

**MINUTES OF THE BOARD OF ALDERMEN  
TOWN OF KERNERSVILLE, N.C.  
BRIEFING SESSION JANUARY 2, 2014**

The Board of Aldermen of the Town of Kernersville met in a briefing session at 6:30 P.M. on the above date in the Town Hall Executive Conference Room at the Municipal Building at 134 East Mountain Street.

**Present:** Mayor Dawn Morgan, Mayor Pro Tem Joe Pinnix, Aldermen Kenny Crews, Keith Hooker, Irving Neal and Tracey Shifflette.

**Absent:** None.

**Staff Present:** Curtis L. Swisher, Town Manager; Jayne Danner, Deputy Town Clerk; John Wolfe, Town Attorney; Jeff Hatling, Community Development Director, Scott Cunningham, Police Chief; Terry Crouse, Fire Rescue Chief; Doran Maltba, Public Services Director; Ernie Pages, Parks & Recreation Director; Gray Cassell, Chief Information Officer; Franz Ader, Finance Director and Ray Smith, Human Resources Director.

**Call to order and invocation.**

Mayor Dawn Morgan called the meeting to order and Alderman Tracey Shifflette delivered the invocation.

**1. Briefing on the January 7, Regular Meeting Agenda.**

Mayor Morgan noted the ceremonial item on the Agenda, Presentation of Resolutions to Retirees.

**Item # 1 PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville, for properties annexed September 3, 2013 (A2-2013-16) and located at the southernmost portion of Masten Drive terminating in the northerly right of way line of S.R. No. 2640 Whicker Road containing a total of .661 acres more or less. Petitioner requests a General use rezoning from FC RS20 (Forsyth County – Residential Single-Family 20,000 sq. ft. minimum lot size) to KV RS20 (Kernersville – Residential Single-Family 20,000 sq. ft. minimum lot size). Zoning Docket K-723**

Mr. Jeff Hatling, Community Development Director briefed the Board on this rezoning request. He noted that this property has recently been annexed into the Town of Kernersville from Forsyth County. He added that the Planning Board and Staff recommend approval as presented.

**Item # 3 Presentation of Annual Audit by Dixon Hughes Goodman.**

Mr. Curtis Swisher, Town Manager stated that the Town's annual audit has been completed and Mr. John Frank with Dixon Hughes Goodman will present the findings at the meeting on Tuesday.

#### **Item # 4 Semi-annual Report by the Chamber of Commerce for In-kind Services.**

Mr. Swisher stated that a representative from the Chamber of Commerce will present this semi-annual report that includes an overview of services and activities provided by the Chamber during the last six months.

#### **Item # 5 Presentation by Manorwood Drive Residents.**

Mr. Swisher stated that a number of residents from Manorwood Drive have raised concerns about the excessive noise and light coming from the new Deere Hitachi facility in the evening and during the night. Mr. Swisher advised that he has met with a resident who has video of the evening activity generating the noise. He added that he has recently met with representatives of Deere Hitachi to inform them of the residents' concerns regarding the photosynthesis lights and the noise being generated. He stated that Deere representatives informed him they were recently made aware of the issues with the lights and are working to address it, however they were unaware of the issues with the noise which appears to be generated by wheel locks used to immobilize equipment and the back-up beep from equipment used to move products from one building to the other.

Mr. Hatling noted that Deere Hitachi has made a number of improvements on their own initiative above and beyond the Town's limited industrial zoning requirement standards to address potential noise and light issues. He distributed a list of the improvements they have made.

Aldermen Keith Hooker asked if they increased the berm height would it alleviate the light or noise issues.

Mr. Hatling noted that the berm has a 3-1 slope so it would be difficult to increase the berm height, however, the plantings are currently 6 feet tall and they will over time grow to be in excess of 20 feet tall which will help alleviate some of the noise and light.

Alderman Kenny Crews asked if Deere Hitachi would consider building a shelter or cover over the work area to conceal the noise and light that is being emitted.

Mayor Morgan asked Mr. Hatling to contact Deere Hitachi to discuss this possibility.

Mr. Swisher stated that Deere Hitachi representatives have indicated they will do what they can to address these situations within reason. He noted that they have already screened the HVAC system and use airplane type tires to assist with the noise being emitted.

Alderman Irving Neal asked what authority the Board has to enforce additional restrictions if Deere Hitachi is meeting the Town's zoning requirements.

Mr. Wolfe advised that the Board does not have authority to enforce additional restrictions.

Alderman Joe Pinnix asked if this also applied to noise violations.

Mr. Wolfe advised that the court would address issues or violations of the Town's noise ordinance.

#### **Item # 6 Discussion Regarding Signage at Town Parks.**

Mayor Morgan gave a brief overview of the recent changes to the North Carolina General Statutes (NCGS) regarding concealed carry on Town property and in Town parks. She stated that the Board has received a number of letters and emails from citizens stating that the signs in the Towns parks were not in compliance with these recent changes regarding concealed carry.

Mr. John Wolfe, Town Attorney noted that he has also received a number of emails, many of which were from members of a grassroots organization and not residents of Kernersville, except two or three, one of which was from Mr. McClellan. Mr. Wolfe stated that the Board approved amendments to the Town's Code of Ordinances in 2011 and again in 2013 in order to be in compliance with the changes to the concealed carry laws implemented by the NCGS for Town owned property and parks. He further stated that the current signage in the Towns parks in question is also in compliance with the NCGS. He added that the signs do refer to the Town Ordinance for clarification and in his opinion the signs do not need to be changed at this time. He offered to answer questions from the Board.

Mayor Morgan asked Mr. Wolfe about the different signs used throughout the Triad by the different jurisdictions in their parks.

Mr. Wolfe stated that the different jurisdictions throughout the Triad do display a number of different signs in their parks. He added that in his opinion some of these signs are correct and within the law and some aren't. He further added that at this time he can't recommend anything different than what the Town has currently.

Mayor Pro Tem Joe Pinnix suggested that even though the current Town signs are in compliance with the NCGS that the Board considers replacing the signs so that they are more self-explanatory to prevent citizens from having to look up the Ordinance for an explanation of what is or isn't allowed.

Alderman Keith Hooker noted that Winston Salem had recently replaced their signs in order to avoid a lawsuit.

Mr. Swisher stated that if we changed the current signs in the parks we would also have to install additional signs at certain areas within the park where concealed carry is prohibited.

#### **Item # 7 Discussion Regarding Sidewalk Project at Cherry & Mountain Street.**

Mayor Morgan noted that safety concerns regarding this matter were raised by Alderman Kenny Crews.

Mr. Swisher stated that Staff will present recommendations and cost estimates to address the issue of the curb jutting out at this intersection that could potentially be a safety issue.

**Item # 8 Discussion of installation of Mirror at Intersection of Main and Salisbury Street.**

Mr. Swisher stated that Mr. Doran Maltba, Public Services Director had contacted NCDOT regarding this request. He added that these are NCDOT roads and at this time NCDOT is not in favor of the installation of a mirror at this intersection.

Mr. Jeff Hatling noted that this intersection is scheduled for improvements which could potentially alleviate this issue.

**Item # 9 Presentation by Police Chief Scott Cunningham on Organizational Restructuring in the Police Department.**

Mr. Swisher stated that Police Chief Cunningham will give a presentation about the recommended restructuring of the Kernersville Police Department. He added that Chief Cunningham is requesting that three positions currently frozen be filled in order to provide better service levels and to address certain issues such as community safety plans.

**Item # 10 Update and Discussion Regarding the STP-DA Road Projects.**

Mr. Swisher stated that Mr. Hatling will provide an update on status and funding availability of some NCDOT road projects in Kernersville. He noted that some of these projects began ten or so years ago.

**Item # 11 Consideration of an Ordinance Amending the Kernersville Code of Ordinance Book:**

**Chapter 16 – Streets, Sidewalks and Public Places**

John Wolfe, Town Attorney noted that Chapter 16 is the last to be updated in order to complete the amendments to the Kernersville Code of Ordinance Book. He further noted that the recommended changes are minor and pertain primarily to grammar.

**Item # 12 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 November 26, 2013 Briefing Session**
- Approval of Minutes for December 3, 2013 Organizational Session**

Mayor Morgan noted the Consent Agenda items.

**2. Matters to be presented by the Town Manager and Town Attorney.**

None Presented.

**3. Consideration of a Request by Mack Allen to use the Sewer Force Main at 2020 West Mountain Street.**

Mr. Swisher stated that the Town has received a request from Mr. Mack Allen to use the Sewer Force Main at 2020 West Mountain Street that was previously used by Fire Station #43. He added that Mr. Allen owns a parcel of property he wishes to develop that would use the sewer service and the fire station no longer has a need for it. Mr. Swisher further added that Mr. Allen would need formal approval from NCDOT to encroach on the right of way; however the Town has received an email from NCDOT granting their permission to Mr. Allen. Mr. Swisher stated that Staff is recommending approval of this request.

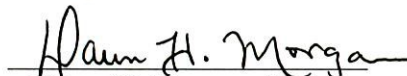
Mr. Wolfe stated that he has drafted a license agreement between the Town and Mr. Allen for use of the sewer force main owned by the Town at a cost of \$10 per year for the Board's consideration.

Alderman Irving Neal made a **Motion** to approve a license between the Town of Kernersville and Mr. Mark Allen for use of the sewer force main at 2020 West Mountain Street at a cost of \$10 per year. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

**4. Adjournment.**

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting at 7:53 p. m. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

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

  
Dawn H. Morgan, Mayor

Attest:

  
Jayne Danner, CMC, NCCMC Deputy Clerk

I, Jayne Danner, Deputy Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on January 2, 2014.

This the 10<sup>th</sup> day of February, 2014.

  
Jayne Danner, CMC, NCCMC Deputy Clerk