

**MINUTES OF THE BOARD OF ALDERMEN  
TOWN OF KERNERSVILLE, N.C.  
BRIEFING SESSION MARCH 26, 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 Pro Tem Joe Pinnix, Aldermen Kenny Crews, Keith Hooker and Irving Neal.

**Absent:** Mayor Dawn Morgan and Alderman Tracey Shifflette.

**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; Debi Grant, GIS Analyst and Ray Smith, Human Resources Director.

**Call to order and invocation.**

Mayor Pro Tem Joe Pinnix called the meeting to order and Jeff Hatling, Community Development Director delivered the invocation.

**1. 2014 Annual Reports and Budget Requests:  
Kernersville Senior Enrichment Center**

**Lisa Miller, Executive Director** – introduced Ruth Woosley, Executive Director of the Shepherd Center. Ms. Miller thanked the Board for their continued support of the seniors in the community. She reported that the Senior Enrichment Center had recently been re-certified as a NC Senior Center of Excellence by the NC Division of Aging and Adult Services. She noted that the review committee was impressed with the collaboration the Senior Center has with area organizations such as the Kernersville Parks and Recreation and Fire Rescue departments and the Senior Centers large volunteer base. She reported that 2,900 persons, (2% growth over 2012) visited the Senior Center for a total of 21,800 times (4% increase over 2012) to attend 2,000 programs and activities in 2013. She also reported that 43% of these attendees are 60-69 years old and 41% are 70-79 years old. She added that two new programs will be implemented in 2014, “Memory Matters” and “Center without Walls”, she gave an overview of these programs. Ms. Miller reported that the Senior Center is anticipating a reduction in funding in 2014 from the Home and Community Care Block Grant and requested an increase in funding from the Town for FY 14-15 of \$15,000 to help offset this funding, and asked that the Town continue to provide the utility services for the senior center. Ms. Miller offered to answer any questions.

Mayor Pro Tem Pinnix asked what amount of funding they anticipate losing if they don’t receive the block grant.

Ms. Woosley stated that they are unsure at this time however they are anticipating about \$22,000.

## **2. Consideration of a Modification to Senior Transit Grant.**

Mr. Jeff Hatling, Community Development Director stated that following the Board meeting last month Staff has continued to research a potential transit grant to fund a senior shuttle service that could hopefully begin operations on July 1 2014. He added that Staff has also continued to research expanding the route offered by the previous senior shuttle service to include the hospital area and Piedmont Triad Council of Government office. He further added that Staff is requesting approval from the Board of Aldermen to submit a grant application to NCDOT requesting a one year extension and an increase in 5310 funding for \$33,000 to fund a two day transit service for two years with a 10% Town match of \$3,300 per year. Mr. Hatling stated that WSTA initially provided this service and now PART is most likely to be the service provider, however Staff will have to follow the formal bid process prior to selecting a provider.

Alderman Irving Neal stated that he is in favor of the grant application and the transit service, however he would like Town staff to consult with the Shepherds Center staff to identify homebound citizens whose neighborhoods can be incorporated in to stops on the route so they can use this service just as much as seniors in the assisted living facilities.

Alderman Keith Hooker stated that he would like to see a stop at the YMCA included and potentially some churches close to neighborhoods.

Debi Grant, GIS Analyst stated that WSTA TransAid does offer an on call or as needed home pick up bus service.

Mr. Swisher stated that if the grant is received staff can look more into the route; however the Board discussed this matter two years ago and determined it would require a full bus service in order to include all areas of town. He added if the Board wants Staff to submit the grant request the Board needs to take action tonight as the grant deadline is April 1, 2014.

Alderman Kenny Crews made a **Motion** directing Town staff to submit to NCDOT a Grant revision requesting a 1-year extension with an increased grant amount of \$33,000 per year for two years to fund a 2 day transit service for the next two years using NCDOT 5310 funding, and the Town providing a 10% match of \$3,300. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

## **3. Briefing on the April 1, 2014 Regular Meeting Agenda.**

Curtis Swisher, Town Manager noted the three ceremonial items on the Agenda; Presentation of Proclamation for Telecommunicators; Presentation of Proclamation recognizing Earth Day and recognition of the 2014 Bishop McGuinness High School girls' basketball team.

**Item # 1 PUBLIC HEARING: on a Petition by PBA Consultants, Inc. to close a portion of Arbor Hill Road, being the most easterly portion adjoining PBA Consultants, Inc. and**

**North Carolina Department of Transportation Right of way of Business 40, containing 0.536 acres more or less.**

Mr. John Wolfe, Town Attorney noted that the Board approved a Resolution of Intent to begin the process to close a portion of this road at their meeting on March 4, 2014. He added that this is a standard road closing and any easements required for utilities will be retained by the Town.

**Item # 2 PUBLIC HEARING: Curtis Swisher, Agent for the Town of Kernersville for a proposed Zoning Text Amendment to the Unified Development Ordinance (UDO) by amending Chapter C, Environmental Ordinance, Article III Watershed Protection, 3-1.14 Watershed Review Committee, and additionally, amending various sections of the Unified Development Ordinance to provide non-substantive verbiage changes. KT-211**

Mr. Jeff Hatling, Community Development Director briefed the Board on this Text Amendment to the UDO. He stated that this is an administrative text amendment in order to change wording to be consistent with current Town departments and staff. He added that the Planning Board and Staff recommend approval as presented.

**Item # 4 Continued discussion on parking situation on King Street.**

Mr. Swisher stated that this is a follow-up to Ms. Bonnie McDaniel's concern, who attended the Board meeting last month and said she has difficulty parking at her residence on King Street. He advised that Ms. McDaniel does have a driveway and a carport on her property. He further advised that he has also received emails from other residents on King Street since the meeting stating they do not want "no parking" signs installed. He added that he is unaware if Ms. McDaniel or any other King Street residents plan to attend the meeting on Tuesday.

Mr. Wolfe stated that the Board could consider addressing this problem by adopting a "no parking" ordinance for one side of the street or the other, or on both sides of King Street, but parking permits are not a viable option or they could leave the situation as is.

Mr. Ernie Pages, Parks & Recreation Director advised that the parking issues are typically in the evening from 5:30 p.m. to 8 p.m. He further advised that Staff is monitoring the situation and being proactive if they anticipate a large crowd.

Alderman Keith Hooker asked if the parking has created an issue for emergency vehicle access and if parking on only one side of the street would be beneficial.

Terry Crouse, Fire Rescue Chief stated that there has not been an issue to date, however from a public safety standpoint it would not hurt to limit parking to one side of the street.

Alderman Irving Neal asked if an alternative location for the Parks & Recreation center might be the solution since there is a lack of parking at this location.

Mr. Swisher advised that not at the current price for this size building.

**Item # 5 2014 Annual Reports and Budget Requests:  
Kernersville Chamber of Commerce  
Kernersville Cares for Kids  
Community Appearance Commission**

Mr. Swisher noted that a representative from each of these non-profit groups would be at the meeting on Tuesday to present their annual reports and budget requests.

**Item # 6 Consideration of a Request to hold the How is Your Heart Project in the Town Hall & Allegacy parking lots.**

Mr. Swisher stated that this event is similar to the one they had last year, however downtown events do need to be approved by the Board.

**Item # 7 Continued Discussion by the Residents of Manorwood Drive.**

Mr. Swisher stated that the Town has received an email from Don Morton requesting to be on the April Agenda. He further stated that Deere-Hitachi has sent notices to neighbors inviting them to a meeting at Deere-Hitachi on March 29th to discuss solutions to the noise and light issues.

Alderman Kenny Crews asked if Town representatives have been invited to the meeting.

Mr. Swisher replied not that he was aware.

**Item # 8 Consideration of a Professional Services contract with Raftelis Financial Services for a Long Range Strategic Plan for Stormwater. (Tabled from March 4th)**

Mr. Swisher noted that this matter was tabled last month to allow Doran Maltba, Public Services Director time to gather the additional information requested by the Board.

**Item # 9 Consideration of a Resolution Adopting a Remedy for Groundwater Impacts at the Closed Landfill in Kernersville.**

Mr. Doran Maltba, Public Services Director briefed the Board on this matter. He stated that the State requires that the Governing Board adopt a Resolution approving a remedy the Town will implement to address the groundwater issues at the closed landfill on Freeman Road.

**Item # 10 Consideration of pursuing a Land Use Plan change as recommended in the Land Use Plan – Area Study.**

Mr. Jeff Hatling, Community Development Director explained the two options for the Board, the formal public hearing process or individual developers request amendments as they submit rezoning proposals for the Old Winston Road, South Cherry and Southern Street area land use plan. He advised that the Planning Board and Staff recommend the formal public hearing process.

Alderman Irving Neal expressed concern of a potential issue with road connectivity in the area if the plan does not include a main roadway artery.

Mr. Hatling advised that Staff will ensure developers have road connectivity in their site plans; and that the Town may have to invest in road infrastructure at some point in the development of this area, however this will first require substantial traffic engineering studies and the Town is not at that point in the process yet.

Alderman Crews expressed concerns about water and sewer installation.

Mr. Hatling advised that water and sewer installation would not be an issue.

Mayor Pro Tem Pinnix asked Mr. Hatling to explain the two options again.

**Item # 11 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 February 26, 2014, Briefing Session  
Approval of Minutes for March 4, 2014, Regular Session  
Approval of Minutes for March 4, 2014, Closed Session**

**C-2 Forsyth County Tax Refunds**

**C-3 Consideration of a Municipal Agreement with NCDOT for improvement to WS Northern Beltway from I-40 Business/US 421 to US 158.**

**C-4 Renewal of the Agreement with the North Carolina High School Athletic Association for the use of the Cross Country Course at Ivey Redmon Park.**

**C-5 Consideration of Declaring Police Radios Surplus Property and Authorize Trade-in.**

Mr. Swisher highlighted the Consent Agenda items. He noted that for Item C-4 the North Carolina High School Athletic Association has asked the Board to consider a four year contract as opposed to the one year contract approved last month; Item C-5 is the second year in the Town's process of replacing a third of the radios each year. He added that the old radios will be sold or traded in for the new ones.

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

John Wolfe, Town Attorney stated that due to the recent emails sent to the Board by Mr. Lynn Smith, a property owner in the development known as the Stafford Center, stating that he is unable to develop lots he has invested \$2 million in, he wanted to provide the Board a history of the stormwater ponds issues in this development whose primary owner is J C Faw. He advised that a meeting was arranged between Town Staff, Town Legal counsel, Mr. Barry Bush Agent

for the Stafford Center and their legal counsel to address the violations with these ponds and potential remedies. Mr. Wolfe further advised that Mr. Smith was made aware of the property being subject to the Town's Stormwater Ordinance, a recorded plat signed by Mr. Smith in 2003 includes a statement outlining this. He stated that all the restrictive covenants of the development are applicable to all owners of property in the development including the maintenance of the two stormwater ponds. Mr. Wolfe further advised that Mr. Bush, as the agent of the development, is the person the Town notifies of any violations however, due to the current circumstances he advised that any future correspondence from the Town be sent to each individual property owner. Mr. Wolfe stated that Mr. Smith has been informed by Town Staff that in order for him to develop his property he can either bring the current stormwater ponds up to standard or install additional stormwater ponds (BMPs) on his lots. He added that Mr. Smith was also informed that he could file an appeal with the Town's Board of Adjustment if he wishes to contest Town Staff findings. Mr. Wolfe further added that these ponds did function properly at the time of initial development. He stated that the Town can be fined as much as \$10,000 per month if the State determines that the Town is in violation of not enforcing the Town's Stormwater Ordinance.

Mayor Pro Tem Joe Pinnix stated that Mr. Smith wanted to be on the April Agenda to address the Board on this matter however he missed the Agenda deadline.

Mr. Wolfe again advised that if Mr. Smith wished to appeal the ruling of staff regarding the methods of correction for the stormwater ponds violation then the appropriate course of procedure would be for Mr. Smith to file an appeal with the Board of Adjustment. Mr. Wolfe further advised that he has spoken to Mr. Smith's attorney and he was under the impression that the matter was being addressed. Mr. Wolfe stated that he would be happy to answer questions the Board may have.

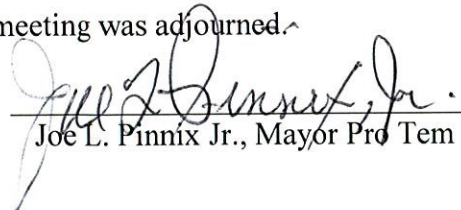
Mr. Maltba invited the Board members to the Town's Earth Day celebration on April 22<sup>nd</sup>. He displayed a toy fire truck as a sample of items that will be given away on earth day made from recyclable items collected in Kernersville.

Mr. Swisher presented each Board member with a 2013 Departmental Benchmark/Performance Report. He asked the Board members to contact him if they had questions about the report.

## 5. Adjournment

Alderman Irving Neal made a **Motion** to adjourn the meeting at 8:25 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.

  
Joe L. Pinnix Jr., Mayor Pro Tem

Attest:

  
Jayne Danner, MMC, 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 March 26, 2014.

This the 12<sup>th</sup> day of May, 2014.

Jayne Danner  
Jayne Danner, MMC, NCCMC Deputy Clerk