

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. SEPTEMBER 4, 2012**

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 Dana Caudill Jones, Aldermen Keith Hooker, Tracey Shifflette, Irving Neal and Neal Stockton.

Absent: None.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Police Chief Ken Gamble; 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; and Brian Ulrich, Transportation Manager.

- CALL TO ORDER
- INVOCATION BY DR. STEPHEN MARTIN, FIRST BAPTIST CHURCH OF KERNERSVILLE
- PLEDGE OF ALLEGIANCE LED BY BOY SCOUT TROOP 944

Mayor Dawn Morgan called the meeting to order. Dr. Stephen Martin of First Baptist Church delivered the invocation which was followed by the Pledge of Allegiance led by Boy Scout Troop 944: Keith Davey, Kellan Kilbreth, Bailey Williams, Glenn Hernandez, Matthew Meyers, and David Jones.

PUBLIC SESSION

1. SPEAKERS FROM THE FLOOR.

None presented.

Item #2 – Update on the Renovations to Korner’s Folly was not listed on the Town’s website agenda. Mayor Morgan requested a motion to add this item.

Alderman Irving Neal made a **Motion** to amend the agenda to add Item #2 – Update on the Renovations to Korner’s Folly. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

2. Update on the Renovations to Korner's Folly.

Mr. Duane Long, Chairman of the Korner's Folly Foundation reported on the successful fundraising efforts for renovations to the Folly. He updated the Board on work performed on the porch and plans for the foundation work. He stated that more fundraising efforts will be forthcoming to complete the work already started as well as repairs to the roof. He thanked the Board for their continued support.

Mayor Morgan asked if the Folly is still open for tours during these renovations. Mr. Long stated that the Folly is open for tours and despite the work; attendance is still higher than last year.

3. Consideration of Additional Funds to participate in the Forsyth County Housing Consortium for a total of \$2,000.

Mr. Swisher explained that he was not aware that there is an agreement to participate in this program when he recommended that this be cut along with the non-profits. He recommended that this item be funded at the full \$2,000 to allow the Town's participation in this program. He noted information in the agenda packet that shows the Town received much more benefit than costs to the Town.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to increase funding to \$2,000 to allow the Town to participate in the Forsyth County Housing Consortium. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

4. Consideration of a Resolution Authorizing the Exchange of Property with Obie L. Ballard and wife Susan C. Ballard for Improvements to Piney Grove Road.

Mr. Swisher stated that the Ballards own property on Piney Grove Road and they approached the Town about a potential land exchange for land the Town needs for improvements to Piney Grove Road. Staff recommends the Board approve a Resolution authorizing this property exchange as presented.

Mr. John Wolfe, Town Attorney stated that a notice was published as required by law.

Alderman Tracey Shifflette made a **Motion** to approve the following Resolution authorizing the exchange of property with Obie L. Ballard and wife Susan C. Ballard for improvements to Piney Grove Road. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

**RESOLUTION NO. R-2012-36
RESOLUTION AUTHORIZING THE EXCHANGE OF
REAL PROPERTY**

WHEREAS, the Town of Kernersville owns certain real property located at 501 Piney Grove Road consisting of approximately 0.35 acres which is adjacent to property located at 101 Hamlin Park Drive owned by Obie and Susan Ballard; and

WHEREAS, the Town needs to acquire a portion of the Ballard property located at 101 Hamlin Park Drive in order to undertake roadway improvements along Piney Grove Road; and

WHEREAS, the Town was preparing to file an eminent domain action to acquire the property which the Town will receive in this exchange and was able to reach agreement with the Owners of the adjacent property to exchange the property needed by the Town for a portion of the property owned by the Town; and

WHEREAS, the exchange of real property is authorized by North Carolina General Statute 160A-271 and proper notice of the intent of the Town to undertake this exchange was given in the publication of a Notice of Intent to Exchange which was published in The Kernersville News on August 23, 2012.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Aldermen of the Town of Kernersville that it hereby authorizes:

1. The Town to exchange a .062 acre portion of the lot it owns at 501 Piney Grove Road being further known as PIN 6886-36-8970.00 and having an appraised value of \$3,051.00 with the owners of property located at 101 Hamlin Park Drive.
2. That in exchange for the .062 acre tract, Obie and Susan Ballard, the Owners of the property located at 101 Hamlin Park Drive, being further known as Pin 6886-37-9001.00, shall agree to absolve the Town of any obligation to replace the wooden privacy fence on their property that needs to be removed as part of the temporary construction easement, which would have cost the Town an estimated \$1,650.00, and shall convey 573 square feet needed by the Town for permanent right of way along with 582 square feet needed by the Town for use as a temporary construction easement having an appraised value of \$862.20, and shall pay cash in the amount of \$500.00 to the Town.
3. A detailed description of the property to be exchanged is shown on the plat attached and denoted as Exhibit A and incorporated herein by reference.
4. The Town Attorney to prepare the deeds and any other documents necessary to effectuate the exchange.

This the 4th day of September, 2012.

5. Consideration of Amendments to the Personnel Policy.

Mr. Swisher explained the following changes Staff is recommending to the Town's Personnel Policy.

- Disqualification of Retiree: Added wording stating that a retiree will become disqualified for health insurance benefits due to nonpayment of their monthly premiums.
- Vacation Carryover & Transfer of Vacation Leave to Sick Leave: Added wording as needed to conform to requirements from the North Carolina Local Governmental Employees' Retirement System.
- Employee Development/Education Assistance Program: Added wording to clarify how accredited institutions are determined.
- Disciplinary Actions: Added wording to require oral warning and disciplinary counseling documentation be placed in the employees' official personnel file in the Human Resources Department.
- Personnel Records: Added wording detailing the process followed with the destruction of personnel records.
- Take Home Vehicles: The Public Services Director is requesting a change in personnel allowed to take home vehicles for the Central Maintenance Division to allow for quicker response time.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve amendments to the Personnel Policy as recommended by Staff. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

6. Consideration of an Ordinance Amending Chapter 5 of the Code of Ordinances and the Schedule of Fees & Charges.

Mr. Swisher explained that the Town has been charging \$10 for a 60 day permit and \$5.00 to renew that permit for another 60 days. It has come to our attention that the Town is currently paying \$37 to \$78 for background checks depending upon which State the applicant is from. After review, Staff recommends that the fee be increased to \$50 per permit and the time be extended to six (6) months. While this may not cover all the Town's costs, it should cover the vast majority of the cost.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following ordinance amending Chapter 5 of the Kernersville Code of Ordinances and the Schedule of Fees & Charges as presented by Staff. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

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

**C-1 Approval of Minutes for August 1, 2012 Briefing Session
Approval of Minutes for August 7, 2012 Regular Session
Approval of Minutes for August 7, 2012 Closed Session**

C-2 Forsyth County Tax Refunds

Jimmy Akers Taylor Vehicle billed as Annual & Reg Motor Veh 1 \$180.22

C-3 Consideration of a Resolution of Intent to Annex and calling for a Public Hearing property currently owned by the Town of Kernersville and located at 1815 Teague Lane

RESOLUTION NO. R-2012-37

RESOLUTION OF INTENT TO ANNEX A 5.463 ACRE TRACT KNOWN AS THE TEAGUE LANE FUTURE FIRE STATION PROPERTY LOCATED AT 1815 TEAGUE LANE

WHEREAS, the Board of Aldermen of the Town of Kernersville authorized the purchase of certain property consisting of approximately 5.463 acres, more or less, presently known as Teague Lane Future Fire Station Property which is located at 1815 Teague Lane, as more fully described on the attached Exhibit A, which Exhibit is incorporated herein as if fully set out within this Resolution; and

WHEREAS, said purchase was completed and the Town became the owner of this property by deed recorded on April 23, 2012 in Deed Book 3055, Page 3207 of the Register of Deeds of Forsyth County; and

WHEREAS, said property is contiguous to the existing corporate limits of the Town and the Board of Aldermen has determined that it is in the best interest of the Town to annex this property into the corporate limits of the Town;

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

1. The Board of Aldermen hereby states its intention to annex the Teague Lane property, being more particularly described in the attached Exhibits A and B, in accordance with North Carolina General Statute 160A-31(g).

2. The Public Hearing on the question of Annexation of the herein set forth property by The Town of Kernersville, is hereby set at 7:00 p.m. in the Kernersville Council Chambers/District Courtroom, Town Hall, Kernersville, Forsyth County, North Carolina, on the 2nd day of October, 2012, and that Notice therefore be given according to North Carolina General Statute 160A-31(c).

This the 4th day of September, 2012.

C-4 Consideration of a Resolution Accepting a Grant from the NC Governor's Highway Safety Program for Equipment within the Police Department

RESOLUTION No. R-2012-38
North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Town of Kernersville (herein called the "Agency")

(The Applicant Agency)

has completed an application contract for traffic safety funding; and that Kernersville Board of Aldermen

(The Governing Body of the Agency)

_____ (herein called the "Governing Body") has thoroughly considered the problem

identified and has reviewed the project as described in the contract;

THEREFORE NOW BE IT RESOLVED BY THE Kernersville Board Of Aldermen

N OPEN

(Governing Body)

MEETING ASSEMBLED IN THE CITY OF Kernersville, NORTH CAROLINA,

THIS 4th DAY OF September, 2012, AS FOLLOWS

1. That the project referenced above is in the best interest of the Governing Body and the general public; and

2. That Kenneth W. Gamble, Chief of Police is authorized to file, on behalf of the Governing

(Name and Title of Representative)

Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal

funding in the amount of\$ \$8,950 to be made to the Governing Body to assist in defraying

(Federal Dollar Request)

the cost of the project described in the contract application; and

3. That the Governing Body has formally appropriated the cash contribution of \$ n/a as

(Local Cash Appropriation)

required by the project contract; and

4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and

5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____
(Chairperson/Mayor)

**C-5 Consideration of a Resolution to Accept and Continue Year 3 of the
 DWI Task Force Grant from the NC Governor’s Highway Safety
 Program in conjunction with WSPD, FCSO and KPD**

RESOLUTION NO. R-2012-39
 North Carolina Governor’s Highway Safety Program
 LOCAL GOVERNMENT RESOLUTION
Form GHSP-02-A

(To be completed, attached to and become part of Form GHSP-02, Traffic Safety Project Contract.)

WHEREAS, the Town of Kernersville (herein called the “Agency”) has completed an application contract for traffic safety funding; and that the Kernersville Board of Aldermen (herein called the “Governing Body”) has thoroughly considered the problem identified and has reviewed the project as described in the contract:

THEREFORE, NOW BE IT RESOLVED BY THE KERNERSVILLE BOARD OF ALDERMEN IN OPEN MEETING ASSEMBLED IN THE TOWN OF KERNERSVILLE, NORTH CAROLINA, THIS 4TH DAY OF SEPTEMBER, 2012, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Chief of Police Kenneth W. Gamble is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor’s Highway Safety program for federal funding in the amount of \$77,000 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$23,100 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangements for other appropriate person to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor’s Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by _____
 (Chairperson/May)

Mayor Morgan noted each of the Consent Agenda items.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the Consent Agenda items as presented. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

8. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

9. SPEAKERS FROM THE FLOOR.

None presented.

10. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher stated that last month the Board declared some radios in the Fire Department surplus. He explained that the Town has been approached by another agency that would like to purchase these radios for more money than we would receive if they are traded in. Staff recommends the Board authorize the sale of these radios to the Lewisville Fire Department or Lifestar.

Alderman Tracy Shifflette made a **Motion** authorizing the sale of radios to the Lewisville Fire Department or Lifestar. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

11. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

Mr. Wolfe requested a closed session to discuss legal matters.

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

Alderman Neal Stockton commended the Parks & Recreation Staff on the success of the Honeybee Festival.

Mayor Morgan commended the Dashi delegation for attending the funeral of Representative Larry Brown.

Mayor Pro Tem Dana Caudill Jones reminded everyone of the last Eating for Education Day on September 12, 2012.

Mayor Morgan reminded the Board of the Downtown Public Input Session on Friday, September 7th at 8:30 AM at Dance Unlimited.

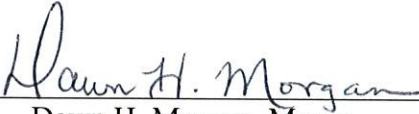
Mayor Pro Tem Dana Caudill Jones made a **Motion** to enter into Closed Session to discuss certain matters about which our Town Attorney needs to advise us, and which fall within the Attorney-Client privilege for discussion in closed session including, but not limited to, Joyce Development Corporation vs Town of Kernersville, 12 CVS 5281 and Michael Interlandi vs Town of Kernersville, 12 CVS 4073. Alderman Tracey Shifflette second the motion and the vote was all for and motion carried.

The Board entered into Closed Session at 7:23 PM.

13. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 8:10 PM immediately following the Closed Session. 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.



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 September 4, 2012.

This the 5 day of October, 2012.



Dale F. Martin, MMC, Town Clerk