

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. MARCH 5, 2013**

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 Captain Steve Bowman; Franz Ader, Finance Director; Ernie Pages, Parks & Recreation Director; Terry Crouse, Fire Chief; Ray Smith, Human Resources Director; Gray Cassell, Information Services Director; and Russell Radford, Engineering Director.

- **CALL TO ORDER**
- **INVOCATION BY REVEREND CLARK VINCENT, FIRST PRESBYTERIAN CHURCH**
- **PLEDGE OF ALLEGIANCE**

Mayor Dawn Morgan called the meeting to order and the invocation was delivered by Reverend Clark Vincent of First Presbyterian Church which was followed by the Pledge of Allegiance.

Mayor Morgan read and presented the Multiple Sclerosis Proclamation to Bob Reed, a local resident and Representative from local MS Chapter in Greensboro.

Mr. Reed thanked the Mayor and Board for this recognition. He noted that he has been on the local Board for the last six years. He stated that his wife, Marie suffers from MS. He encouraged participation in funding raising efforts to help with research and to hope that someday a cure is found.

- **PRESENTATION OF ARBOR DAY PROCLAMATION**

Mayor Morgan presented the Arbor Day Proclamation to John Edwards, Landscape Specialist for the Parks & Recreation Department. Members of the Tree Commission were also recognized. Mr. Edwards invited everyone to the Arbor Day Event on March 22nd at the Paul J. Ciener Botanical Gardens at 5:00 PM.

PUBLIC HEARINGS

Mayor Morgan presented the procedures for holding public hearings.

- 1a. **PUBLIC HEARING: On the Annexation of property owned by the Town of Kernersville and located on Smith Edwards Road, containing approximately 26.159 acres.**

Mr. Jeff Hatling, Community Development Director presented the Staff Report for this annexation request. Staff recommends approval as submitted.

Opposed

Mr. Kenny Crews, 513 N. Main St., Kernersville, NC – stated that Kernersville doesn't need any more parks and recreation. He spoke of the high cost incurred and that it causes bikes to be all over Town. He added that it is a waste of tax payers money. He stated that the Town should be putting people to work instead of building parks for bicycles and gangs. They are a menace and dangerous to the Town. He stated that the Smith Edwards Road area is a nice neighborhood and that this is bad for the neighborhood.

In Favor

Mr. JG Wolfe, 1005 Hollow Creek Lane, Kernersville, NC – stated that he is speaking on behalf of the Kernersville Cycling Club and as a resident of Chelsea Place subdivision. He stated that the annexation and development of this park gives cyclist a place to ride legally and safely. He stated that cycling is beneficial to the Town by providing health benefits. As a resident and taxpayer he asked the Board to support this endeavor and approve this annexation request.

Betty Hollifield, 570 Smith Edwards Road, Kernersville, NC – stated that she is not opposed to the park however, expressed her concern for the amount of parking in the designated area. She stated that there is not enough area for parking and believed that it would cause a problem for the residents if not addressed.

Mr. Swisher stated that there is enough parking for approximately 11 cars. Mr. JG Wolfe agreed. Mr. Swisher added that after the bike trails have been built, not all 40 members and volunteers would be using the park at the same time. He explained that the shorter trails won't draw the ridership of the larger parks. He stated that Staff will continue to monitor the situation and address any problems that arise.

Mrs. Hollifield stated that she did not see a problem on weekdays but it may create a problem on the weekend. Mr. Swisher stated that the Town will continue to monitor the situation and will address any concerns when they come up. Mrs. Hollifield asked that if this becomes a problem will the Town create additional parking. Mr. Swisher stated that there is land available for additional parking if it is needed.

Saundra Michaels, Smith Edwards Road, Kernersville, NC – stated that she lives down the road from the park and supports the project. She expressed a concern for security of the park and noted that the Police Department has asked kids to leave the area in the past. She recommended that the park have a gate that can be locked at night.

Mr. Wolfe stated that there is a gate at the entrance to the site. He stated that there has been no discussion on how the Town would like to manage the park at night but that it could be closed after hours. Mr. Swisher stated that we will address this issue. He stated that it will be dark in the park making it hard to ride bicycles.

Ms. Michaels stated that teenagers will go in there however and suggested that it be gated. Mr. Swisher stated that the Police Department patrols all our parks, this one included and can increase patrols in that area if needed.

Alderman Stockton stated that if there are individuals out there shooting weapons, hunters or others then being annexed into the Town will help the enforcement of that issue.

Mayor Pro Tem Dana Caudill Jones stated that after the park is officially opened, we can have the Cycling Club come back and address parking or other issues at that time.

Kenny Crews stated that the Town will have to pay for the Police Department to be out there and spoke of the problems these teenagers will cause. The Town will be required to hire more Officers.

Mr. Crews stated that we have Triad Park and Beeson Park so why do we want to waste money for another park. He stated that they should go somewhere else and get off the road. He added that the Board needs to be responsible and quit wasting money.

Town Attorney John Wolfe reminded the Board that this public hearing is about the annexation of this property. The park and agreement with the Kernersville Cycling Club has already been decided upon.

Mayor Morgan agreed that the agreement with the Club was previously discussed and decided upon. She added that the property was purchased years ago by the Town. Mr. Swisher stated that the property was purchased initially for a demotion landfill but was never used. Mr. Wolfe stated that this land was purchased as a backup to the landfill the Town owned off of Goodwill Church Road. He stated that the land has not been used and that members of the Kernersville Cycling Club approached the Town about using it for a mountain bike park. Mr. Swisher explained that the Cycling Club will develop the trails at a minimal cost to the Town of installing a driveway and that the Town can work out any issues that may arise.

Being no additional speakers either in favor or opposed, the Public Hearing was closed.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to approve the following Ordinance annexing said property effective immediately at 7:40 PM. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

**ANNEXATION ORDINANCE NO. A1-2013-04
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF KERNERSVILLE, NORTH CAROLINA TO INCLUDE
AN APPROXIMATELY 26.159 ACRE TRACT KNOWN AS
THE SMITH EDWARDS ROAD MOUNTAIN BIKE PARK PROPERTY
LOCATED OFF SMITH EDWARDS ROAD**

WHEREAS, the Board of Aldermen of the Town of Kernersville, on the 5th day of February, 2013, adopted a Resolution of Intent to annex a tract of property located off Smith Edwards Road and owned by the Town, being more particularly described herein, in accordance with North Carolina General Statute 160A-58.7; and

WHEREAS said Resolution of Intent set the time and date of a Public Hearing to be held on the question of Annexation as being March 5, 2013, at 7:00 p.m. in the Kernersville Council Chambers/District Courtroom; and

WHEREAS, a public hearing on the question of this Annexation was held at a regular meeting of the Board of Aldermen of the Town of Kernersville in the Kernersville Council Chambers/District Courtroom at 7:00 p.m. on the 5th day of March, 2013, after due notice by publication on the 21st day of February, 2013; and

WHEREAS, the Board of Aldermen does hereby find as a fact that said annexation meets the requirements of N.C.G.S. 160A-58.7 for the annexation of non-contiguous property owned by the Town in that:

- (1) The nearest point on the proposed satellite corporate limits is closer than three miles to the primary corporate limits of Kernersville;
- (2) No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Kernersville;
- (3) The area to be annexed is situated so that the Town of Kernersville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- (4) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten per cent (10%) of the area within the primary corporate limits of the Town.

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

Section 1. By virtue of the authority granted in North Carolina General Statutes 160A-58.7, the territory of approximately 26.159 acres, as further described in the attached **Exhibit A** and shown on that plat recorded in Plat Book _____, Page _____, which are included herein as if fully set out, is hereby Annexed and made part of the Town of Kernersville as of this 5th day of March, 2013, at 7:40 o'clock p.m.

Section 2. Upon and after this 5th day of March, 2013, at 7:40 o'clock p.m., the above described territory, and its citizens and property, shall be subject to all debts, laws, ordinances and regulations in force in the Town of Kernersville and shall be entitled to the same privileges and benefits as other parts of the Town of Kernersville.

Section 3. A certified copy of this Ordinance shall, together with a map outlining the newly annexed areas, be recorded in accordance with N.C.G.S. §160A-29 in the Office of the Secretary of State of North Carolina and in the Office of the Register of Deeds of Forsyth County, North Carolina; and, a copy of this Ordinance, and map outlining the newly annexed area shall be sent to the Forsyth County Board of Elections as provided for in N.C.G.S. §163-288.1(a), as well as to the Forsyth County Tax Supervisor's Office.

Adopted this 5th day of March, 2013.

2a. PUBLIC HEARING: Curtis Swisher, agent for the Town of Kernersville, for consideration of an amendment to the *Kernersville Development Plan* to amend the *Land Use Plan* for properties located at 567 Smith-Edwards Road (unnamed), being all of PIN#(S) 6896-26-1242 containing a total of 26.47 +/- acres; 716 Beeson Road (Beeson Park), being all of PIN#(S) 6885-15-5398 containing a total of 28.6 +/- acres; and 309 Century Blvd (Century Park), being all of PIN#(s) 6875-79-8492 containing a total of 9.96 +/- acres, from various Land Use Designations to "Park" Designation. Zoning Docket KDP-39

Mr. Jeff Hatling, Community Development Director stated that this amendment will affect all the parks owned by the Town of Kernersville by designating the property to be a "Park". He reported that the Planning Board and Staff recommend the associated resolution be adopted by the Board.

Mayor Morgan declared the Public Hearing open.

In Favor

None presented.

Opposed

None presented.

Being no speakers either in favor or opposed, the Public Hearing was closed.

2b. Consideration of a Resolution to amend the Kernersville Development Plan.

Alderman Irving Neal made a **Motion** to adopt the following Resolution to amend the Kernersville Development Plan as recommended by the Planning Board. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Resolution No. R-2013-06

WHEREAS, the Town of Kernersville desires to have orderly growth to protect the health, safety, and welfare of its residents and businesses; and

WHEREAS, the *Kernersville Development Plan* is the comprehensive plan for the community and contains the community planning elements of land use; transportation; community appearance; historic preservation; parks & recreation; environmental; financing of public improvements; and

WHEREAS, the *Kernersville Development Plan* has been duly adopted and amended; and

WHEREAS, community planning is a process that requires constant evaluation of the community situation and review of its plans; and

WHEREAS, the *Parks and Recreation Master Plan* that was adopted in 2013 recommended the creation of an Adventure Park at the Town's property located on Smith Edwards Road; and

WHEREAS, the *Parks and Recreation Master Plan* that was revised in 2013 made land use recommendations for additional parks.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Kernersville to hereby amend the *Land Use Plan* by changing the tax parcel:

- PIN # 6896-26-1242 land use designation from "*Low Density Residential*" to "*Park*";
- PIN#(S) 6885-15-5398 from the *Land Use Plan* designation of "*Low Density Residential*" to "*Park*";
- PIN#(s) 6875-79-8492 from the *Land Use Plan* designation of "*Low Density Residential*" and "*High Density Residential*" to "*Park*", and

amend the *Land Use Plan* definition of "*Park*" as: *The Town of Kernersville adopted a revised Parks & Recreation Master Plan in 2013. The adopted Plan recommends land use changes that include but not limited to: develop additional neighborhood parks; continue to develop a linear park/greenway trail system; and develop an adventure park.*

Adopted the 5th day of March, 2013.

3a. PUBLIC HEARING: Curtis Swisher, agent for the Town of Kernersville, for properties located at 567 Smith Edwards Road, being all of PIN#(S) 6896-26-1242 containing a total of 26.47 acres more or less. Petitioner requests a General Use rezoning from RS20 (Residential, Single Family – 20,000 square foot minimum lot size) to IP (Institutional, Public). Zoning Docket K-718

Mr. Hatling presented the Planning Board Report for the rezoning of this park property. He added that the property backs up to Triad Park and will be developed as a mountain bike park.

Mayor Morgan declared the Public Hearing open.

In Favor

None presented.

Opposed

None presented.

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

3 b. Consideration of an Ordinance rezoning said property.

Mayor Pro Tem Dana Caudill Jones made a **Motion** to amend the Zoning Ordinances of the Town by rezoning the property in case K-718 from RS-20 (Residential Single-family – Minimum 20,000 sq. ft. lot size) to IP (Institutional and Public). The said rezoning being consistent with the Town's Comprehensive Plan, and further being both reasonable and in the public interest due to the following:

- Public and Institutional Use has the potential to provide for the future overall health, safety, and welfare of its citizens and surrounding residents by providing for a system of sidewalks, greenways and parks as referenced in the Kernersville Development Plan Goals.

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

Town Ordinance

**Zoning Petition of Curtis Swisher, Agent for Town of Kernersville
Zoning Docket K-718**

**ORDINANCE NO. O-2013-05
AN ORDINANCE AMENDING THE
KERNERSVILLE ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
TOWN OF KERNERSVILLE, NC**

BE IT ORDAINED by the Board of Aldermen of the Town of Kernersville as follows:

SECTION 1. The Kernersville Zoning Map be amended by changing from RS-20 (Residential, Single-Family – 20,000 square foot minimum lot size) to IP (Institutional, Public) for property located at 567 Smith Edwards Road, being all of PIN#(S) 6896-26-1242 containing a total of 26.47 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina and being further described as follows:

BEING KNOWN AND DESIGNATED as 567 Smith Edwards Road, being all of PIN#(S) 6896-26-1242 containing a total of 26.47 acres more or less as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina

SECTION 2. That this Ordinance be placed in the file of unpublished ordinances.

SECTION 3. This Ordinance shall be effective from and after its adoption.

Adopted this the 5th day of March, 2013.

PUBLIC SESSION

4. SPEAKERS FROM THE FLOOR.

Kenny Crews asked about the recent action taken in regards to the Police Chief. Mayor Morgan stated that this is a personnel matter and would not be discussed. Mr. Wolfe agreed that this could not be discussed.

Mr. Crews stated that this should have been kept quiet and not put in the newspaper. Mr. Swisher stated that the Town is not responsible for what is published in the newspaper and that regarding this matter the only comment made was that it is a personnel matter and would not be discussed.

Louis Vessa, Little Vito's Pizza, N. Main Street, Kernersville, NC – explained that his property on N. Main Street sits back off the road and is not easily seen. He stated that he wants to add better signage to attract attention. He stated that after speaking with the Planning Department he was advised to come before the Board to request that the current sign ordinances be changed. He stated that he intends to upgrade the marque or to build an electronic sign to allow for better visibility.

Alderman Neal asked if the signage there now meets the requirements of our ordinances. Mr. Hatling stated that yes it does meet our requirements. He added that we do not have a provision for electronic signage. He explained that the signage there now was put in by the developer of the site. He noted that two signs would be allowed.

Mayor Pro Tem Caudill Jones asked about the electronic Parks Chevrolet sign. Mr. Hatling stated that the sign in the median was grandfathered in by NCDOT.

Mr. Hatling stated that we are seeing the trend for electronic signs like you see on billboards that change between vendors.

Mr. Vessa stated that he has approached the other tenants however, the Japanese Restaurant closed today.

Mayor Pro Tem Caudill Jones recommended Mr. Vessa meet with the Planning Staff to discuss his options and for Staff to bring back a recommendation for the Board to consider.

5. Consideration of a Request by the AACA Old Salem Chapter Car Club to hold the Downtown Kville Cruise-In from June 2013 to October 2013.

Mr. Curtis Swisher explained that this is the same group from the last couple of years and they are requesting to hold the Downtown Kville Cruise-In on N. Main Street on the second Saturday of each month from June through October. They are requesting to close the streets at 3 PM and hold the event from 4:00 PM until 8:00 PM each time.

Mr. Swisher stated that some of the merchants have expressed a concern with the closing of the streets, however most merchants will close by 2:00 so this should not be a problem. The restaurants have agreed to stay open for the event.

Mr. Ralph Proscia, Vice President of the Chapter thanked the Board for their consideration of this request. He stated that most of members are Kernersville residents and that we expect approximately 200 cars for the show. He stated that this event is good for everyone which should profit from the extra traffic in downtown.

Alderman Tracey Shifflette made a **Motion** to grant this request by the AACA Old Salem Chapter Car Club to hold the Downtown Kville Cruise-In from June through October as submitted. Alderman Neal Stockton seconded the motion and the vote was all for and motion carried.

6. 2013 Annual Reports and Budget Requests:

Korner's Folly

Danny Jefferson, Chairman of the Korner's Folly Board – recognized the other Board members in attendance. He thanked the Board for their continued support and stated that the Folly Board is not asking for an increase in their funding this year. He reported that the Folly had over 10,000 visitors again last year. The Folly continues to partner with the PJC Botanical Gardens, Downtown Merchants, and the Chamber on events and activities to bring people downtown.

Mr. Jefferson stated the Folly is Kernersville's gem and therefore we have launched a significant challenge restoration project to restore the Folly. He reported that the foundation work is finished, and the roof is the next phase in this project. Our hope is to completely renovate the Folly by ongoing fundraising efforts. He then presented a plaque to Mayor Morgan that will be

displayed at the Folly and expresses appreciation for the Town's support and effort. He then made himself available for questions.

Dale Pennington, Executive Director of Korner's Folly – thanked the Board for their continued support. She added that the funding provided by the Town will help preserve the Folly for generations to come.

Community Appearance Commission

Allan Asbell, Chairman of Community Appearance Commission – stated that it is a pleasure to be here tonight and recognized other CAC members in attendance. Mr. Asbell highlighted the CAC's activities over the last year such as the explosion of the blinkie lights and painting of the fire hydrants. He noted the CAC's annual banquet in which numerous awards are presented to individuals and groups for their beautification efforts. He mentioned the joint effort with the Winston-Salem CAC at the P. J. Ciener Botanical Gardens.

Mr. Asbell stated that the CAC is requesting \$2,600 in funding for next year to continue the Commission efforts. He stated that \$4,000 from last year's budget has not been spent and is earmarked for the Wayfinding signage project at Shields Road and Union Cross Road for a Welcome Sign. He requested that these funds be carried over from this year's budget as this project will not be completed by the end of the fiscal year. He stated that they are waiting for the approval of the land owner.

Mr. Asbell then announced that he is actively working with the owner of the School Tools building at the corner of Main and Mountain Street and projected that the building would be occupied within 90 days.

Sister City Commission

Mrs. Lezah Arney, Chairman of the Sister City Commission – stated that she appreciates the Board's support. She thanked those that attended the banquet recently. She highlighted the Commission's activities over the year and noted that an invitation has been extended to delegates from Dashi to come here for a visit. She added that SCC was able to provide an Educational Grant to a Teacher this year. She stated that a current student member from Germany is assisting us with contacts in Germany. The Commission will continue to work with our schools to incorporate a technology exchange between the students.

Mrs. Arney stated that SCC continues to mourn the loss of Larry Brown, a founder and great supporter of the Sister City program.

Mrs. Arney announced the SCC will hold a cultural festival at the Fourth of July Park in April 2014. She added that the SCC is asking for funding at the same level as last year. She then made herself available for questions.

Mayor Morgan called a recess at 8:25 PM. The meeting reconvened at 8:42 PM.

7. Consideration of Budget Amendment No. 3 for Fiscal Year 2012-13.

Mr. Swisher highlighted items in the requested budget amendment and added that there are no unusual expenses listed in the amendment.

Alderman Keith Hooker made a **Motion** to approve the following budget amendment ordinance as requested. Mayor Pro Tem Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2013-03
TOWN OF KERNERSVILLE
BUDGET AMENDMENT # 2

Be it hereby ordained by the Board of Aldermen of the Town of Kernersville that the following amendment be made to the Budget Ordinance adopted on the 20th day of June, 2012 as follows:

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

General Fund – Expenditures	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Community Development- Planning & Zoning		180,000	480,727
Total		180,000	

This will result in a net increase of \$180,000 in the expenditures of the General Fund. The above changes in expenditures will require an adjustment to revenues as follows:

General Fund – Revenues	<u>Decrease</u>	<u>Increase</u>	<u>New Approp.</u>
Due fr NCDOT-B-40 S.Main Interchange Landscape Grant		180,000	180,000
Total		180,000	

Section 2. Copies of the budget amendment shall be furnished by the Town Clerk of the Board of Aldermen, the Budget Officer, and Finance Director for their directions.

Adopted this the 8th day of January, 2013.

8. Discussion on FY 13-14 Budget.

Mr. Swisher explained that this information is based on the most recent information we have from the Forsyth County Tax Office, however these numbers are likely to change. He presented statistics on the value change for residential, commercial and retail property following the reevaluation process and how that has affected our tax base over the last several years. He then

explained that Municipalities are required to calculate a revenue neutral tax rate after each reevaluation. He explained how that was calculated and that as a result of a decrease in property values; the tax rate would be higher than the current rate.

Mr. Swisher presented other projected revenue streams that we expect to decrease by approximately \$614,500 next year. He presented other changes in expenditures that will result in an increase in expenditures by approximately \$272,849. Coupled with the loss of revenues, he projected a budget deficit of \$887,346 for next year.

Mr. Swisher highlighted the personnel changes and cuts that have been made over the last several years. He then presented the Board with the following options: a tax increase, take the funds from fund balance, a combination of a tax increase with funds from the fund balance or a reduction/elimination of services.

Mr. Harvey Pulliam, 415 Holt Street, Kernersville, NC – stated that the Town Manager told the Board this was coming two years ago. He challenged the Board to be responsible with Town funds. He stated that the citizens have tightened their belts and the Town must do the same. He added that we must take care of our “needs” and not our “wants”. He stated that some of the increases in expenditures are for recreation and we’ve got to stop it. He suggested that the Board look at the needs for police service, sanitation, fire and the mandated building inspections and stop putting more burdens on the taxpayers. He reminded the Board that homeowners are struggling and that he is angry about this situation and we have to stop it. He added that the Board was warned and now it’s here.

Alderman Keith Hooker asked about the HVAC system for this building and commented on how cold it is in the courtroom. Mr. Swisher stated that it was much colder Monday morning and stated that this summer it will probably get up in the 90’s. He said his best estimate would be approximately \$400,000 to replace the system. He stated that the Town received a grant to make some repairs however, the system is worn out. He stated that he was waiting for it to completely go out and then take the money from the fund balance to replace it. This would be a one-time cost. He stated that it will take months to go through the process to get a new system installed.

Mr. Swisher reminded the Board that the HVAC system in the library is in worse shape than Town Hall and it will be more expensive to replace because it is located in the roof.

Alderman Hooker asked about the increase in health insurance and how it can be minimized. Mr. Swisher explained the negotiation process and added that if we can’t get it down to something reasonable we will go out for bids. He highlighted a number of things being done through HR and the Wellness Committee to help control insurance costs.

Alderman Neal asked how we compared to other municipalities in the area. Mr. Swisher stated that for municipalities our size we are right in the middle. He stated that we also use comparisons from the surrounding municipalities too. He stated that he could provide information regarding the surrounding municipalities as well as those our size.

Alderman Stockton pointed out that an increase in insurance is a national trend. Mr. Swisher stated that this is correct and that's why we start the process early on so that we have time to look for ways to minimize the impact.

Alderman Neal stated that unfortunately we have no choice in some things and that things are expected to get worse before it gets better and we may have to eliminate something. Mr. Swisher stated that we have changed services and cut out everything that we didn't have to have.

Mayor Pro Tem Caudill Jones stated that she is open to all ideas and that we may have to come up with a combination between all our options. She suggested we have a public forum discussion with our citizens on the budget and on Town services. Mr. Swisher stated that we need to look at all of this closely and stated that we have to be careful that we don't make cuts that will cost our citizens more out of pocket by going with the private sector.

Alderman Stockton cautioned the Board about making cuts as well. He stated that sometimes you get a low cost up front and then the next year they raise your rates.

9. Consideration of Agreement with Energy United.

The Town Attorney stated that Staff met with Representatives from Energy United yesterday and they have proposed some new language for us to consider. Therefore, he requested that this item be pulled from the agenda and considered at a later meeting.

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 January 30, 2013 Briefing Session
Approval of Minutes for February 5, 2013 Regular Session
Approval of Minutes for February 5, 2013 Closed Session**

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

RESOLUTION NO. R-2013-04

**RESOLUTION SETTING FORTH THE DATES
FOR THE 2013 KERNERSVILLE SPRING FOLLY**

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

Be It Hereby Resolved that for the year 2013, such event shall commence at 6:00 P.M., Friday, May 3rd, 2013, and shall terminate at 6:00 P.M., Sunday, May 5th, 2013.

Adopted this the 5th day of March, 2013.

C-3 Consideration of a Request by the Chamber of Commerce to hold various events in the Town Hall Courtyard.

Event	Date
Spring Folly	May 3-5, 2013
Recycle Event	April 6 (Event Rain Date April 20, 2013)
Music at Twilight Concerts	May 23, June 27, July 25, August 29

C-4 Forsyth County Tax Refunds

Carter R. Travis	\$8.46	Value change
Fernandez Heriberto Antonio	\$188.55	Value change
Hedwall Carl B Trustee	\$172.14	Value change
Kirk Eugene W	\$159.20	Value change
Lafevers Tracy M	\$14.93	Value change
Singleton John W. Jr.	\$103.48	Value change
Smith Gary Keith	\$105.97	Value change
Smith Steffen	\$1213.18	Value change
Thom Franklin William	\$95.02	Value change

C-5 Consideration of Amended Rules & Regulations for the Farmer's Market

Mayor Morgan highlighted each consent agenda item and asked if anyone wanted to remove an item from consideration. None presented.

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

11. ITEMS REMOVED FROM CONSENT AGENDA.

None removed.

12. SPEAKERS FROM THE FLOOR.

Harvey Pulliam reminded the Board of the oath each one took. He suggested that the Board pass a resolution on a citizen's right to bear arms, as other towns have done. He stated that he has heard the Board discuss paying someone to get rid of our trash but no word about cutting recreation. He asked how much it would affect a homeowner if they don't have a place to play

soccer or lacrosse. Not as much pain as if we get rid of our police and fire protection. He challenged the Board to look closely at the services needed.

13. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher presented a Resolution in support of the State not requiring the City of Asheville to give up their water and sewer system to a Metropolitan operated system. He added that this doesn't impact Knersville directly however this could set a precedent for them to consider doing this elsewhere in the State.

Alderman Irving Neal made a **Motion** to approve the following Resolution in support of the City of Asheville. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2013-05

RESOLUTION OPPOSING LEGISLATION THAT PROVIDES FOR THE INVOLUNTARY CONVEYANCE OF MUNICIPAL WATER SYSTEMS

WHEREAS, during recent sessions of the North Carolina General Assembly, legislation has been introduced that would summarily convey a municipally-owned water system to a Metropolitan Sewer District; and

WHEREAS, it is anticipated that legislation will be introduced in the 2013 Session of the North Carolina General Assembly that would require the City of Asheville to transfer its Municipal water system to a Metropolitan Sewer District despite local opposition from both the citizens and officials of Asheville; and

WHEREAS, public utilities operated by municipalities have effectively served as protectors of public health and the environment, while providing essential infrastructure needed for the community's growth and development, and thus for the growth and development of our State; and

WHEREAS, local governments have effectively and efficiently operated the authorized public facilities in compliance with applicable state and federal laws and have made decisions regarding the most appropriate way to provide such services locally, such as was done by the Town of Knersville when it entered an Agreement with the Winston-Salem/Forsyth County Utility Commission regarding a change in the operation of its local utilities; and

WHEREAS, the Board of Aldermen of the Town of Knersville believes that the taxpayers and citizens who have invested in municipal infrastructure for generations are the proper parties to continue to control the decision-making regarding the continued operation of municipal utilities; and

WHEREAS, the mandated transfer of any local government infrastructure will result in a loss of local control over its utilities which have been developed to coordinate with land use and growth plans established over decades, and may have a negative effect on any local government desiring to

invest in future infrastructure expansions, thereby limiting business opportunities, site availability, and economic stability in the State.

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

1. The Board of Aldermen of the Town of Kernersville is opposed to any legislation that mandates the transfer of any Municipality's municipal utility to another entity.

2. The Board of Aldermen of the Town of Kernersville believes that local solutions arrived at by an open, collaborative process, such as described above between the Town of Kernersville and the City/County Utility Commission in Forsyth County, is highly preferable to legislative directed disposition and control of local government assets.

3. The Board of Aldermen of the Town of Kernersville is opposed to the forced conveyance of any local government infrastructure absent some compelling public health or safety reason, believing that such sets a serious and potentially harmful precedent that will have a chilling effect on local government investment in infrastructure improvements, on local government ability to carry out its land development and capital improvement plans, and the risk that this type of action will reduce business opportunities and economic stability in the State.

Read, approved, and adopted this the 5th day of March, 2013.

14. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

Town Attorney John Wolfe stated that he would like to clear up a misconception regarding the newly named Ivey M. Redmon Sports Complex. He presented the history of the park that has never been officially named. It was called the Beeson Road Park because this is where it was located. He stated that the park has never been officially named; therefore this is not a "renaming" of the park. He asked that from here forward we call it by its official name: The Ivey M. Redmon Sports Complex.

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

Alderman Keith Hooker spoke of an incident where a student was suspended from school after he tackled another kid and took a firearm away from him. Even though he may have saved lives, he was cited in this incident. He then initiated a discussion on the proposed Senate Bill 124 that has been introduced into the NC General Assembly. He then read the proposed bill and noted that this bill was introduced in response to the situation at Walmart here in Kernersville. He stated that any one that had been located in Walmart could have drawn their weapon. He expressed his concern with the language in the bill that states that "any person" who draws their weapon" would be in violation. He presented a situation where a law abiding citizen could be charged in a situation where they tried to stop something like that from happening. He asked the Board to go on record having asked that this bill be amended. He then presented a draft

resolution for the Board to consider. He stated that he wants to make sure that this bill will punish the criminal and protect the law abiding citizen at the same time.

Alderman Neal stated that he understands this was initiated by a Police Department employee and recommended we have them discuss this with the Town Attorney and others to amend the language if it's needed.

Mr. Wolfe stated that this bill refers to the "intent to do harm and incite fear." This is not just somebody that is innocent or wants to protect somebody else. He stated that while he is not crazy about this language being presented, he was not comfortable with this proposed language either. He stated that he would be glad to look into the matter. He stated that it was initiated by Detective Ryan McGee in response to the Walmart situation. He added that if the Board so desires he will review the matter with those that have drafted this bill.

Alderman Keith Hooker made a **Motion** requesting the Town Attorney work with Senator Pete Brunstetter on wording of this proposed bill to express the Board's concerns addressed tonight. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

16. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 10:14 PM. Mayor Pro Tem Dana Caudill Jones 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 March 5, 2013.

This the 10 day of May, 2013.


Dale F. Martin, MMC, Town Clerk