

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
BRIEFING SESSION APRIL 30, 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, Aldermen Kenny Crews, Keith Hooker, Irving Neal and Tracey Shifflette.

Absent: Mayor Pro Tem Joe Pinnix.

Staff Present: Curtis L. Swisher, Town Manager; Jayne Danner, Deputy Town Clerk; Dale F. Martin, 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.

Mayor Morgan noted an email she had recently received from the NCLM about possible new legislation that could affect a municipality's enforcement of its Tree Ordinance. She suggested it be a matter for discussion this evening.

Mayor Morgan stated that nationally there are several Town departments recognized in the month of May. She added that she regularly receives compliments from the Town's citizens about the Town employees and she expressed her appreciation for all of the Town employees for their dedication and professionalism.

1. Presentation of Proclamation Designating National Law Enforcement Week

Mayor Morgan presented a Proclamation to Police Chief Scott Cunningham designating May 11th – 17th, 2014 as National Law Enforcement Week. She expressed her appreciation for the faithful dedication to duty of all the Police Department employees.

Chief Cunningham stated that it is a pleasure to serve the citizens of Kernersville and thanked the Board for their support of the Police Department on behalf of all the police officers and employees. He added that this year the Kernersville Police Department will be the host agency for the community memorial service to be held on Monday May 12th at Triad Baptist Church.

2. Presentation of Proclamation Designating Public Services Week

Mayor Morgan presented a Proclamation to Doran Maltba, Public Services Director designating May 18th – 24th, 2014 as Public Services Week. She expressed her appreciation of all the Public Services employees for the work they do to support numerous events held in Town throughout the year such as Earth Day and Spring Folly.

Mr. Maltba thanked the Board on behalf of all Public Services employees. He added that the department will host a Public Works “rodeo” on May 20th for local school children and the president of the NPWA will be in attendance.

3. Presentation of Proclamation Designating Municipal Clerk’s Week

Mayor Morgan presented a Proclamation to Dale F. Martin, Town Clerk and Jayne Danner Deputy Clerk designating May 4th – 10th, 2014 as Municipal Clerk’s Week. She recognized that Dale is currently serving as the President of the North Carolina Association of Municipal Clerks (NCAMC). She expressed appreciation for the administrative support that Dale and Jayne provide to the Board and for their dedication and their commitment to continued education of their profession.

Ms. Martin thanked the Board and Ms. Danner for their support in making it possible for her to serve as the NCAMC President this year and for the opportunity to represent the Town and the NC Clerks at both the International and Municipal Clerks events.

4. Consideration of a Resolution declaring May as Historic Preservation Month

Mayor Morgan stated that the 2014 Historic Preservation Month theme is “New Age of Preservation: Embark, Inspire, Engage”. She noted the different events that will take place throughout the county including an event to be held at the Korner Folly on May 10th.

Alderman Irving Neal made a **Motion** approving the following Resolution declaring May as Historic Preservation Month in Kernersville. Alderman Keith Hooker seconded the motion and the vote was all for and motion carried.

RESOLUTION NO. R-2014-08 RESOLUTION DECLARING HISTORIC PRESERVATION MONTH IN KERNERSVILLE, NORTH CAROLINA MAY 2014

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride, and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for urban and rural communities across the nation, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "*New Age of Preservation: Embark, Inspire, Engage*" is the theme for National Historic Preservation Month 2014, established by the National Trust for Historic Preservation; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Board of Aldermen of Kernersville do hereby declare the month of May 2014 as National Historic Preservation Month, and call upon the people of Kernersville to join their fellow citizens across the United States in recognizing and participating in this special observance.

BE IT FURTHER RESOLVED that this resolution be spread upon the minutes of the Board of Aldermen and that a copy be furnished to the Forsyth County Historic Resources Commission.

Adopted this 6th day of May, 2014

5. Consideration of Matching Funds for an Equipment Grant through the Governor's Crime Commission to upgrade Rifles for the Police Department.

Scott Cunningham, Police Chief stated that the Police Department has received approval from the Governors Crime Commission for a final grant submission that, if received, will be used to replace some of the department's rifles. He added that the grant funds will total \$11,235 and a Town match of \$3,745 will also be required.

Alderman Keith Hooker made a **Motion** approving a request for \$3,745 in Town Matching Funds for an Equipment Grant through the Governor's Crime Commission. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

6. Briefing on the May 6, Regular Meeting Agenda.

Mr. Curtis Swisher, Town Manager noted the ceremonial items on the agenda. He stated that there are no public hearings on the May Agenda; therefore the first business item following the ceremonial items is "Speakers from the Floor".

Item # 2 Continued Discussion by the Residents of Manorwood Drive.

Mr. Swisher stated that the Manorwood Drive residents asked to be added to the May agenda at the April Board meeting. However, since then Deere Hitachi has informed the residents, and he believes the residents are overwhelmingly in favor of, Deere Hitachi's plans to install a noise absorbing wall on top of the berm sometime in June; therefore he is unsure if the residents will still attend the meeting.

Item # 3 Presentation about Senior Services.

Mayor Morgan stated that Mr. Richard Gottlieb, President & CEO of Forsyth County Senior Services has requested an opportunity to address the Board and present information on the services they provide to Kernersville seniors.

Item # 4 Discussion Regarding the Community Pool.

Mr. Swisher stated that he and Mayor Morgan recently met with representatives of the YMCA. He added that the YMCA representatives informed them that the YMCA plans to allow all non-members to use the new pool and all other YMCA facilities during the summer for a nominal daily fee. He further added that the YMCA is requesting \$3,000 to \$5,000 from the Town to assist with the purchase of additional items in preparation for the summer season.

Alderman Keith Hooker advised that these funds will help with the purchases of life vests and other safety equipment due to the increased number of users they anticipate. He added this will be a good opportunity for the residents.

Item # 5 Consideration of a Request from Korner's Folly for Additional Occupancy Tax Funds.

Mr. Swisher stated that the Folly Foundation is requesting additional funding from occupancy tax funds from the Town in order for them to be able to fund and complete repairs to the roof.

Alderman Irving Neal stated that he feels it is an obligation of the Town to ensure that the Korner's Folly repairs are completed. He added that Korner's Folly is the Town landmark and a major tourist attraction that raises a lot of money for the Town. He further added that if there isn't enough money in the Occupancy Tax Fund then the money should come from the Fund Balance. He asked Mr. Swisher to report the available balance in the Occupancy Tax fund at the meeting on Tuesday. He asked Mr. Wolfe what is the amount needed to complete the needed repairs.

Mr. Wolfe responded that \$400,000-500,000 will fund the current restorations and complete the needed roof repairs.

Mr. Swisher advised that we try to keep a cushion in the Occupancy Tax Fund to ensure we can meet all of the Town's obligations even though it is not a requirement like it is for the Fund Balance. He added that the Parks and Recreation Department also receives funds from the Occupancy Tax Fund for the tourism it brings to Ivey M. Redmon Sports Complex. He further added that he would have the Occupancy Tax Fund balance for Tuesday and if necessary he can transfer money from the General Fund to the Parks and Recreation Department.

Alderman Kenny Crews stated that it seems if the roof isn't fixed it could lead to additional repairs being needed.

Item # 6 Discussion on uniforms for the Police Department.

Chief Cunningham stated that some of the Police Officers have recently been wearing several different uniforms to get feedback from the public and also to find a uniform that is more functional, hardwearing and comfortable than the blue uniform. He added that the department respects the heritage of the current uniform however it is no longer functional. He further added that an officer will be present on Tuesday evening wearing the uniform that the officers are favoring and that has received positive feedback from the citizens. He also noted that they also plan to replace the current gold shoulder patch to a silver and blue shoulder patch that will make this uniform as distinguishable as the current one.

Item # 7 Consideration of a Request for Funding and an Addendum to the current Field Use and Maintenance Agreement between the Town and the Blackhawks for Bagley Field.

Mr. Swisher stated that in this addendum the Blackhawks are requesting that the Town provide maintenance on the two lacrosse fields at Cash Elementary School as well as the two fields on Bagley Drive. He added that they are also requesting the \$150,000 previously approved by the Board. He further added that a \$900,000 grant that they applied for was not received but they have secured \$300,000 in private donations so they would like to proceed with their plans. He stated that a representative from the Blackhawks, School System and Kernersville Cannons will be at the meeting on Tuesday.

Mr. Ernie Pages, Parks and Recreation Director stated that the Blackhawks plan to complete their improvement plans in two phases; in the first phase they will build a 450 seat championship lighted stadium, scoreboard, and a field that can be used for soccer and lacrosse; in the second phase they will build a concession stand, locker rooms and restrooms, ticket booth and press box. He added that upon completion this will be a four field complex, plus the two additional lacrosse fields at Ivey M. Redmon Sports Complex for a total of six fields. He stated that this weekend 800 lacrosse players will be in the area for a two day tournament. He further stated that the Town will rent the fields in the same manner as they do at Ivey M. Redmon to KSA Soccer at \$200 per field per day.

Mr. Swisher noted that in 2008 38 youth played lacrosse in Kernersville, in 2014 there are about 400 youth and the projection is more youth will be playing lacrosse than soccer in about five years.

Alderman Kenny Crews asked if they could reapply for the grant.

Mr. Pages stated that typically it is harder to get a grant if you are not purchasing land and since the second phase is building a concession stand it is unlikely they will get a grant to cover these costs.

Mayor Morgan expressed concerns with the current parking situation.

Mr. Pages stated that the stadium will be closer to the Bagley Fields parking lot which should alleviate the issues of parking on the street.

Item # 8 Update on Bodenhamer Street Roundabout (final surfacing, landscaping, etc.)

Mr. Hatling stated that he has been informed by NCDOT that they plan to pave the roundabout on Thursday or Friday and do the pavement marking next week. He added that the landscaping will not begin until the fall.

Item # 9 Consideration of Recommending Amendments to the Town approved Surface Transportation Program – Direct Attributable (STP-DA) Road Projects.

Mr. Hatling stated that Staff is requesting approval from the Board to submit several Town road projects, itemized in the packet memo, for consideration of STP-DA funding to the MPO. He noted that MPO funding is 80% and the 20% Town match will be allocated from the Transportation Capital Reserve Fund.

Item # 10 Update on Piney Grove Road.

Mr. Maltba stated that he would provide a status update on this project at the meeting on Tuesday. He advised that since there is pending litigation the information he will be able to provide is limited.

Item # 11 Consideration of Resolution(s) to commence Condemnation proceeding vs. owner(s) of Cherry Cove Apartments property for Greenway Right[s] of Way.

Mr. Wolfe informed the Board that this property is part of a living trust and unfortunately despite numerous attempts the Town has been unable to obtain the right of way needed for the Greenway. He noted that the condemnation process is always a last resort for the Town to obtain property.

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 March 26th, 2014 Briefing Session**
- Approval of Minutes for March 31st, 2014 Special Session**
- Approval of Minutes for April 1st, 2014 Regular Session**

- C-2 Consideration of a Resolution of Intent to Annex property owned by the Town of Kernersville and known as Kernersville Medical Parkway.**

Mr. Wolfe briefed the Board on Item C-2. He stated that the Board approved acceptance of the Kernersville Medical Parkway as a Town street at their meeting in April and this is the beginning of the process to annex the Parkway into the Town.

7. Matters to be presented by the Town Manager and Town Attorney.

Mayor Morgan stated that citizens have expressed safety concerns with the intersection at Brookford Road and Kernersville Medical Parkway. She asked staff to provide an update on their research.

Mr. Maltba stated that he has discussed the matter with NCDOT and they have informed him that they will approve new stop bars being installed to guide motorists where to stop to help alleviate some of the current issues with the line of sight that citizens are having in seeing oncoming vehicles when they are trying to cross or enter the Medical Parkway from Brookford Road to go in the direction of NC 66. He added that NCDOT are not recommending a stop light at this intersection at this time.

Alderman Kenny Crews asked if it would help to just make the left lane a passing lane.

Mr. Swisher advised this would not alleviate the line of sight issues.

Alderman Keith Hooker asked if flashing lights could be installed that would flash if traffic was approaching Brookford Road intersection on the parkway.

Mr. Maltba advised that NCDOT would have to approve any traffic measure.

Mr. Hatling stated that another alternative maybe a “Michigan Leftover”, which would require all traffic to turn right on to Medical Parkway off Brookroad Road then “U” turn left.

Mayor Morgan called for a five minute recess at 7:45 p.m.

Mayor Morgan reconvened the meeting at 7:51 p.m.

Mayor Morgan asked Town Attorney John Wolfe to read the email from the North Carolina League of Municipalities (NCLM) regarding the proposed legislation that could potentially prohibit municipalities from enforcing tree ordinances.

Mr. Wolfe quoted from the NCLM email, which also stated that the NCLM wasn't even aware of this pending legislation until today, and if passed *“would prevent counties and municipalities from regulating the removal, replacement, and preservation of trees on private property within its jurisdiction and would eliminate statewide cities' authority to enact tree ordinances, including those involving the protection of trees during construction, the protection of historic and "heritage" trees from removal, and replacement of trees in disturbed, regulated buffer areas”* Mr. Wolfe stated that had this legislation been in place the Town would have been unable to remove the dangerous trees on Salisbury and South Main Street. He recommended that each Board member contact the Town's delegates to express their concern about this possible legislation.

Alderman Irving Neal asked if a Resolution Opposing this legislation would be more appropriate.

Mayor Morgan instructed Mr. Wolfe to prepare a Resolution for the Board to adopt on Tuesday. She also asked that contact information for the Town's delegates be sent to the Board members. She expressed concern about the Town being able to continue to have a Tree Ordinance, and without it continuing to be recognized as a Tree City. She noted the community input and citizen participation in compiling the Town's Tree Ordinance prior to its adoption.

Mr. Swisher stated that he believes if a Tree Ordinance is part of a Town's UDO then it can still be enforced.

Mayor Morgan advised that she will recognize the East Forsyth High School 2014 Girls Lacrosse Team at the June meeting for their outstanding season.

8. Adjournment

Alderman Tracey Shifflette made a **Motion** to go into Closed Session at 8:04 p.m. to discuss personnel matters as permitted by NCGS 143-318.11(a)(6). Alderman Kenny Crews seconded the motion and the vote was all for and motion carried.

The Board returned to Open Session at 8:17 p.m.

Alderman Irving Neal made a **Motion** to adjourn the meeting at 8:17 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 adjourned immediately following the closed session.


Dawn H. Morgan, Mayor

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 April 30, 2014.

This the 5th day of June, 2014.


Jayne Danner, MMC, NCCMC Deputy Clerk