

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. JANUARY 7, 2014**

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, Aldermen Keith Hooker, Tracey Shifflette, Irving Neal, and Kenny Crews.

Absent: Mayor Pro Tem Joe Pinnix, Jr.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Scott Cunningham, Police Chief; Terry Crouse, Fire Chief; Doran Maltba, Public Services Director; Gray Cassell, Chief Information Officer; Ernie Pages, Parks & Recreation Director; Franz Ader, Finance Director and Crystal Tanner, Human Resources Manager.

- **CALL TO ORDER**

Town Attorney John Wolfe announced that Alderman Joe Pinnix is absent tonight due to a serious illness and is currently in the hospital. He will have an extended recovery period.

- **INVOCATION BY REVEREND JEFF PATTERSON, MAIN STREET UNITED METHODIST CHURCH**

- **PLEDGE OF ALLEGIANCE CUB SCOUT PACK 943**

Mayor Dawn Morgan called the meeting to order and Reverend Jeff Patterson of Main Street United Methodist Church delivered the invocation. The Pledge of Allegiance was led by Cub Scout Pack 943: Timothy Fernald, Kristopher Burch, Lucius Davis, Kingston Parrish, Daze Plumley, Cole Vandiver, Parker Ranson, Chris Kelly, Jacob Hubany, Andre Hubany, and Joey Guevara.

- **PRESENTATION OF RETIREES RESOLUTION OF APPRECIATION**

Mayor Morgan presented a NCLM Resolution of Appreciation to Glen Batten, retired employee from the Community Development Department.

Police Lt. Rick Moore; Police Lt. Gerald Jacobs; Sheryl Freeman, Finance Department; David Patton, Parks & Recreation Department and John Edwards, Parks & Recreation Department also retired from the Town in 2013 however, were not able to attend the meeting.

Mayor Morgan read the procedures of the meeting.

PUBLIC HEARINGS

- 1a. **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 presented the Planning Board report for this rezoning request. He noted that the property was annexed by the Town and that this request is to rezone the property from Forsyth County to Kernersville's zoning.

Mayor Morgan declared the public hearing open.

In Favor

None presented.

Opposed

None presented.

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

1b. Consideration of ordinance rezoning above property.

Alderman Tracey Shifflette made a **Motion** to approve the following Ordinance to amend the Zoning Ordinances of the Town by rezoning the property in case K-723 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). The said rezoning being consistent with the Town's Comprehensive Plan, and further being both reasonable and in the public interest because:

1. The rezoning meets State Statute requirements.
2. The Kernersville RS20 zoning has the same standards as the Forsyth County RS20 standards.

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

**Town Ordinance
Zoning Petition of Curtis Swisher, Agent for the Town of Kernersville
Zoning Docket K-723**

**ORDINANCE O-2014-01
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 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) for properties 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 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 being located at the southernmost portion of Masten Drive terminating in the northerly right of way line of S.R. No. 2640 Whicker Road containing .661 +/- acres, and being further described in Plat Book 61 Page 89 dated September 3, 2013 as recorded in the Office of the Register of Deeds, Forsyth County, North Carolina.

SECTION 2. This Ordinance shall be effective from and after its adoption.

Adopted this the 7th day of January, 2014.

PUBLIC SESSION

2. SPEAKERS FROM THE FLOOR

None presented.

3. Presentation of Annual Audit by Dixon Hughes Goodman.

Mr. John Frank, representative from Dixon Hughes Goodman presented the 2012-2013 Audit Report. He noted the town has received a clean audit letter again this year with no reportable conditions. The Town will once again receive a Certificate of Excellence. The Town has received this certificate each year since 1997. He noted that revenues are up slightly by approximately 1%, property taxes also increased slightly however, sales taxes this year are relatively flat. Mr. Frank noted that the Town did suffer a shortfall in grant money anticipated for road projects. He noted that general fund expenditures were down 4% over last year with not as

many capital projects. He commended the Town and especially the Finance Department for their efforts to manage expenditures and the budgetary challenges faced last year. He stated that revenues were greater than expenditures and that the Town's fund balance currently stands at approximately 31% which is well above the State minimum of 8%. He then made himself available for questions.

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

Mrs. Sunni Lauten, Chairman of the Chamber of Commerce presented the Chamber's report of In-kind services performed throughout the Town of Kernersville. Mrs. Lauten highlighted the events and activities undertaken by the Chamber in 2013. She noted that rainy weather was a problem with events held in the spring. Rain and extremely cold temperatures caused this year's Christmas parade to be cancelled. She added that the Chamber will be looking at a way to incorporate a rain date in next year's schedule. She reported an increase in education grants awarded to our schools this year. She pointed out that the Chamber has had a full year of marketing downtown and that it has proven to be a good decision. She noted the new Kiosk that has been added downtown. She announced that the Chamber received the North Carolina Chamber Executive of the Year Award as testimony to the strength of the entire Chamber Staff. She then made herself available for questions.

5. Presentation by Manorwood Drive Residents.

Mr. Don Morton, 1025 Manorwood Drive, Kernersville, NC – asked the residents from Manorwood to stand, approximately 30 residents were recognized. Mr. Morton then presented a video made in his back yard and noted the various noises that could be heard. He presented a picture of the building at night to illustrate the amount of light in his back yard. He noted that all of this is taking place approximately 150 feet from his back door and that he can hear these noises in the shower, while watching TV and while he is trying to sleep. He offered a copy of the full video to share with members of the Board. He asked how could the Town of Kernersville let this happen to his neighborhood.

Mr. John Barrow, 1031 Manorwood Drive, Kernersville, NC - stated that he moved from Manorwood a year ago, however still owns the property because he couldn't sell it. He stated that the residents have come up here on several different occasions to address the Board on issues. He stated that the residents were very passionate about this before this was done but it was done anyway. He stated that promises were made that have not been kept and now we have a bad problem and our property values have been decreased by 20% over a year ago. He added that Deere-Hitachi as a neighbor is stealing our money and part of our lives by the noises day in and day out. He knows the Town can't change the zoning, but you can change definitions and conditions in the UDO.

Mr. Barrow stated that Deere-Hitachi will not do what they need to do without pressure from the Town. He noted that residents have called the Police since it's against the law to make noises that violate the Town's noise ordinance. He asked the Board to tell the Chief of Police to enforce that law.

He stated that the people voted for you as a Board, which hired Mr. Swisher and the Town Attorney and you were voted to work for and protect the people. He understands that economic development is important. This property was rezoned but we did not think they would take 20% of our lives and reduce our property values. He believes these problems can be fixed but the Town will have to make them do it.

Don Martin, 1030 Manorwood Dr, Kernersville, NC - he stated that this all happens in Mr. Morton's back yard but this is in his front yard and this is only a portion of what happens out there. He told about the terrible dust problem during the construction that prevented the children from playing in the yard and now we have all the noise and light coming from the site. He stated that in the zoning case the residents were told that the traffic was going to be away from Manorwood but its in our front and back yards. He noted that this noise goes on all night and for long periods of time.

Mayor Morgan asked if the noise was as bad last night. Mr. Martin stated that it was not as bad as it has been, however he could attest to everything shown on the video.

Mayor Morgan stated that Town Staff met with Deere-Hitachi and asked Mr. Swisher to comment on the changes being made. Mr. Swisher explained some of the noises being heard when the trucks run over wheel stops and from the forklift. Deere-Hitachi has removed the wheel stops and plans to change the direction of the traffic and have the trucks go slower which helps keep the noise down.

Mr. Hatling stated that for the zoning review, it is a matter of documenting what is happening on the site and to determine the uses and whether they conform to the zoning conditions for the general industrial district. As far as the noise, we will need to visit the site to determine where the noise is coming from and what the procedures are. Our process right now is to follow up with site visits and determine the impact on the neighborhood. Mr. Swisher pointed out that the neighbors on one end of Manorwood abuts limited industrial and the other end abuts general industrial which is a more intense use.

Alderman Neal asked what authority the Board has to enforce the noise ordinance. He stated that when the neighbors call the Police Department they say they can't enforce anything so who can enforce this.

The Town Attorney John Wolfe stated that the Police Department does have authority to enforce the noise ordinance; however in most cases the Police Officer will be assisting the resident with making a complaint and securing a warrant or a criminal summons against someone who is violating the law. He added that if an officer witnesses it they could procure a summons however, they will mostly assist an individual who claims to be offended by the noise ordinance.

Alderman Neal stated that what the residents were told would happen in the zoning case and what has happened is not the same. He asked Mr. Morton to explain. Mr. Morton stated that none of the current Board members were on the Board at that time. He stated that they fought with Pope Companies over the issues. He explained that they were told that Manorwood would be dark and quiet and that there would be no parking lot on this side of the building. Loading

docks and all lights would be on the opposite side of the building. It was always referred to as a business park or medical park with one-story buildings. Deere-Hitachi is 45 ft. tall and not what the residents of Manorwood Dr. agreed to. No one from the Town has asked us on Manorwood Drive what we wanted. He added that the conditions require a 6 ft. berm with vegetation. As you can see from the video the vegetation is dead.

Mr. Morton then addressed the Police coming to his house as well as to other resident's homes. The last time was at 3:15 AM and the Officer comments that people on Manorwood Drive may have to learn to live with this. Mr. Morton stated that Mr. Swisher has spent time at his house and heard the noises. He stated that the trucks are still going in the same direction today with all the same noises however, it may be different tomorrow. He stated that this has got to come to an end. He has nothing against Deere-Hitachi but asked that they be good neighbors and raise the berm, plant new vegetation and put a concrete barrier up so that the neighbors can enjoy their back yards again.

Alderman Neal asked under what authority could the Board require them to do something. Mr. Wolfe explained that this Board does not have authority as the property was rezoned correctly and that all conditions placed on the site are in compliance.

Alderman Neal then asked Mr. John Barrow to comment on the noise ordinance. Mr. Barrow stated that the Police can come out and hear the noise; they can see who is making the noise and can write the citation. Mr. Wolfe stated that we cannot expect the Police Officer to interpret the law as that is what we have the court for.

Mayor Morgan announced that we have a list of concerns to discuss with Deere-Hitachi and will ask them to address these concerns.

Alderman Shifflette asked Mr. Barrow for additional comments regarding the noise ordinance.

Mr. Barrow suggested that the Board review the noise ordinance and fix it.

Alderman Neal stated that the Town will make every effort to make things better under our authority to do so.

The Town Attorney added that what Mr. Barrow said is true, the Board can change the noise ordinance; however, it is extremely difficult to define a noise ordinance. The Board has spent time on this before and it was difficult to determine how to go about implementing a decibel system. The Board chose this approach before but can look at designing another ordinance.

Alderman Neal stated that our citizens should not have a problem sleeping because of noises. He stated that the Town will take this information back to Deere-Hitachi and discuss implementing changes in their operations. The Board should revisit the noise ordinance to see if there are changes that should be made.

Alderman Shifflette stated that she will try to work through this issue. She has read the entire history on the rezoning. Mr. Morton is correct in that it was stated that this will be a "park like

setting.” Deere-Hitachi was rezoned properly however, she understands the concerns. She pledged to work with the residents and Deere-Hitachi to come up with something that is fair to all parties. She asked for patients from the residents.

Alderman Kenny Crews expressed his concern to the neighbors as well. He pledge his support to work with Staff and Deere-Hitachi on fixing this problem. He stated that the Board is behind the residents and will do the best we can to ensure that this is done right.

Alderman Keith Hooker also pledged his support for what has been said. He asked for a list of items that Deere-Hitachi has said they were going to do and a timeframe for accomplishing these things. He thanked the residents for bringing this to the Board’s attention.

Mr. Swisher explained that Deere-Hitachi has done some things already to correct the problems. He noted that they were not aware of the noise coming from the wheel stops but were aware of the light issues. He added that Town Staff is talking with them and they are taking some action. They have not provided us with a time frame given they have only been in operation for two months. They are still getting infrastructure in place. Mr. Swisher stated that these issues will not be fixed overnight however, expects them to continue working on the issues. Staff has stressed they make these changes as quickly as possible.

Mr. Swisher explained that Deere-Hitachi has agreed to raise the berm as high as possible and to replace the dead trees and vegetation at the appropriate planting time. They will reduce the height of the automatic doors and will use high speed doors to reduce the noise. Remove the silt fence when grass is established, the fencing is causing water to buildup.

Mayor Morgan stated that the Board and Staff has good direction on the neighbor’s concerns and will work with Deere-Hitachi to implement the necessary changes.

Mayor Morgan called a recess at 8:22 PM. The meeting was reconvened at 8:36 PM.

6. Discussion Regarding Signage at Town Parks.

Alderman Neal stated that a concern has been expressed about the carrying concealed weapons signage in Town parks. He stated that the Town’s current language is legal and asked the Town Attorney John Wolfe to explain.

Mr. John Wolfe stated that the Town signage currently meets all of the legal requirements of the most recent legislation. He noted that however, if the Board so desires, the language can be changed. He presented the following language:

Entrance Signage for all Parks:

All weapons, including Firearms, are prohibited in this Park except concealed handguns carried pursuant to and in compliance with a valid concealed handgun permit.

See Town Ordinance Sections 11-7(c) and 20-15(7) and

Chapter 14, Article 54B of the

North Carolina General Statutes

Violators shall be prosecuted

Redmon Sports Complex Entrance Sign

All weapons, including Firearms, are prohibited in this Park except concealed handguns carried pursuant to and in compliance with a valid concealed handgun permit, except that the concealed carry exception does not apply at Athletic Fields during organized athletic events scheduled by or with The Town. See Town Ordinance Sections 11-7(c) and 20-15(7) and Chapter 14, Article 54B of the North Carolina

General Statutes

Violators shall be prosecuted

Redmon Sports Complex Field[s] Signage

All weapons, including Firearms which include concealed carry by permit, are prohibited on this playing field, the sidelines, restrooms, bleachers and concession stands, during organized athletic events scheduled by or with the Town.

See Town Ordinance Section 11-7(c)

Violators shall be prosecuted

Mr. Swisher stated that Ivey Redmon Park is different and explained the types of fields at this park and noted the cross country course/walking trails and parking lots. He then described Fourth of July, Civitan, Century Lake and Harmon Parks. He noted where in each park concealed weapons would be allowed and where they would not be allowed.

Alderman Keith Hooker asked how many of each sign is needed. Mr. Swisher stated that approximately 9-11 entrance signs are needed, a second sign for general areas will be needed and for parking lots, one for each field and concession areas.

Alderman Neal asked how long it would take to get them up. Mr. Swisher stated that it should only take a couple of days once received from the sign company. Mr. Pages stated that it will depend on the number needed and the size of each sign but estimated two to two and a half weeks for delivery and two days for installation.

Bob McClellan, 352 Post Oak Road, Kernersville, NC – stated that he appreciates the favorable discussion and believes the new language is acceptable. He noted the previous information on the website was incorrect however, the most recent ordinances have now been added to reflect the most recent changes. He stated that the subject is complex and confusing. He stated that he recently visited Triad Park and they changed their signs by placing tape over the words “weapons prohibited.”

Alderman Neal stated that the Town Manager reported that signs at various parks in the area are all different and that some comply and some don't. He wanted the Town's sign to be clear on what is allowed and where.

Brian Reese, 7625 Abington Drive, Kernersville, NC – also agreed with the new language and added that State law doesn't require signage and the prohibition of concealed weapons. He added that the law says that you “may” instead of “must” prohibit these weapons in certain areas. He noted that we have not had any issues over the last couple of years in our parks. He reminded

the Board that this is not mandatory. He agreed that we are moving in the right direction with this new signage. He understood that the signs were going to say simply no firearms and it would place the burden on the citizens to know the law. If they get it wrong, they could go to jail. He recommended the Town save money and not buy any signage which would also be in compliance.

Harvey Pulliam, 415 Holt St., Kernersville, NC – deferred most of his time to this grass roots group and he agrees with what they have said. He stated that we don't put up signs telling you what you can do but we put up signs saying what you can't do. This violates the second amendment. He recommends that all signs be abolished.

Andy Stevens, 2109 Leona Drive, Greensboro, NC – stated that he is here tonight representing the leadership of Grass Roots NC. He agrees that this is favorable change in what is being proposed. He stated that it is their position that the current signs are illegal and would be contested in court if they are to remain in place. Modified language is being requested, however he would support the notion that just because you can ban something doesn't mean that you need to.

Mr. Stevens suggested the Board look at what Cherokee County has done which was to remove all restrictions in government offices except on those mandated places such as jails, etc. They even allow County employees to carry weapons if properly permitted to do so.

Mr. Swisher asked Mr. Stevens about the email that was sent out to himself and to the Board which included a picture of the sign both before and after it was amended. The sign said Firearms or Weapons are not allowed in the park. GRNC contends that this sign is not in compliance. The sign was amended with duct tape and covered up "firearms" so now it reads Weapons are not allowed in the park. He asked how is this ok when a firearm is a weapon.

Mr. Stevens said in his opinion this sign would not be in compliance. He noted that GRNC is a voluntary organization and represents numerous concealed carry permit holders in NC. He encouraged the Board to take the opportunity to "not" do this just because you can. The signage proposed is acceptable.

Alderman Neal asked if it is the ambition of the GRNC to get all the signs in compliance across NC. Mr. Stevens stated that this is their mission and they have been all across the state discussing this issue. Representatives are here tonight from Kernersville, Greensboro and Winston-Salem.

Alderman Neal stated that he received the email that was sent out by GRNC that said Town Taunts Gun Owners. The Town did not taunt gun owners. The Town took a sign that is still legal and revised it. He also noted that he has a concealed carry permit.

Mr. Stevens stated that he did not write the email but from what was published in the newspaper it did appear that the Town was taunting gun owners.

Alderman Tracey Shifflette encouraged the group to refrain from name calling as you will lose the battle.

Mr. Swisher asked Mr. Stevens if the City of Greensboro's signs are in compliance. Mr. Stevens stated that Greensboro is discussing the same issue at their Council meeting tonight. He felt that the issue here in Kernersville was more important than attending the meeting in Greensboro.

Mr. Swisher then asked about Guilford County. Mr. Stevens stated that he is not personally knowledgeable about all municipalities but speculated that they all may find signage out of compliance from time to time and hopefully will correct them. He then thanked all the supporters that attended this meeting tonight.

Mr. Reese speculated that the word "weapons" is an oversight as baseball bats can be used as a weapon. He suggested that they take this term back to both parties for defining.

Alderman Irving Neal made a **Motion** to change the signs in the Parks as recommend by the Town Attorney and authorize the Town Manager to replace these signs within 30 days. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

7. Discussion Regarding Sidewalk Project at Cherry & Mountain Street.

Doran Maltba, Public Services Director, reported that Staff and NCDOT have looked at the intersection at Cherry and Mountain Streets, specifically the curb alignment. Staff discussed this with NCDOT and noted the field survey and engineering work that would be needed. The Town would need to acquire a small amount of right-of-way. Mr. Maltba noted that the traffic signal sensors and other infrastructure may have to be moved back which will greatly increase the cost. The cost of the project was estimated to be between \$17,000 and as much as \$40,000 if the infrastructure has to be moved. The engineering and survey work is not included in the \$17,000 cost estimate. Right of way would need to be acquired also.

Alderman Crews asked if the corner could just be rounded out. Mr. Swisher and Mr. Maltba explained that the whole section would have to be moved back 3 to 4 feet. You can't just round the corner and accomplish what needs to be done.

Mayor Morgan asked if this work could be done in-house or contracted out. Mr. Maltba stated that this is a DOT road and would need to be done to their specifications. We don't have the equipment to do this project.

Alderman Crews asked who would be responsible for paying for this project. Mr. Maltba stated that the Town would most likely be responsible as the Town did the widening project several years ago. Several Board members expressed a concern with the estimated cost of this project.

Mr. Maltba suggested that mini-skips be painted along the pavement to direct traffic into the correct lane. He suggested this be tried first to see if this will improve the situation and then if not, come back and move the curb back. He estimated the mini-skips would cost approximately \$200.

Alderman Kenny Crews made a **Motion** that mini-skips be painted on the pavement at the intersection of Cherry Street and Mountain Street. Alderman Irving Neal seconded the motion and the vote was all for and motion carried.

Mayor Morgan asked Mr. Maltba to check the condition of the manhole and cover on Piney Grove Road closest to Nelson Street.

Alderman Hooker asked that the manhole and cover be checked on Old Winston Road. Alderman Crews asked about one on S. Main Street. Mr. Maltba stated that Staff would check them all and notify the appropriate agency.

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

Mr. Swisher stated that he received a request to have a mirror installed at the intersection of Salisbury and S. Main Street. He asked Mr. Maltba to investigate. Mr. Maltba reported that he has contacted DOT and they have denied this request. He stated that mirrors are only allowed when there is no visibility at all.

Mr. Hatling then explained road improvements that are being implemented at that intersection which will realign the intersection and add a pedestrian crosswalk. Visibility should be improved when the realignment is completed.

Mayor Morgan asked about a stoplight. Mr. Hatling stated that he did not believe one would be approved at this intersection. Alderman Neal expressed a concern for the backup caused by vehicles making a left turn onto S. Main Street and asked if left turns could be prohibited. Staff will investigate.

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

Police Chief Scott Cunningham presented a report to reorganize staffing in the police department for the purpose of offering a higher level of service improving the quality of life for our citizens.

Chief Cunningham presented the following:

Vision:

The Kernersville Police Department envisions a community where all citizens enjoy the highest quality of life that is free of crime and disorder.

Mission Statement:

The mission of the Kernersville Police Department is to provide outstanding police services to the community in a legal, ethical, and professional manner.

Core Values:

We value:

Service – being delivered at a higher level.

The U.S. Constitution – the protection of individual rights, and the expression of those rights in a safe, legal manner.

Integrity – nothing less than complete honesty, transparency, and accountability in our statements and actions.

Professional staff – well trained, fully equipped, and performing our duties with competence, dedication, and compassion.

Strong relationships with and between the citizens and the agency – built on trust, faith, mutual respect, support, and working together as partners.

The Chief provided a list of services that are provided and that will continue to be provided by the Police Department. He presented statistics on the services currently provided and explained changes being made within the department. The Department will focus on crime prevention and reduction, will create street anti-crime squad, and will create a crime prevention unit. The Department will be more aggressive in going out to teach citizens how to keep from being a victim.

Chief Cunningham reminded the Board of the positions frozen over the last several years and requested that those positions be opened up and that we be allowed to begin the hiring process. He noted the changes in the officer and lieutenant positions and how this would be a better use of our resources. He noted the steps the department will take to improve problem solving, to deal with trends more quickly, to provide some needed flex manpower and to continue building our crime prevention program. He stated that if this plan is approved by the Board tonight, it will be posted on the Town's website tomorrow.

The Chief pointed out that we are all concerned with the cost and economic value of our decisions. He noted the economic value of a Police Officer to the community. He requested that this vision be implemented immediately. The Department will proceed with employing these individuals as soon as possible. He added that the Department does not take this lightly and we believe we can do this with our existing budget for this year. He explained that they plan to delay the purchase of three police cars for one more year. The salary and equipment we believe can be covered with existing funds as we usually have funds unspent at the end of the year. He then made himself available for questions.

Alderman Irving Neal made a **Motion** for approval of the request by Police Chief Cunningham to fill the three frozen positions in the Police Department. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

Alderman Shifflette asked if the positions would be posted. Chief Cunningham stated that we currently have 90 applications for the one position recently advertised and we believe we can hire someone from those applications.

Alderman Neal noted that S. Main Street is a high crime area and asked if the Department will concentrate on that area. The Chief stated that this area thrives on larcenies and would be a focus area for the department.

Alderman Crews stated that he supported this effort and believes having officers assigned to a specific area is a good idea and will allow the citizens and business owners to get to know the officers.

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

Mr. Hatling provided the following update on STP-DA projects.

Recommended Projects To Be Completed By January 2015

West Mountain Street Widening and Sidewalk

- This project calls for a sidewalk along West Mountain Street from Beaucrest Street to the YMCA. NCDOT has recommended that during the sidewalk project that a 3-lane section with curb along the sidewalk be constructed from the North Park 3-lane to the YMCA 3-lane.
 - **Actions:**
 - NCDOT is to determine estimated cost for the 3-lane section.
 - NCDOT recommends the Town requests “Contingency Funds” to pay for the 3-lane funding. The “Contingency Fund” request is made to the House or Senate member representing the area.
 - The Town submit a Project Information Data Sheet (PID) to NCDOT and execute an agreement with NCDOT by January 2015.

South Main/Old Winston Road Intersection

- STP-DA funds (80% NCDOT & 20% Town) was awarded to the Town for this project. NCDOT took the project over and will be covering the majority of the cost. NCDOT cost estimates has the Town covering a large portion of the ROW cost.
 - **Actions:**
 - Determine if we have entered into an agreement with NCDOT.
 - NCDOT will have revised cost estimates completed within 90 days. The original cost estimates had the Town covering a large portion of the ROW cost.
 - An offer was made to Sallie Greenfield to close South Cherry Street extension and swap that right-of-way for right-of-way needed for the intersection improvement project. Since then it has been determined that South Cherry Street extension cannot be closed because the Southern Street intersection with South Cherry Street cannot be enhanced to allow for left turns, thus South Cherry Street to Old Winston Road is required. Without the swap the Town will be obligated to a large sum of right-of-way cost.

- Staff recommends the Town request the MPO Transportation Advisory Committee (TAC) to amend our awarded STP-DA project to cover the estimate cost overruns (*primarily right-of-way*) for the project.
- The Town submit a Project Information Data Sheet (PID) to NCDOT and execute an agreement with NCDOT by January 2015.

The Town Manager reminded the Board that the Citizens Review Committee came up with three alternatives and they were submitted to NCDOT. NCDOT only approved one of those alternatives. NCDOT has said that if the Town doesn't move on a plan for improvements, they will install a median on S. Main Street which will prohibit left turns into any of the businesses. He added that they are in the design phase of this project.

Mr. Hatling stated that this is an opportunity to reduce the Town's cost of this project by requesting funds from the MPO. He explained that typically for STP projects the Town is responsible for all the R-O-W. We can request that these funds be used for R-O-W. Mr. Swisher stated that the Town agreed to cover 20% of the project and all of the R-O-W. DOT has agreed to cover the cost of the project so the Town doesn't have that 20% however; we still have the cost of the R-O-W.

Alderman Shifflette stated that in the past when we have asked that funds be reallocated to other projects there has been some resistance and is there a chance of that happening here? Mr. Hatling stated that we will always have that risk, fortunately right now everyone is juggling projects. Mr. Swisher stated that even if they turn down this request, we are ahead of the game since DOT will be funding the project.

Mr. Hatling stated that the only change is that the previous Board had talked about a possible land exchange however; the Town was always obligated for all of the ROW. Mr. Hatling stated that it doesn't look like the land swap is going to happen. He added that NCDOT is still moving ahead on this proposal. This is an attempt to get 80% funding for the ROW.

South Main Street Sidewalk and Century Place Boulevard Sidewalk

- Currently funds have been approved for a sidewalk along South Main Street from Cagneys to Century Place Boulevard and along Century Place Boulevard. NCDOT has now agreed to do the sidewalk from Cagneys to the B-40 ramp.
 - **Actions:**
 - Staff recommends the Town request the MPO TAC to amend our two awarded STP-DA sidewalk projects to one project to include a sidewalk from the end of the NCDOT proposed sidewalk at the west bound exit ramp of B-40 to Century Place Blvd, and along the north side of Century Place Blvd to the existing sidewalk.
 - The Town submit a Project Information Data Sheet (PID) to NCDOT and execute an agreement with NCDOT by January 2015.

Projects That Cannot be Completed By January 2015

Piney Grove Road/North Main Connector (*Linville Spring Road Extension*)

- The current cost estimate is \$7,000,000 with the Town contributing the 20% match of

\$1,400,000. The Town does not have the \$1,400,000 budgeted.

○ **Action:**

- If the TAC adopts the new expenditure process, staff recommends the Town request the MPO TAC to remove this as a STP-DA project.

■ **Hopkins Road / Regents Park Intersection**

- Left turn lanes on Hopkins Road at Regents Park/Timberwood. Estimated total cost \$285,500 with a 20% Town cost of \$57,100. The estimated costs are outdated. Current traffic congestion and safety may not warrant this project.

○ **Action:**

- If the TAC adopts the new expenditure process, staff recommends the Town request the MPO TAC to remove this as a STP-DA project.

■ **Nelson Street / Bodenhamer / RR Intersection**

- Left turn lanes on Nelson Street at Bodenhamer. Original estimated cost was \$182,000. Revised estimated cost from Norfolk Southern has made the cost too high to justify the project.

○ **Action:**

- If the TAC adopts the new expenditure process, staff recommends the Town request the MPO TAC to remove this as a STP-DA project.

January 2015 STP-DA Call for Projects

Staff will need to draft a report indicating the Town's previously identified transportation needs list and evaluate them against current available funds, community identified needs, and traffic conditions. That report will allow the Board of Aldermen to have an understanding of potential STP-DA projects they wish for the Winston-Salem Urban Area Metropolitan Planning Organization to consider for funding.

Mayor Morgan stated that we are removing several of these big projects, is there a possibility to add the realignment of the curb at Cherry Street as a possible small enhancement project. Mr. Hatling stated that they recommend nothing less than \$100,000 projects.

11. Consideration of an Ordinance Amending the Kernersville Code of Ordinance Book:

Chapter 16 – Streets, Sidewalks and Public Places

Harvey Pulliam reminded the Board that the Town of Kernersville spent \$160,000 or more to widen Main Street so we would not have a dead downtown. He added that it bothers him that we want to inhibit our merchants from doing business downtown. We know that the Police can go downtown if a merchant is blocking the sidewalk with barb wire. He is not in favor of including excessive regulations on our merchants. They need to be able to stay in business. He added that he hates to see our Bill of Rights being eroded every day.

Mr. John Wolfe, Town Attorney stated that he agrees with Mr. Pulliam but stated that we haven't added any regulations that would prevent merchants from doing business.

Mr. Pulliam stated that the ordinance refers to merchants putting merchandise on the street or sidewalk. Mayor Morgan asked if he was referring to Section 16.11 and read that section. Mr. Wolfe stated that that regulation has been on the books even before he became Town Attorney. We have removed the word “entirely” as it would be for the merchants own good because it would keep individuals from getting to the stores.

Mr. Pulliam stated that it seems we are being restrictive and making it hard on our merchants to do business.

Alderman Shifflette recommended the language “obstruct pedestrian traffic on any sidewalk ...

Alderman Tracey Shifflette made a **Motion** to approve the following Ordinance amending the Kernersville Code of Ordinance Book Chapter 16 – Streets, Sidewalks and Public Places as amended. Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

ORDINANCE NO. O-2014-02

AN ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE TOWN OF KERNERSVILLE

WHEREAS, the Board of Aldermen has determined that the Code of Ordinances of the Town should be reviewed regularly to ensure that the provisions contained therein are up-to-date and in conformity with state and federal laws and to make minor adjustments as needed to make the enforcement of the Ordinances more effective; and

WHEREAS, the Town Manager, Department Heads and Town Attorney have reviewed, discussed and researched the proposed Ordinance changes and recommended changes have been provided to the Board of Aldermen and after review been found to be in the best interest of the Town; and

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF KERNERSVILLE THAT Chapter 16 of the Code of Ordinances entitled “Streets Sidewalks and Public Places” is amended to read as shown in the attached Exhibit A.

Adopted this the 7th day of January, 2014.

- 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

Alderman Tracey Shifflette made a **Motion** for the approval of the minutes as presented. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

13. ITEMS REMOVED FROM CONSENT AGENDA.

None presented.

14. SPEAKERS FROM THE FLOOR.

None presented.

15. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

None presented.

16. MATTERS TO BE PRESENTED BY THE TOWN ATTORNEY.

None presented.

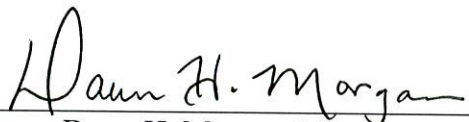
17. MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN.

None presented.

18. ADJOURNMENT.

Alderman Tracey Shifflette made a Motion to adjourn the meeting at 10:49 PM. Alderman Kenny Crews 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 January 7, 2014.

This the 11 day of March, 2014.


Dale F. Martin, MMC, Town Clerk