campaigns.

Alderman Shifflette encouraged everyone to get out and enjoy the Spring Folly this weekend.

Mayor Pro Tem Caudill Jones commended everyone involved in the ceremonial events at the beginning of the meeting.

Alderman Stockton also commended those involved which demonstrates pride in our community.

Mayor Morgan commended everyone involved in the successful Earth Day event.

**16. ADJOURNMENT.**

Mayor Pro Tem Dana Caudill Jones made a **Motion** to adjourn the meeting. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

Being no further business to come before the Board, the meeting was adjourned at 10:39 PM.

Dawn H. Morgan  
Dawn H. Morgan, Mayor

Attest:

Dale F. Martin  
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 May 1, 2012.

This the 28 day of June, 2012.

Dale F. Martin  
Dale F. Martin, MMC, Town Clerk